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# Accessible Elections for Persons with Disabilities in Five Southeast Asian Countries



Developed for AGENDA by:  
The Center for Election Access of Citizens with Disabilities (PPUA Penca)  
Jakarta, Indonesia



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2013

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*Picture was taken by Erni Andriani at the Jakarta Gubernatorial Election on July 18, 2012.  
Location: Polling Station 058, Cilandak Barat, Jakarta Selatan.*



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## List of Acronyms

ADF	: ASEAN Disability Forum
AGENDA	: General Election Network for Disability Access
AKAP Pinoy	: The Alyansang may Kapansanang Pinoy (the Philippines)
AICHR	: ASEAN Intergovernmental Commission on Human Rights
ASCC	: ASEAN Socio-Cultural Community
ASEAN	: Association of Southeast Asian Nations
AusAID	: Australian Agency for International Development
Bawaslu	: Election Supervisory Body ( <i>Badan Pengawas Pemilu</i> ) (Indonesia)
BPS	: The Central Agency of Statistics
BWF	: Biwako Millennium Framework
CDPO	: Cambodia Disabled People's Organization
COMELEC	: Commission on Elections (the Philippines)
CSO	: Civil Society Organization
DP4	: Population data provided by Ministry of Home Affairs to the KPU fourteen months before the general elections in Indonesia ( <i>Data Penduduk Potensial Pemilih Pemilu</i> )
DPI	: Disabled People's International
DPI-AP	: Disabled People's International Asia-Pacific Region
DPO	: Disabled People's Organization
EMB	: Election Management Body
FGD	: Focus Group Discussion
Hanoi DPO	: Hanoi Disabled Peoples' Organization (Vietnam)
Hanoi ILC	: Hanoi Independent Living Center
HWPCI	: Indonesian Association for Disabled Women ( <i>Himpunan Wanita Penyandang Cacat Indonesia</i> )
ICCPR	: International Convention on Civil and Political Rights
IFES	: International Foundation for Electoral Systems
International IDEA	: International Institute for Democracy and Electoral Assistance
IRR	: Implementing Rules and Regulations (the Philippines)
KAMPI	: Katipunan ng Maykapansanan sa Pilipinas Inc. (National Federation of Organizations of Persons with Disabilities in the Philippines)
KII	: Key Informant Interviews
KPU	: The General Elections Commission of the Republic of Indonesia ( <i>Komisi Pemilihan Umum</i> )

LCP	: League of Cities of the Philippines
LDPA	: Lao Disabled People's Association
LECC	: Law on Elections of Commune Councils (Cambodia)
LEMNA	: Law on Election of Members of the National Assembly (Cambodia)
LGU	: Local Government Unit (the Philippines)
LPPRPD	: Law on the Protection and the Promotion of the Rights of Persons with Disabilities (Cambodia)
NCCD	: National Coordinating Council on Disability (Vietnam)
NCDP	: National Committee for Disabled People (Lao PDR)
MOLISA	: Ministry of Labor, Invalids and Social Affairs (Vietnam)
NCR	: National Capital Region (the Philippines)
NGO	: Non-Government Organization
P4B	: Special Election and Population Registration ( <i>Pendaftaran Penduduk dan Pemilih Pemilu Berkelanjutan</i> ) (Indonesia)
Panwaslu	: Election Supervisory Committees ( <i>Panitia Pengawas Pemilu</i> ) (Indonesia)
PDIP	: Indonesian Democrat Party of Struggle ( <i>Partai Demokrasi Indonesia Perjuangan</i> ) (Indonesia)
Pertuni	: Indonesian Association of the Blind ( <i>Persatuan Tuna Netra Indonesia</i> )
PPDI	: Indonesia Disabled People's Association ( <i>Persatuan Penyandang Disabilitas Indonesia</i> )
PPUA Pencia	: Center for Election Access of Citizens with Disabilities (Indonesia)
RA	: Republic Acts (the Philippines)
ReaD	: Research and Development (Cambodia)
SIDA	: Swedish International Development Cooperation Agency
UDHR	: Universal Declaration of Human Rights
UNCRPD	: United Nations Convention on the Rights of Persons with Disabilities
UNDP	: United Nations Development Programme
UNESCAP	: United Nations Economic and Social Commission for Asia and the Pacific
USAID	: United States Agency for International Development
WHO	: World Health Organization
YPAC	: Disabled Children Development Foundation ( <i>Yayasan Pembinaan Anak Cacat</i> ) (Indonesia)

# Foreword

## Rafendi Djamin

Indonesia's Representative for AICHR

I warmly greet the regional report on “Accessible Elections for Persons with Disabilities in Five Southeast Asian Countries” that was produced under AGENDA. This report is the final product of a regional cooperation program that has been going on well by including disabled people's organizations (DPOs) in five countries namely Cambodia, Indonesia Lao PDR, The Philippines, and Vietnam. Through the process of realizing the regional report, DPOs in each country could learn and share information from each other on the issues around political rights and participation of persons with disabilities in the Southeast Asian region.

The provision of accessible accommodations is the main requirement for persons with disabilities to be able to participate without barriers in elections. The lack of accessibility in elections may hinder persons with disabilities in exercising their political rights and may even lose her/his right to vote. The failure to protect the political rights of persons with disabilities is a state's negligence in fulfilling their equal rights as citizens.

The result of this regional report is crucial in looking further into how different countries have provided attention and realized the electoral rights of persons with disabilities. A number of international and regional human rights instruments emphasize the importance of efforts and actions to protect the rights of persons with disabilities. The commitment and attention towards the disability community in Southeast Asia is even more strengthened by the establishment of ASEAN Human Right Declaration (AHRD) in 2012 that covers the rights of persons with disabilities.

The study of this regional report discovered that each country has its own uniqueness in shaping its electoral system and differences in understanding about accessibility and disability. These varieties become lessons learned for all primary stakeholders in election management to improve the efforts in providing accessible elections for persons with disabilities in their respective countries.

In addition, the study also reviewed national legal frameworks that regulate the electoral accessibility for persons with disabilities, challenges in electoral participation, and good practices in election management that have been achieved in the five participating countries.

The regional report also highlighted the involvement of DPOs in the planning stage of elections and even overall. All mentioned facts are presented completely in this regional report and the report itself is a useful tool for all Southeast Asian countries in improving election accessibility for persons with disabilities.

I express gratitude to PPUA Penca and all involving organizations in AGENDA that have completed this regional report. I wish that all stakeholders could use this regional report as one of their advocacy tools in the ASEAN region.

Lastly, I am hoping that this regional report could be a benchmark in realizing mutual efforts to create a more democratic, accessible, and non-discriminative election for all citizens in the region.

Jakarta, 25 July 2013

Rafendi Djamin

Indonesia's Representative for AICHR



## Preface

**Heppy Sebayang**

Program Manager PPUA-AGENDA

PPUA Penca, with the support of partner organizations that are members of AGENDA, has successfully delivered a regional report on accessible elections for persons with disabilities in five Southeast Asian countries namely Indonesia, Cambodia, the Philippines, Lao PDR, and Vietnam. The data and information contained in this study is a description of to which extent the elections took place in five countries in where they have realized political rights of persons with disabilities. The political rights of persons with disabilities cover the right to vote in the elections freely and without hindrance, the right to run as a candidates to be elected, and the right to be appointed as an election organizer.

Although a number of human rights instruments and political rights instruments – Universal Declaration of Human Rights (UDHR), International Covenant Civil and Political Rights (ICCPR), Convention on the Rights of Persons with Disabilities (UNCRPD), Bill of Electoral Rights for Citizens with Disabilities, ASEAN Human Rights Declaration (ADHR), ASEAN General Election Commission Forum Declaration – have emphasized the importance of giving attention and efforts to the fulfillment and protection of rights of persons with disabilities in elections, but the amount of data and information obtained during this study still showed that persons with disabilities are still experiencing a number of obstacles.

Some of the issues in elections found during this study including : electoral law which has not specifically protected the political rights of persons with disabilities, information, infrastructure, and inaccessible facilities in elections, lack of tools, services and assistance from poll workers, election management that does not involve representatives of persons with disabilities in the planning stages and the electoral process, as well as the selection process to become candidates in the elections, which often eliminates candidates with disabilities due to negative perception towards them. The issues in this election ultimately are potentially inhibit, restrict, and even could eliminate the right of persons with disabilities in the general elections.

This regional report explores four main things. First is the legal framework. This section is a compilation of a number of international instruments, regional and national law on which the political rights of persons with disabilities in each country. Each state has different regulations and policies concerning the protection of political rights for persons with disabilities. There are countries where the political rights of persons with disabilities has been regulated and protected in details in its election law, but there are also countries that have not completely protected the political rights of persons with disabilities. Second, challenges and

barriers. This section contains information that describes a number of obstacles and challenges in fulfilling political rights of persons with disabilities in the general elections. The lack of uniformity of terminology on accessible election in ASEAN region, the physical and non-physical barriers in the election, and the attitudinal barriers that do not support the realization of the rights of persons with disabilities. A number of problems on the perception towards persons with disabilities in elections are also contained in this section. And, third, good practice in elections. This section describes a number of efforts and activities related to elections conducted by DPOs, organizers of the election or any other election stakeholders. All of the examples are considered to be a positive influence in increasing the political participation of persons with disabilities in elections. Meanwhile, the important role of DPOs in the process of the electoral process is also highlighted in the report. However, these engagement of DPOs were overlapped with Objective 2 (challenges and barriers faced by persons with disabilities in exercising their political rights including participating in elections) and Objective 3 (good practices in promoting political participation and election access for persons with disabilities). Therefore, the findings related to the DPOs' involvement will be included in the relevant sections. In addition to these four main things, this study also shows any recommendation that it is important to follow up after the course of this research, and the last part is the conclusion that subject matter or essence of this research report.

This book is certainly very useful for Election Administrators, Election Supervisors, Election Monitors, Disabled People's Organization, person with disability and all electoral stakeholders, who have the attention and concern for the promotion of the rights of persons with disabilities in the electoral politics Southeast Asian region.

I thank to all the 13 partners who are members of the AGENDA including IFES, PPDI, PPUA Pencea, JPPR, CDPO, NICFEC, Hanoi ILC, MCD, MAFREL, DTH, LDPA, KAMPI and LENTE. I also wish to thank USAID for funding this research, Research Team, Consultant, Editor, and all the parties that were involved in this study. We realize that this study also has shortcomings so with humility and with open arms we welcome for suggestions and feedback for improvement in the future.

Finally we hope that it will be one of the references to increase the participation of persons with disabilities in elections related to the right to vote, the right to be elected and the right to be appointed as election management.

Jakarta, 17 July 2013

Heppy Sebayang  
Program Manager PPUA-AGENDA

## Acknowledgements

This regional report on “Accessible Elections for Persons with Disabilities in Five Southeast Asian Countries” was prepared by The Center for Election Access of Citizens with Disabilities (PPUA Penca), under The General Election Network for Disability Access (AGENDA), a collaboration between Indonesia Disabled People's Association (Persatuan Penyandang Disabilitas Indonesia/PPDI) and The People's Voter Education Network (Jaringan Pendidikan Pemilih Rakyat/JPPR), and The International Foundation for Electoral Systems (IFES) with financial support from the United States Agency for International Development (USAID).

The regional report team comprised of Ancilla Yinny Sakanti Irwan, Santy Sutrisno Otto and Risnawati Utami.

The regional report team is grateful to Jeremy Gross for his inputs and comments provided during the editing process of the report.

The report would not have been possible without the contribution of information and data of AGENDA's country members participated in this study. The following national DPOs responded to the willingness and capability in conducting national-based research: Cambodia Disabled People's Organization (CDPO, Cambodia), Center for Election Access of Citizens with Disabilities (PPUA Penca, Indonesia), Lao Disabled People's Association (LDPA, Lao PDR), Katipunan ng Maykapansanan sa Pilipinas Inc (KAMPI, The Philippines), and Hanoi Independent Living Center (Hanoi ILC, Vietnam).

We acknowledge with appreciation the efforts of Peter Brian Ramsay Carey to provide us with clear and succinct Executive Summary for the report, and Yuyun Wahyuningrum to provide us with critical feedbacks on looking into the issues of human rights.

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The layout and the infographics of the regional report were designed by I Ketut Rai Budi Setiawan.

# Executive Summary

## 1. Introduction

Southeast Asia is home to an estimated 90 million persons with disabilities, fifteen percent of the region's total population. They face many challenges in their daily lives. None more so than when it comes to exercising their most fundamental right as citizens, namely their right to vote in elections.

This right to participate in the political life of their respective communities has been rightly described by the Office of the United Nations High Commissioner for Human Rights as “a prerequisite for the effective enjoyment of all other rights” and the bedrock of “a just social system” (Nobel Prize Winner in Economics, Amartya Sen). In the long term, the empowerment of persons with disabilities will only come through the ballot box.

Yet when they come to vote or register as voters what do persons with disabilities find? All too often they cannot access polling stations because they are located in inaccessible places and polling station staff untrained to assist them. And this does not just happen on election day. In the run-up to elections, persons with disabilities often cannot access voter registration information and many are prevented from even registering, let alone casting their votes or knowing the choices open to them as discerning voters.

The sheer scale and variety of the challenges facing persons with disabilities has not been known up to the present. Simply put, there have been no systematic attempts to record different types of bad practice in the election management process. Nor have there been any attempts to monitor implementation of the reforms, mandated by international conventions and state laws, designed to improve accessible elections for persons with disabilities.

The present report is a milestone, foregrounding as it does pioneering research on election access for persons with disabilities in five Southeast Asian countries: Cambodia, Indonesia, Laos, the Philippines and Vietnam. All are signatories of the benchmark 2006 United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), and all but one (Vietnam) have ratified the same.

## 2. Background: AGENDA and Its Focus

The foregrounding of the election access issue has been made possible by the establishment of a number of national disabled people's organizations (DPOs) across the region over the



past three decades starting in 1983. Five of these, one from each participating country, have contributed data for the present report. They are: (1) Cambodia Disabled's People Organization (CDPO, Cambodia); (2) Center for Election Access of Citizens with Disabilities (PPUA Penca, Indonesia); (3) Lao Disabled People's Association (LDPA, Lao PDR); (4) Katipunan ng Maykapansanan sa Pilipinas Inc (National Federation of Organizations of Persons with Disabilities in the Philippines/KAMPI, The Philippines); and (4) Hanoi Independent Living Center (Hanoi ILC, Vietnam).

During these same three decades a number of important steps have been taken at both the international and regional levels to strengthen the rights of persons with disabilities. They culminated in 2006 in the milestone United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), the present-day Magna Carta of Persons with Disabilities' rights.

Article 29 of this Convention specifically promotes the fulfillment of the political rights of persons with disabilities, stating that it is the state's responsibility to give "guarantee to persons with disabilities [their] political rights and the opportunity to enjoy them on an equal basis with others". These include the right to speak in public and to vote, as well as to be elected and represent other citizens. The message of the UNCRPD is that only through the political involvement of persons with disabilities will discriminatory public policies be changed.

The General Election Network for Disability Access (AGENDA) program was born out of this need to improve access to political and electoral opportunities for persons with disabilities throughout Southeast Asia. It was formed by the creative cooperation of DPOs, election-focused civil society organizations (CSOs) and the International Foundation for Electoral Systems (IFES) with the United States Agency for International Development (USAID) providing the necessary financial support.

AGENDA's principal focus is on the promotion of election access and ensuring that disability rights are on the human rights agenda of all regional bodies, especially the Association of Southeast Asian Nations (ASEAN). Such a regional approach also allows for cross-national sharing of best practices and lessons learned amongst DPOs and CSOs active in the field.

The present report is the first systematic attempt to gather data on election access and good practices from across the region. As a first attempt, it faced numerous challenges, not least the problem of applying a uniform approach across such a diverse region with so many different electoral systems. Despite these challenges, the five country partners were able to complete the report after agreeing its parameters: namely the study of national level presidential, vice-presidential and legislative elections rather than local ballots.

The report has four primary objectives: (1) to review the existing legal framework of political participation for persons with disabilities; (2) to identify challenges and barriers faced by persons with disabilities in exercising their political rights, including participation in elections; (3) to gather a list of good practices and the latest innovations in promoting political participation and accessible elections for persons with disabilities; and (4) to review the involvement of DPOs in electoral issues.

### 3. Research Methodology

In each of the five countries, one AGENDA partner organization was responsible for data collection. PPUA Penca took the lead in coordinating and supervising the research activities. It also developed a research manual to be used by partners as a guideline for their research. Each partner organization was responsible for ensuring the design of their research and had the task of identifying the appropriate targeted respondents in their respective countries.

To ensure a standard of validity and reliability, PPUA Penca communicated with partner organizations, observed their implementation and reviewed their research, appointing at least two reviewers with a proven track record in disability issues to review each country report.

The methodology used for the research was the so-called “non-probability sampling with a purposive approach”. This is a methodology commonly employed when it is not feasible to find a random selection of interviewees. In this case the informants were selected with an eye to their capacity to represent the views and opinions of the target population, namely the disability community. Respondents were chosen as representative of this community based on their knowledge of elections and/or disability.

Three target groups were identified, with gender balance being taken into consideration: (1) government bodies and/or agencies including legislatures, and election management bodies; (2) the disabled person's community, including DPOs and persons with disabilities; and (3) other civil society organizations working on electoral and/or disability issues.

For the data collection techniques, key informant interviews (KIIs) and focus group discussions (FGDs) were conducted, and an additional survey technique was also done by two partner organizations in Cambodia and Vietnam. CDPO surveyed 450 respondents - representing 3000 persons with disabilities - in 15 of the country's 23 provinces while 250 persons with disabilities participated in a survey in three (Hanoi, Da Nang, Can Tho) conducted by Hanoi ILC. KIIs ranged from 56 key informants from Lao PDR to 24 from Indonesia. Meanwhile, FGDs ranged from 81 from the Philippines to 9 from Lao PDR.

The challenges of deciding what data to collect and how to assess it were considerable. There were also logistical and organizational problems associated with carrying out multi-country research by partners speaking different languages with no previous experience of mutual collaboration. But despite these challenges, the present report has gathered much important baseline data. Although it does not claim to be scientifically accurate - the differences in country data collection techniques alone make this impossible - it gives a good picture of the state of election access in the five participating AGENDA countries.

## 4. Findings

The report's principal findings are that the barriers to realizing full electoral participation for voters with disabilities in Southeast Asia are varied and multidimensional. The legal, informational and practical challenges include national legal frameworks, accessible voter registration, voter education and information, the physical placing and layout of polling stations, the provision of braille templates, and societal attitudes towards persons with disabilities.

Such problems do not just affect the rights of persons with disabilities as voters, but also as citizens, especially if they want to work within the state election administration or stand for office. The problems are not “event-specific”, namely focusing only around the election day itself, but occur throughout the whole electoral cycle.

There are similarities between countries regarding election access for persons with disabilities. These similarities stem from common barriers, the most important of which are legal. The UNCRPD is case in point here. While the global community acknowledges the rights of persons with disabilities through its acceptance of the Convention, the practical realization of these rights is dependent upon the adoption and implementation of appropriate national laws. However, incentives to create mechanisms to implement these laws remain limited. Public understanding of the legally binding nature of the Convention is also sparse. This acts as a barrier to the establishment of a supportive environment for persons with disabilities to exercise their political rights.

In the process of implementing persons with disabilities rights, there is a continuously widening gap between laws and needs. In all countries, existing laws contain general terms that confuse and discriminate against, rather than promote, the political rights of persons with disabilities. The lack of explanation and clarification regarding terminologies used for the classification of

disability types reflects the prevailing negative perceptions and ongoing discrimination against persons with disabilities in the region.

The human rights approach of the UNCPRD is a concept that has yet to influence the way in which policies and regulations relating to persons with disabilities are shaped. The Indonesia country report is a case in point: it shows how current regulations still act to dissuade persons with disabilities from standing as candidates. To stand for legislative election, candidates are required to be literate, but there is a lack of clarification about whether the ability to read braille is acceptable as a test of literacy for persons who are blind or have visual impairments.

Access to clear and coherent information is crucial for all citizens to realize their rights. Citizens need access to information about issues including voter registration, when and where to vote, what is involved in the voting process, how to apply for work as a polling station official, and how to stand as a candidate.

In each country there are challenges for the election management body to conduct voter registration and provide voter education. These can relate to voter data collection and the identification of needs of voters with disabilities. The media's role in awareness-raising and the provision of voter education for persons with disabilities is frequently not realized. This is primarily due to the lack of information available about how to become an election official and the lack of coordination amongst organizations providing support for the disability community. This results in the media's failure to deliver information to clearly targeted audiences.

Amongst persons with disabilities, a lack of knowledge and awareness about political rights based on the UNCPRD is evident.

In terms of national regulations, persons with disabilities still acknowledge that they lack information about the laws that ensure the fulfillment of their rights as persons with disabilities. In Indonesia, limited knowledge of the laws relating to the UNCPRD remains a major barrier. Limited education, minimal literacy skills, and the lack of availability of the text of the UNCPRD in accessible formats, all combine to prevent disability issues being properly addressed. There are different levels of understanding amongst different sections of the population in Indonesia and Vietnam depending on their education and social standing. These differences are a consequence of poor voter education and information campaigns which themselves result from a lack of reliable and accurate data about persons with disabilities.



## 5. Voter Registration

The increasing amount of data about persons with disabilities both in the region and on a specific country by country basis is a positive basis for the planning and preparation of elections. However, the need for the refinement of the data collection process has to be continuously sought.

One means of data collection is through voter registration programs. But the kind of detail gathered varies greatly from one country to another. In Indonesia, the General Elections Commission of the Republic of Indonesia (KPU) uses the population data (*Data Penduduk Potensial Pemilih Pemilu/DP4*) provided by Ministry of Home Affairs to the KPU fourteen months before the general elections, but this does not yet follow the WHO's *International Classification of Functioning, Disability and Health*, commonly used by international organizations when conducting population censuses. All too often voter lists do not reflect the total number of persons with disabilities.

Data on voters with disabilities has been difficult to gather. For this reason, governments have started to include disability status in their national census and the voter registration process. For the 2004 elections in Indonesia, for example, the Central Agency of Statistics (BPS) and the Ministry of Home Affairs conducted a Special Election and Population Registration (*Pendaftaran Penduduk dan Pemilih Pemilu Berkelanjutan/P4B*) with the Indonesian Elections Commission. The Registration covers the types of disabilities and the assistance needed on election day for voters with disabilities.

In 2010, the Central Agency of Statistics started to include questions on disability and degrees of impairment for that year's national census. These initiatives indicate an awareness on the part of the Government of Indonesia about the issue although many logistical and methodological challenges remain.

In Cambodia, despite the high percentage of voters with disabilities receiving information on voter registration (72.9 percent), these voters still face problems based on their different types of disability. Voter registration is still conducted in inaccessible locations for persons with disabilities, such as schools, pagodas, and houses. As Cambodian voters are obliged to register their names in person, many respondents state that they have not bothered to register. They also pointed out that disability is the main reason why the number of registered voters is so low.

## 6. Voter Education, Public Awareness and Physical Barriers

The absence of voter education for persons with disabilities means that insufficient information is disseminated for them by the government through mass media and non-media tools. Thus a vital component in ensuring the success of the electoral process has been lost.

Apart from the media and the information conveyed in printed materials such as pamphlets and brochures, public outreach programs are often inaccessible for persons with physical disabilities across all five countries. Whether voters with disabilities have full accessibility to exercise their voting rights is most evident on election day itself. The location and design of polling stations and the availability of assistive devices reflects the commitment of governments and Election Management Bodies in being inclusive for all voters.

For voters who need help in casting their votes, human assistance is crucial. But often voters with disabilities are uncomfortable accepting the help of an assistant. In Indonesia, for example, the inability to choose one's own assistant can discourage political participation of persons with disabilities. Furthermore, when persons with disabilities are assisted by polling staff, there is also the issue of the secrecy of the ballot.

Also of great significance is the level of training for polling staff to assist voters with different types of disabilities in the best way on election day. In Lao PDR, it is believed that the challenges in providing election access for persons with disabilities is due to the lack of people in government working in the disability sector and making disability a priority on the development agenda.

## 7. Attitudinal Barriers

Underlying all of the above legal, informational, and physical barriers, are negative social attitudes towards persons with disabilities. These are reflected in the disability community itself, as well as from family members, government officials, and election administrators. What is clear from the five country reports is that disability is still seen as an obstacle which hampers the promotion of political rights of the disability community.

Amongst the general public in Southeast Asia, there is much negative stigma towards persons with disabilities who are still perceived as not worthy of equal treatment and respect. This impacts on all aspects of life, including the exercise of persons with disabilities' political rights.

Due to the negative stigma in society, persons with disabilities are often excluded from societal

interaction. This results in their lack of pro-active behavior in expressing their opinions and claiming their rights. Therefore, persons with disabilities often receive more limited education and less conducive employment opportunities. Based on a Focus Group Discussion in Lao PDR, persons with disabilities often see their own disability as the main problem rather than the non-accepting environment.

In addition to persons with disabilities, family members also become the target of discrimination. This worsens family members' own perception towards persons with disabilities' relatives. According to a survey conducted in Vietnam, sixteen percent of families did not provide support for their family member with a disability. They also often made the decisions for whom to vote on behalf of their family members with disabilities. In Indonesia, one respondent reported that “even the families of the persons with disabilities believe it is a curse, a disgrace to the family, and therefore are ashamed, so do not take their family member with a disability to vote”.

This combination of deep-rooted perceptions – or more correctly misperceptions - and the lack of attention to disability issues results in election inaccessibility for persons with disabilities.

## 8. Election Administrators and Legal Frameworks

As the executors of the electoral process, election administrators have a responsibility to ensure a successful election for all, including persons with disabilities. However, due to limited understanding about disability, combined with the lack of capacity on the part of administrators themselves, accessibility for persons with disabilities is often overlooked. The provision of braille templates is all too frequently mistaken as an expensive way to accommodate persons with disabilities.

The final finding concerning attitudes comes from political parties and reaffirms their lack of interest and attention to persons with disabilities in their campaign activities, whether as voters or their representatives. As an Indonesian National Election Commission official stated “persons with disabilities who exercise their right to be elected are very limited. At the same time, awareness amongst political parties is not good enough”.

Establishing a supportive legal framework is crucial for protecting and promoting the rights of persons with disabilities. A supportive legal framework helps to establish a clear legal hierarchy and directly contributes to changing public perceptions about disability issues. AGENDA's research found evidence that governments are indeed honoring their duties and commitments concerning the political rights of persons with disabilities in all five countries

covered in the present report. Indeed, four of the five countries have already ratified UNCRPD, itself a turning point in addressing disability issues. Furthermore, each of the countries have laws that support the promotion of the rights of persons with disabilities. These explicitly mention that citizens with disabilities shall not experience discrimination in the political sphere, whether as voters or candidates.

## 9. Voter Education and Polling Station Accessibility

Public outreach programs and voter education are compulsory in all five countries. They help to mainstream election access for voters with disabilities. It is the joint responsibility of government, Electoral Management Bodies and civil society to ensure every eligible voter, including those with disabilities, has the opportunity to receive information about the electoral process. The active involvement of civil society and DPOs in particular is crucial to this. Voter education programs observed by AGENDA show an improvement across all countries in the process of the dissemination of information on disability issues in general and election access in particular.

Because of the efforts being made by various stakeholders, including election officials, political parties, and NGOs, the mass media has started to pay attention to the concerns of the disabled community. Although this is not yet happening as systematically or comprehensively as it should.

The accessibility of polling stations on election day is a major indicator of election access. Full accessibility for voters with disabilities to polling stations is an ongoing concern. Based on research findings from Cambodia, accessibility is supported by four main categories. These include support from family, accessible polling station locations, supportive election officials and/or assistants, and assistive devices.

The research identified polling stations which had considered accessibility for voters with disabilities. One such was a polling center in Bandung, West Java, set up inside a school for the blind and used for the 2009 elections in Indonesia. It accommodated two polling stations, one of which was dedicated to the blind residents of the school. In the 2012 Congressional election in the Philippines, the government allowed voter registration to take place in shopping centers, an initiative deeply appreciated by voters with disabilities as shopping centers usually have access for persons with disabilities. Filipino voters with disabilities were also supported by the availability of express lanes at polling centers. This is highly appreciated for its convenience by voters with disabilities.

Assistive devices for voters with visual impairment are also found in Cambodia and Indonesia. Indeed, in Indonesia, it is a legal requirement for braille templates to be available for blind voters, or those with visual impairments, at all polling stations. Although there may be issues concerning template design and distribution to polling stations, this is seen as part of the ongoing process of the commitment of the Government of Indonesia and the Indonesian Election Commission to ensure that elections are fully accessible to persons with disabilities.

## 10. Good Practice Examples and Political Empowerment

Despite the challenges and barriers in election access, persons with disabilities in the five countries have begun to be empowered. Not only are they more aware and understanding of their political rights, but have also started to be more persistent in attaining those rights. This was particularly noted in the Philippines.

The active participation of several persons with disabilities as polling station workers, Electoral Management Body members, and election observers, is testimony to this new empowerment. Indeed, some persons with disabilities even stood as candidates in the elections, with some being elected. Based on a survey of persons with disabilities in Cambodia, nine respondents (2 percent) worked as polling station workers, with 40 respondents (9 percent) as election observers. Whilst this number may not appear high, it does convey a sense of progress.

Data collection has succeeded in identifying several persons with disabilities who ran for office in both the 2004 and 2009 elections in Indonesia, and won. A total of 32 candidates with disabilities ran for office in the 2004 and 2009 national and provincial legislative elections. The most notable were three blind candidates, one partially-sighted, and one using a wheelchair. Even though these candidates were not successful, they have become an inspiration for the disability community at large for their efforts.

Abdurrahman Wahid, the fourth president of Indonesia (in office, 1999-2001), had both impaired mobility and vision. But he was without doubt one of the most democratic presidents in Indonesia's modern history initiating at least ten major reforms in his brief twenty-one months in power. During his presidency there were negative comments about his disabilities, and questions were raised about his capability. Although he was impeached and removed from office in July 2001 for political rather than disability-related reasons, his presidency brought about increased awareness about the legislative framework and opportunities for persons with disabilities in politics. It also helped to take the discussion to society at large.

## 11. Partnership

To hold an accessible election requires a strong and ongoing partnership between the legislatures, Electoral Management Bodies (EMBs), NGOs working on electoral issues, and DPOs. The legislature is responsible for the legal framework, EMBs for implementation, DPOs contributing to an understanding about disability issues, and NGOs monitoring the quality of implementation to ensure free and fair elections.

Collaboration amongst non-profit organizations has also been established in Indonesia. One example is between HWPCI [Indonesian Association for Disabled Women] and Handicap International in Aceh Province. This resulted in a few activities, including the establishment of model polling stations accessible to voters with disabilities. Another example is with AGENDA itself. As a result of its work, thirteen DPOs and Civil Society Organisations from seven countries in Southeast Asia are focusing on establishing a new 'South-South dialogue' for collecting and sharing best practices on election access for persons with disabilities. Achievements include 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 recent ASEAN Human Rights Declaration.

Such efforts have been noted: 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”. AGENDA was also acknowledged in the 2012 Universal Periodic Review by the Human Rights Council Working Group.

The partnership between DPOs and government agencies in Indonesia has now started to be formalized. This situation has supported an increased role for DPOs to promote accessibility, for example, through the production of braille templates for the visually impaired. Production is the responsibility of the Indonesian Election Commission, but the Commission recognizes that it is the DPOs that have the needed expertise.

## 12. Conclusion and Recommendations

The right to vote is a fundamental right, yet only recently has serious attention been paid to making this right accessible to all. Included within this right are the rights to become a member of an Election Monitoring Body or polling staff member, and the right to stand as a candidate.



The issue of election access in Southeast Asia has received special attention because of the large number of persons with disabilities. Today, approximately 950 million people live with a disability; of these, perhaps as many as 90 million, or nearly 15 percent of the world's disabled population, are in the Southeast Asian region. The disability community is one that cannot be ignored without weakening the fabric of inclusion, and adherence to regional and international norms.

Southeast Asia is a pioneer in promoting election access for persons with disabilities. National DPOs have flourished in the region over the past thirty years. This has given them leverage on regional efforts to address the issue as they make use of all advocacy opportunities available to them. Their contribution to the ASEAN Decades of Persons with Disabilities and the ASEAN Strategic Frameworks has established a strong foundation for such work.

The right to participate in elections has been recognized globally, while the importance of participation has received regional recognition. This has resulted in improvements to many aspects of the electoral cycle, from voter registration to voter education and election day voting.

Yet good practice is still ad hoc and inconsistent rather than uniform throughout the region. Therefore, attention is now more focused on implementation based on needs rather than promoting the principle of equality *per se*. At the forefront of the problems encountered today are the barriers. These include a lack of access to electoral information, inaccessibly located voting booths, an absence of training for electoral staff, and insufficient provision of special devices. There is also a need to challenge deeply embedded cultural attitudes towards persons with disabilities. Existing laws still contain some discriminatory terminologies that do not promote the rights of persons with disabilities. Regulations also rarely have clear explanations concerning who should be responsible for managing accessible elections. Nor do they contain sanctions. These deficiencies need to be addressed.

However, the present research also highlights good practices worthy of emulation. These should be applied as standard practice. But issues cannot be addressed by governments and electoral management bodies alone. Partnerships within and between DPOs, and their relationships with government, election management bodies and civil society at large, must continually be strengthened. This can help address the problems in a number of different areas.

## 13. Recommendations

Based on the findings from the five country studies, three primary recommendations emerge as ones which will enhance the accessibility of elections for persons with disabilities. In order of importance they are: (a) research; (b) education and awareness-raising; and (c) advocacy and partnership.

With regard to research, data and information on persons with disabilities and their needs is essential to raise the awareness and push for the fulfillment of accessible elections. The national and regional reports on Accessible Elections for Persons with Disabilities, developed under the AGENDA network, should be employed as the baseline to understand current trends and conditions facing persons with disabilities in attaining political rights. Ongoing updates are required to monitor progress, and the impact of efforts to improve accessibility to elections in the various countries.

Meanwhile, research on the following topics is recommended: (1) election access monitoring and evaluation (quantitative and qualitative); (2) laws and regulations relating to election access; and (3) censuses and other data on persons and voters with disabilities.

All efforts to ensure the full participation of persons with disabilities are best promoted by partnership between DPOs working with other stakeholders, either alongside or to encourage governments and Election Management Bodies to ensure a positive regulatory framework. Such a partnership must also implement activities in the field that are supportive of election access. In this way, disability issues and accessible elections can be addressed in all development programs across sectors and through engagement with relevant line ministries and government bodies.





# Introduction

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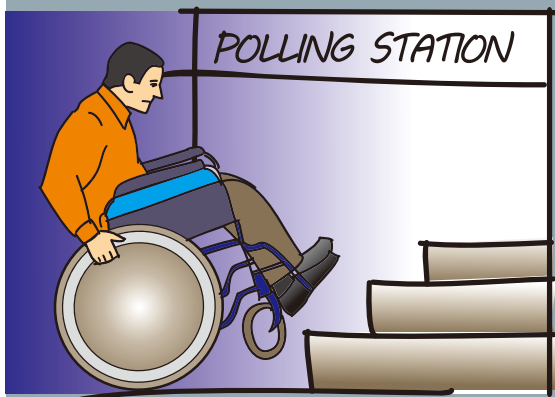
## CHAPTER I



# Chapter I. Background

15%  
OF TOTAL  
POPULATION

90  
MILLION  
PEOPLE WITH  
DISABILITIES  
in Southeast Asia



## Challenges Faced by Persons with Disabilities in Elections

- Inaccessible information on elections
- No ramps
- No Braille templates
- Inaccessible polling stations and booths
- Negative attitudes



UNCRPD

2006 United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), article 29. "[to give] guarantee to persons with disabilities **political rights** and the opportunity to enjoy them on an equal basis with others"

AGENDA

The stated political rights include the right to speak up and to vote, as well as to be elected and represent other citizens

AGENDA (General Election Network for Disability Access) is taking initiative to fulfill disabled persons political rights.

First step is to have a research in 5 countries:

Cambodia, Indonesia, Laos PDR, Philippines, Vietnam







# CHAPTER I

## Introduction

### I.A. Background

#### α) Challenges Faced by Persons with Disabilities in Elections

The World Health Organization (WHO) and the World Bank estimates that 15 percent of the world's population has a disability,<sup>1</sup> and it is estimated that there are approximately 90 million persons with disabilities in the Southeast Asian region as it is home to 0.6 billion people<sup>2</sup>. Despite some improvements to their material well being in recent years, they face many challenges when it comes to exercising their rights as citizens to participate in elections.

On election day, polling stations located in inaccessible places, or in buildings with stairs, are examples of some of the obstacles that persons with disabilities face. Furthermore, polling station staff may not be trained to respond to voters with special needs, and specialized equipment needed by persons with disabilities may be absent from polling stations, also contributing to disenfranchisement.

Disenfranchisement is not limited to election day. Persons with disabilities may be unable to access electoral information concerning voter registration or voter information. This can result in their inability to register, knowing how to cast their vote, or the choices open to them as critical voters. Aside from these problems, further obstacles are faced by persons with disabilities wishing to enter the political arena as candidates. Barriers can be implicit depending on cultural norms and attitudes. Difficulties may also be faced in changing the established way of “doing politics”. The issues and concerns of persons with disabilities have partly gone unaddressed because persons with disabilities are under-represented in election management bodies (EMBs).

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<sup>1</sup> WHO and The World Bank, 2011.

<sup>2</sup> Hayes and Zhao, 2012.

Election access<sup>3</sup> for persons with disabilities covers all of the above issues. It happens despite participation in political and public life being “a prerequisite for the effective enjoyment of other rights,”<sup>4</sup> and central to “a just social system.”<sup>5</sup> Just how widespread the problems are, and just how varied the challenges faced by persons with disabilities, has not been known up to the present. There have also been no systematic attempts to record different types of bad practice in the election management process which results in disenfranchisement. Nor have there been any attempts to monitor implementation of changes, as mandated by international conventions and regional initiatives, which might improve election access for persons with disabilities.

## b) Changing Context at National and Regional Level

The increasing attention paid to the issue of election access for persons with disabilities is closely tied to a more general effort being made over recent years by persons with disabilities in the Southeast Asian region to secure their rights. Following the establishment of Disabilities Thailand<sup>6</sup> in 1983, similar organizations were established in Indonesia<sup>7</sup> and Malaysia<sup>8</sup> in 1987, the Philippines<sup>9</sup> in 1990, Cambodia<sup>10</sup> in 1994, Vietnam<sup>11</sup> in 2006, and Lao People's Democratic Republic<sup>12</sup> in 2011.

Parallel to these national level initiatives to promote the rights of persons with disabilities through the establishment of disabled people's organizations (DPOs), steps were taken at the international and regional level to strengthen the rights of persons with disabilities. This culminated in the milestone 2006 United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). This Convention is significant for the development of human rights, especially the political rights of persons with disabilities.

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<sup>3</sup> For a definition, see Chapter III.B, Conceptual Framework

<sup>4</sup> Office of the High Commissioner and the Secretary-General, 2011, p.5.

<sup>5</sup> Sen, 1993.

<sup>6</sup> Formerly known as the Council of Disabled People of Thailand.

<sup>7</sup> Indonesia Disabled People's Association (PPDI).

<sup>8</sup> Malaysian Confederation of the Disabled.

<sup>9</sup> Katipunan ng Maykapansanan sa Pilipinas Inc. (National Federation of Organizations of Persons with Disabilities in the Philippines/KAMPI).

<sup>10</sup> Cambodian Disabled People's Organisation.

<sup>11</sup> Hanoi Association of People with Disabilities.

<sup>12</sup> The Lao Disabled People's Association.

The UNCRPD, ratified by 126 states and signed by 155,<sup>13</sup> has been instrumental in changing the way in which the issue of persons with disabilities is addressed. There has been a move away from approaches based on paternalism, charity and social protection, to a human rights based approach. Eight Southeast Asian states have ratified the UNCRPD (see Table 2 in Chapter III).

### c) Legal Instruments and Multilateral Initiatives Supporting Change

Article 29 of the UNCRPD on political and public life, specifically promotes the fulfillment of the political rights of persons with disabilities. The article stresses that it is the state's responsibility, "[to give] guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others". The stated political rights include the right to speak up publicly and to vote, as well as to be elected and represent other citizens. To achieve a just social system, active participation in politics is seen as essential<sup>14</sup> because through the involvement of persons with disabilities, discriminatory public policies can be changed. Thus, politics is considered the entry point for the fulfillment of rights.<sup>15</sup>

Other important documents supporting the attainment of rights by persons with disabilities include declarations, frameworks and strategies promulgated at both the international and regional level. At the international level, the International Covenant on Civil and Political Rights (ICCPR)<sup>16</sup> espouses equality in socio-political rights. Along with the UNCRPD, these documents make commitments that should be used as tools to attaining the full rights of persons with disabilities.

At the regional level, the Third Asian and Pacific Decade of Persons with Disabilities, covering the period 2013-2022 is currently underway. The Incheon Strategy's *"Make the Right Real"*, and ASEAN's Decade for Persons with Disabilities, covering 2011-2020, as well as the ASEAN Strategic Framework and Plan of Action for Social Welfare, Family and Children 2011-2015,<sup>17</sup> can all contribute to strengthening the rights of persons with disabilities, and general awareness amongst the non-disabled public about these issues.

<sup>13</sup> United Nations Enable, 2012.

<sup>14</sup> Sen, 1993, p.11.

<sup>15</sup> Office of the High Commissioner and the Secretary-General, 2011, p.5.

<sup>16</sup> ICCPR forms part of The International Bill of Human Rights that promotes respect for the civil and political rights, including electoral rights, see United Nations, 2012c.

<sup>17</sup> ASEAN Secretariat, 2012.

## I.B. AGENDA

### AGENDA in Brief

To address the issue of improved access to political and electoral opportunities for persons with disabilities in Southeast Asia, disabled people organizations, election focused civil society organizations (CSOs) and the International Foundation for Electoral Systems (IFES), came together to establish the General Election Network for Disability Access (AGENDA) program. This initiative is supported by the United States Agency for International Development (USAID).

AGENDA is working to develop regionwide election related activities to promote election access. AGENDA emphasises awareness-raising about the issues to address problems as found locally within each country, and also at the regionwide level by ensuring disability rights are firmly on the human rights agenda, especially of the Association of Southeast Asian Nations (ASEAN).

By working at the regional level as well as the national, it is hoped to gain greater momentum to improve election access in a coordinated fashion. A regional approach also allows for cross-national sharing of best practices and lessons learned amongst DPOs and CSOs active in the field. Establishing regional cooperation is therefore a means to promote more effective and sustainable approaches to election access.

The AGENDA program covers seven Southeast Asian nations: Cambodia, Indonesia, Lao People's Democratic Republic (Lao PDR), Malaysia, the Philippines, Thailand and Vietnam.

### Research's Objectives

AGENDA's ability to achieve its objective requires an understanding and awareness of existing conditions, challenges and opportunities in the region.

This report is the first systematic attempt to gather such data from across the region. As a first attempt, it faced numerous challenges to apply a uniform approach across such a diverse region with different electoral systems. The lack of an existing template to work from and previous studies to build upon were both keenly felt. Furthermore, AGENDA partners had not worked together before and faced challenges of distance, language and coordination.

Despite these challenges, partners in five countries were able to press ahead with compiling this pioneering report, having agreed its parameters and four primary objectives:

Objective 1: To review the existing legal framework of political participation for persons with disabilities;

Objective 2: To identify challenges and barriers faced by persons with disabilities in exercising their political rights, including participation in elections;

Objective 3: To gather a list of good practices and the latest innovations in promoting political participation and accessible elections access for persons with disabilities;

Objective 4: To review the involvement of disabled people's organizations (DPOs) in electoral issues.<sup>18</sup>

The report focuses only on national level presidential, vice-presidential and legislative elections. Practices for local level elections were not studied as part of this report.

## Partner Organizations

AGENDA has at least one DPO or CSO in each of the five participating countries, with the Center for Election Access of Citizens with Disabilities (PPUA Penca) in Indonesia acting as the lead organization. The five primary AGENDA report organizations are as follows:

### 1. Center for Election Access of Citizens with Disabilities

Pusat Pemilihan Umum Akses Penyandang Cacat (PPUA Penca) is a coalition of DPOs established in 2002 and represents persons with different types of disabilities in Indonesia. The vision of PPUA Penca is to support better election access for persons with disabilities, and to increase the available information so that they can become informed and active voters.

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<sup>18</sup> The findings of the objective 4, involvement of DPOs in electoral issues, overlap with Objective 2 (challenges and barriers faced by persons with disabilities in exercising their political rights including participating in elections) and Objective 3 (good practices in promoting political participation and election access for persons with disabilities). Therefore, the findings related to the DPOs' involvement will be included in the relevant sections.



PPUA Penca has organized activities related to election access for persons with disabilities including awareness-raising through the mass media and the production of a variety of election access materials, for example, an election access guide book, a braille template for voters with visual disabilities, and election information in audio and braille formats. PPUA Penca is the lead organization for election access activities for persons with disabilities in Indonesia and the lead organization in the AGENDA five country research project.

## 2. The Cambodia Disabled People's Organization

The Cambodia Disabled People's Organization (CDPO), established in 1994, is an organization comprised of persons with disabilities with a mission to develop networks of persons with disabilities to support, protect, serve, and promote their rights, achievements and interests. Its overall aim is to promote the full participation of persons with disabilities and ensure their equality in Cambodian society.

CDPO's work focuses on improving access to and availability of services for persons with disabilities, ensuring the full implementation of national and international disability rights instruments, the inclusion of persons with disabilities in their respective societies, capacity-building of CDPO DPOs, public awareness-raising about disability rights in the media and through other events and campaigns.

Under AGENDA, CDPO, along with Research and Development (ReaD), conducted the research for this report in Cambodia.

## 3. The Lao Disabled People's Association

The Lao Disabled People's Association (LDPA) is a civil society organization and the sole national DPO encompassing all persons with disabilities in Lao PDR. The LDPA is recognized as the nation's leading DPO, and serves an important role as the primary advocacy organization for persons with disabilities in Lao PDR.

LDPA was recognized as an association on 20 July 2001, under Article 44 of the Constitution. On 13 September 2011, LDPA was registered as an association as per the Decree on Associations administered by the Ministry of Home Affairs.

LDPA has a membership based network consisting of ten provincial branches with one head branch in Vientiane. It also has numerous affiliates in both urban and rural areas. These function as volunteer-based self-help groups, and both provide, as well as receive, information from the national office. This two-way dialogue is crucial for building human rights based knowledge and disseminating essential information about services, networks and other issues at the local level.

#### 4. Katipunan ng Maykapansanan sa Pilipinas Inc. (National Federation of Organizations of Persons with Disabilities in the Philippines)

Katipunan ng Maykapansanan sa Pilipinas Inc (KAMPI) is a network of cross-disability, self-help grassroots organizations of persons with disabilities serving as the network for giving persons with disabilities a voice in pushing for the implementation of relevant programs and policies for the sector. It is recognized as the National Federation of Persons with Disabilities organizations in the Philippines. KAMPI was established during the Second National Congress of Persons with Disabilities in July 1990 with an initial membership of chapters from seven provinces. Since then, KAMPI has expanded to its present membership of 25 chapters covering 58 provinces, 17 cities and 73 municipalities.

KAMPI envisions a “Society for All” where persons with disabilities are fully empowered and equal members of national society. KAMPI seeks to hasten the participation and mainstreaming of Filipino persons with disabilities in order for them to have control over the necessary services needed for them to live more productive and independent lives. Its mandate is to advocate for the necessary changes in attitudes, policies and practices to achieve this.

#### 5. Hanoi Independent Living Center

Hanoi Independent Living Center (Hanoi ILC) was established in January 2009 with funds from the Nippon Foundation for an initial seven-year period (2009-2016). It is operated by persons with disabilities to serve the needs of their peers. Hanoi ILC is a project developed by the Disabled Peoples' International Asia-Pacific Region (DPI-AP), Hanoi Disabled Peoples' Organization (Hanoi DPO), and Bright Future, the first self-help group of persons with disabilities in Vietnam.

The objectives of Hanoi ILC are to:

- a. Provide services to help every person with disabilities to live independently and develop their potential;
- b. Promote and expand the independent living movement in Vietnam;
- c. Advocate for government support for establishing an independent living model.

Services provided include peer-group counseling, an independent living program, personal assistance service, and acting as a source of information and advocating for the independent living model in Vietnam.



## Conceptual framework

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## CHAPTER II



# Chapter II. Conceptual Framework

## THE CONCEPT OF DISABILITY

How Disability is Defined, Understood, and Addressed

### Medical Approach

Disabilities are seen as the result of disease, trauma, or other health conditions that can be treated by medical professionals



### Charity-Based Approach

Persons with disabilities as beneficiaries of donations.

Under this interpretation, persons with disabilities have neither the ability to take care of themselves nor to live independently. As such, they are the recipients of the generosity of others.



### The Human Rights-Based Approach

It stresses the fact that disability does not spring from the individual himself or herself, 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 equal to other citizens.



AGENDA defines an accessible election as, "one that provides facilities for persons with disabilities and without physical/nonphysical barriers," which is based on implicit references to the UNCRPD. This report employs this concept of accessible election throughout.





# CHAPTER II

## Conceptual Framework

### II.A. Concept of Disability

The concept of disability – how disability is defined, understood, and addressed – has evolved over time. This evolution can be divided into three phases, namely: (a) “models in which disability is an attribute of the person (b) models in which disability is related to the environment; and (c) models in which disability is linked to the person- environment relationship.”<sup>19</sup> In the past, persons with disabilities were viewed as 'patients' with medical needs and as beneficiaries of social services. UNCRPD has shifted this understanding towards a human rights-based approach that promotes the process of enabling persons with disabilities.

1. Medical approach: The medical approach sees disability from the vantage point of an individual's physical or mental limitations.<sup>20</sup> Disabilities are seen as the result of disease, trauma, or other health conditions that can be treated by medical professionals. In this vein, the WHO's 1980 Classification of Impairments, Disabilities and Handicaps defined disability as “any restriction or lack of ability (resulting from an impairment) to perform an activity in the manner or within the range considered normal for a human being.”<sup>21</sup> This model stigmatizes persons with disabilities as “abnormal” or fundamentally “lacking,” and the objective of any disability program is to “normalize” persons with disabilities.

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<sup>19</sup> Masala and Petretto, 2013.

<sup>20</sup> Michigan Disability Rights Coalition, 2012.

<sup>21</sup> WHO, 1980.

2. Charity-based approach: This approach identifies persons with disabilities as beneficiaries of donations.<sup>22</sup> Under this rubric, persons with disabilities have neither the ability to take care of themselves nor the capacity to live independently. They are thus perceived as 'dependents', lacking autonomy, and unable to take charge of their own lives. As such, they are the recipients of the generosity of others.<sup>23</sup> Persons with disabilities are excluded from decision-making processes<sup>24</sup> and are reliant on social welfare grants.
3. Human rights-based approach: The human rights-based approach, as exemplified by the UNCRPD, 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>25</sup>

This new 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>26</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>27</sup>

The human rights-based approach finds its roots in the United Nations' 1948 Universal Declaration of Human Rights (UDHR), which states, "all human beings are born free and equal in dignity and rights,"<sup>28</sup> and, "entitled to all the rights of freedoms ... without distinction of any kind."<sup>29</sup> As such, it stresses the responsibility of government to ensure the fulfillment of the human rights of persons with disabilities.<sup>30</sup>

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

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<sup>22</sup> Michigan Disability Rights Coalition, 2012.

<sup>23</sup> Bhanushali, 2007.

<sup>24</sup> Lawson, 2006, p.4.

<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

<sup>27</sup> Michigan Disability Rights Coalition, 2012.

<sup>28</sup> UDHR Article 1.

<sup>29</sup> UDHR Article 2.

<sup>30</sup> Landmine Survivors Network, 2007.

## Box 1. UNCRPD<sup>31</sup>

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:
  - (i) 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;

<sup>31</sup> United Nations, 2012b.

(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.

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.

States parties to the UNCRPD are responsible for allowing full participation in political and public life either directly or through chosen representatives for persons with disabilities. They must also have 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.B. 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 access' 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.



## Global and Regional Context

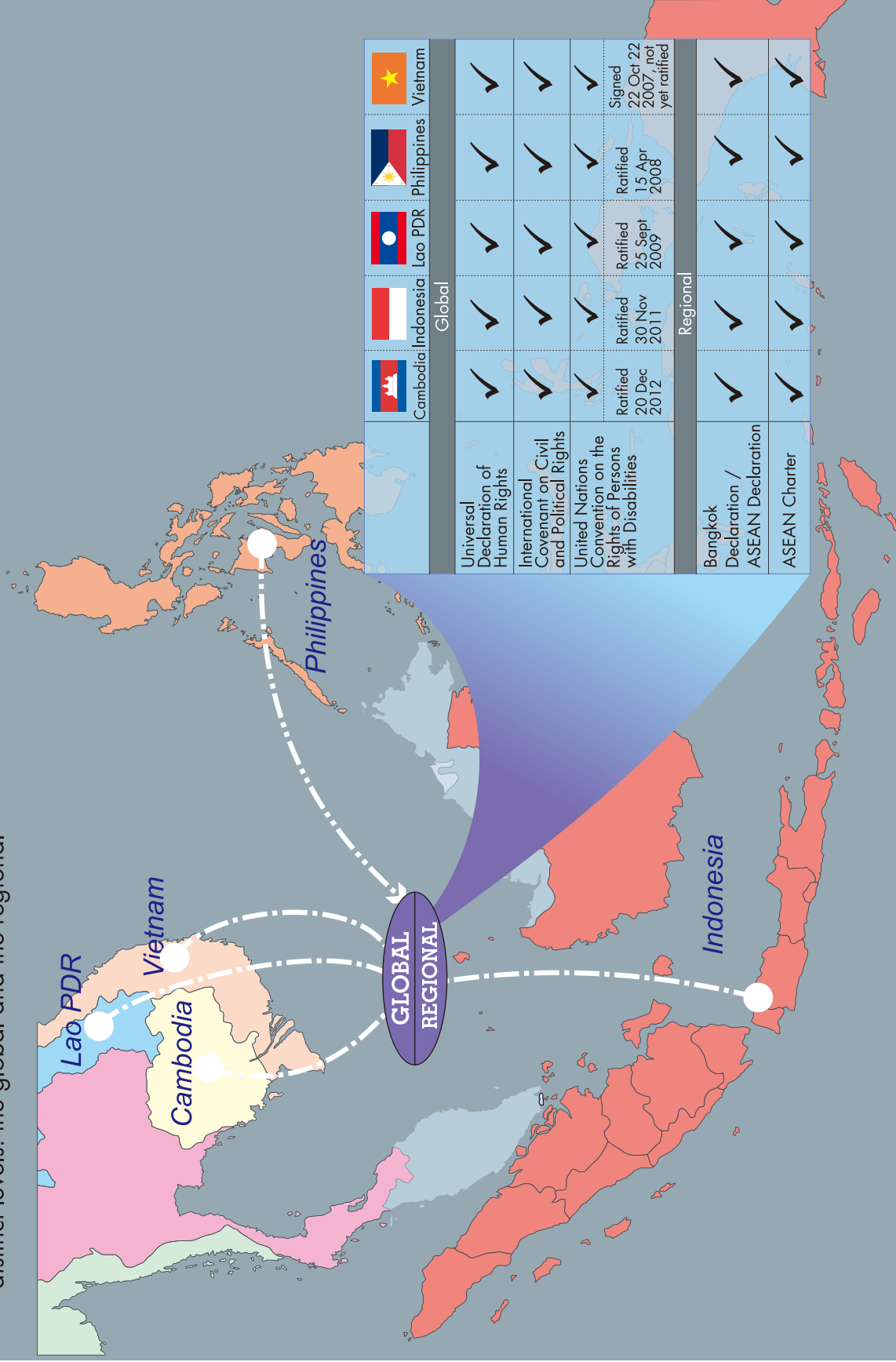
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## CHAPTER III



# Chapter III. Global and Regional Context

The five Southeast Asian states participating in AGENDA have engaged in international cooperation at two distinct levels: the global and the regional







# CHAPTER III

## Global and Regional Context

International conventions, formal multilateral declarations, and global civil society advocacy work, provide the context in which laws supporting the human and political rights of persons with disabilities have developed in Southeast Asia. The five Southeast Asian states participating in AGENDA have engaged in international cooperation at two distinct levels: the global and the regional. This chapter first outlines global human rights instruments and civil society actions before turning to regional efforts to promote and secure the political rights of persons with disabilities within ASEAN, the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP), and allied civil society organizations.

### III.A. Global Context

#### III.A.1. Global Human Rights Instruments

The states of Southeast Asia have signed and ratified several global international instruments that support the political rights of persons with disabilities. The earliest was the *Universal Declaration of Human Rights* (UDHR), the foundational document for international human rights adopted by the UN General Assembly on 10 December 1948. The UDHR states that “[e]veryone has the right to take part in the government of his country, directly or through freely chosen representatives.”<sup>32</sup> All five countries participated in AGENDA's research have signed the UDHR.

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<sup>32</sup> Article 21, paragraph 1.

The *International Covenant on Civil and Political Rights* (ICCPR) provides safeguards for every citizen, including persons with disabilities, in his or her political and civic life. Passed on 16 December 1966, Article 25 of the ICCPR states that every citizen shall have the right and opportunity, “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.” All five countries participated in AGENDA's research are the State Party of the ICCPR (see Table 1).

Table 1. Status of ICCPR in Southeast Asia<sup>33</sup>

Countries	Signature	Formal Ratification
Brunei Darussalam*	-	-
Burma*	-	-
Cambodia	17 October 1980	26 May 1992 (accession <sup>34</sup> )
Indonesia	-	23 February 2006 (accession)
Lao PDR	7 December 2000	25 September 2009
Malaysia*	-	-
Singapore*	-	-
Thailand*	-	29 October 1996 (accession)
The Philippines	19 December 1966	23 October 1986
Timor Leste*	-	18 September 2003 (accession)
Vietnam	-	24 September 1982 (accession)

\* There is no partner organization of AGENDA in the country.  
 \* AGENDA has a partner organization in the country, but it did not participate in the research.

In June 1993, *Vienna Declaration and Programme of Action* was adopted by the World Conference on Human Rights, which further shape the movement of persons with disabilities globally. Article 22 clarifies that “special attention needs to be paid to ensuring non-discrimination, and the equal enjoyment of all human rights and fundamental freedoms by

<sup>33</sup> United Nations, 2012a.  
<sup>34</sup> “‘Accession’ is an act by which a State signifies its agreement to be legally bound by the terms of a particular treaty,” see UNICEF, 2013.

disabled persons, including their active participation in all aspects of society". Furthermore, Article 64 states that "the place of disabled persons is everywhere. Persons with disabilities should be guaranteed equal opportunity through the elimination of all socially determined barriers, be they physical, financial, social or psychological, which exclude or restrict full participation in society".

Building on the UDHR, ICCPR, and the Vienna Declaration and Programme of Action, the *UN Convention on the Rights of Persons with Disabilities* (UNCRPD) was adopted by the UN General Assembly on 13 December 2006.<sup>35</sup> The UNCRPD is the primary document providing the governments of Southeast Asia (see Table 2) the framework and knowledge to address issues related to persons with disabilities in the political and social spheres.

All countries members of AGENDA have signed the UNCRPD, and all but Vietnam have ratified it (see Table 2).

Table 2. Status of UNCRPD in Southeast Asia<sup>36</sup>

Countries	Signature	Formal Ratification
Brunei Darussalam*	18 December 2007	-
Burma *	-	7 December 2011
Cambodia	1 October 2007	20 December 2012
Indonesia	30 March 2007	30 November 2011
Lao PDR	15 January 2008	25 September 2009
Malaysia*	8 April 2008	19 July 2010
Singapore*	30 November 2012	18 July 2013
Thailand*	30 March 2007	29 July 2008
The Philippines	25 September 2007	15 April 2008
Timor Leste*	-	-
Vietnam	22 October 2007	-

\* There is no AGENDA partner organization in the country.

\* AGENDA has a partner organization in the country, but it did not participate in the research.

<sup>35</sup> United Nations, 2012b.

<sup>36</sup> United Nations Enable, 2013.

### III.A.2. International Civil Society Action

Non-governmental organizations and international civil society have played an important role on issues related to the rights of persons with disabilities at the global level. At the World NGO Summit on Disability in 2000, representatives from NGOs from across the world issued the *Beijing Declaration on the Rights of People with Disabilities in the New Century* to call for an international convention to guarantee the rights of persons with disabilities.<sup>37</sup>

Two years later, in September 2002, the International Institute for Democracy and Electoral Assistance (International IDEA) and the International Foundation for Electoral Systems (IFES) convened a workshop in Sigtuna, Sweden, with funding from the Swedish International Development Cooperation Agency (SIDA). Disability rights experts and activists, senior election administration officials and representatives of international parliamentarians from more than 24 countries attended the meeting.

The result of the workshop was the *Bill of Electoral Rights for Citizens with Disabilities*,<sup>38</sup> drafted and endorsed by all participants. The Bill promotes equal political rights for persons with disabilities in public life. It states that, “[e]very citizen shall have the right and opportunity, without distinction on the basis of intellectual, physical, psychiatric, sensory or other disability:

- To have access on general terms of equality to the conduct of public affairs directly or indirectly through freely chosen representatives;
- To participate on general terms of equality in the conduct of elections;
- To register for, and to vote, in genuine and periodic elections, referenda and plebiscites which shall be by universal and equal suffrage;
- To vote by secret ballot;
- To stand for election, to be elected, and to exercise a mandate once elected.”

Following this, at the 2002 sixth world meeting attended by 3,700 representatives from 109 countries, Disabled People's International (DPI), a network of various national organizations

<sup>37</sup> World NGO Summit on Disability, 2000.

<sup>38</sup> Bill of Electoral Rights for Citizens with Disabilities, 16 September 2002.

and associations of persons with disabilities, issued the *Sapporo Declaration*.<sup>39</sup> The Declaration calls for a human rights convention covering various aspects of life, including civil, political, economic, social and cultural rights of persons with disabilities.

## III.B. Regional Context

### III.B.1 Association of Southeast Asian Nations (ASEAN)

The Southeast Asian states comprising the Association of Southeast Asian Nations (ASEAN) have created various partnerships and networks to protect, promote, and recognize human rights and the rights of persons with disabilities.

The *Bangkok Declaration*, the founding document of ASEAN signed in 1967, states as its principal objective the “accelerat[ion of] the economic growth, social progress, and cultural development in the region through joint endeavors in the spirit of equality and partnership in order to strengthen the foundation for a prosperous and peaceful community of South-East Asian Nations.”

As ASEAN's commitment to respect human rights and fundamental freedoms as mentioned in the Vienna Declaration and Programme of Action, in July 1993 the Joint Communique of the Twenty-Sixth ASEAN Ministerial Meeting raised the importance of human rights issues in the region. The Foreign Ministers agreed that “human rights are interrelated and indivisible comprising civil, political, economic, social and cultural rights ... these rights are of equal importance”<sup>40</sup>. In addition, it is emphasized that “the importance of strengthening international cooperation on all aspects of human rights and that all governments should uphold humane standards and respect human dignity”<sup>41</sup> and “the establishment of an appropriate regional mechanism on human rights” was considered.

ASEAN members reaffirmed their support for the principles on the protection of all citizens in ASEAN Charter, produced at the Thirteenth ASEAN Summit held in Singapore,

<sup>39</sup> Disabled Peoples' International (DPI), 2002.

<sup>40</sup> Article 16.

<sup>41</sup> Article 18.

2007. Article 1.7 of the Charter states a purpose of ASEAN is, “to strengthen democracy, enhance good governance, and the rule of law, and to promote and protect human rights and fundamental freedoms”. The document also states that ASEAN is based on the principles of the “respects fundamental freedoms, the promotion and protection of human rights, and the promotion of social justice”<sup>42</sup> and “upholding the United Nations Charter and international law, including international humanitarian law, subscribed to by ASEAN Member States.”<sup>43</sup>

The ASEAN Intergovernmental Commission on Human Rights (AICHR) ensures “the wellbeing of the ASEAN people, ASEAN decided to have their own regional human rights body, which reflects ASEAN's strong commitment to the promotion and protection of human rights and fundamental freedoms”.<sup>44</sup>

### **Box 2. The purposes of the AICHR**<sup>45</sup>

- 1.1. To promote and protect human rights and fundamental freedoms of the peoples of ASEAN;
- 1.2. To uphold the right of the peoples of ASEAN to live in peace, dignity and prosperity;
- 1.3. To contribute to the realisation of the purposes of ASEAN as set out in the ASEAN Charter in order to promote stability and harmony in the region, friendship and cooperation among ASEAN Member States, as well as the well-being, livelihood, welfare and participation of ASEAN peoples in the ASEAN Community building process;
- 1.4. To promote human rights within the regional context, bearing in mind national and regional particularities and mutual respect for different historical, cultural and religious backgrounds, and taking into account the balance between rights and responsibilities;

<sup>42</sup> Article 2.i.

<sup>43</sup> Article 2.j.

<sup>44</sup> The AICHR, 2012.

<sup>45</sup> Ibid, 2009.



- 1.5. To enhance regional cooperation with a view to complementing national and international efforts on the promotion and protection of human rights; and
- 1.6. To uphold international human rights standards as prescribed by the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action, and international human rights instruments to which ASEAN Member States are parties.

Aiming to build institutional capacity to facilitate the involvement of persons with disabilities in ASEAN, DPOs, CSOs, and other organizations from Southeast Asia gathered at the Regional Conference on ASEAN and Disability, held in 2010 in Indonesia. The result of this conference was the *Jakarta Declaration*, by which participants agreed to establish the ASEAN Disability Forum (ADF). It also recommended:

- Empowerment and independence of persons with disabilities;
- Inclusive social development;
- Accessibility of technology and media;
- Capacity building of human rights mechanisms and disability;
- Promotion and protection of the rights of women and children with disabilities;
- Mainstreaming disability issues for persons with disabilities in natural disasters.<sup>46</sup>

The following year, meeting in Bali, Indonesia, for the Nineteenth ASEAN Summit (14-19 November 2011), the ASEAN leaders proclaimed the *Bali Declaration on the Enhancement of the Role and Participation of the Persons with Disabilities in ASEAN Community*. This increased the commitment of member countries to cooperate on political development issues in order to “[p]romote and protect human rights and fundamental freedoms, as well as promote social justice.” Specifically, Article 7 declared to “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.”

<sup>46</sup> Mitra Netra Foundation (Yayasan Mitra Netra), 2010.

ASEAN Member States also proclaimed the ASEAN Decade of Persons with Disabilities for the period 2011-2020. This aims to ensure effective participation of persons with disabilities and to mainstream disability perspectives into policies and programs within the ASEAN community.<sup>47</sup> The Declaration also outlines commitments to be implemented by member states relating to the rights of persons with disabilities in the economic, policy and security, and socio-cultural domains, and to raise awareness about disability issues.

The Decade was emphasized at the ASEAN Ministerial Meeting on Social Welfare and Development in November 2012. At this meeting, ASEAN members committed themselves to assist in achieving the priorities set out in the *ASEAN Socio-Cultural Community Blueprint* through the *ASEAN Strategic Framework and Plan of Action for Social Welfare, Family and Children* developed for the five-year period 2011-2015.<sup>48</sup>

The Framework assigns monitoring and evaluation to become, "a more central objective for ASEAN work"<sup>49</sup> as "domestic and regional mechanisms have not yet been sufficiently implemented to alleviate poverty and discrimination."<sup>50</sup>

The Framework covers disability issues as one of its four priorities, which include the ASEAN Decade of Persons with Disabilities 2011-2020.<sup>51</sup> The Framework "will follow through and build on the past efforts to operationalise the previous Strategic Frameworks of 2007-2010 and 2003-2006 ... [and] will also take into consideration the interest of ASEAN's Dialogue Partners and the relevant United Nations and international/ regional agencies to work with ASEAN to support the ASEAN Communitybuilding by 2015."<sup>52</sup>

For the last five decades, ASEAN has shown its support and dedication in achieving equal rights for all through various efforts and commitment and persons with disabilities is no exception.

<sup>47</sup> National Office for Empowerment of Persons with Disabilities (NEP) of the Thailand's Ministry of Social Development and Human Security, 2011.

<sup>48</sup> ASEAN Secretariat, 2012.

<sup>49</sup> Ibid, p.3

<sup>50</sup> Ibid, p.24.

<sup>51</sup> Ibid, pp.23-31.

<sup>52</sup> Ibid, p.1.

*“Dialogues and close collaboration between government and nongovernment sectors are needed at the regional level in order to address disability issues and mainstream disability perspectives in policies and programmes and in building the ASEAN Community by 2015”*

The ASEAN Secretariat, 2012, p.25

### III.B.2. UNESCAP

The UN Economic and Social Commission for Asia and the Pacific (UNESCAP), the development arm of the United Nations for the Asia-Pacific region, is active in its support for the rights of persons with disabilities in the region.

UNESCAP has promulgated three Asian and Pacific Decades of Disabled Persons covering the periods 1993-2002, 2003-2012, and 2013-2022. The first of these came about through ESCAP Resolution No. 48/3, an historic initiative for disability rights in the Asia-Pacific region. This Resolution included articles urging states in the region to “enhance the equality and full participation of disabled persons.”

To achieve these objectives, UNESCAP adopted the *Agenda for Action for the Decade of Disabled Persons* in Beijing in December 1992. The Agenda identified twelve policy categories as “a list of areas of concern of direct relevance to the development of policies in support of the full participation and equality of persons with disabilities in Asia and the Pacific.”<sup>53</sup> At the meeting, UNESCAP adopted the *Proclamation on the Full Participation and Equality of People with Disabilities in the Asian and Pacific Region*, which by 1997 had 35 signatories, including the five AGENDA research project states.<sup>54</sup>

At the end of the first Decade, UNESCAP representatives adopted the *Biwako Millennium Framework for Inclusive, Barrier-free, and Rights-based Action and Policy Approaches towards Persons with Disabilities* (henceforth: BMF). The most important contribution of the BMF was to encourage a shift from a charity-based to a rights-based approach when considering disability issues. This promotes activities that increase accessibility for persons with disabilities as part of the fulfillment of their fundamental human rights.

<sup>53</sup> Disability Information Resources, 2012.

<sup>54</sup> Cambodia, Indonesia, Lao PDR, The Philippines, and Vietnam.

ESCAP Resolution 58/4,<sup>55</sup> passed on 22 May 2002, extended the Agenda for Action Decade to run from 2003-2012.<sup>56</sup> This Decade was designed to focus on implementation of the *Agenda for Action for the Asian and Pacific Decade of Disabled Persons*. In June 2012, at the end of this second decade, representatives of international and regional organizations met at the Beijing Forum's *Removing Barriers, Promoting Integration* conference organized by the UNESCAP Secretariat.<sup>57</sup> There the *Beijing Declaration on Disability-Inclusive Development* was adopted. This urges governments to ratify the UNCRPD and incorporate disability into their development agenda. The Declaration did not, however, address political rights or election access.<sup>58</sup>

In May 2012, UNESCAP Resolution 68/7 promulgated the Third Asian and Pacific Decade of Persons with Disabilities for the period of 2013-2022. At a high-level intergovernmental meeting in November 2012, representatives of UNESCAP member states adopted the *Incheon Strategy to "Make the Right Real" for Persons with Disabilities in Asia and the Pacific* by setting guidelines and recommendations for the decade ahead. The Incheon Strategy specifically sets the goal of promoting participation in political processes and in decision-making for persons with disabilities.<sup>59</sup>

The relationship between all countries members of AGENDA and key initiatives concerning rights for persons with disabilities can be seen in Table 3.

Table 3. Summary of Legal Framework in South East Asia

	Cambodia	Indonesia	Lao PDR	Philippines	Vietnam
<b>Global</b>					
Universal Declaration of Human Rights	✓	✓	✓	✓	✓
International Covenant on Civil and Political Rights	✓	✓	✓	✓	✓
United Nations Convention on the Rights of Persons with Disabilities	✓	✓	✓	✓	✓
	Ratified 20 Dec 2012	Ratified 30 Nov 2011	Ratified 25 Sept 2009	Ratified 15 Apr 2008	Signed 22 Oct 22 2007, not yet ratified
<b>Regional</b>					
Bangkok Declaration / ASEAN Declaration	✓	✓	✓	✓	✓
ASEAN Charter	✓	✓	✓	✓	✓

<sup>55</sup> ESCAP Resolution 58/4 on Promoting an Inclusive, Barrier-free and Rights-based Society for People with Disabilities in the Asian and Pacific Region in the Twenty-first Century.

<sup>56</sup> The Second Asian and Pacific Decade of Persons with Disabilities for the Asia-Pacific region 2003-2012

<sup>57</sup> UNESCAP, 2012a.

<sup>58</sup> Ibid.

<sup>59</sup> UNESCAP, 2012b.



# Research Methodology

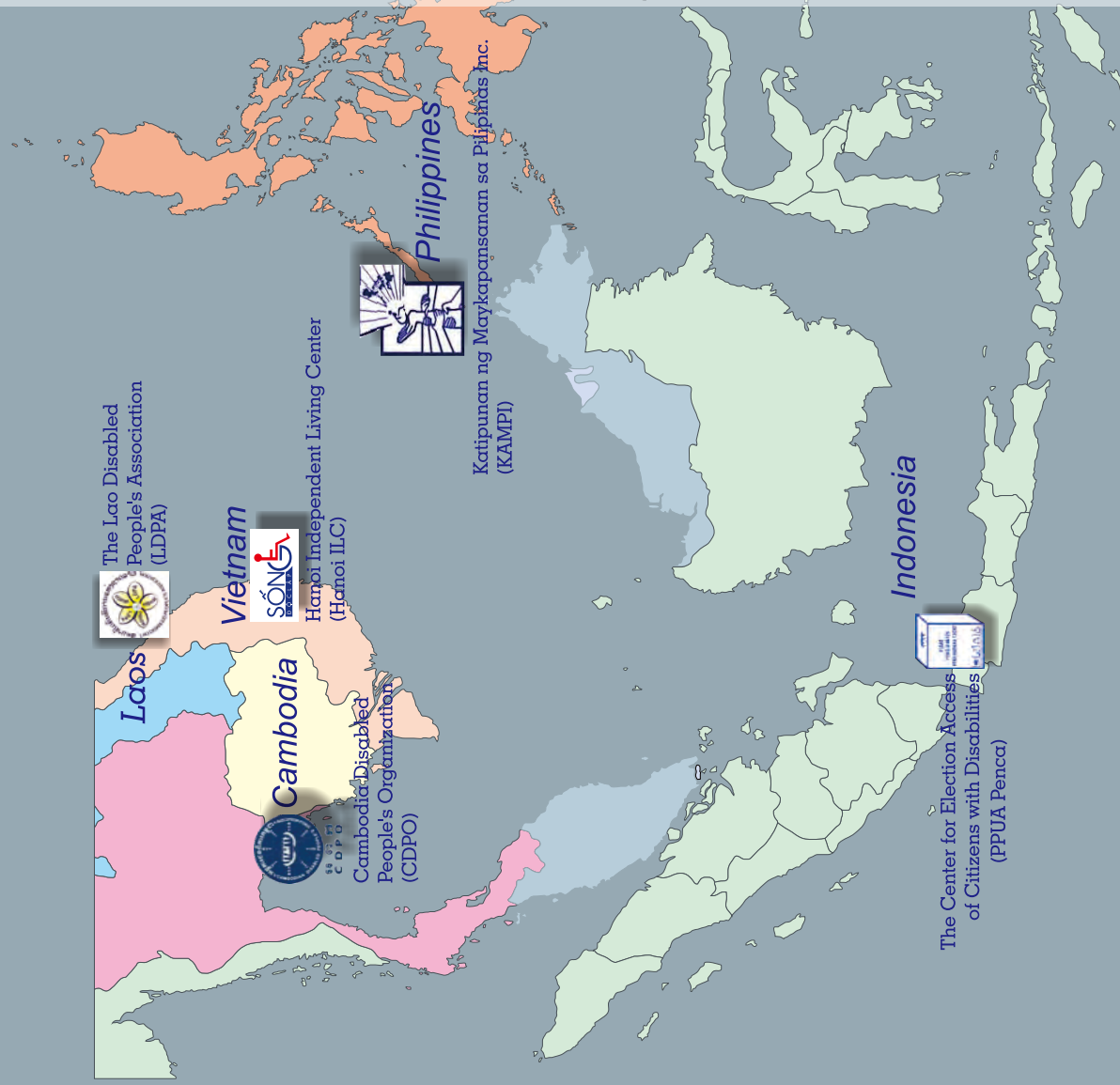
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## CHAPTER IV





# Chapter IV. Research methodology



## Partner organizations:

1. Cambodia Disabled People Organization (CDPO, Cambodia);
2. Center for Election Access of Citizens with Disabilities (PPUA Pencea, Indonesia);
3. Lao Disabled People's Association (LDPA, Lao PDR);
4. Katipunan ng Maykapansanan sa Pilipinas Inc (KAMPI, The Philippines);
5. Hanoi Independent Living Center (Hanoi ILC, Vietnam).

## Data collection methodology:

- i) Desk-based research;
- ii) Qualitative research based on key informant interviews (KIIs) and focus group discussions (FGDs).
- iii) Quantitative (survey) – only in Vietnam and Cambodia.





# CHAPTER IV

## Research Methodology

### IV.A. Location

This report covers Cambodia, Indonesia, Lao PDR, the Philippines, and Vietnam.

### IV.B. Data Enumerators

In each of the five countries one AGENDA partner organization was responsible for data collection. The partner organizations are:

1. Cambodia Disabled People's Organization (CDPO, Cambodia);
2. Center for Election Access of Citizens with Disabilities (PPUA Penca, Indonesia);
3. Lao Disabled People's Association (LDPA, Lao PDR);
4. Katipunan ng Maykapansanan sa Pilipinas Inc (National Federation of Organizations of Persons with Disabilities in the Philippines/KAMPI, The Philippines);
5. Hanoi Independent Living Center (Hanoi ILC, Vietnam).

PPUA Penca took the lead in coordinating and supervising the research activities. PPUA Penca also developed a research manual to be used by partners as a guideline for their research. As part of the capacity-building process, each partner organization was responsible for ensuring national research design was in-line with their resources and capacity, as well as for identifying targeted respondents in their country.

## IV.C. Quality Control

To ensure a standard of validity<sup>60</sup> and reliability,<sup>61</sup> PPUA Penca communicated with partner organizations, observed their implementation and reviewed their research. PPUA Penca appointed at least two reviewers to review each country report. Reviewers were all experts in either disability or electoral issues in their own country.

## IV.D. Sampling Method

Non-probability sampling with a purposive approach<sup>62</sup> was the sampling methodology used for this research. This is because election access for persons with disabilities is a specialist rather than a widely known topic. As a result, respondents needed to be selected as representative key actors based on their knowledge of elections and/or disability.

Respondents were chosen from one of three target groups, with gender balance being taken into consideration:

1. Government bodies and/or agencies including legislatures, and election management bodies;
2. The disability community, including DPOs and persons with disabilities;
3. Other organizations working on electoral and/or disability issues.

Data collection sites were chosen to ensure representativeness. Each partner organization had different sources available to them based on local circumstances. As a result, sample areas were not of equal size. The selected sites were as follows:<sup>63</sup>

1. **Cambodia:** CDPO conducted research in 15 of the country's 23 provinces. These provinces were selected by DPOs based on their having a high number of persons with disabilities living in these provinces. The provinces were Kandal, Kampong Speu, Takeo, Kampong Cham, Kampot, Svay Rieng, Battambang, Kratie, Banteay Mean Chey, Pursat, Koh Kong, Siem Reap, Kampong Thom, Kampong Chhnang and Prey Veng.

<sup>60</sup> Validity is the extent to which a test measures what it is supposed to measure, see Purdue University, 2013.

<sup>61</sup> Reliability is the degree to which a test consistently measures whatever it measures, see Purdue University, 2013.

<sup>62</sup> Non-probability sampling is commonly used when it is not feasible, practical or theoretically sensible to find a random selection of interviewees. Purposive approach means informants were chosen with a purpose in mind, to represent the views and opinions of the target population, in this case the disability community.

<sup>63</sup> The selected sites are available in [Annex III. Sites Selection](#).

2. **Indonesia:** PPUA Penca conducted research in Jakarta, the Indonesian capital, as the majority of key informants live and/or work there. To enrich this data, key informants from other provinces were also selected. In these provinces, representing the west, central and eastern territorial regions of Indonesia, there were DPOs which benefitted from voter education and election simulations in 2002.<sup>64</sup> The provinces of Nanggroe Aceh Darussalam and Jambi were representative of western Indonesia, Central Kalimantan and South Sulawesi of central Indonesia, and Papua of eastern Indonesia.
3. **Lao PDR:** LDPA conducted research in the capital, Vientiane, as most respondents live and/or work in the city. However, as many respondents have previously lived in remote provinces of the country, their responses were taken to represent other regions.
4. **The Philippines:** KAMPI conducted research in eight regions in three areas: Luzon, Visayas and Mindanao. These locations were selected as they have active organizations of persons with disabilities, and so an awareness about election access and electoral issues. These areas are mostly urban and more accessible for participants and researchers.
5. **Vietnam:** Hanoi ILC conducted research in three cities: Hanoi, Da Nang and Can Tho. There were chosen as these cities are seen as representative of the north, center and southern regions of Vietnam respectively. In addition, there are provincial level DPOs in these cities. The DPOs are important as they have an understanding of persons with disabilities and so could assist in data collection.

## IV.E. Data Collection Methodology

Research drew upon two data-collection methodologies:

- i) Desk-based research;
- ii) Qualitative research based on key informant interviews (KIIs) and focus group discussions (FGDs).

Cambodia and Vietnam also made use of surveys to strengthen their quantitative research, with a variation in data collection techniques being applied in each country. Data collection in all regions made use of data triangulation to verify data. This technique is, “used by qualitative researchers to check and establish validity in their studies by analyzing a research question from multiple perspectives.”<sup>65</sup>

<sup>64</sup> PPUA Penca held the voters' education and election simulations.

### IV.E.1. Desk-based Research

Desk-based research was used to gather information that has been gathered by others (secondary data<sup>66</sup>), for example, researchers, institutions, and the government, for the same or related purposes as the current research. A desk review of existing international, regional, national and local instruments, and documentation relating to election and disability rights, was also conducted. The instruments and documents were reviewed to obtain data on legal frameworks, including human rights conventions, laws, regulations, challenges, barriers, and good practices to promote election access for persons with disabilities.

A research inventory was developed for the desk-based research (see Table 4). Each country's research team then collected and printed on-line resources before evaluating the validity and credibility of these sources, with emerging patterns and trends studied.

Table 4. Research Inventory

Topics	Sub-topics
a. Legal framework including human rights instruments	<ul style="list-style-type: none"> <li>• International election laws and regulations at the regional level;</li> <li>• National constitutions;</li> <li>• National disability laws;</li> <li>• National election laws and regulations.</li> </ul>
b. Challenges and barriers to political participation for persons with disabilities	<ul style="list-style-type: none"> <li>• Legal barriers;</li> <li>• Physical barriers;</li> <li>• Social or attitudinal barriers;</li> <li>• Institutional barriers;</li> <li>• Informational barriers;</li> <li>• Environmental barriers.</li> </ul>
c. Good practices to promote election access	<ul style="list-style-type: none"> <li>• Legal framework of election access;</li> <li>• Voter registration;</li> <li>• Voter education;</li> <li>• Election access monitoring</li> <li>• Polling station accessibility;</li> <li>• Partnership;</li> <li>• Participation of persons with disabilities in election.</li> </ul>
d. DPO experience of promoting election access	<ul style="list-style-type: none"> <li>• Overview of DPO efforts to promote political participation and election access;</li> <li>• DPO initiatives with other civil society organizations to promote election access;</li> <li>• DPO engagement with national human rights institutions and EMBs.</li> </ul>
e. Innovations	<ul style="list-style-type: none"> <li>• Assistive technology;</li> <li>• Other innovations (if available).</li> </ul>

<sup>65</sup> Guion, Diehl, and McDonald 2012, para. 1.

<sup>66</sup> Secondary data is data which was collected by someone else than the research team.

## IV.E.2. Qualitative Research

Qualitative data came through Key Informant Interviews (KIs) and Focus Group Discussions (FGDs). The two techniques were used by the country research teams in all five countries.

### IV.E.2.i. Key Informant Interviews

KIs took place with individuals from previously identified groups expected to have information, ideas, and suggestions related to the research topic.<sup>67</sup> Partner organizations identified the targeted groups based on their experience and knowledge of election access and political experience. PPUA Penca, as the lead organization, made sure that all targeted groups were in the list of respondents for KIs.

Table 5. Interviewed Respondents

Respondent	Country				
	Cambodia	Indonesia	Lao PDR	The Philippines	Vietnam
<b>Government</b>					
Ministry or agency	-	-	30	7	22
Legislature	2	5	-	9	-
Election Management Body	24	4	-	11	-
Election Supervisory Body	-	3	-	-	-
<b>Disability Community</b>					
DPOs: National and local levels	10	9	20	12	-
Persons with disabilities	-	-	-	-	-
<b>Others organizations</b>					
Human rights institutions	2	-	-	-	-
Civil society organizations working on election and/or human rights	12	3	-	-	32
Youth organizations	-	-	3	-	-
Women organizations	-	-	3	-	-
<b>Total</b>	<b>50</b>	<b>24</b>	<b>56</b>	<b>39</b>	<b>54</b>

<sup>67</sup> Kumar, 1989.

<sup>68</sup> This body exists only in Indonesia.

There were similarities in targeted groups to be interviewed across the five countries. However, there were also differences. For example, in Indonesia, there is the Election Supervisory Body (*Badan Pengawas Pemilu/Bawaslu*), an institution not replicated in other countries. In the Philippines, KAMPI focused on obtaining information from the government and the disability community. In Vietnam, Hanoi ILC focused on government bodies and the civil society organizations.

The number of respondents interviewed also varied from one country to another. This resulted from the level of availability of respondents and the capacity of the research teams. For example, PPUA Penca had only two data enumerators whilst CDPO could draw upon 30 persons to support their research.

Table 6. FGD Participants

Respondents	Country				
	Cambodia	Indonesia	Lao PDR	The Philippines	Vietnam
<b>Government</b>					
Ministry or agency	-	-	-	-	-
Legislature	-	-	-	-	-
Election management body	-	-	-	-	-
Election supervisory body	-	-	-	-	-
<b>The Disability Community</b>					
DPOs: National and local level	8	7	-	74	-
Persons with disabilities	38	-	9	-	-
<b>Other organizations</b>					
Human rights institutions	-	-	-	-	-
Civil society organizations working on election and/or human rights	10	13	-	7	-
Youth organizations	-	-	-	-	-
Women organizations	-	-	-	-	-
<b>Total</b>	56	20	9	81	-



## IV.E.2.ii. Focus Group Discussions

Focus group discussions were used to learn about participants' perceptions, the attitudes of community members, and members of specific groups.<sup>69</sup> FGDs were designed to create a comfortable and secure environment for participants to express their opinions, and for FGD participants to respond to ideas and comments so that by the end of the session, a deeper and more nuanced insight into a particular topic could be obtained.

Research teams identified potential candidates from different categories of target respondents (see Tables 5 and 6). Once identified, contact details were obtained through the networks of research partner organizations. FGDs were conducted in the offices of partner organizations, and were facilitated by one or two moderators supported by a note-taker.

Although ideally the FGD location should have a video camera connected to an observation room, this was a challenge as with the exception of PPUA Penca, partner organization offices do not support this facility. Nevertheless, with the researcher as the moderator, the quality of the discussions and data collection could be controlled.

## IV.E.3. Quantitative Research

CDPO and Hanoi ILC employed quantitative methodologies through the implementation of surveys. Quantitative methodologies seek to support, "explaining phenomena by collecting numerical data that are analysed using mathematically based methods (in particular statistics)."<sup>70</sup> Surveys are the most standard format used for qualitative methodologies.<sup>71</sup>

In Cambodia, CDPO selected 450 respondents (also CDPO members) to represent 3,000 persons with disabilities in the 15 provinces. The minimum age to vote in Cambodia is 18 years, so this was a selection criterion. Gender balance was also considered.

In Vietnam, Hanoi ILC selected 250 persons with disabilities, aged 18 years or above (minimum voting age), in three cities. Hanoi ILC also classified the targeted respondents based on six types of disabilities as defined in the national law. These disability categories are: physical, hearing/speaking, cerebral palsy, blindness/low vision, learning difficulties and other uncategorized types.

<sup>69</sup> ETR Associates, 2012.

<sup>70</sup> Aliaga and Gunderson, 2000, quoted in Muijs, 2004, p. 1.

<sup>71</sup> Muijs, 2004, p. 1.

## IV.F. Research Strengths and Weaknesses

As already noted, this report is the first of its kind. As such, in addition to the challenges of deciding what data to collect and how to assess it, there were also the logistical and organizational challenges associated with carrying out multi-country research by partners with no experience of working together before. And this condition applied in countries which all have different political systems as well as languages of their own.

Despite these challenges, this report is a testimony to the importance of research which can serve multiple stakeholders with key important baseline data. It is clear both from the Sampling Method and Data Collection Methodology Sections above that it was not possible to be uniform in research methodology. As a result, this report does not claim to be scientifically accurate. The differences in country data collection techniques used make this impossible. However, based on the quantitative and qualitative data collection methodologies employed, this report does give an accurate representation of the state of election access in the five participating AGENDA countries.

The research for this project benefitted from the following strengths:

1. The strong commitment in promoting disability rights and political participation of the partner organizations. This was invaluable for accomplishing this first research report on election access in the region.
2. The active network and partnership amongst DPOs, government agencies, humanitarian organizations and the disability community, which all supported the process of identifying respondents.
3. The expertise in electoral and/or disability issues of both the partner organizations and the researchers in particular. This winning combination helped to enhance the quality of the analysis and its sensitivity to human rights and disability issues.
4. Well-trained data enumerators assisted the process. In Cambodia and Vietnam specifically, the partner organizations were able to recruit persons with disabilities as part of the national data enumerator teams. This was a good strategy not only with respect to the principle of inclusivity, but also to ensure that respondents from the disability community felt more comfortable in sharing their opinions.

5. All partner organizations had a wide network at the grassroots level. This helped to get a better understanding of election access at all levels.

These strengths were set against acknowledged weaknesses for project implementation as discussed above. In addition:

1. The limited time available to conduct the research.
2. Many respondents hold senior positions and have limited time to participate in the research. This proved to be a challenge in obtaining the required information. In Indonesia, data collection was impeded as the schedule coincided with the leadership transition of both the General Elections Commission of the Republic of Indonesia (*Komisi Pemilihan Umum/KPU*) and Bawaslu,<sup>72</sup> resulting in important informants being unable to participate.
3. National legislation does not always have official English translations. This makes the task of referring to the laws more time consuming, not to speak of the possibility of misinterpretation and confusion.
4. Certain types of persons with disabilities were unable to participate directly in the interviews. These included those with hearing impairments, as they needed sign language interpreters, and respondents from the cerebral palsy community who have difficulties in speaking and mobility, and are thus dependant on their relatives to be their “voice”. To ensure full participation in the research, all those involved in the research needed to be provided with suitable accommodation. This included interpreters and assistants who had been trained in election access issues and disability rights.
5. Bureaucratic procedures to enable us to reach all respondents often proved time consuming. At the same time, some key informants were unable or unwilling to be interviewed for personal reasons. Although alternative respondents were found, it may have affected the depth of understanding obtained if the substitute respondent had more limited knowledge of election access issues than the originally selected candidate.

<sup>72</sup> Final selection of members for the KPU and Bawaslu was held from 13-17 February 2012, for submission of names to the president on 24 February 2012, see Siregar, 2 February 2012.

## IV.G. Research Ethics

The rights-based approach is the foundation stone for this research. Such an approach emphasises political rights and participation, specifically on election day, and with a focus on disability access. Persons with disabilities are considered as citizens with full and equal rights, on a par with non-disabled persons.

All data enumerators were trained to communicate with respondents. Such training included how to be patient, how to listen, how to be facilitators, and to be open-minded. They were also trained to be alert to issues arising from and concerning elections and disability.

Training also covered other key issues such as the strict confidentiality of respondents. All respondents were informed about the purpose of the research, and each and every one were asked for their verbal or written consent. At the beginning of each session, interviewers and FGD facilitators were obliged to read through the consent form. Respondents were informed that they could refuse to respond to any question, and/or withdraw from the research at any time. However, they were encouraged to participate as anonymity was assured by a code numbering system to protect the identity of each respondent.



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## CHAPTER V



# Chapter V. Legal Framework



## CAMBODIA

- The Cambodian Constitution
- The Law on the Election of Members of the National Assembly
- The Law on the Protection and Promotion of the Rights of Persons with Disabilities
- Law on Elections for Commune Councils



## INDONESIA

- The 1945 Constitution of the Republic of Indonesia
- Law No. 4/1997 on Handicapped Persons
- Law No. 39/1999 on Human Rights
- Law No. 12/2005 on the Ratification of International Covenant on Civil and Political Rights



## LAO PDR

- The Constitution of the Lao People's Democratic Republic
- The Decree on Organization and Implementation of the National Committee for Disabled People
- Draft Disability Decree on the Protection of the Rights and Interests of Persons with Disabilities
- Ministerial Action Plan on Disability
- The Construction Law No. 05/NA, November 26, 2009



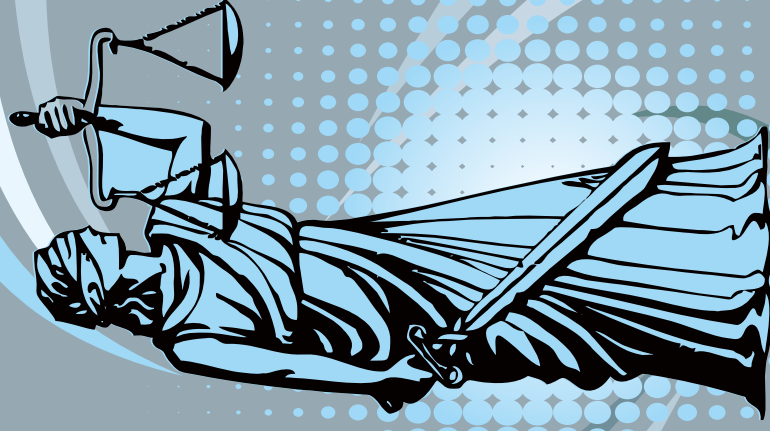
## PHILIPPINES

- The 1987 Constitution
- RA No. 9442
- IRR of RA No. 7277
- Resolution No. 9149
- Resolution No. 9220
- Resolution No. 9485



## VIETNAM

- The National Constitution of Vietnam
- The Ordinance on Disabled Persons
- The Law on Persons with Disabilities
- The Law on the Election of Deputies to the National Assembly
- The Law on Election of Members to People's Councils







# CHAPTER V

## Legal framework

One of the most important elements supporting the access of persons with disabilities to elections is the legal framework of each country. A summary of the situation in each country is given below.

### V.A. Cambodia

The Cambodian Constitution defines the civil and political rights of Cambodian citizens, including the right to electoral participation. The Cambodian Constitution was enacted by the National Assembly in Phnom Penh on 21 September 1993. An amendment was later passed on 4 March 1999. Article 34 of the amendment states that “every Khmer citizens of either sex shall enjoy the right to vote and to stand as candidates for election. Khmer citizens of either sex of at least eighteen years of age, have the right to vote. Khmer citizens of either sex of at least 25 years of age, have the right to stand as candidates for election as members of the National Assembly. Khmer citizens of either sex of at least 40 years of age, have the right to stand as candidates for election as members the Senate.”

In relation to Cambodia's National Disability Law, the government enacted the Law on the Protection and the Promotion of the Rights of Persons with Disabilities (LPPRPD) in 2009. There are several articles in this law which supports political participation and election access for persons with disabilities. Section 9 stipulates the equal right to vote with sanctions for people in violation of the article. Sanctions include fines or imprisonment from one to three years. Section 5 focuses on public accessibility to assist persons with disabilities. These include the provision of ramps, accessory rails in bathrooms and signs. Competent ministries which have responsibility for authorizing construction plans, as well as construction and the inspection of public buildings, must ensure accessibility for persons with disabilities.

In relation to the electoral system, the Law on Election of Members of the National Assembly (LEMNA) regulates elections in Cambodia. There are two specific articles prohibiting mentally ill persons and persons under guardianship, as certified by a competent institution, to stand as candidates in National Assembly elections or to register to vote. The other related article is Article 20 of the amended Law on Elections of Commune Councils (LECC) which prohibits persons certified as mentally-ill or under guardianship from registering or voting in a commune council election. This restriction, based on disability and stipulated in the election laws, places persons with intellectual or psycho-social disabilities at high risk of being excluded from political and electoral processes.

A summary of the laws and regulations in Cambodia are explained in Table 7.

Table 7. Cambodia's Legal Framework

Name of Law/Regulation	Strengths	Area of improvements
The Cambodian Constitution	Clearly defines the civil and political rights of Cambodian citizens, including the right to electoral participation.	Social, cultural and political factors should not act as barriers to disability rights within national development issues. Therefore, the Constitution should be implemented fully.
The Law on the Election of Members of the National Assembly	Mentions the political rights and participation of Cambodian citizens.	The mentally-ill persons and persons under guardianship, as certified by a competent institution, should not be excluded to stand as candidates for the National Assembly elections or to register as voters.
The Law on the Protection and Promotion of the Rights of Persons with Disabilities	Focuses on political participation and election access as well as accessibility of public spaces for persons with disabilities (includes specific articles on political participation and accessibility).	Improvements on the enforcement of the law on disability rights and disability awareness are needed.  The dissemination of information on the law of disability rights and related laws and regulations in Cambodia is needed.
Law on Elections for Commune Councils	Supports the civil and political rights of Cambodian citizens.	Persons certified as mentally-ill or under guardianship from registering to vote in commune council Election should not be prohibited. Based on disability and as stipulated in the Law on Elections for Commune Councils, persons with intellectual or psycho-social disabilities should not be restricted from political and electoral processes.

## V.B. Indonesia

Article 28 of the 1945 Constitution of the Republic of Indonesia stipulates that every Indonesian citizen is entitled to “the liberties of association and assembly, the freedom of thought expressed verbally or in writing and similar rights are to be determined by law.” This article protects the political rights of Indonesian citizens.

In 2000, through the Second Constitutional Amendment process, a new chapter consisting of ten articles focusing on human rights was added to the 1945 Constitution. These articles address the socio-political rights of Indonesian citizens which need to be protected by the government (see Article 28F, 28H paragraph 2 and 4). The newly added articles lay out the diverse rights of Indonesian citizens, such as civil and political rights, including the right to communicate and acquire information and the right not to be discriminated against in the pursuit of equal opportunities and justice. Article 22 of the Constitution discusses the election system and electoral mechanism.

The follow-up laws and regulations listed below cover the electoral system in practice and the rights of persons with disabilities:

- Law No. 4/1997 on Handicapped Persons;
- Law No. 39/1999 on Human Rights;
- Law No. 12/2005 on the Ratification of International Covenant on Civil and Political Rights;
- Law No. 19/2011 on the Ratification of the Convention on the Rights of Persons with Disabilities;
- Law No. 15/2011 on Election Administration (replacing Law No. 22/2007 on Election Administration);
- Law No. 8/2012 on Elections for Members of the House of Representatives, the House of Regional Representatives and the Regional Legislatures (replacing Law No. 10/2008 on the same issue);
- Law No. 42/2008 on the Election of President and Vice President. This law is due to be replaced in the second half of 2013 in preparation for the 2014 presidential election.

The details of each law are explained in the *Accessible Elections for Persons with Disabilities in Indonesia* report. Existing laws and regulations do have strengths and weakness concerning protecting the rights of persons with disabilities to exercise their political rights and participation. Table 8 outlines the framework of the electoral system in Indonesia.

Table 8. Indonesia's Legal Framework

Name of Law/Regulation	Strengths	Areas of improvements
The 1945 Constitution of the Republic of Indonesia	Ensures the equal rights for all Indonesian citizens.	There should be specific articles on disability rights related to political rights. Implementing regulations needed to realize full equal rights for participation of persons with disabilities.
Law No. 4/1997 on Handicapped Persons	Ensures equal participation and opportunities for persons with disabilities in all aspects in life.	1)Should employs terminology with negative connotations. 2)Should not be based on a charity and medical approach to dealing with persons with disabilities.
Law No. 39/1999 on Human Rights	Ensures the human rights of all Indonesian citizens.	There should be sufficient law enforcement in support of the National Action Plan on Human Rights based on a disability-inclusive development perspective.
Law No. 12/2005 on the Ratification of International Covenant on Civil and Political Rights	Ensures particular civil and political rights for all Indonesian citizens.	Ratifies the Covenant but a new law focusing on the enforcement of the civil and political rights of all Indonesian citizens would be more effective.
	Persons with disabilities receive protection relating to political rights and participation.	Law No. 39/1999 can be evoked to enforce Law No.12/2005 even though it does not mention specific articles on disability rights.

V.C. Lao PDR

The Constitution of the Lao People's Democratic Republic was passed in 1991 and amended in 2003. Under the amended Constitution, Article 35 states, “all Lao citizens are equal before the law irrespective of their gender, social status, education, beliefs and ethnic group.”<sup>74</sup> This can be

<sup>73</sup> National Action Plan on Human Rights (*Rencana Aksi Nasional Hak-hak Asasi Manusia*), 2011-2014, see Republic of Indonesia, 2011.

<sup>74</sup> 1991 Constitution of Lao PDR, 2003 Amendment, Article 35.

interpreted to include persons with disabilities as equal to any other citizen. Article 39 of the Constitution ensures the rights of working people who become disabled to certain rights, "Lao citizens have the right to work and engage in occupations which are not contrary to the laws. Working people have the right to rest, to receive medical treatment in times of illness, [and] to receive assistance in the event of incapacity or disability, in old age, and in other cases as provided by the laws."<sup>75</sup>

Lao PDR has passed several national disability laws (see Table 9), including the Decree on Organization and Implementation of the National Committee for Disabled People (NCDP). Adopted in 2009, the Decree has a broad role in dealing with disability, involving government ministries and including a representative of the LDPA. This regulation requires coordination within government ministries and social organizations at the national level to propose to the government a strategic plan, implementing framework, work plans, projects, and policies for persons with disabilities. It also covers coordination with these organizations for the supervision and implementation of these matters after the approval of the Decree.

Disability issues have become more prominent in Lao PDR over recent years. In 2008, the government drafted a *Disability Decree on the Protection of the Rights and Interests of Persons with Disabilities*. The Decree regulates several issues relating to anti-discrimination based on sex, race, ethnic group, language, and causes of disability, economic or social status. The Decree also promotes and creates favorable conditions for persons with disabilities to participate fully in all sectors of society on the basis of equality in all political, economic and socio-cultural aspects.

Article 9 of the draft Decree addresses political participation stating that "the State shall ensure providing persons with disabilities with political rights such as: the right to vote and to be elected, the right to participate in different activities, the right to consultation and to decide on important issues of the country, the right to be nominated for functions at various levels of the Communist Party, state organizations, Lao Front for National Construction,<sup>76</sup> mass organizations and local administrations."

<sup>75</sup> Ibid, Article 39.

<sup>76</sup> This organization is principally concerned with promoting the solidarity of the inhabitants of a particular village, district and province. The main role of this organization is to deal with various topics which might create disharmony within a community. These include ethnicity, religion, language, and culture. The overall aim is to build solidarity in the community to enable citizens to live together peacefully even though they come from different cultural, ethnic and religious backgrounds.

A second key regulation in Lao PDR is the *Ministerial Action Plan on Disability* of 2010. Across government ministries there is a goal to establish action plans to implement the UNCRPD. When developing the Action Plan it was concluded that it was important to focus on education and vocational training, employment, health care services and access to other social services. However, certain ministries faced difficulties in implementing the Action Plan because no specific budget allocation was provided for it. In addition, funds from other sources, such as international donors, have not been sought or provided. The Action Plan will ensure access to buildings, roads, and public spaces for persons with disabilities, as outlined in Article 5, paragraph 4 of the Construction Law No. 05/NA, 26 November 2009. However, the Action Plan does not include any specific provision for the political rights and participation of persons with disabilities.

Table 9. Lao PDR's Legal Framework

Name of Law/Regulation	Strengths	Areas of Improvements
The Constitution of the Lao People's Democratic Republic	Ensures the equal rights of all Laotian citizens across all sectors.	The implementation and enforcement should be improved.
The Decree on Organization and Implementation of the National Committee for Disabled People	Requires coordination within government ministries and social organizations (including DPOs) to elicit a strategic plan with the government, implementing framework, work plans, projects, and policies for persons with disabilities.	The need of enforcement of disability policies at the grass roots level.
Draft Disability Decree on the Protection of the Rights and Interests of Persons with Disabilities	Political right to participation protected and secured for persons with disabilities.	The formalization of the decree is needed.
Ministerial Action Plan on Disability	The Action Plan is focused on education and vocational training, employment, health care services, and access to others social services.	Budget allocation should be provided for by the government or other sources.
The Construction Law No. 05/NA, November 26, 2009	Mandates access to buildings, roads, and public spaces for people with special needs.	Law enforcement and government budget allocation are needed.

## V.D. The Philippines

The Constitution of the Philippines is the supreme law of the Republic of the Philippines. The present constitution was enacted in 1987. It mandates Congress to formulate procedures for persons with disabilities to enable them to exercise their right to vote. The COMELEC Resolution is a procedure promulgated by Commission on Elections (COMELEC) commissioners in relation to the conduct of elections. In the Philippines, there are several COMELEC Resolutions relating to election access and disability.

### V.D.1. Republic Acts and Implementing Rules and Regulations

RA No. 7277, amended as RA No. 9442, is known as the “Magna Carta for Persons with Disabilities.” The act regulates accessible polling places for persons with disabilities for national and local elections. It also emphasizes their political rights and privileges. Section 1 of Rule VIII on registration and voting of the IRR for RA No. 7277 outlines the voting system, guidelines for registration and guides COMELEC, DPOs and other stakeholders how to implement and evaluate the electoral process. The IRR restates COMELEC's role to make use of new and updated technologies and methodologies that will assist persons with disabilities to exercise their right to vote.

### V.D.2. COMELEC Resolutions

Several resolutions were passed by COMELEC to support persons with disabilities in the electoral processes.

#### V.D.2.1. COMELEC Resolution No. 9149

Enacted on 22 February 2011, COMELEC Resolution No. 9149 regulates how election officers assist persons with disabilities in preparing their application forms for registration, and creates express lanes for the elderly, detainees, pregnant applicants and persons with disabilities during the registration process.



## V.D.2.2. COMELEC Resolution No. 9220

Enacted on 12 May 2011, it sets guidelines for the registration of persons with disabilities and allows them to have an assistant when registering and voting. In addition, a Technical Working Group constituted to help formulate policies for persons with disabilities gain greater access to the electoral processes, has recommended types of disability to be identified to enable the Commission to prepare the different kinds of assistance that may be needed on election day. Also under this Resolution, it is established that election officers/poll workers should assist persons with disabilities to fill out the appropriate forms so that they can be identified by the Commission on election day.

Having completed the application form and updated records, COMELEC is able to have information and data of voters with disabilities. The data will be provided for the government to update their registration records, which will be given to the election officials in providing assistance on election day based on the types of disability. With the data, the statistics will be made accessible to all concerned agencies and institutions that promote the rights of persons with disabilities.

## V.D.2.3. COMELEC Resolution No. 9485

COMELEC Resolution No.9485<sup>77</sup> was enacted on 29 June 2012. It allows persons with disabilities to be supported in exercising their right to vote. It regulates accessible polling for persons with disabilities, and the necessary assistance to be provided at the polling place. These include having an assistant, communications assistance such as sign language interpretation, visual assistance and the provision of a waiting area for persons with disabilities inside the voting center. There are standard rules that apply to all the procedures for voting for persons with disabilities, such as the date and time when national and local elections are conducted.

Table 10 is an overview of the national legal framework concerning disability and the election system in the Philippines.

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<sup>77</sup> Rules and Regulations for Voting of Persons with Disabilities and for the Establishment of Accessible Polling Places in Connection with the 13 May 2013 National and Local Elections.



Table 10. The Philippines' Legal Framework

Name of Laws/Regulations	Strengths	Areas of Improvements
The 1987 Constitution	Equal rights for all citizens.	Implementation of the rights of persons with disabilities in relation to political rights and participation should be improved.
RA No. 9442	Emphasizes the rights of persons with disabilities including political rights and privileges.	The need to address attitudinal barriers and lack of disability awareness to improve implementation.
IRR of RA No. 7277	Defines the systems; provides guidelines for registration and voting for COMELEC, DPOs and other stakeholders to implement and evaluate the electoral process.	Improved implementation to fulfill the rights of persons with disabilities in relation to the electoral system.
Resolution No. 9149	Ensures assistance for people with special needs.	The promotion of persons with psychosocial disabilities to exercise their right to vote and the provision of assistance during the registration and voting are needed.
Resolution No. 9220	Regulating guidelines for the registration of persons with disabilities; allows persons with disabilities to be assisted when registering and voting.	The promotion of persons with psychosocial disabilities to exercise their right to vote and the provision of assistance during the registration and voting are needed.
Resolution No. 9485	Ensures the establishment of accessible polling places for national and local elections.	Improved the quantity and quality of accessible polling stations.

## V.E. Vietnam

The present National Constitution of Vietnam was enacted in 1992. An amendment of 2001 guarantees the protection of human rights for all citizens, including persons with disabilities. However, the Constitution does not specifically mention political participation or the political rights of persons with disabilities, only education and employment access for persons with disabilities.

## The Constitution of Vietnam

Article 59, Chapter 5: “The State and society are to provide conditions for handicapped and other specially disadvantaged children to enjoy appropriate general and vocational education.

Article 67, Chapter 1: “The State grants preferential treatment to war invalids, sick soldiers and families of fallen combatants, creates conditions for the rehabilitation of disabled soldiers' working ability, to help them find employment suited to their health conditions and lead a stable life”.

The government of Vietnam has adopted and implemented a number of laws regarding the rights of persons with disabilities (see Table 10). One of the laws is the *Ordinance on Disabled Persons*. This Ordinance is considered as the legal mechanism from which stems the rights and obligations of persons with disabilities in Vietnam. The Ordinance regulates state management of disability affairs in relation to legislation and policies, the classification of disabilities, programs and projects, international cooperation, and the rewards and sanctions relating to legislation.

The Ordinance also established an inter-agency National Coordinating Council on Disability (NCCD) in March 2001. The Council consists of representatives from all ministries and is under the leadership of the Ministry of Labor, Invalids and Social Affairs (MOLISA). The Council is mandated to monitor the implementation of laws and regulations, and coordinates government programs and activities in the disability field.<sup>78</sup>

There are two regulations to support the Ordinance. These are the *Barrier-Free Access Code and Standards for Public Construction* from 2002 and the *Barrier-Free Access Standards and Regulations for Public Transport* of 2009. The first regulates national requirements and standards for accessibility, including basic rules for the accessible design and construction of houses, public buildings, railroads, and sidewalks. The second regulation focuses on accessible public infrastructure and transportation.

In addition, the government has promoted the rights of persons with disabilities through its *National Action Plan to Support Persons with Disabilities* (2006-2010). This Plan signaled a more comprehensive approach to disability issues. A wide range of sectors were covered by it, as were most ministries. Yet, implementation and enforcement to protect the rights of persons with disabilities is still limited due to socio-cultural and political norms and attitudes.

<sup>78</sup> Vietnam National Coordinating Council on Disability, 2001.

In relation to election systems, Vietnam passed two laws in 1997, the *Law on the Election of Deputies to the National Assembly* and the *Law on the Election of Members to People's Councils*. These laws regulate the rights and duties of voters, candidates and election organizers. The regulations make no mention of restrictions or discrimination against persons with disabilities, either in voting or standing for election. Thus, implicitly persons with disabilities have the same rights and opportunities as non-disabled persons in elections.

Article 59 of the Law on the Election of Deputies to the National Assembly specifies that persons with disabilities may ask another person to help them if they are unable to vote by themselves. Article 12 of Chapter 2 notes support must be provided for voters who are unable to go to the polling station in person due to old age, illness, or disabilities.

Table 11. Vietnam's Legal Framework

Name of Laws/Regulations	Strengths	Areas of Improvements
The National Constitution of Vietnam	The Constitution enables the law and regulations to promote and protect all Vietnamese citizens without exception.	Implementation is limited due to social, cultural and political norms and attitudes.
The Ordinance on Disabled Persons	Obliges disability policies to stipulate the rights and obligations of persons with disabilities; covers social protection, anti-discrimination, disability programs and projects, international cooperation, and defines the incentives and sanctions of disability legislation.	Implementation still limited due to social, cultural and political norms and attitudes.
The Law on Persons with Disabilities	Ensures equal rights for persons with disabilities to accommodation, access to healthcare, rehabilitation, education, employment, vocational training, cultural services, sports and entertainment, transportation, public places, and information technology.	Implementation still limited due to social, cultural and political norms and attitudes.
	Provides the legal framework for an inclusive society where persons with disabilities have access to programs and the support necessary for their full participation.	Budget allocation for implementation is still limited due to low disability awareness in government sectors and institutions.

The Law on the Election of Deputies to the National Assembly	Persons with disabilities have equal rights and opportunities as non-disabled persons in elections.	Implementation of the law still limited.
The Law on Election of Members to People's Councils	Regulates the rights and duties of voters and candidates, as well as election organizers.	Implementation of law still limited.



## Challenges and barriers

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## CHAPTER VI

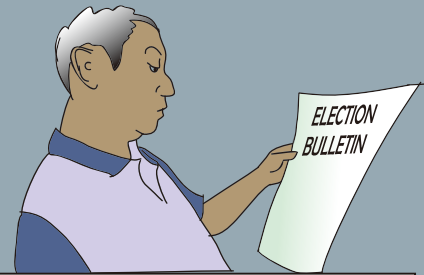


# Chapter VI. Challenges and Barriers

## Legal Barriers

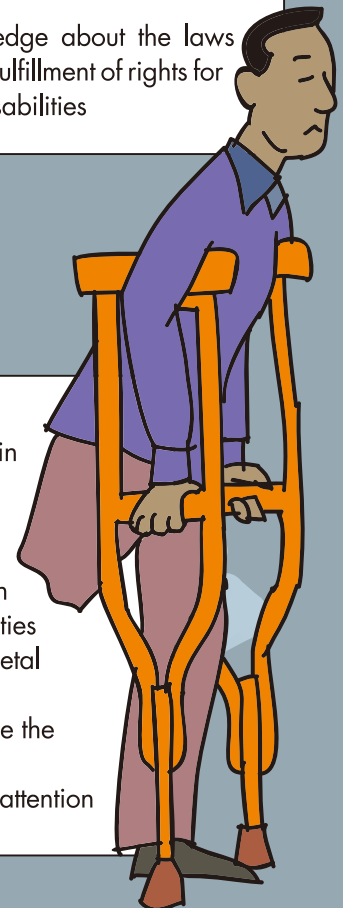
Four of the five countries covered in this study have ratified the UNCPRD, and adopted global and regional human rights instruments to apply the legal prerequisites to support the political rights of PWD. However, incentives to create mechanisms to implement these laws, and public understanding that the Convention is legally binding, remain limited.

A lack of awareness about the existence of the domestic legal framework results in an absence of, or at best insufficient, actions towards implementation



## Informational Barriers

- Voter education and public awareness
- Voter education through the media is still inaccessible for persons with hearing and visual impairments
- Poor dissemination of information and an absence of media campaigns
- Lack of knowledge and awareness about political rights based on the UNCPRD among persons with disabilities
- Lack of knowledge about the laws that ensure the fulfillment of rights for persons with disabilities



## Physical Barriers

- Location of polling stations
- Design of polling stations
- Problems with braille template and human assistants



## Attitudinal Barriers

- Amongst the general public in southeast asia there is a negative stigma towards persons with disabilities
- Due to the negative stigma in society, persons with disabilities are often excluded from societal interaction
- Family members also become the target of discrimination
- Local authorities do not pay attention to persons with disabilities





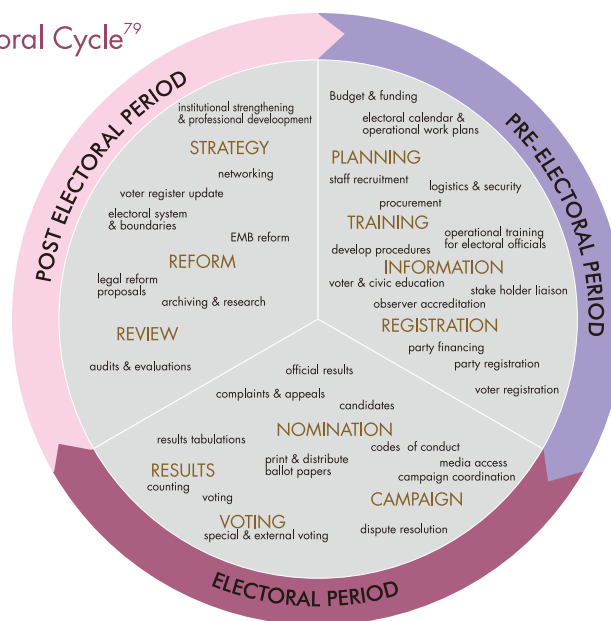
# CHAPTER VI

## Challenges and barriers

The barriers to realizing full electoral participation for voters with disabilities in Southeast Asia are complicated and multidimensional. The cross-cutting legal, informational and practical challenges cover a wide array of obstacles. These include national legal frameworks, accessible voter registration, voter education and information, the physical placing and layout of polling stations, the provision of braille templates, and societal attitudes towards persons with disabilities.

These problems do not just affect the rights of persons with disabilities as voters, but also as citizens, especially if they want to work within the state election administration or stand for office. Problems, therefore, are not “event-specific” focusing only around election day, but occur throughout the whole electoral cycle (see Figure 1).

Figure 1. The Electoral Cycle<sup>79</sup>



<sup>79</sup>ACE Electoral Knowledge Network, 2012.

Based on the findings from the five country reports, there are common challenges that are faced by persons with disabilities regarding election access, despite the unique histories and characteristics of each country. These challenges stem from common legal, informational, physical and attitudinal barriers.

## VI.A. Legal Barriers

The global community acknowledges the rights of persons with disabilities through its adoption of international human rights instruments to promote their inclusion into all aspects of their daily lives. However, realizing these rights is dependent upon the adoption and implementation of appropriate national laws.

### VI.A.1. International and Regional Human Rights Instruments

The UNCRPD is legally binding on signatory states in setting the framework for the rights of persons with disabilities. Four of the five countries covered in this study have ratified the UNCRPD, and adopted global and regional human rights instruments to apply the legal prerequisites to support the political rights of persons with disabilities. However, incentives to create mechanisms to implement these laws remain limited, as is public understanding of the legally binding nature of the Convention. This acts as a barrier to preventing the establishment of a conducive environment for persons with disabilities to exercise their political rights. Despite these shortcomings “the UNCRPD was of historic importance because it was the first legally-binding international instrument enabling persons with disabilities, their representative organizations, and other civil society institutions working in the disability sector to hold signatory states accountable for the promotion and enforcement of disability rights, and the provision of legal redress mechanisms where these rights have been violated.”<sup>80</sup>

*“There is a declaration. But a declaration is not a regulation ... It is accepted, signed, and that is it. But the implementation depends on each country.”*

KII NPO Regional, female, R33, Indonesia

<sup>80</sup> Lang and Kett, 2009.

## VI.A.2. National Legal Frameworks

Despite ratification of the UNCRPD and acknowledgement of the Convention through Law No.19/2011 on the Ratification of the UN Convention on the Rights of Persons with Disabilities, the *Accessible Elections for Persons with Disabilities in Indonesia* report clearly states that “concrete implementation is yet to take place.”<sup>81</sup>

Similarly, the country report for Lao PDR notes, “non-specific legislation results in non-specific implementation.”<sup>82</sup> One respondent described the work of the Ministry of Public Works and Transport but was unsure if the Ministry's strategic plan on socio-economic development is disability inclusive or exclusive.

*“A plan for the development of transportation and road construction is included in the social-economic development plan, but it is often defined in general, without specific mention of disability. However, in practice there has been a particular regulation mentioned about accessible buses for persons with disability.”*

KII Ministry of Public Work and Transport, female, R17, Lao PDR

A lack of awareness about the existence of the domestic legal framework results in a total absence of, or at best insufficient, implementation. Respondents from Lao PDR mentioned how this creates obstacles in supporting the Ministry of Public Work and Transport's action plan to provide financial support for activities promoting persons with disabilities inclusion in national development programs.

The limited legal framework in Lao PDR is considered a hindrance. It results in a continuously widening gap between laws and needs. Most government respondents expressed a belief that disability issues are important for their ministries, but their concerns have not been reflected in national development policies and programs. As the country report for Lao PDR states, “government respondents noted that even though they believe the issue of disability is important, in order for disability to become a priority issue there needs to be a stronger national legal framework for disability. Issues of disability need to be brought to the ministerial management boards and made part of the ministries' strategic plans.”<sup>83</sup>

<sup>81</sup> See Chapter VII.A. Legal barriers of the *Accessible Elections for Persons with Disabilities in Indonesia* report.

<sup>82</sup> See Chapter V.A. Legal Barriers of the Quality and Awareness of Legal Frameworks for Persons with Disabilities in Lao PDR report.

<sup>83</sup> See Chapter V.A. Legal Barriers of the Quality and Awareness of Legal Frameworks for Persons with Disabilities in Lao PDR report.

## VI.A.2.1. Differences of Explanations on Persons with Disabilities

In all countries, existing laws contain general terms that confuse the situation and discriminate against the disability community rather than promote their rights to vote, become election administrators, or stand as candidates. The lack of explanation and clarification concerning certain terminologies used for the classification of disability types reflects the prevailing negative perceptions and ongoing discrimination against persons with disabilities in the region.

For example, in Cambodia, the amended 1999 LEMNA and LECC describe persons with disabilities as “under guardianship” or “insane.” In Vietnam's 1997 Law on Election of Members to the People's Councils, one of the criteria to be an eligible voter or candidate for the People's Council is not to be “mentally deficient.” This term has the potential to become an inhibiting factor for persons with intellectual disabilities due to a misperception that they are the same as persons with psychiatric disabilities who are unable to control their mind and behavior.

In Indonesia, explanations about terminology are inconsistent, with some regulations being accompanied by terminological explanations whilst others are not. For example, to be elected as a legislative member, Article 12 of Law No. 8/2012 stipulates that a person must be “physically and mentally healthy.”<sup>84</sup> One part of the explanation is that the requirement should not “restrict the political rights of citizens with disabilities who have the capabilities,”<sup>85</sup> as “physical impairments are not included in the health problem category.”<sup>86</sup>

The explanation about the requirement for candidates for the House of Representatives or to be the election organizer at any level says people must be “physically and mentally competent.”<sup>87</sup> A Bawaslu member in one FGD clarified that this requirement is “accompanied by an exception that persons with disabilities are not considered as having health problems.”<sup>88</sup>

<sup>84</sup> Article 12, paragraph h and Article 51, paragraph 1h.

<sup>85</sup> The explanation of Article 68, paragraph 2d.

<sup>86</sup> The explanations of Article 12, paragraph h and Article 51, paragraph 1h.

<sup>87</sup> Law No. 15/2011 on the General Election Implementers (Electoral Management Bodies), and Law No. 8/2012 on the General Election of the Members of the House of Representatives, People's Representative Council, and Regional House of Representatives

<sup>88</sup> Taken from *Accessible Elections for Persons with Disabilities in Indonesia* report

The phrase, “healthy in mind and body” as a requirement for public office and “able spiritually and physically to perform the tasks and duties”<sup>89</sup> as a requirement to be a candidate for president or vice president are missing from the explanations in the law. It results in a common interpretation that a person standing for office must be “not disabled” to stand as a candidate.<sup>90</sup> This explanatory discrepancy, as well as misperceptions about disability throughout the Indonesian legal system, creates a real challenge for persons with disabilities, whose rights are often not recognised when it comes to running for office.

### VI.A.2.2. Local Variations

In Indonesia, a further challenge for electoral access comes from decentralization.<sup>91</sup> This extends to the local offices of the KPU (the KPUD) which have the authority to apply national policies in ways they see as appropriate for their respective communities.<sup>92</sup> This results in different systems being in place on election day rather than uniform practice across the country. This in turn affects the logistical and technical operations of elections across the country in different ways.

### VI.A.2.3. A Change of Government Approach

The human rights approach of the UNCRPD is a concept that is yet to influence the way policies and regulations regarding persons with disabilities are shaped. The Indonesia country report shows how current regulations still act to dissuade persons with disabilities from standing as candidates. To stand for legislative election, candidates are required to be literate, but there is a lack of clarification about whether the ability to read braille is acceptable as a test of literacy for persons who are blind or have visual disabilities. Applications for legislative elections, for example, require candidates to be literate, but do not mention whether Braille literacy is acceptable in the case of the visually impaired.<sup>93</sup>

<sup>89</sup> Article 5, paragraph d.

<sup>90</sup> Ibid.

<sup>91</sup> For Indonesia's government structure, refer to Annex 1 of the *Accessible Elections for Persons with Disabilities in Indonesia* report.

<sup>92</sup> Law 32/2005 on Local Government, Article 1.7 defines decentralization as “delegating authority of government power by government to the autonomous regions to organize and manage government affairs in the system of the Republic Indonesia”.

<sup>93</sup> In Indonesia, Law 8/2012 and Law 42/2008 mention that candidates shall be a citizen of the Republic of Indonesia and shall meet regulations, including the ability “to speak, read, and write Indonesian.” Source: Law No. 8/2012 on the General Election of the Members of the House of Representatives, People's Representative Council, and Regional House of Representatives, 2012 and Law No. 42/2008 on the General Election of the President and Vice President, 2008.

*"There are [requirements on] capabilities to read and write. The ability to read is always understood to mean read normally, since there is no equipment, [meanwhile the persons who are blind] use Braille totally [for reading and writing]"*

KII KPU, female, R28, Indonesia

## VI.B. Informational Barriers

Access to clear and coherent information is crucial for all citizens to realize their rights. Citizens need access to information about issues including voter registration, when and where to vote, what is involved in the voting process, how to apply for work as a polling station official, and how to stand as a candidate.

UNCRPD, Article 21:

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, as defined in article 2 of the present Convention

The media plays an important role in shaping public opinions and for disseminating information related to the electoral process. That said, it is not responsible for voter registration and education.

In each country there are challenges for the election management body to conduct voter registration and provide voter education. The issues around these challenges can relate to voter data collection and the identification of needs of voters with disabilities. The media's role in awareness-raising and the provision of voter education for persons with disabilities was not realized. This was primarily due to the lack of information available about how to become an election official and the lack of coordination amongst organizations providing support for the disability community. This resulted in the media's failure to deliver information to clearly targeted audiences.

Amongst persons with disabilities, a lack of knowledge and awareness about political rights based on the UNCRPD is evident. In Lao PDR, respondents indicated that they had either no or only very limited knowledge about the UNCRPD and how it could impact the work of ministerial departments and DPOs.



In terms of national regulations, persons with disabilities still acknowledge that they lack information about the laws that ensure the fulfillment of their rights. Respondents from Cambodia mentioned that despite the fact that the LPPRPD<sup>94</sup> had been enacted four years previously (2009), 58 percent of the 450 respondents claimed that they were not familiar with any laws that promote the rights of persons with disabilities.

In Indonesia, limited knowledge of the laws relating to the UNCRPD remains a major barrier. Limited education, literacy skills, and the lack of availability of the text of the UNCRPD in accessible formats, all combine to prevent disability issues being address due to properly. This is true of Lao PDR too. Meanwhile, in Vietnam, over 50 percent of voters with disabilities are unfamiliar with the national legal framework regarding election and disability issues.

*"I have never heard about the election law. Does this kind of law exist? It is known that the mobile ballot box is brought to persons with disabilities, but I do not know that this is a legal regulation." PWD, male, HN067, Survey, Vietnam*

Although there is limited awareness in Indonesia and Vietnam, there are different levels of understanding amongst different sections of the population depending on their education and social standing. These differences are a consequence of poor voter education and information campaigns which themselves result from a lack of reliable and accurate data about persons with disabilities.

### VI.B.1. Voter Registration

One means of data collection is through voter registration programs. But the kind of detail gathered varies greatly from one country to another. In Indonesia, the KPU uses the data from the population data (Data Penduduk Potensial Pemilih Pemilu/DP4) provided by Ministry of Home Affairs to the KPU fourteen months before the general elections. This does not yet follow the WHO's *International Classification of Functioning, Disability and Health*, commonly used as a reference by the United Nations and other international organizations when conducting population censuses. Thus, problems arise despite the existence of comprehensive election regulations, and widespread expectation that the KPU will gather its own data prior to the elections.

<sup>94</sup> Law on the Protection and the Promotion of the Rights of Persons with Disabilities.

As a result, the KPU is often seen as overlooking the importance of data gathering. The KPU is also held responsible for not providing sufficient information for election administrators to help voters with disabilities with registering. There is also a concern that voter lists do not reflect the total number of persons with disabilities.

To support the work of the KPU, there have been improvements in voter registration since the new commissioners took office in April 2012:

*The KPU has since taken steps in improving voter registration to include information about disabled people for the 2014 elections, a move made thanks to AGENDA. A Memorandum of Understanding (MoU) on increasing the participation of persons with disabilities in elections and the provision of assistive devices (though not on disability registration specifically) was signed on 11 March 2013.<sup>95</sup> Finally, in more recent years, the KPU launched the 'KPU Voter Registration Initiative,'<sup>96</sup> an inclusive consultative process dedicated to developing critical voter registration reforms. Key results from the KPU Voter Registration Initiative include legal, regulatory, procedural and infrastructural reforms that have enabled the KPU to standardize voter registration operations with an eye improving performance in preparation for the 2014 presidential and legislative election. This has resulted in the largest nationwide centrally-managed voter list in the world.s. It is the first time the KPU has implemented nationwide a set of standard operating procedures which include a cascade training program, training manuals for all voter registration staff, and a new updated voter registration software system. The DPO PPUA Penca has been working with the Initiative to ensure that disabled voter data is also collected in a systematic and comprehensive manner with the aim of increasing election access for persons with disabilities.<sup>97</sup>*

In the Philippines, there are concerns about the absence of identity cards which explain that the person is a voter with disabilities. In addition, the absence of persons with disability supplemental forms - which should be provided during the voter registration process - particularly in the Autonomous Region in

<sup>95</sup> NN, 2013.

<sup>96</sup> *Prakarsa Pendaftaran Pemilih KPU*, which was launched in late 2011.

<sup>97</sup> Taken from Chapter VII. Challenges and Barriers of the *Accessible Elections for Persons with Disabilities in Indonesia Report*, Chapter VII. Challenges and Barriers.

Muslim Mindanao is a special concern. Supplemental forms should be completed during registration to determine the kind of assistance voters will need in the upcoming election.<sup>98</sup>

In Cambodia, despite the high percentage of voters with disabilities receiving information on voter registration (72.9 percent), these voters still face problems based on their different types of disability. Respondents stated that doors and corridors of buildings were often not wide enough to enter, registration offices often had no wheelchairs available and there was nobody present to help voters with disabilities. There were also no usable ramps, no handrails, and no tactile markings (in the form of raised ground surfacing with a different texture).

It was noted that voter registration is still conducted in inaccessible locations for persons with disabilities, such as schools, pagodas, and houses. As Cambodian voters are obliged to register their names in person, many respondents stated that they had not registered. They also pointed out that disability is the main reason why the number of registered voters is so low (83 out of 450 respondents).

## VI.B.2. Voter Education

The absence of voter education for persons with disabilities means that insufficient information is disseminated for them by the government through mass media and non-media tools. Thus a vital component in ensuring the success of the electoral process has been lost.

### VI.B.2.1. The Media: Awareness Raiser and Educational Provider

According to the *Accessible Election for Persons with Disabilities in Cambodia* report, voter education through the media is still inaccessible for persons with hearing and visual impairments. Although 77.8 percent of respondents receive voter education, they still face difficulties in acting on the information provided because it lacks clear and easy to understand messages, especially for intellectually impaired persons. A lack of funding also plays an important role in the exclusion of voters with disabilities from the various public outreach programs in Cambodia.

<sup>98</sup> Paredes, 2012.

Poor dissemination of information and the absence of media campaigns characterises the situation in the Philippines and Vietnam. This results in low public awareness about elections. In Indonesia, the media gives insufficient coverage to voter education for persons with disabilities in comparison to the information available to persons without disabilities. And although there is some news coverage, the disability community is still often portrayed from a charity-based perspective.

*"The reason why there is low reporting on the problems faced by persons with disabilities is due to a lack of knowledge about disability issues amongst journalists and it is not considered a 'sexy' topic."*

KII Regional NPO, female, R33, Indonesia

Indonesia and the Philippines also experience inadequate information and inaccessible information in the form of mass produced pamphlets, brochures, billboards, television, and radio broadcasts. Deaf and blind voters are the most disadvantaged group as information in the form of sign language and braille are not widely available. Dr Saharuddin Daming, a commissioner from Indonesia's National Commission on Human Rights for the 2007-2012 period - and a person with visual disabilities himself - lamented the use of sign language is "sparse and intermittent".<sup>99</sup>

*"Persons with hearing disabilities are having difficulties accessing election education."*

KII HRO, male, R02, Cambodia

*"Persons with visual disabilities can hear the voice from television broadcasting very well, but they may not completely comprehend the main concept of the program"*

KII CSO, male, R05, Cambodia

*"If we were able to encourage more of our media people to inform our voters with disabilities about their rights and participation, I think more persons with disabilities would have participated as voters in our last election."*

KII EMB, male, R2, Philippines

<sup>99</sup> Sign language interpreters were available on the Televisi Republik Indonesia (TVRI) television channel in the 1990s, see Daming, 2011.

### VI.B.2.2. Other Forms of Public Information

Apart from the media and the information conveyed in printed materials such as pamphlets and brochures, public outreach programs are often inaccessible for persons with physical disabilities across all five countries.

*“We have programs for the general public, yet we do not have a specific program for persons with disabilities in the electoral process.”*

KII EMB Kampot, male, R01, Cambodia

*“Information about the election is only found in the village office ... and the office cannot be reached easily by persons with disabilities. To register as polling staff, a person then has to go to the local KPU office.”*

FGD CSO, male, R08, Indonesia

### VI.B.2.3. Public Engagement

The role of CSOs, NGOs, and DPOs in helping EMBs to accommodate voters with disabilities in exercising their voting rights is sometimes hindered by a lack of coordination and budget issues.

*“Because the budget [of the Election Management Body] is limited, we provide education for the general public about voter registration and the election.”*

KII NGO, male, R04, Cambodia

*“There has not been [enough] coordination between DPOs and other organizations on disability issues here in Papua to help disabled people participate in the elections.”*

KII DPO Papua Province, male, R43, Indonesia

## VI.C. Physical Barriers

Whether voters with disabilities have full accessibility to exercise their voting rights is most evident on election day itself. The location and design of polling stations, and the availability of assistive devices reflects the seriousness of governments and EMBs in being inclusive for all voters.

### VI.C.1. Location of Polling Stations

Southeast Asia has a wide range of different terrains on which polling stations can be located. This topographical reality needs to be taken into account when addressing the concerns of persons with disabilities.

*"Not enough attention is being paid to geographical conditions when considering polling station locations. For example, in Aceh, it is not flat."*

Indonesia, KII DPO, Nanggroe Aceh Darussalam Province, female, R37,  
Indonesia

*"In Papua, the land is mountainous. Therefore, access is difficult for wheelchair users. The land is not flat."*

KII DPO Papua Province, male, R43, Indonesia

Geographical and topographical factors can only be addressed if transportation issues are also considered. The long distances to polling stations, the lack of private vehicles, and the increase in public transport costs on election day, all influence whether persons with disabilities make the journey to the polling station or not. This issue is often raised in the Philippines.

*"It is my understanding that the government has to provide us with transport from our community to the precinct where we register and vote. We are poor and have no means to transport ourselves. I believe that it is the main role of the government to help us if they need us to get involved in the process."*

DPO FGD, Sanchez-Mira, Cagayan, male, R2, Philippines

Linked to geographical and topographical issues are decisions regarding the siting of polling stations as this influences voter participation.

*“Polling stations that have entrances with doors, and corridors in the building that are narrow, results in people who use wheelchairs having difficulties entering.”*

FGD PWD Takeo, female, R06, Cambodia

*“A number of schools which were built years ago are inaccessible.”*

KII Ministry of Education, male, R11, Lao PDR

*“On election day, some precinct centers are not accessible because they are situated on the second floor or floors which are not disability-friendly.”*

FGD DPO Davao City, Male, R2, Philippines

## VI.C.2. Design of Polling Stations

In designing polling stations which are accessible to all voters, special guidelines and facilities are needed. The issue in Indonesia is the lack of implementation of the guidelines designed to support polling station accessibility for persons with disabilities. As one FGD participant noted, “the regulation is to have a 90cm door width,<sup>100</sup> but in reality it was not met. Almost no polling stations have it, so it is difficult for a person with a wheelchair” (DPO FGD, male, R01, Indonesia).

The Cambodia country report notes several physical difficulties for persons with disabilities. These include a lack of ramps and handrails, inaccessible building entrances, equally inappropriate doors and corridors, door handles, stairs, pathways, sidewalks, and curb ramps.

In the Philippines, there are provisions for special express lanes for persons with disabilities to help them complete the voting process swiftly. However, there are inconsistencies in implementation from one place to another. As a legislator at a KII noted, “as for my observations, in some places

<sup>100</sup> KPU Regulation No. 35/2008 on Technical Guidelines for Voting and Vote-Counting at Voting Stations during the 2008 Election for the House of Representatives, House of Regional Representatives, Provincial and District/Municipal House of Representative Members, Article 21, paragraph 1.



there were no special voting centers for persons with disabilities. Rooms were too crowded for them. In other areas, COMELEC did not put in a special lane for persons with disabilities” (Kil Legislative Body, male, R1, The Philippines).

Meanwhile, in Vietnam, only eight out of 237 respondents had used an auxiliary ballot box. This is a ballot box which can be taken by election officials to the house of eligible voters who are unable to go to the polling station either due to sickness or disability.

## VI.C.3. Problems with Braille Template and Assistants

### VI.C.3.1. Problems with Braille Template Usage

The most common assistive device is a braille template for voters with visual impairment. This helps them to identify their chosen political candidates by matching the numbers printed in braille on the template and making their mark. In Indonesia, templates are not widely used and their availability is inconsistent even though there is a regulation stating that braille templates must be provided at all polling stations.<sup>101</sup>

One FGD respondent noted that “many persons with disabilities are faced with the non-availability of this assistive device on election day. For example, [there are often] no assistive devices for visually impaired voters” (FGD CSO, male, R11, Indonesia).

Due to the multi-party open list proportional representation system used for Indonesian legislative elections, there is also an issue about the size of the template in comparison to that of the polling booth, “For the House of Representatives election, the ballots were huge with a very small voting booth” noted one DPO FGD respondent (female, R06, Indonesia).

In addition, there was a general perception amongst those surveyed that there was insufficient information available about assistive devices. Laws No. 42/2008 and 8/2012<sup>102</sup> regulate the use of braille templates in Indonesian elections. However, because of limited voter education and public information campaigns, the disability community were unable to identify what efforts had been made by the KPU to meet the needs of voters with disabilities.

<sup>101</sup> Law No. 42/2008 on the General Election of President and Vice President, see Article 105, paragraph 2, and Law No. 8/2012 on the General Election of the Members of the House of Representatives, People's Representative Council, and Regional House of Representatives, see Article 142, paragraph 2.

<sup>102</sup> Ibid.



The issue of the provision of braille templates in Indonesia is far more complicated than merely the physical availability of these assistive devices. The regulation states that voters can receive human assistance,<sup>103</sup> so it is often assumed that assistants can substitute for the function of the template, making the availability of braille seen as less important. This created issues during the 2004 and 2009 elections.

However, assistants and templates should be seen as complementary to one another rather than alternatives. As a key informer from Aceh commented, “because there are articles stating that visually impaired persons or other disabled people can be accompanied, this allows policy makers such as those in the local election commission, for example, to be less concerned about providing assistive devices” (KII, DPO, Nanggroe Aceh Darussalam Province, female, R37, Indonesia).

### VI.C.3.2. Problems with Assistants

For voters who need help in casting their votes, human assistance is crucial. But often voters with disabilities are uncomfortable accepting the help of an assistant. In Indonesia, for example, the inability to choose one's own assistant can discourage political participation of persons with disabilities. “There is still a concept that we have to be assisted by polling staff. We argue that we want to be assisted by the person we choose. Therefore the choice should come from us, and not for them [...] ['to decide' is redundant here],” noted one respondent on this issue (FGD DPO, female, R05, Indonesia).

When persons with disabilities are assisted by polling staff, there is also the issue of the secrecy of the ballot. “If [assisted by] the polling officials, there will be bias. We do not know whether the officials will be pro a particular political party” (FGD CSO, male, R08, Indonesia).

Also of great significance is the lack of training for polling staff to assist voters with different types of disabilities in the best way possible on election day. And this despite the availability of guidelines for braille template usage (examples are available in Indonesia and the Philippines).

<sup>103</sup> Law No. 8/2012, Articles 157 and 165.

*“All this time the officials were given guidelines, but never read nor tried to understand them. So maybe all this time they were just trying to be helpful. So, the officials need to understand the rules so they [can assist us] appropriately.”*

FGD DPO, male, R03, Indonesia

*“Other COMELEC personnel did not pay attention to us. I think COMELEC should have rules and guidelines on how they train their personnel on assisting persons with disabilities like us.”*

FGD Davao, male, R3, Philippines

In Lao PDR, it is believed that the challenges in providing election access for persons with disabilities is due to the lack of people in government working in the disability sector and making disability a priority on the development agenda. A Ministry of Labor and Social Welfare informant noted, “Human resources about disability are limited” (KII male, R01, Lao PDR).

## VI.D. Attitudinal Barriers

Underlying all of the above legal, informational, and physical barriers, are negative social attitudes towards persons with disabilities. These are reflected in the disability community itself, as well as from family members, government officials, and election administrators. What is clear from the five country reports is that disability is still seen as an obstacle which hampers the promotion of political rights for the disability community.

### VI.D.1. Society as a Whole

Amongst the general public in Southeast Asia, there is much negative stigma towards persons with disabilities. Persons with disabilities are still perceived as not worthy of equal treatment and respect. This impacts on all aspects of life, including the exercise of one's political rights. As a key Ministry of Labor and Social Welfare informant in Lao PDR noted, “some persons with particular types of disabilities have difficulties in accessing education, particularly vocational training, and societal perception about disability is still low as a result of the lack of support. The consequence is that they become a burden to the family, society and [disability/social] organizations” (KII, male, R04, Lao PDR).

## VI.D.2. Attitudes of Persons with Disabilities

Due to the negative stigma in society, persons with disabilities are often excluded from societal interaction. This results in their lack of pro-active behavior in expressing their opinions and claiming their rights. Therefore, persons with disabilities often receive more limited education and less decent employment opportunities. Based on an FGD in Lao PDR, persons with disabilities often see their disability as the problem rather than the non-accepting environment.

*"Persons with disabilities often have low level of self-esteem, are less interested in politics and have inadequate support from their families."*

FGD DPO, female R04, Cambodia

*"The opportunity might be there, but our friends, the persons with disabilities, did not utilize the opportunity. They might feel less confident, or have mobility issues, so they weren't interested in going to the polling station."*

KII DPO Center, Kalimantan Province, male, R40, Indonesia

*"Other persons with disabilities were nervous to register and vote because they felt that they might make a mistake [in reading] from the instructions since some of them did not finish their schooling."* KII Duty Bearer, male, R5, Philippines

*"Because of our disability and poverty, we are somehow not 100percent interested to be involved politically to vote. We feel discriminated and unaccepted by society."*

FGD DPO Kalibo Aklan, R2, Philippines

## VI.D.3. Family Members

In addition to persons with disabilities, family members also become the target of discrimination. This worsens family members' own perception towards persons with disabilities. According to a survey conducted in Vietnam, 16 percent of families did not provide support for their family member with a disability. They also often made the decisions for whom to vote on behalf of their family members with disabilities.

In Indonesia, an FGD participant commented, “even the families of the persons with disabilities believe it is a curse, a disgrace to the family, and therefore are ashamed, so do not take their family member with a disability to vote” (female, R05).

#### VI.D.4. Legislative Councils and Government Officials

This combination of deep-rooted negative perceptions and the lack of attention to disability issues results in election inaccessibility for persons with disabilities. In Cambodia “some local authorities do not pay attention to persons with disabilities. As a result, they cannot access the voter registration” according to one respondent (KII MLB, male, R02). Regarding the situation in the Philippines, a key informant stated, “there is indeed a lack of interest, concern and dedication of most LGUs (Local Government Unit) in assisting our persons with disabilities in relation to their rights to vote” (KII DPO, female, R3).

#### VI.D.5. Election Administrators

As the executors of the electoral process, election administrators have a responsibility to ensure a successful election for all, including persons with disabilities. However, due to limited understanding about disability, combined with the lack of capacity of administrators, accessibility for persons with disabilities is often overlooked and left unaddressed. The provision of braille templates is also often mistaken as an expensive way to accommodate persons with disabilities.

*“[The KPU's] complaints are in terms of price and for the legislative elections templates are very complicated because there are many names. It is different [to the presidential template]... the template is very complicated, so not easy [to provide].”*

KII Bawaslu, male, R30, Indonesia.

*“Because I see the KPU has too many things to handle, they think [that persons with disabilities] are not that numerous [and not a priority].”*

KII Election Supervisory Body, female, R32, Indonesia

*“For Duty Bearers and Election Management Bodies, respondents expressed that persons with disabilities have developed negative attitude for themselves, as a result of discrimination and lack of education leading to low self-esteem.”*

KII EMB, male, R2, Philippines

## VI.D.6. Political Parties

The final finding concerning attitudes comes from political parties and reaffirms their lack of interest and attention to persons with disabilities in their campaign activities, whether as voters or their representatives. A KPU official stated “persons with disabilities who exercise their right to be elected is very limited. At the same time, awareness amongst political parties is not good enough” (KII KPU, female, R28).





## Electoral Good Practices

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## CHAPTER VII

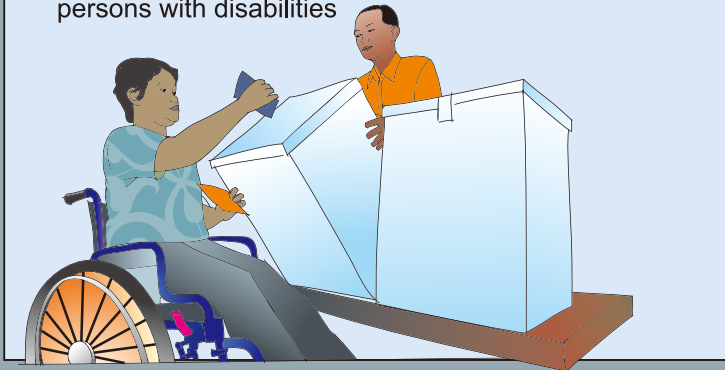




# Chapter VII. Electoral Good Practices

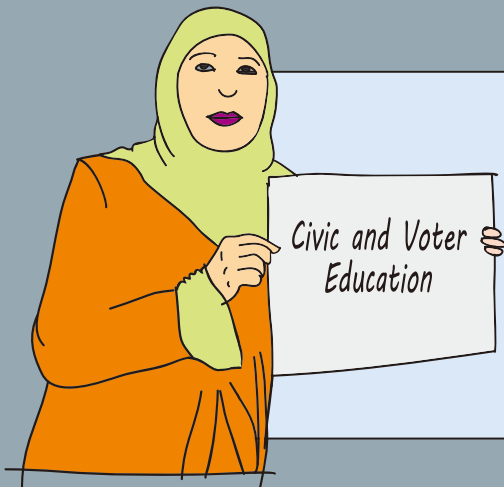
## LEGAL FRAMEWORK ON ELECTIONS

- With four of the five countries having already ratified UNCPRD, itself a turning point for addressing disability issues
- Each of the countries covered in the AGENDA study have laws that support the promotion of the rights of persons with disabilities



## POLLING STATION ACCESSIBILITY

- Accessible location
- Supportive election officials and assistants
- Assistive devices



## VOTER EDUCATION

- Voter education programs observed by AGENDA indicate an improvement in the dissemination of information on disability issues in general, and accessible elections in specific
- Voter education through media
- Voter education through trainings and events

The active participation of several persons with disabilities, as polling station workers, EMB members, and election observers, is testimony to this new empowerment. Indeed, some persons with disabilities even stood as candidates in the elections, with some being elected.



## VOTER REGISTRATION

Data on voters with disabilities has been challenging to gather.

The increasing amount of data about persons with disabilities both in the region and specifically per country is positive for the planning and preparation of elections





# CHAPTER VII

## Electoral Good Practices

Despite the challenges and barriers which persons with disabilities experience exercising their full political rights as citizens, there has been a great increase in awareness and efforts on the part of regional governments and electoral commissions over recent years. This is a positive trend that needs to be acknowledged. This chapter highlights some of the improvements as examples of good practice.

### VII.A. Legal Framework of Election Access

Establishing a supportive legal framework is crucial for protecting and promoting the rights of persons with disabilities. A supportive legal framework helps to establish a clear legal hierarchy and directly contributes to changing public perceptions about disability issues. AGENDA research found evidence that governments are honoring their duties and commitments concerning the political rights of persons with disabilities in the countries covered by this report. Indeed, four of the five countries have already ratified UNCRPD, itself a turning point in addressing disability issues.

#### VII.A.1. Good Wording of Laws

Each of the countries covered in the AGENDA study have laws that support the promotion of the rights of persons with disabilities. These laws explicitly mention that citizens with disabilities shall not experience discrimination in the political sphere, whether as voters or candidates.

## Examples of good legal drafting

Cambodia: “All persons with disabilities have the right to vote or to be a candidate to be elected in accordance to Constitution of the Kingdom of Cambodia and application Election Law. Stigmatization and discrimination with disabilities shall be prohibited.”<sup>104</sup>

Vietnam: “All citizens of the Socialist Republic of Vietnam, irrespective of their ethnicity, sex, social standing, belief, religion, educational level, occupation, length of residence, who have reached 18 years of age, are eligible to vote, and who have reached 21 years of age, are eligible to stand for election to the People's Council in accordance with law, except that they are mentally deficient and those who are stripped of these rights by law or by the People's Court.”<sup>105</sup>

These examples align with UNCRPD Article 29, paragraph B in protecting the fulfillment of the rights of persons with disabilities.<sup>106</sup>

### VII.A.2. Clarification of Terminology

In Indonesia, several laws include explanations that clarify the meaning of terms used to describe persons with disabilities. Examples include the requirements for both candidates for the House of Representatives<sup>107</sup> and election officials<sup>108</sup> to be “physically and mentally competent,” but this shall not “restrict the political rights of citizens with disabilities who have these capabilities.”<sup>109</sup>

In Lao PDR, the Decree on Organization and Implementation of the National Committee for Disabled People (NCDP)<sup>110</sup> states that one of the roles of the NCDP is “to work with the ministries

<sup>110</sup> NCDP is a disability network consisting of government ministries, NGOs, and DPOs to ensure the inclusion of disability-related questions in the census.

<sup>104</sup> The Law on Protection and Promotion of the Rights of Persons with Disabilities, Section 9 (Elections).

<sup>105</sup> The Law on Election of Members to the People's Councils, Chapter 1, Article 2.

<sup>106</sup> See Chapter II.A. Concept of Disability Bawaslu Regulation No. 13/2012 on the Supervisory Procedure in General Elections.

<sup>107</sup> Law No. 8/2012 on the General Election of the Members of the House of Representatives, People's Representative Council, and Regional House of Representatives.

<sup>108</sup> Law No. 15/2011 on the General Election Implementers (Electoral Management Bodies).

<sup>109</sup> Law No. 8/2012 on the General Election of the Members of the House of Representatives, People's Representative Council, and Regional House of Representatives. Explanation of Article 68, para 2d.

and involve organizations to secure the rights and benefits of persons with disabilities; and to help the rehabilitation and development of persons with disabilities.”<sup>111</sup> This is supported by the ongoing drafting of a Disability Decree on the Protection of the Rights and Interests of Persons with Disabilities which includes the political participation of persons with disabilities.<sup>112</sup>

## VII.B. Voter Registration

Data on voters with disabilities has been difficult to gather. For this reason, governments have started to include disability status in their national census and / or in the voter registration process. In Lao PDR, data collection has been carried out by the Ministry of Labor and Social Welfare. The Lao Statistics Bureau plans to include disability status in the 2015 census. In the process, the Bureau will not only engage with government ministries but also DPOs, including LDPA, to capture disability status data in a comprehensive way.

*“The Department of Statistics under the Ministry of Labor and Social Welfare has collected data relating to disability and other disadvantaged people [at the community level].”*

KII Ministry of Labor and Social Welfare, male, R05, Lao PDR.

For the 2004 elections in Indonesia, the Central Agency of Statistics (BPS) and the Ministry of Home Affairs conducted a Special Election and Population Registration (P4B<sup>113</sup>) with the KPU.<sup>114</sup> P4B covers the types of disabilities and the assistance needed on election day<sup>115</sup> for voters with disabilities. In 2010, the BPS started to include questions on disability and degrees of impairment for that year's national census.<sup>116</sup>

<sup>111</sup> 2009 Decree on Organization and Implementation (DOI) of the National Committee for Disabled People, Chapter II. Duties and Rights, No.3.

<sup>112</sup> Article 9 of the Draft Disability Decree on Protection of the Rights and Interests of Persons with Disabilities.

<sup>113</sup> *Pendaftaran Penduduk dan Pemilih Pemilu Berkelanjutan*.

<sup>114</sup> Partnership for Governance Reform (Kemitraan), 2011.

<sup>115</sup> General Elections Commission (*Komisi Pemilihan Umum/KPU*), 2003.

<sup>116</sup> Indonesian Central Agency on Statistics (*Badan Pusat Statistik/BPS*), 2012.

These initiatives indicate an awareness by the Government of Indonesia about the issue, although many logistical and methodological challenges remain.

In late 2011, the *KPU Voter Registration Initiative*<sup>117</sup> was launched as an inclusive, consultative process, focusing on the development of critical voter registration reforms. Key results from the *Initiative* include legal, regulatory, procedural and infrastructure reforms that have enabled the KPU to standardize voter registration operations with the hope of improved performance. The result has been the realization of the largest centrally-managed nationwide voter list in the world, compiled in preparation for the 2014 legislative and presidential elections.

It is the first time the KPU has implemented a nationwide set of standard operating procedures, and includes a cascade training program, training manuals for all voter registration staff, and an updated voter registration software system. PPUA Penca is involved in this initiative to ensure that the data of voters with disabilities is collected in a systematic and comprehensive manner in order to ensure election access for persons with disabilities.

Voter registration in the Philippines has been designed to support voters with disabilities through the provision of special registration prior to election day. This allows for updating registration records. There are also express lanes for persons with disabilities, which allow voters with physical and mobility disabilities to participate better in elections.

*"In my opinion, the special registration and voting precinct facilities for persons with disabilities, as stated in COMELEC resolutions, are something to be praised. We appreciate what the government is doing for us."*  
FGD DPO Davao City, Male R7, Philippines.

The increasing amount of data about persons with disabilities both in the region and on a specific country by country basis is positive for the planning and preparation of elections. However, the needs for refinements in data collection have to be sought continuously.

<sup>117</sup> *Prakarsa Pendaftaran Pemilih KPU.*

## VII.C. Voter Education

Public outreach programs and voter education are compulsory in all five countries. Their goal is to mainstream election access for voters with disabilities. It is the joint responsibility of government, EMBs and civil society to ensure every eligible voter, including those with disabilities, has the opportunity to receive information about the electoral process. The active involvement of civil society and DPOs in particular is crucial to this.

### Role of Civil Society in Electoral Education

*“NGOs have always been active. Regardless of government initiatives, NGOs are very active because they know the issues.”*

KII Regional NPO, female, R33, Indonesia.

*“There were proper information dissemination to persons with disabilities on how to participate in the election process, and it was supported by the local government units, civil society groups and religious institutions.”*

FGD DPO Davao City, Male R2, Philippines

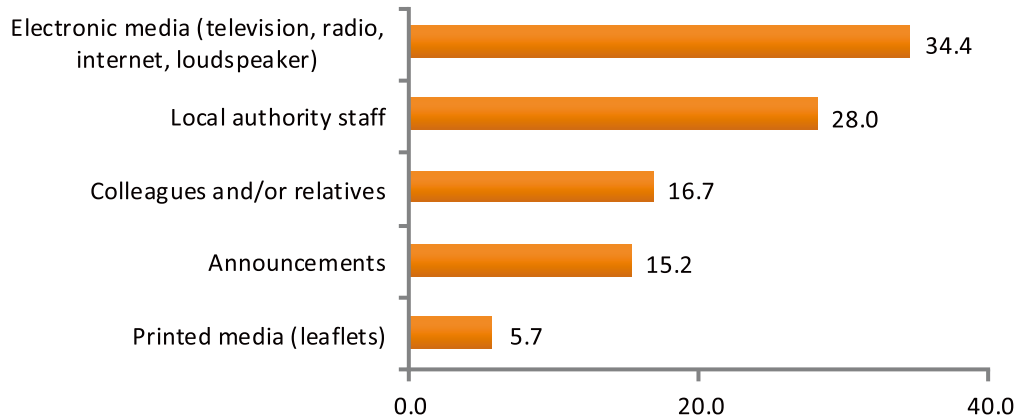
Voter education programs observed by AGENDA show an improvement across all countries in the process of the dissemination of information on disability issues in general and election access in particular. Voter education program types can be classified into two categories: media based and training / event based.

### VII.C.1. Various Voter Education Activities

Based on results from an AGENDA survey in Vietnam, 81.6 percent of respondents with disabilities (204 persons) received voter education. Most of them, 40.1 percent, received voter education through the electronic and printed mass media. Print media materials were usually in the form of leaflets, while electronic media voter education came through television, radio, the internet. In Vietnam, loudspeakers<sup>118</sup> are used and considered an effective tool in Vietnam as they are available throughout all residential units.

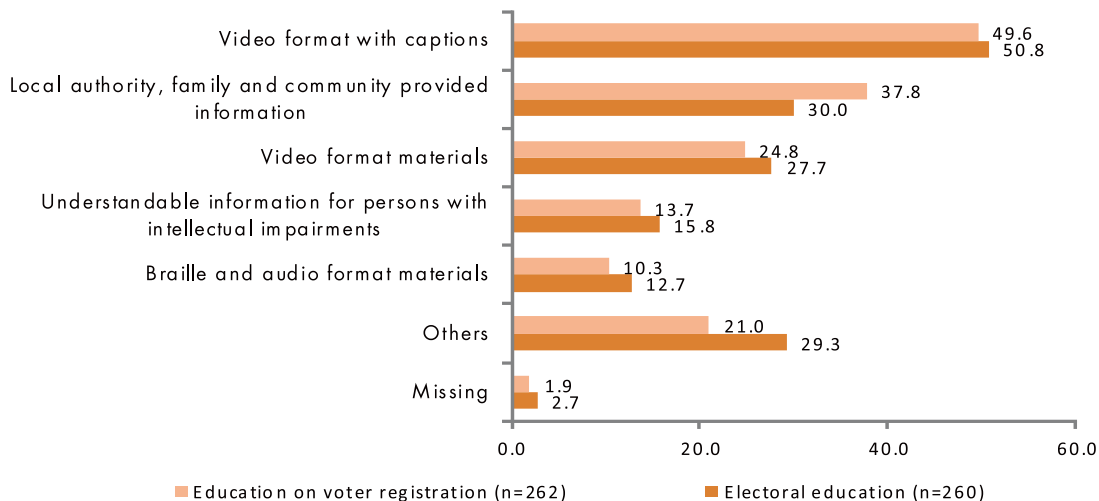
<sup>118</sup> Loudspeakers have a long history of being used to disseminate information in Vietnam, especially during its recent wars against France (1946-54) and the United States (1964-73), to provide information and to warn people. Today they are used to inform people about state policies, regulations, and community events.

Figure 2. Mediums for voter education in Vietnam (% , n=204)



In Cambodia, 58.2 percent of 450 respondents with disabilities confirmed that they received education on the voter registration process, and 50.8 percent on the election. This number shows the effectiveness of voter education to reach voters with disabilities. Accessible materials for voters with disabilities included video with captions, audio and braille formats. Respondents also received information from family members, as well as from their community and local authority.

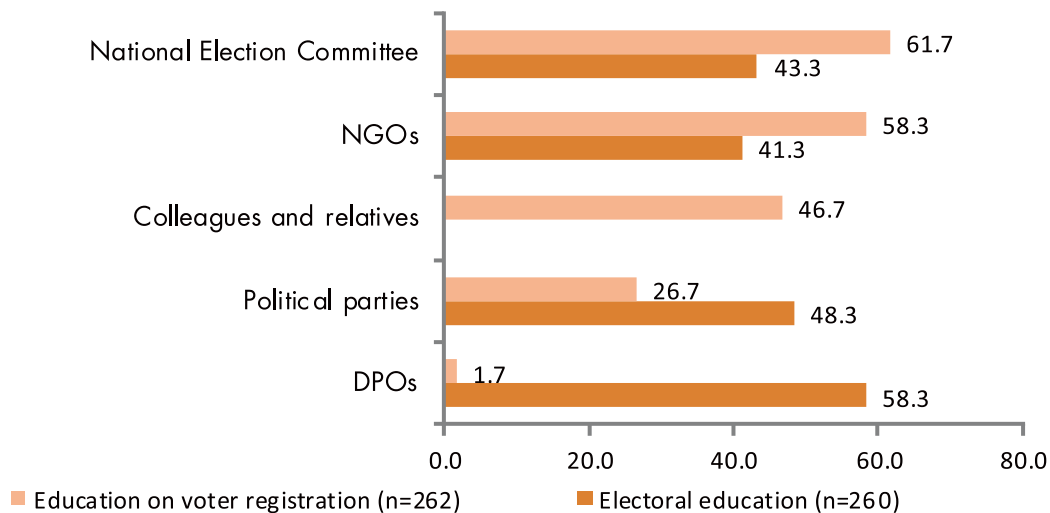
Figure 3. Mediums for voter education in Cambodia (%)



Sources of information for voter education activities in Cambodia include the National Election Committee, political parties, DPOs, NGOs, colleagues and relatives. AGENDA data illustrates that voter registration education was primarily carried out by the National Election Committee and NGOs. Political parties and DPOs played a greater role in electoral education.



Figure 4. Providers of voter education in Cambodia (%)



In Indonesia, PPUA Penca as the pioneer of election access for persons with disabilities has conducted a series of public outreach and education programs for voters with disabilities through a variety of media. These include electronic, print, internet and documentaries. Table 12 illustrates a few of PPUA Penca's activities for the 2004 elections.

Table 12. PPUA Penca Media Voter Education Activities for the 2004 Elections<sup>119</sup>

Types	Media	Information
Talk shows	Radio Republik Indonesia	10 times in three cities (Jakarta, Makassar, Bengkulu).
	Kantor Berita Radio 68H	Two times, rebroadcast through 300 radio stations across 250 cities in Indonesia.
	TVRI (national and local level)	Three times at local level, two times (twice?) at national level.
	Television and radio	In eight provinces (West Java, Central Java, East Java, Yogyakarta, Bali, South Kalimantan, South Sulawesi, Bengkulu).
Documentary	-	Accessible elections for voter with disabilities.

These activities highlight disability-related issues in elections and demonstrate a growing understanding that election access is important. Importantly, election officials and observers were involved in some of the activities. As a Bawaslu official commented, “Once, [we were involved in] a talk show on TV promoting accessibility for persons with disability... we helped prepare the checklist that would better serve [persons with disabilities in elections]. We were invited by the community [that cares about accessible elections], and by PPUA Penca too” (KII Bawaslu, female, R31, Indonesia).

In Lao PDR, the government is involved in disability issues, with the Ministry of Information, Culture and Tourism providing some disability-related news. A Ministry key informant commented, “We have often reported on disability issues... There have been events, campaigns conducted by government departments which included disability” (KII Ministry of Information, Culture and Tourism, female, R22, Lao PDR).

## VII.C.2. Voter Education Through Trainings and Events

In addition to the voter education for the 2013 and subsequent elections provided through the media, the Education and Information Department of COMELEC held a *National Voter with Disabilities Registration Week* on 18-23 July 2011. This event was publicized through the mass media, including television and the internet. Materials were formatted for print media and posters. At the local level, COMELEC disseminated information through different means. These included radio, television, posters (displayed in public places) and Sunday Mass. COMELEC also coordinated with the League of Cities of the Philippines (LCP), the organization mandated to produce posters and share information through their website.<sup>120</sup> The *Alyansang may Kapansanang Pinoy* (AKAP Pinoy) and the Inter-agency and NGO Network on Empowering Persons with Disabilities,<sup>121</sup> also disseminated news about the event through their networks.<sup>122</sup>

To raise awareness about the needs of voters with disabilities, practical training is important. In Indonesia, IFES organized two special simulations on election access in Jakarta. The first on voter education for persons with hearing impairment was held in 2002.<sup>123</sup> In 2004, PPUA

<sup>119</sup> PPUA Penca, 2005 quoted in Daming, 2011.

<sup>120</sup> Sarmiento and Amora-Ladra, n.d.

<sup>121</sup> The Inter-agency and NGO Network on Empowering Persons with Disabilities is a working group that is composed of government, disabled people's organizations (DPOs) and civil society and is mandated to propose policies and plans to COMELEC on increasing access to electoral processes, see International Foundation for Electoral Systems (IFES), 2012.

<sup>122</sup> Ibid.

<sup>123</sup> PPUA Penca, 2004 quoted in Daming, 2011.

Penca conducted a similar training for election officials in Lampung, Central Java, West Java, South Kalimantan and South Sulawesi.<sup>124</sup> Information was disseminated by officials to poll workers at the district and city level, followed by election simulation exercises.<sup>125</sup>

The participation of CSOs in electoral issue public outreach is important. One CSO respondent (FGD CSO, male, R11, Indonesia) shared information about the Disabled Children Development Foundation (*Yayasan Pembinaan Anak Cacat*/YPAC). This organization invited a number of first-time voters with disabilities to receive voter education from a KPU representative.

Because of the efforts being made by various stakeholders, including election officials, political parties, and NGOs, the mass media has started to pay attention to the concerns of the disability community, although not yet as systematically or comprehensively as it should.

*"Now there is attention from the KPU, many members of the KPU understand our [DPO] recommendations."*

FGD DPO, male, R01, Indonesia.

*"Once in a seminar in 2001, when we raised the issue of electoral democracy, because it was something new, the reporter was eventually eager to cover us, which helped to raise the visibility of our disabled friends. Many leaders of the disabled community were interviewed here and there, and our activities widely publicized."*

FGD DPO, female, R05, Indonesia.

*"Before I was invited to take part in AGENDA's activities [for the first time], I did not realize that persons with disabilities have [different needs to exercise their election] rights. For example in the polling station that I went to in my neighborhood, there were some voters with disabilities, but I was not aware they had issues. Recently I understood the problem. Previously, when [I used to] monitor elections, I did not really think about whether persons with disabilities can vote or not."*

FGD NGOs, female, R16, Indonesia

<sup>124</sup> Ibid.

<sup>125</sup> Ibid.

*"[While] some political parties campaign for disabled peoples' votes only in the rehabilitation centers, the PDIP [Indonesian Democrat Party of Struggle] were more inclusive by inviting us to participate actively in their [public outreach programs]."*

KII DPO Papua Province, male, R43, Indonesia.

## VII.D. Election Access Monitoring

Bawaslu, Indonesia's Election Supervisory Body, is responsible for monitoring the implementation of the electoral process; no equivalent body is found elsewhere in the region. In performing this duty, Bawaslu has provincial and district level Election Supervisory Committees (Panwaslu).

The duties of Bawaslu are laid out in Law No.22/2007 on Electoral Management. Bawaslu employs monitors in the field and has established its own working mechanisms parallel to those of the KPU by which voters can file complaints.<sup>126</sup> There are no specific articles in the law concerning the obligations of Panwaslu and Bawaslu to monitor the fulfillment of the rights of persons with disabilities. However, two respondents from Bawaslu (KII, male, R30, Indonesia and KII, male, R31, Indonesia) stated they do monitor activities which affect disabled people derivings from their obligation to "have a non-discriminatory attitude in performing their duties and authorities", and to "receive and follow up on reports relating to an alleged violation of the election legislation implementation" and to "perform other duties provided by laws and regulations."<sup>127</sup>

DPOs and NGOs working on electoral issues have helped to monitor the implementation of elections since 2004. For the 2004 legislative elections, PPUA Penca monitored eight provinces, including Jambi, Jakarta, West Java, Central Java, and South Sulawesi.<sup>128</sup> In the first round of the 2004 presidential election, the Indonesia Election Observer Community Network,<sup>129</sup> included disability-related questions in their monitoring questionnaires which were distributed to over 28,000 polling stations in more than 25 provinces across the country.<sup>130</sup>

<sup>126</sup> Bawaslu Regulation No.13/2012 on the Supervisory Procedure in General Elections.

<sup>127</sup> Law No.22/2007, Article 75.

<sup>128</sup> Daming, 2011, p.312.

<sup>129</sup> An Indonesian election monitoring network, and a partner organization of AGENDA in Indonesia, consisting of the People's Voter Education Network (JPPR), Centre for Electoral Reform (Cetro), and the Indonesian People's Network of Election Observers (JAMPPI).

Questions focused on whether the location of polling stations was accessible for persons with disabilities and if braille templates were available at the voting booth.<sup>131</sup> For the second round of the presidential election, the United Nations Development Programme (UNDP) provided funding for PPUA Penca to monitor electoral activities in 25 districts and cities in West Java, 10 districts in the province of Jambi and 13 in South Kalimantan.<sup>132</sup>

The 2009 national elections were monitored by the Indonesian Association of the Blind (Pertuni). As a DPO set up specifically for the visually impaired in Indonesia, Pertuni was especially vigilant about the provision of braille templates at polling stations.

## VII.E. Polling Station Accessibility

The accessibility of polling stations on election day is a major indicator of election access. Full accessibility for voters with disabilities to polling stations is an ongoing concern. However, based on both formal and informal monitoring reports, there are accessible polling stations.

The Cambodia country report illustrates how elections were accessible for voters with disabilities. The assistance they received from family members (58.8 percent), community members (39 percent) and EMB officials (24.2 percent) was a significant contributing fact. It also shows that voters with disabilities in Cambodia relied more on family than EMB officials, and that procedures permit family and / or community to assist voters with disabilities.

Based on research findings from the Cambodian country report (see Figure 5), accessibility is supported by four main categories, including support from family, accessible polling station locations, supportive election officials and assistants, and assistive devices.

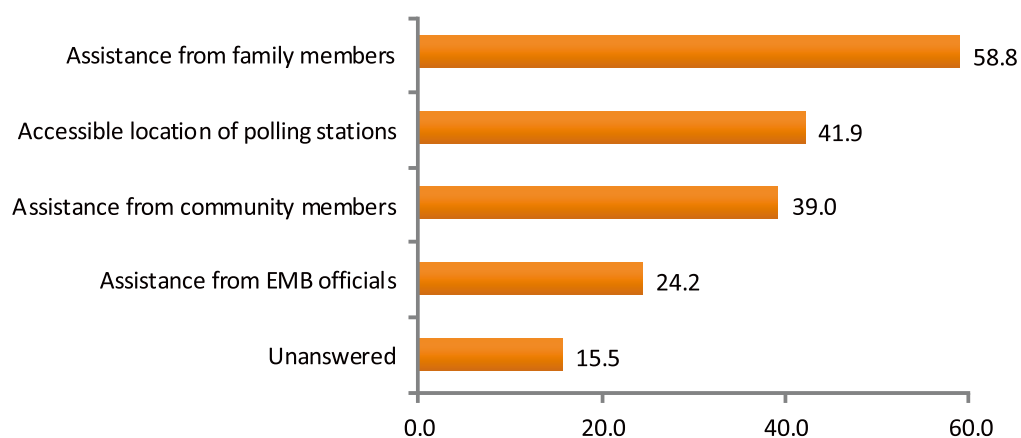
### VII.E.1. Accessible Locations

The research identified polling stations that had considered accessibility for voters with disabilities. The arrangements were effective as the EMBs utilized existing buildings and/or sites which are accessible for persons with disabilities.

<sup>131</sup> Ibid., pp.262-263.

<sup>132</sup> Ibid., p.313.

Figure 5. Polling station accessibility in Cambodia (% , n=277)



For the 2009 elections in Indonesia, a polling center in Wiyata Guna, Bandung, West Java, was set up inside a school for the blind. It accommodated two polling stations, one of which was dedicated to the blind residents of the school.

*"In Bandung [West Java] there is a blind community, which has a well known complex, Wiyata Guna. The KPU is very wise: they set up a polling station there for our blind friends, so that they can access it easily."*

FGD CSO, male, R11, Indonesia

Another example was found in Semarang, Central Java. There, a polling station was set up in a sports arena close to a charitable foundation established to help empower the livelihoods of persons with disabilities in the area. Although the polling station catered for all members of the public, the location was picked because of its proximity to the community of persons with disabilities.<sup>133</sup>

For the 2011 elections in Vietnam, one polling station in the Cau Giay district of Hanoi was located at the Trung Hoa Vocational Training Center for the Blind. This polling station aimed to help members of the Center, around 50 eligible voters with visual impairments, to vote. Another example is the polling station at the Bridge Center, a vocational training center and social enterprise in Can Tho. At this polling station, 57 voters with disabilities were able to vote.

<sup>133</sup> Source person: KPU, male, R27, Indonesia.

In 2012, the government of the Philippines allowed voter registration to take place in shopping centers. This was appreciated by voters with disabilities as shopping centers usually have access for persons with disabilities. One respondent shared his opinion, “These are just baby steps yet it created a ripple of change. COMELEC has to redouble its efforts and a lot has to be done to encourage persons with disabilities to register and participate in the elections” (KII EMB, male, R12, Philippines).

Aside from accessible sites, voters with disabilities in the Philippines were supported by the availability of express lanes at polling centers. This is highly appreciated for its convenience by voters with disabilities.

*In our place, we had an express lane and we were so happy that our government answered our requests.*

KII DPO, female, R5, Philippines.

*“The COMELEC officials in our precinct were very supportive, they put in a special lane for us and we were able to finish quickly.”*

KII DPO, female, R4, Philippines.

## VII.E.2. Supported Election Officials and Assistants

To increase participation on election day, officials, family, and community members assist voters with disabilities who need help. This is important for giving all eligible voters the opportunity to vote. However, it does not mean that assistants are a substitute for assistive devices.

This provision is often found written into national laws. This has occurred, for example, in Indonesia and the Philippines. In Indonesia, the role of assistant for voters with disabilities is guaranteed by Law No. 8/2012 on the General Election of Members of the House of Representatives, People's Representative Council, and Regional House of Representatives, as well as in Law No. 42/2008 on the General Election of President and Vice President.

In the Philippines, the law goes into greater detail about assistance for voters with disabilities. COMELEC Resolution No. 9220 identifies the different types of support needed from assistants (known as 'assistsors'), based on types of disability: visual disability, hearing disability, speech disability and physical disability.

Although no laws specifically mention this kind of support in Vietnam, implementation is promising. DPO initiatives to assist voters with disabilities have had an impact. During the 2011 elections, members of Hanoi ILC assisted in voting by making available personal assistants who went along to the polling station and assisted voters to mark and cast their ballot.

### VII.E.3. Assistive Devices : Braille Templates

Assistive devices for voters with visual impairment are found in Cambodia and Indonesia. Semi, the name of the ballot template for voters with visual impairments in Cambodia, has been available since 2008. An EMB official commented, “We have ballots for persons with visual impairments and we also provide them assistance; we informed all election committee staff to pay attention to all voters” (KII EMB Kampong Cham, male, R010, Cambodia).

In Indonesia, it is a legal requirement for braille templates for blind voters, or those with visual impairments, to be made available at all polling stations. Although there may be issues concerning template design and distribution to polling stations, this is seen as part of the ongoing process of the commitment of the Government of Indonesia and the KPU to ensure that elections are fully accessible to persons with disabilities.

*“So, actually the assistive device was there, the [braille] template was provided.”*

FGD DPO, female, R06, Indonesia

*“Yes, I have [been to polling stations and seen] braille templates [there]. I often find [this to be so and we] were given [the template]. Although we, Bawaslu, do not know the actual numbers of voters who need braille [templates] I discovered [in the polling stations I went to] that templates were being provided].”*

KII Bawaslu, female, R31, Indonesia

*“Almost all polling stations in South Sulawesi use the [braille] templates for the visually impaired.”*

KII DPO South Sulawesi province, male, R41, Indonesia



## VII.F. Good Practice Examples

Despite the challenges and barriers in election access, persons with disabilities in the five countries have been empowered. They are not only aware and understand their political rights, but have also started to be persistent in attaining these rights. This was particularly noted in the Philippines.

The active participation of several persons with disabilities as polling station workers, EMB members, and election observers, is testimony to this new empowerment. Indeed, some persons with disabilities even stood as candidates in the elections, with some being elected.

*"Persons with disabilities have empowered themselves with the support of other organizations. These persons with disabilities have been advocating their rights to vote."*

Kil Legislative Body, male, R2, Philippines

*"Other persons with disabilities have taken some steps to follow the government laws. They are the ones who still argue and dispute with the national and local government officials about the persons with disabilities' rights to vote. We are thankful for they are our defenders and advocates."*

FGD DPO Sanchez-Mira, male, R2, Philippines

### VII.F.1. Election Administrators, Supervisors and Observers

Based on a survey of persons with disabilities in Cambodia, nine respondents (2 percent) worked as polling station workers, with 40 respondents (9 percent) as election observers. Whilst this number may not appear high, it does convey a sense of progress.

In Indonesia, there are several examples of persons with disabilities being elected or working temporarily as polling station staff, but there is no data on how many persons with disabilities have worked as election administrators. However, one DPO respondent commented, "[I know] many friends [with disabilities] who have become polling station staff, also [who have worked in the] KPU [itself]. I think there is no issue if we [work as] polling officials or in the local election administration" (FGD DPO, male, R01, Indonesia). A second respondent stated, "polling staff are selected by the neighborhood."<sup>134</sup> I am head of the neighborhood here [in Jambi], and [consequently] also of the polling station on election day. I also happen to have a disability" (KII DPO Jambi, female, R38, Indonesia).

<sup>134</sup> Neighborhood (*Rukun Tetangga* or RT) is the smallest division of territory in Indonesia. Each neighborhood usually consists of 30 families.

Two persons with disabilities have worked at the regional KPU and Panwaslu. In Sleman, Central Java, Suryatiningsih Budi Lestari, a woman with disabilities resulting from polio, serves as a member of the Law and Monitoring Division of the regional KPU. Rahmah Rusli, who has physical disabilities, serves as an election supervisor in Aceh Barat Daya district of Aceh. Although at first there were criticisms about her employment due to the fact she has no arms, her ability to do the job was found to be more important.

*"There is a person with disability in KPU [in Yogyakarta]. One of the KPU members has a disability. We have to nominate her again, moreover she is a woman."*

KII Legislative Body, male, R23, Indonesia

*"When we tried to select one of the Supervisory Committee [in] Aceh region there was quite a lot of feedback from people belittling the ability of [the candidate]. Was it appropriate for Bawaslu to pick a person who obviously has disability, while there were many who were perfect [non-disabled persons]? There were criticisms at that time. Well, we explained that the regulations guarantee the rights of those who have physical limitations because it does not consider them as health problems especially if they have the ability, [so] why not?"*

KII Bawaslu, female, R31, Indonesia

## VII.F.2. Members of Legislative Bodies

Data collection has succeeded in identifying several persons with disabilities who ran for office in the 2004 and 2009 elections in Indonesia, and won.

### VII.F.2.i. Candidates

In Indonesia, a total of 32 candidates with disabilities ran for office in the 2004 and 2009 national and provincial legislative elections.<sup>135</sup> The most notable were three blind candidates, one partially-sighted, and one using a wheelchair. Even though these candidates were not successful, they have become an inspiration for the disability community at large for their efforts.

<sup>135</sup> Masykur, 2009.

## VII.F.2.ii. Elected Representatives

It is not known how many candidates with disabilities have been elected, but two have been identified. The first is Karya Yetsi, who serves in the Central Kalimantan provincial legislature after winning a seat as a Democrat Party candidate in the 2009 election. He was also a chair of a branch level chapter of the Democrat Party. Rahayu, a candidate representing the Indonesian Democrat Party of Struggle (PDI-P), was also active in Indonesia Disabled People's Association (*Persatuan Penyandang Disabilitas Indonesia/PPDI*)<sup>136</sup>. In 2009, he was elected as a PDI-P member for the West Sulawesi provincial legislature.

Abdurrahman Wahid, the fourth president of Indonesia (in office, 1999-2001), had both impaired mobility and vision. During his presidency there were negative comments about his disabilities, and questions were raised about his capability. This contributed to the problems of his presidency. He was impeached and removed from office in July

2001. This made him decide not to stand for election in the first popular directly elected presidential election of 2004.<sup>137</sup> Despite some negative perceptions, his presidency brought about increased awareness about the legislative framework and opportunities for persons with disabilities in politics. It also helped to take the discussion to society at large.

*"The moment Wahid, a person with physical limitations, [became president] was the moment when any misunderstanding that a person with disability cannot become leader was removed. Actually, it was not his disability [that got him into power], it was because [he was a] prominent figure at the time. Ever since then, [new] regulations have started to be introduced which overrule previous ones which are much more discriminatory [in nature]."*

FGD DPO, male, R01, Indonesia

<sup>136</sup> *Persatuan Penyandang Disabilitas Indonesia*; it is an umbrella organization for persons with disabilities in Indonesia.

<sup>137</sup> Daming, 2011, p.222.

## VII.G. Partnership

To hold an accessible election requires a strong and ongoing partnership between the legislatures, EMB, NGOs working on electoral issues, and DPOs. The legislature is responsible for the legal framework, EMBs for implementation, DPOs contributing to an understanding about disability issues, and NGOs monitoring the quality of implementation to ensure free and fair elections.

In Lao PDR, six ministries have developed action plans around UNCRPD. This is the result of collaboration between LDPA and the ministries, with financial support from AusAID.<sup>138</sup> The ministries involved are the Ministries of Labor and Social Welfare, Education and Sports, Public Health, Public Work and Transport, Justice, and Information, Culture and Tourism.

On July 11, 2011, the Education and Information Department of COMELEC in the Philippines issued a memorandum with LCP to assist with a *National Voter with Disabilities Registration Week*, July 18-23, 2011. LCP was responsible for assisting COMELEC to “help in the information dissemination” and to “provide assistance to registrants.”

Further, the role of the Inter-agency and NGO Network of Empowering Persons with Disabilities was significant in the provision of voter education.<sup>139</sup> It coordinated information dissemination about the event through coordination with the Department of Transportation and Communications at all metro and light rail transit stations. The printed election banners (known as tarpaulins in the Philippines) were posted at Liwasang Aurora Quezon Park in Quezon City, and at Intramuros. International organizations like IFES, with support from USAID,<sup>140</sup> provided and disseminated election access information to the National Capital Region (NCR) and representatives from the disability sector.

In Indonesia, NGOs and DPOs are playing an important role. PPUA Penca,<sup>141</sup> provides a wealth of information and materials which other DPOs can utilize. One of these is Pertuni, which passes on the information directly to its members, notably the visually impaired. A second is the Disabled Women's Association of Indonesia (HWPCI). FGD respondents noted how such collaboration has resulted in an increased awareness amongst persons with disabilities about their rights when it comes to elections.

<sup>138</sup> Australian Agency for International Development.

<sup>139</sup> Sarmiento and Amora-Ladra, n.d..

<sup>140</sup> The United States Agency for International Development

<sup>141</sup> Center for Election Access of Citizens with Disabilities (PPUA Penca), 2013.

*"Pertuni has been encouraged to hold public outreach programs and communicate with the local PPUA Penca offices. [Over the last] two elections, I believe, [this collaboration] has made [a lot of] progress in this area."*

FGD CSO, female, R09, Indonesia

*"In December 2007, HWPCI held a public outreach program on politics for our female [disabled] friends. The majority of my friends have not appreciated the importance of [elections and their full rights to take part in them] until these programs were held."*

FGD DPO, female, R06, Indonesia

Collaboration amongst non-profit organizations has also been established in Indonesia. One example is between HWPCI and Handicap International<sup>142</sup> in Aceh Province. This resulted in a few activities, including the establishment of model polling stations accessible to voters with disabilities.

Another example is with AGENDA<sup>143</sup> itself. As a result of its work, thirteen DPOs and CSOs from seven countries in Southeast Asia are focusing on establishing a new 'South-South dialogue' for collecting and sharing best practices on election access for persons with disabilities. Achievements include 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>144</sup> AGENDA was also acknowledged in the Universal Periodic Review 2012 by the Human Rights Council Working Group.<sup>145</sup>

<sup>142</sup> A non-profit organization based in France with global operations in sixty countries.

<sup>143</sup> The General Election Network for Disability Access (AGENDA), 2011.

<sup>144</sup> The General Election Network for Disability Access (AGENDA), 2013, p.2.

<sup>145</sup> "...in [the] 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," see United Nations, 2012d.

The partnership between DPOs and government agencies in Indonesia has now started to be formalized. As a Bawaslu key informant noted, “I was once invited to a discussion at an event in Bogor organized by PPUA Penca, in collaboration with PPDI. I gave a talk [about how we monitor elections] and this was when I became more aware of the needs of disabled people in elections, and also when PPUA Penca became more aware [of our activities as a supervisory body]” (KII Bawaslu, male, R30, Indonesia).

This situation has supported the increased role for DPOs to promote accessibility, for example, through the production of braille templates for the visually impaired. Production is the responsibility of the KPU, but the KPU recognizes that it is the DPOs that have the needed expertise.

*“In 2009, the KPU made braille templates and the concept [in our area] came from PPUA Penca, because they were aware that they do not know the correct template. So we were the template consultant. It means that there is an acknowledgment by the KPU about [the special needs of voters who are blind].”*FGD DPO, male, R01, Indonesia

*“The good thing is I heard that Pertuni were very active in both the presidential election and in the local election in South Sulawesi, especially in Makassar, since they were the ones printing the braille templates.”*  
FGD CSO, female, R09, Indonesia





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## CHAPTER VIII





# CHAPTER VIII

## Conclusion and Recommendation

### VIII.A. Conclusion

The right to vote is a fundamental right, yet only recently has serious attention been paid to making this right accessible to all. Included within the greater scope of this right are the right to become the EMB or the polling staff member and the right to stand as the candidate. Not all countries participated in this research present a special focus in considering the wellbeing of persons with disabilities. Only Cambodia and Vietnam's national legal frameworks provide good legal drafting as they are specifically promoting the inclusion of persons with disabilities and the principles of non-discrimination in their national laws. Furthermore, with the ratification of UNCRPD by most of the countries in Southeast Asian region, despite the remaining lack of enforcement and promotion of regulations that are based on a disability-inclusive development perspective, UNCRPD is legally able to drive the states parties to be more responsible for allowing the full participation of persons with disabilities in political and public life.

The issue of election access in Southeast Asia has received special attention because of the large number of persons with disabilities. The World Health Organization (WHO) and the World Bank estimates that 15 percent of the world's population has a disability,<sup>146</sup> and it is estimated that there are approximately 90 million persons with disabilities in the Southeast Asian region as it is home to 0.6 billion people<sup>147</sup>. The disability community is one that cannot be ignored without weakening the fabric of inclusion, and adherence to regional and international norms on the issue.

The efforts of the disability community in advocating for accessible elections has made a significant contribution to its realization. The highpoint came with the acknowledgement of the importance of the issue as testified by the passage of the UNCRPD in 2006.

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<sup>146</sup> WHO and The World Bank, 2011.

<sup>147</sup> Hayes and Zhao, 2012.

The Southeast Asian region is a pioneer in promoting election access for persons with disabilities. National level DPOs have flourished in the region since the 1980s. This has given them leverage on regional efforts to address the issue as they make use of all advocacy opportunities available to them. Their contribution to the ASEAN Decades of Persons with Disabilities and Frameworks has established a strong foundation for such work.

Through the passage of various conventions and declarations, the right to participate in elections has been recognized globally, while the importance of participation has received regional recognition. This has resulted in improvements to many aspects of the electoral cycle, from voter registration to voter education and election day voting.

Yet good practice is still ad hoc and inconsistent rather than uniform throughout the region. Therefore, attention is now more focused on implementation based on needs rather than promoting the principle of equality. At the forefront of the problems encountered today are the barriers. These include a lack of access to electoral information, inaccessibly located voting booths, an absence of training for electoral staff, and insufficient provision of special devices. There is also a need to challenge deeply embedded cultural attitudes towards persons with disabilities. Existing laws still contain some discriminatory terminologies that do not promote the rights of persons with disabilities. Regulations also rarely have clear explanations concerning who should be responsible for managing accessible elections. Nor do they contain sanctions. These deficiencies must be addressed.

However, AGENDA research also highlights good practices worthy of emulation which should be applied as standard practice. But issues cannot be addressed by governments and electoral management bodies alone. Partnerships within and between DPOs, and their relationships with government, election management bodies and civil society at large, must continually be strengthened. This can help address the problems in a number of different areas.

AGENDA itself has contributed to establishing a new “South-South dialogue” for collecting and sharing good practices on accessible elections in the Southeast Asian region. Its effectiveness has been noted both by ministers and international bodies.

Although facing challenges of its own to get to this stage, the AGENDA model has created a baseline in terms of data collection and advocacy support to ensure the ongoing promotion of accessible elections for all in the Southeast Asian region.

## VIII.B. Recommendations

Based on the findings from the five country studies, three primary recommendations<sup>148</sup> emerge as ones that will enhance the accessibility of elections for persons with disabilities. Those are in order of importance: (a) research; (b) education and awareness-raising; and (c) advocacy and partnership.

### 1. Research

Data and information on persons with disabilities and their needs is essential to raise the awareness and push for the fulfillment of accessible elections. The national and regional reports on *Accessible Elections for Persons with Disabilities*, developed under the AGENDA network, should be employed as the baseline to understand current trends and conditions facing persons with disabilities in attaining political rights. Ongoing updates are required to monitor progress, and the impact of efforts to improve accessibility to elections in the various countries.

Research on the following topics is recommended:

- Election access monitoring and evaluation (quantitative and qualitative);
- Laws and regulations relating to election access;
- Censuses and other data on persons and voters with disabilities.

### 2. Education and Awareness-Raising

The following are recommended to raise awareness about accessible elections:

- Develop a guidebook on accessible elections for persons with disabilities that contains detailed guidance on how to hold accessible elections. The guidebook shall have sections on types of disabilities and types of assistance that might be needed within the electoral cycle. It is anticipated that this guidebook will be of most assistance to EMBs and polling staff;

<sup>148</sup> Detailed recommendations for each country can be found in the five country reports.

- Tailored disability-sensitive training on accessible elections for persons with disabilities for EMBs and polling staff, based on a human rights-based approach;
- Training on the use of braille templates and how to assist voters with disabilities at the polling stations;
- Training for persons with disabilities on the electoral process, including voter registration and how to vote on election day.

### 3. Advocacy and Partnership

All efforts to ensure the full participation of persons with disabilities are best promoted by partnership between DPOs working with other stakeholders, either alongside or to encourage governments and EMBs to ensure a positive regulatory framework, and implement activities in the field that are supportive of election access. In this way, disability issues and accessible elections can be addressed in all development programs across sectors and through engagement with relevant line ministries and government bodies.

Partnerships, whenever possible, should engage all appropriate actors at the national as well as regional level. In this way, data and ideas can be shared and exchanged, and provide encouragement to all stakeholders throughout the region.

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## Annex 1. Overview of National Lead Organizations

### Cambodia: The Cambodia Disabled People's Organization

CDPO was established in 1994. It is an organization comprised of persons with disabilities. Its mission is to develop networks of persons with disabilities to support, protect, serve, and promote their rights, achievements, and interests. The overall aim is to achieve their full participation and equality in Cambodian society.

CDPO's work focuses on improving access to and availability of services for persons with disabilities, ensuring the full implementation of national and international disability rights instruments and the inclusion of persons with disabilities in the society, building the capacity of DPOs who are members of CDPO, and raising public awareness of disability rights through media, awareness raising events, and campaigns.

CDPO has recently collaborated with AGENDA project, a coalition of several Civil Society Organizations (CSOs), to implement a project aiming to improve access to political and electoral opportunities for persons with disabilities throughout Southeast Asian countries with support from International Foundation for Electoral System (IFES). One of the project activities is to conduct research on the election accessibility for persons with disabilities in Cambodia. Under a grant awarded by AGENDA, CDPO with support from Research and Development (ReaD) conducted this research. The research was implemented for a period of three and a half months, and covered fifteen provinces of Cambodia.

### Indonesia: The Center for Election Access of Citizens with Disabilities

PPUA Penca) is a coalition of several DPOs at the national level which was established in 2002 and represents a wide range of person with disabilities in Indonesia. The vision of PPUA Penca is to encourage the implementation of election access and to increase the knowledge of persons

with disabilities to become intelligent and qualified voters. PPUA Penca has been organizing various activities related to election access for persons with disabilities in Indonesia including their socialization through different mass media and the production of diverse election access materials (e.g.: the election access guide book, designing the Braille template for voters with visual disabilities, and election information in audio and Braille formats).

The major activities of PPUA Penca in brief are:

- September 2002: With support from Swedish International Development Cooperation Agency (SIDA), participated in the workshop convened by the International Institute for Democracy and Electoral Assistance (International IDEA) and IFES. The outcome is the Bill of Electoral Rights for Citizens with Disabilities which promotes equal political rights for persons with disabilities in public life.
- October 2002: Held the National Workshop in Democracy and Participation of Persons with Disabilities in Election, funded by IFES.
- 2009: PPUA Penca held training and simulation on election access in nine Provinces of Indonesia, made election access monitoring checklist and monitored the 2009 elections in eight Provinces of Indonesia.
- 2012-2013: PPUA Penca, under the AGENDA project network, conducted the Election Access for Persons with Disabilities in Indonesia. PPUA Penca also led four DPOs in four other countries on conducted similar research in the country. Then, PPUA Penca developed the regional research report on Election Access for Persons with Disabilities in five Southeast Asian Countries.
- March 2013: PPUA Penca signed a memorandum of understanding with the General Elections Commission of the Republic of Indonesia (KPU/*Komisi Pemilihan Umum*) to improve the participation of persons with disabilities in elections.

## Lao PDR: The Lao Disabled People's Association

### **Vision**

"Equal opportunity for all people".

### **Mission**

The Lao Disabled People's Association promotes the rights of persons with disabilities, empowering them to personal achievement, assisting them to participate in all parts of social, cultural, political and economic life.

### **About LDPA**

The Lao Disabled People's Association (LDPA) is a civil society organization and the sole disabled people's organization (DPO) that encompasses all persons with disabilities in Lao PDR. The LDPA is recognized as the nation's leading DPO and serves an important role as the peak advocacy body for persons with disabilities.

The LDPA was recognized as an association on 20 July 2001 under Article 44 of the Constitution. On 13 September 2011, the LDPA was registered as an association as per the Decree on Associations, as administered by the Ministry of Home Affairs (MoHA).

The LDPA promotes the rights and interests of people living with disabilities, and supports a membership based network of ten provincial branches and one branch in Vientiane, as well as numerous cell groups in both urban and rural areas. Cell groups function as volunteer based, self-help groups, and members feed information to, and receive information from, headquarters. This two way dialogue is crucial to building

human rights based knowledge, and other essential information about services, networks and many other issues for persons with disabilities, from both central to grassroots levels.

## Annex 1.

Objective	Strategies
1. Represent and respond to the needs of members, and other people with disability	<ul style="list-style-type: none"><li>1.1 Maintain and build the national, membership based structure.</li><li>1.2 Consult and communicate with key stakeholders.</li><li>1.3 Support the collection and analysis of member's data.</li><li>1.4 Support projects that address needs and concerns of people with disability.</li><li>1.5 Provide support to self help groups that empower people with disability.</li></ul>
2. Promote the full participation of people with disability.	<ul style="list-style-type: none"><li>2.1 Support policy development and advocate for the full implementation of the UNCRPD.</li><li>2.2 Design and deliver disability rights and equality activities.</li><li>2.3 Assist in developing the disability sector.</li><li>2.4 Recognise the specific needs of women and children with disability.</li><li>2.5 Develop and deliver media and communications activities.</li></ul>
3. Strengthen the capacity of the LDPA to fulfill its vision and objectives	<ul style="list-style-type: none"><li>3.1 Build a stronger and more sustainable funding base to enable core organisational activities.</li><li>3.2 Continue to develop and implement sound financial, governance and management practices.</li><li>3.3 Actively encourage the employment of people with disability by demonstrating inclusive employment practices.</li><li>3.4 Ensure staff and management have appropriate financial, administrative and project management skills.</li></ul>



## The Philippines: Katipunan ng Maykapansanan sa Pilipinas (National Federation of Organizations of Persons with Disabilities in the Philippines)

KAMPI is a network of cross-disability, self-help grassroots organizations of persons with disabilities. It is recognized as the National Federation of persons with disabilities organizations in the Philippines. KAMPI was established during the Second National Congress of Persons with Disabilities in July 1990 with an initial membership of 11 chapters from seven provinces. Since then, KAMPI has expanded to its present membership of 25 chapters covering 58 provinces, 17 cities and 73 municipalities.

KAMPI envisions a "Society for All" where persons with disabilities are fully empowered, equal and productive members of Philippine Society. The missions are: (1) to work for fully instituted structural changes and adjustments in society that would eliminate all barriers that hinder full participation of persons with disabilities in all aspects of life; (2) to make disability issues and concerns become an integral part of all national development efforts with regards to the economy, society or in issues of governance; and (3) to hasten the participation and mainstreaming of Filipino persons with disabilities in order for them to have control over services needed that will enable them to live more productive and independent lives. Its mandate is to advocate for the 83

needed changes in attitudes, policies and practices to achieve a society where persons with disabilities have equal opportunities for full participation in all aspects of society.

### **KAMPI's Objectives**

The organizational objectives and mandates of KAMPI are the following:

1. To establish organizations of persons with disabilities nationwide that would effectively network programs, projects, information and services for the sector.

## Annex 1.

2. To strengthen the national network of disabled person's organizations through human resource development and development training.
3. To enhance and promote self-reliance through skills development and training programs.
4. To create a strong national movement that would make society accurately aware of the problems, needs and the rights of the disabled through advocacy campaigns.
5. To advance the status of the disabled through the implementation of national and local programs, participation in regional and international endeavors of the Disabled People's International (DPI) and other organizations promoting disability issues and concerns.
6. To disseminate information through a regular quarterly news and information bulletin.

### **Projects and Activities**

1. Breaking Barriers for Children and Young Adults with Disability in partnership with the Danish Society of Polio and Accident Victims (PTU) and funded by Danish Foreign Ministry.
2. Monitoring the Individual Human Rights Experiences of Persons with Disabilities in the Philippines in partnership with Disability Rights Promotion International (DRPI).
3. National Disability Prevention and Rehabilitation Week. KAMPI participates in the week-long Disability observance celebrated every 3rd week of July every year. This celebration is based from Proclamation No. 1870 (22 June 1979), Proclamation No. 361 (19 August 2000) and Administrative Order (A.O.) 35 (3 May 2002).
4. UN Convention on the Rights of Person's with Disability (UNCRPD). KAMPI conducted orientation on the UNCRPD which was attended by local government unit partners. Furthermore, KAMPI through funding from World Bank reproduced copies of the UNCRPD which was distributed to government and non-government partners.

## Vietnam: Hanoi Independent Living Center

Hanoi Independent Living Center (Hanoi ILC) was established in January 2009. This is a center operated by persons with disabilities to serve the needs of their peers. This is a Project between the Disabled Peoples' International Asia-Pacific Region (DPI-AP), Hanoi 84

Disabled Peoples' Organization (Hanoi DPO) and the first self-help group of persons with disabilities in Vietnam named Bright Future. The project got fund from the Nippon Foundation for the period from 2009 through 2016.

The objectives of the Center are to:

- Provide services to help every individual with disabilities to live independently and develop their potential.
- Promote and expand the Independent Living movement in Vietnam.
- Advocate to establish a supporting system from the Government for Independent Living model.

And, the services that Hanoi ILC provides are as follows:

- *Peer counseling*

This is a service that aims to help persons with disabilities to rebuild their confidence and set up their social relationships. Peer counselling provides the chance for persons with disabilities to gather together in small group every month. Among small group meeting, they can express their feelings, their thought, or their issues. This activity therefore helps persons with disabilities to discover, love and accept their selves. Peer counselling specifically support persons with disabilities to overcome their psychological barriers.

## Annex 1.

- *Independent Living program*

This program provides persons with disabilities the knowledge and skills to live independently. Through practical activities, persons with disabilities can experience and learn about living skills.

- *Personal Assistant service*

Personal Assistant is the person who was trained and paid to support persons with disabilities in daily life's activities such as toileting, bathing, grooming and moving. The Personal Assistant do not take decision for persons with disabilities but must working under their instruction and supervision. Hanoi ILC trains and provides Personal Assistant for persons with disabilities as free service. *Information resource:*

Hanoi ILC provides the information about disability, the social welfare system in Viet Nam, medical support system, education and employment opportunities, the accessibility features for housing and transportation. Persons with disabilities can contact the Center through phone call, email or access the Center's website for their interested information related to disability support.

Besides, Hanoi ILC also acts as an activist to advocate for the Independent Living model in Vietnam. The Center has assisted DPOs in other cities/ provinces to establish Independent Living Centers.

## Annex II. The National election history

### Cambodia

Cambodia obtained its independence from the French in 1953. The new Cambodian government took the form of a constitutional monarchy, with a king as the head of state and a Prime Minister as Head of Government. In 1955, Cambodia held its first election to elect members of the National Assembly. From then on, the Kingdom of Cambodia held several elections in 1955, 1958, 1962 and 1966. In 1970, following a coup, Cambodia changed its type of government into a Republic. A new constitution was drafted in 1972 and an election to elect members of the upper and lower house was held following the approval of the new constitution through a popular referendum.

In 1975, the Khmer Rouge set up a communist regime in Phnom Penh, after five years of protracted civil war against the Cambodian Republic (1969-75). Well over a million Cambodian people (out of a total of six million) were killed or died of starvation as a result of their brutal rule which ended in January 1979 following the Vietnamese invasion of the country. This forced the Khmer Rouge to flee from Phnom Penh. The country was then placed under a Vietnamese-backed regime until 1993. Although the Vietnamese withdrew their troops in September 1988, conflict with the remaining Khmer Rouge forces continued. Peace was illusive in Cambodia until the United Nations Security Council issued Security Council Resolution 745 which established the United Nations Transitional Authority in Cambodia (UNTAC) in February 1992. The Resolution itself was based on the Peace Agreement signed in Paris in November 1991, in which Cambodia invited the United Nations to come to Cambodia to oversee the peace process between parties involved in the conflict.

UNTAC was given wide-ranging mandates, including repatriation of Cambodian refugees from the border with Thailand, civil administration, and the maintenance of peace and order. Also included in the mandate was organizing a free and fair election to form an independent Cambodian government. In May 1993, UNTAC was finally able to organize an election to elect members of the National Assembly. Since then, Cambodia is able to organize elections every five years.

## Annex II.

In 2006, Cambodia held the first election to elect members of the commune councilors. The commune councilors then elected representatives to sit in the Senate – the upper house of the Cambodia Parliament. 57 senators are elected indirectly through this method. Another two senators are elected by the National Assembly and two senators appointed by the king. Senators serve a five-year term. Before 2006, senators were appointed by the king on the recommendation of the political parties in the National Assembly.

Cambodia used a proportional representative closed list system for its National Assembly Elections, which means that voters vote for a party as their representative in the National Assembly. The party will then select from its members the representatives to sit in the National Assembly. The head of State is the king, and the Head of Government is the Prime Minister. The Prime Minister is appointed by the king.

The last election held in Cambodia was the Commune Council election on 3 June 2012. The turnout rate for that election was 60 percent. The last election for the National Assembly was on 27 July 2008 with the turnout rate of 75 percent<sup>149</sup>. The next election will be on 28 July 2013.

## Indonesia

Indonesia held its first election in 1955 to elect members of the House of Representatives (DPR)<sup>150</sup> and the *Dewan Konstituante* - the constituent body whose main duty was to draft the new constitution for the young republic. However, then-President Sukarno dissolved the two bodies in 1959-60 and issued a presidential edict to form a new DPR with all members selected by the president. Because of this move, Indonesia did not organize another election until 1971, or five years after the end of the Sukarno regime, which Sukarno's successor, General Suharto, named the 'Old Order' (1949-66) to contrast with his so-called 'New Order' (1966-98).

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<sup>149</sup> International Institute for Democracy and Electoral Assistance (IDEA), "Voter turnout data for Cambodia," <http://www.idea.int/vt/countryview.cfm?id=117> (accessed 13 March 2013).

<sup>150</sup> Dewan Perwakilan Rakyat.

## Elections During the New Order

The New Order was the regime which ruled Indonesia for 32 years, from 1966 to 1998. The regime was under the control of General Suharto (1921-2008), who used a combination of state-sponsored terror, high-economy growth and a quasi-monarchical persona as the foundation of his rule. The New Order regime succeeded the Old Order regime (1945-1966), when Ir Sukarno, the co-proclamator of independence, was president. Elections were organized in both periods - the last genuine democratic one being in 1955. During the Old Order, only one election was organized, in 1955 - it was Indonesia's last democratic election before June 1999. By contrast, the New Order government, organized six elections, the first in 1971 and last in 1997. But these were tightly controlled by the New Order government and permitted strictly limited democratic choice. From 1977, these state managed elections were organized at regular five-year intervals.

The 1971 legislative election was the first election organized by the New Order government. The election used a Closed-list system, meaning that voters chose between parties participating in the election, who then selected individual representatives, with each party receiving seats in proportion to votes received. Subsequent elections replicated this system until the first democratic election under the the post-New Order Reform (Reformasi) period (1998 to present) in June 1999.

The New Order government managed to organize periodic elections to elect members of the DPR every five years from 1977 until 1997. Meanwhile, the president was elected by the People's Consultative Assembly (MPR)<sup>151</sup>, the highest legislative body in the land, comprised of both DPR members and presidential appointees.

A renowned Indonesianist from America, William Liddle, called elections organized during the New Order as a 'useful fiction'<sup>152</sup> referring to the function of elections as a means to legitimize the

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<sup>151</sup> Majelis Permusyawaratan Rakyat.

<sup>152</sup> Atlov, 2004, p.2.

regime, rather than as a way for the people to express its will. Another observer, Benedict Anderson, concurred with Liddle, saying, “[t]here is no need here to spend any time on the series of elections since 1971 by Suharto's New Order military regime. They are carefully managed to produce externally plausible two-thirds majorities for *Golongan Karya* (Functional Group/Golkar), the government's electoral machine, and a passive parliament without any genuine representative character.”<sup>153</sup> One of the ways the regime achieved this was by controlling how the elections were organized.

According to article 8 of Law no. 15 of 1969 (as emended in 1975, 1980 and 1986)<sup>154</sup> elections were the responsibility of the President. The President was authorized to establish the Institute of General Elections (*Lembaga Pemilihan Umum/LPU*)<sup>155</sup> which was headed by the Minister of the Interior. The Institute then established election committees from the national level all the way down into the village level. The heads of the election committees of all levels were always government officials appointed *ex-officio*, and they were all members of the ruling government party, Golkar. Golkar was the main political vehicle of the regime, which was not officially categorized as a political party, but it was allowed to participate in elections.

Golkar was very much privileged during the New Order. In addition to having its members as heads of electoral committees from national down to the village levels, Golkar was able to count the civil servants as its voters, because all civil servants were automatically Golkar members.<sup>156</sup> All civil servants were therefore given the responsibility to 'win' Golkar in elections. It was inevitable that many of the state's resources were channeled into Golkar.<sup>157</sup>

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<sup>153</sup> Ibid.

<sup>154</sup> Republic of Indonesia, 1969.

<sup>155</sup> Article 8 (3) of the Law No. 15/1969.

<sup>156</sup> Harris, 2004, p.26.

<sup>157</sup> Ibid. p.29. Harris also said that, “there was no mechanism to assure accountability for the use of political funds during the campaign period, since this was not required by the Election Law or other related laws. Therefore it was literally impossible to measure the extra funding that Golkar accumulated, in addition to the officially allocated funds that all three groups received from state budget.”



State apparatus also had the power to determine which candidates could make it into the candidates list of the political parties. Political parties and Golkar must submitted their list of candidates to a special screening body called *Litsus* (*Penelitian Khusus*/Special Examination).<sup>158</sup> The body would then clear the list off outspoken candidates, thereby ensuring that only those who are loyal to the government would be included in the list. The President was elected indirectly by the MPR, a combination of DPR and the Regional DPR (DPRD), as well as appointed representatives.<sup>159</sup> However, since almost half of the MPR members were appointed directly by the President (either in DPR, DPRD or in the MPR itself), and those who were elected were people who are loyal to the government, the 'election' was always a foregone conclusion. The decision to elect Suharto as President was always unanimous in every election.

## Post New Order Elections

The first election after the fall of the New Order was held in 1999 still using a Closed-list system with the number of seats allocated proportionally to the number of votes won by each party. The president was still elected by the MPR, composed at that time solely by elected representatives. In the 1999 election, voters also chose members of the Provincial People's House of Representatives (DPRD)<sup>160</sup> throughout Indonesia and officials at the Regency/Municipality level.

The next legislative election in 2004 used an Open-list system for the first time. Under that system, voters could choose to cast votes for either a political party or for an individual candidate. Votes cast either to the candidate or to a political party were accumulated to determine the number of seats won by the party. Parties then awarded seats to candidates based on the ranking set by the party. This mechanism was later annulled by the Constitutional Court decision in 2009, and seats were later allocated to candidates that received the most votes.

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<sup>158</sup> Ibid. p.28.

<sup>159</sup> Ibid. p.22.

<sup>160</sup> Dewan Perwakilan Rakyat Daerah.

## Annex II.

The 2004 election was also the first time Indonesia used the Single Non-Transferable Vote (SNTV) system. This is an electoral system used in a multi-member constituency system. In this system, a single district can elect several representatives. A voter can only cast one vote to one of the candidates. The position will be filled by candidates with the most votes. In a three-member constituency district, for example, the top three candidates with most votes will be elected to the office.

Shortly after the June 2004 legislative election, Indonesia held its first direct presidential election. Only parties that garnered five percent of the popular vote in the legislative election or three percent of seats in the DPR were able to nominate candidates to run for president and vice president. In the event that no candidate won an absolute majority, a second round election would be held between the top two vote-getters. This was also the first election to use a braille template for voters with visual impairment. Six candidates participated in the 2004 presidential election. None was able to win an absolute majority, and thus, a second round was held. Susilo Bambang Yudhoyono of the Democrat Party emerged victorious and became the sixth President of Indonesia (in office, 2004-14).

Shortly after the new DPR was formed in 2004, it passed Law No. 32/2004 on the Local Governments, which ordered that the heads of local executives, including governors (provinces), regents (districts) and mayors (cities) to be elected directly using a two-round system. Previously, the heads of local executives were elected by members of the local DPR (or the DPRD). The law also gave greater authority to local governments to issue their own laws and regulations, provided they do not conflict with the national constitution and national laws.

Later, in 2007, the DPR passed Law No. 22/2007 on Electoral Management, which incorporated elections for the heads of the local executives into the national election system to be administered by the Election Commission. Before this law, local elections had been administered by the Ministry of Home Affairs.

The most recent national elections held in Indonesia were the 2009 legislative and presidential elections. Both used the same systems as in preceding elections but with two significant changes. Firstly, seats were allocated candidates based on votes received, rather than party

rank. Secondly, as a special exception based on Aceh's status as a Special Region (no other provincial party has this right) local political parties were included in the local legislative election in Aceh. In fact, six local parties - including the Aceh Party, representing the former Free Aceh Movement – participated in the Aceh election in 2009.

## Lao PDR

Since 1975, following the conclusion of the Indochina war, Lao PDR is ruled by the Lao People's Revolutionary Party (LPRP), a communist party. Shortly after it gained control over the country, the Party established the Supreme People's Council<sup>161</sup>, which was charged to draft a new constitution. The Council had 45 members<sup>162</sup> which were appointed directly by the Party. The new constitution, however, failed to materialize during the Council's tenure.

In the 1980s, partly because the failure of the Council to draft the new Constitution, as well as a desire to open up Lao PDR to the global economy after what seemed to be the failure of communist regimes all over the world, the LPRP decided to undertake reforms in several sectors, including the political sector. The Supreme People's Council was changed to the Supreme People's Assembly (which was then renamed into National Assembly just before the 1997 election), whose members were to be elected through a national election. The election to elect members of the Assembly was conducted in March 1989. It was the first election held in Lao PDR since 1972. The LPRP won 65 of the total 79 seats available in the Assembly.<sup>163</sup> One of the Assembly's first tasks was to draft and adopt a new constitution for Lao PDR, which they duly delivered in 1991.<sup>164</sup> The Constitution was then amended in 2003.<sup>165</sup>

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<sup>161</sup> Inter-Parliamentary Union, "Lao People's Democratic Republic Parliamentary Chamber: Supreme People's Assembly," 1989, [http://www.ipu.org/parline-e/reports/arc/2175\\_89.htm](http://www.ipu.org/parline-e/reports/arc/2175_89.htm) (accessed 21 February 2013).

<sup>162</sup> Ibid.

<sup>163</sup> Ibid.

<sup>164</sup> Vientiane Times, "The Constitution of the Lao People's Democratic Republic," 1999, <http://www.vientianetimes.org.la/Constitution/constitution.htm> (accessed 21 February 2013).

<sup>165</sup> Vientiane Times, "Lao People's Democratic Republic Peace Independence Democracy Unity Prosperity," 2003, [http://www.vientianetimes.org.la/Laws%20in%20English/1.%20Constitution%20\(2003\)%20Eng.pdf](http://www.vientianetimes.org.la/Laws%20in%20English/1.%20Constitution%20(2003)%20Eng.pdf) (accessed 21 February 2013).

## Annex II.

Lao PDR is then able to organize periodic elections after the 1989 election. The next elections after 1989 were in 1992, and then 1997, 2002, 2006 and 2011. The number of seats contested in the election has increased. In 2011, election participants contested for 132 seats in the National Assembly.

Lao PDR is using a unicameral system, with the National Assembly as the sole legislative body in the land. Members of the National Assembly serve for a 5-year term.<sup>166</sup> They are elected through a plurality system in multi-member constituencies, meaning that candidate with the required votes will gain a seat in the parliament. There are 18 constituencies in Lao PDR, each one is allocated different number of seats (ranging from 3-14) according to population.<sup>167</sup>

The President is the Head of State and is elected by the National Assembly<sup>168</sup>. He/she serves for five years. The President nominates the Prime Minister as the Head of Government, which has to be approved by the National Assembly. The Prime Minister has the authority to form a cabinet.

Although a one-party state, Lao PDR allows independent candidates to run in elections, although very limited. In the last election in 2011, five independent candidates ran and four of them managed to win seats.<sup>169</sup>

## The Philippines

The Republic of the Philippines is one of the first democracies in Southeast Asia. The Philippines declared its independence in June 1898 and its first constitution was written by a Person

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<sup>166</sup> International Foundation for Electoral Systems (IFES), "Election profile: Laos," 2013, <http://electionguide.org/election.php?ID=1821> (accessed 21 February 2013).

<sup>167</sup> Inter-Parliamentary Union, "Lao People's Democratic Republic SaphaHengXat (National Assembly): Electoral system," 2011, [http://www.ipu.org/parline-e/reports/2175\\_B.htm](http://www.ipu.org/parline-e/reports/2175_B.htm) (accessed 21 February 2013).

<sup>168</sup> International Foundation for Electoral Systems (IFES), "Election profile: Laos," 2013, <http://electionguide.org/election.php?ID=1821> (accessed 21 February 2013).

<sup>169</sup> Inter-Parliamentary Union, "Lao People's Democratic Republic SaphaHengXat (National Assembly): Last election," 2011b, [http://www.ipu.org/parline-e/reports/2175\\_E.htm](http://www.ipu.org/parline-e/reports/2175_E.htm) (accessed 21 February 2013).

with Disabilities (polio, wheelchair user) and a brilliant lawyer, Apolinario Mabini.<sup>170</sup> It also has one of the longest electoral histories in Southeast Asia, having organized its first election way back in 1946, not long after it gained independence. In fact, the Philippines can claim to have longer electoral history if the elections held before gaining independence are also counted. The first election held in the Philippines was in 1907, when it was still a colony of the United States of America, to elect members of the Philippine Assembly.<sup>171</sup> The Philippines is also the first country in Southeast Asia which directly elected its President in 1935, while still under the American occupation, and in 1946, after it gained independence.

Except for a short period between 1973 and 1986 during the dictatorship of President Marcos (1972-86), the Philippines has always used the bicameral system.<sup>172</sup> The upper house is the Senate and the lower house is the House of Representatives.<sup>173</sup> The House of Representatives has 287 members who serve for a term of three years.<sup>174</sup> They can only serve for no more than 3 consecutive terms.<sup>175</sup> 230 members are elected by plurality vote in single-member constituencies, and 57 members are elected through the Proportional Representation (PR) system.<sup>176</sup> Under the PR system, minority groups can propose a party list of candidates.<sup>177</sup>

In 2011, the Pilipinos With Disability (PWD) have been certified to participate in the next election through the PR system<sup>178</sup>, pending further approval by the COMELEC (Commission on

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<sup>170</sup> <http://www.ncda.gov.ph/featured-filipino-pwd/apolinario-mabini/>

<sup>171</sup> [http://www.nhcp.gov.ph/index.php?option=com\\_content&task=view&id=14](http://www.nhcp.gov.ph/index.php?option=com_content&task=view&id=14)

<sup>172</sup> The Philippines are now using the 1987 constitution. Before that, the country used the 1973 Constitution. See: <http://www.congress.gov.ph/about/index.php?about=history>

<sup>173</sup> When the Philippines was using the unicameral system, the parliament was called the *Batasang Pambansa* (National Assembly), *ibid.*

<sup>174</sup> <http://www.electionguide.org/election.php?ID=1490>

<sup>175</sup> <http://www.congress.gov.ph/about/>

<sup>176</sup> Philippines citizens are allowed to cast two votes for the House of Representatives election. One vote is to elect a member through the single member constituency, and the other vote goes to the PR system.

<sup>177</sup> The Philippines Constitution of 1987, Section 5, sub-section (2): "...one-half of the seats allocated to party-list representatives shall be filled, as provided by law, by selection or election from the labor, peasant, urban poor, indigenous cultural communities, women, youth, and such other sectors as may be provided by law, except the religious sector."

<sup>178</sup> <http://cuervopropertyadvisory.wordpress.com/2013/01/11/a-new-hope-for-filipinos-with-disabilities/>

Elections).<sup>179</sup> The Senate has 24 members who serve for a six-year term, and are allowed to serve for only two consecutive terms.<sup>180</sup> Elections for members of the Senate are held every three years to elect half of the Senators, which means only 12 seats are available in every Senate election. The election uses a block-vote system; 12 candidates who win the most votes will win the Seat. The president is directly elected by the people using a plurality system. The candidate with the most number of votes will win the race. The President serves for a six-year term with no possibility of extension.

## Vietnam

Vietnam has been a one-party state since the end of the Vietnam War in 1975. Vietnam has held regular and periodic elections for every five years since 1976. As Vietnam is a one-party communist state, only one party is allowed to participate in elections. However, the government does allow self-nominated candidates to run in elections, albeit in limited numbers. In recent elections, the number of these 'self-nominated' candidates has risen quite significantly, indicating the possibility of having a more open election system in Vietnam. The number of self-nominated and non-party candidates standing in the elections in 2007 for the National Assembly has reached 238 which is 3.7 times the number that ran in the last elections in 2002.<sup>181</sup>

Vietnam uses a unicameral system, meaning that its parliament only has one chamber, the National Assembly. The National Assembly has 500 members serving on a 5-year term; all of them are elected from 182 multi-members constituencies. The President is the Head of the State and is elected indirectly through the National Assembly. The President appoints the Prime Minister with the approval from the National Assembly. The Prime Minister will then become the head of government and has the authority to form a cabinet.

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<sup>179</sup> <http://www.comelec.gov.ph/?r=Elections/2013natloc/PartyListOrganizations/ListOfPendingPartyListGroupsPoliticalPartiesWhichHaveFiledManifestationOfIntentToParticipateForTheMay2013ElectionsWithTheirNominees>

<sup>180</sup> [http://www.ipu.org/parline-e/reports/2254\\_B.htm](http://www.ipu.org/parline-e/reports/2254_B.htm)

<sup>181</sup> Asia Monitor, Vietnam, "Independent Candidates Point To Greater Political Pluralism," <http://www.asia-monitor.com/file/44522/independent-candidates-point-to-greater-political-pluralism.html>

Traditionally, Vietnam has a very high turn-out rate. The last election was held in 2011, with 500 candidates were elected to the National Assembly. The turn-out rate for the election was over 99 percent. Four self-appointed candidates were elected as members of National Assembly, up from only one self-appointed candidate from the previous election in 2007.

The term of Election Management Body (EMB) in Vietnam is for the election period only. Its members' selection is based on the partisanship and mandated by Law. The EMB is divided into:

- The Election Council at the central level;
- The Election Committees of the provinces and the cities directly under the Central Government;
- The Election Boards of the constituencies;
- The Election Teams of the electorates.

*The Central Election Council* is considered as the EMB at national level. It leads and directs the organization of the election in the whole country. The Election Council is set up by the National Assembly Standing Committee no later than one hundred and five days before the Election Day. The Central Election Council is composed of between fifteen and twenty-one persons, including the Chairman, Vice-Chairmen, the General Secretary and the representatives of agencies and organizations such as: the National Assembly Standing Committee, the Government agencies, the Vietnam Central Fatherland Front Committee, and CSOs. *The Election Committee* at provincial level directs the preparation and organization of the election of deputies to the National Assembly in the constituencies. It is set up no later than ninety-five days before the Election Day. A provincial Election Committee is composed of between twenty-one and thirty-one persons, including the Chairman, Vice-Chairmen and secretary and members who are representatives of the Standing Body of the People's Council, the People's Committee and the Fatherland Front Committee of the same level, and a number of concerned agencies and organizations. *The Election Boards of the constituencies* are set up to supervise and urge the Election Teams in the implementation of the law on the election. They are set up by the provincial People's Committees no later than sixty days before the Election Day; and composed of between nine and fifteen persons including the Head, Deputy Heads and secretary and other members who are representatives of the Standing Body of the People's Council, the People's



Committee, the Fatherland Front Committee of the same level and a number of concerned agencies and organizations. *The Election Teams* which are in charge of election in each electorates are set up no later than thirty-five days before the Election Day. Each Election Team is composed of between eleven and twenty-one persons including the Head, Deputy Heads and secretary and other members who are representatives of state agencies, socio-political organizations, social organizations and voters in the locality.<sup>182</sup>

Among the Election Council, Election Committee, Election Board and Election Team, the Election Team is the body which most directly implements the works related to Election Day. In each electorate, the Election Team is in charge of establish polling stations and ready ballot boxes; receive the documents and ballot papers from the Election Board. The Election Teams are in charge of voter registration as they check the ballot box to the witness of voters before the Election Day, then distribute voters cards and ballot papers stamped to voters in the Election Day. The Election Teams also regularly inform voters of the Election Day, polling venues and polling time within ten days before the Election Day through forms of posting, broadcasting and other information means available in the locality. They provide the information about the candidates, electoral cycle mandated by the Law. As such, the Election Teams are also in charge of voter information and voter education.

The People's Committees and the Vietnam Fatherland Front have the particularly significant role in elections. The People's Committees at provincial or city level have the task and power to set up the Election Committees. The Vietnam Fatherland Front in charge of the consultation, selection, presentation of the candidates for elections. This role in electoral nominations is mandated by Law.<sup>183</sup> The endorsement by the Front is generally required to be a candidate for election. The Fartherland Front also participate in organization of elections; co-ordinate with the relevant State bodies to organize the conference of voters in their localities and the meeting between the voters and the election; take part in the supervision on the elections.<sup>184</sup>

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<sup>182</sup> The amending and supplementing a number of articles of the Law on election of the deputies to the National Assembly, 2010, Article 1, [http://moj.gov.vn/vbpq/en/Lists/Vn%20bn%20php%20ut/View\\_Detail.aspx?ItemID=10493](http://moj.gov.vn/vbpq/en/Lists/Vn%20bn%20php%20ut/View_Detail.aspx?ItemID=10493)

<sup>183</sup> The Law on Election of the deputies to the National Assembly and the Law on Election of the members to People's Councils.

<sup>184</sup> The Law of Vietnam Fatherland Front, 1999, Chapter 2, Article 8, <http://fwww.mattran.org.vn/home/gioithieumt/luatmt/lmtqvn.htm>

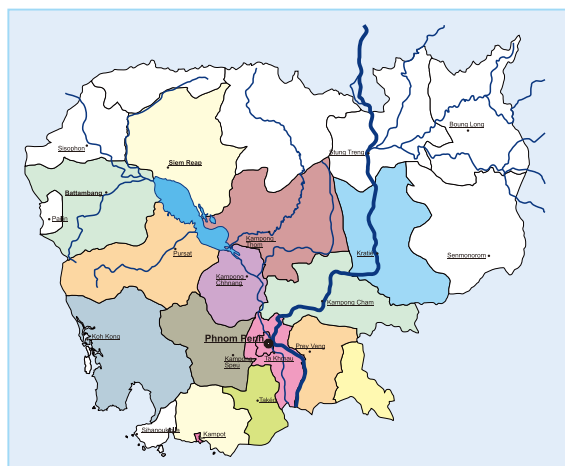


## Annex III. Sites selection

### Cambodia

The research in Cambodia covered fifteen provinces to represent the Cambodian persons with disabilities. These provinces had high number of persons with disabilities, existence of DPOs who have been actively working and the accessibility of the target areas of the interviewers with disabilities. Those provinces were: 1. Kandal, 2. Kampong Speu, 3. Takeo, 4. Kampong Cham, 5. Kampot, 6. Svay Rieng, 7. Battambang, 8. Kratie, 9. Banteay Mean Chey, 10. Pursat, 11. Koh Kong, 12. Siem Reap, 13. Kampong Thom, 14. Kampong Chhang, and 15. Prey Veng.

Picture 1. Selected sites in Cambodia



### Indonesia

In Indonesia, the research was conducted mainly in Jakarta, as the capital city of Indonesia as most of the key informants are also based and/or work in Jakarta. However, key informants were also selected from other provinces to provide a wider and goodmore far-reaching overview of elections across Indonesia as a whole. Those provinces were selected to represent the three different Indonesian territorials (west, central and east), as follows:

1. Western part of Indonesia: Province of Nanggroe Aceh Darussalam and Province of Jambi;

## Annex III.

2. Central part of Indonesia : Province of Central Kalimantan and Province of South Sulawesi;
3. Eastern part of Indonesia: Province of Papua.

Picture 2. Selected sites in Indonesia



### Lao PDR

The research was conducted in Vientiane capital, Lao PDR as was intended in the proposed research methodology. Most respondents live or work in Vientiane capital. However, many respondents have previously lived in other remote provinces of Lao PDR. Therefore, some responses also included descriptions of situations and occurrences that happened in other provinces.

### The Philippines

This research aims to obtain information on the accessibility of elections from persons with disabilities in selected cities and municipalities in eight regions from Luzon, Visayas, and Mindanao where there are existing and active organizations of persons with disabilities. These

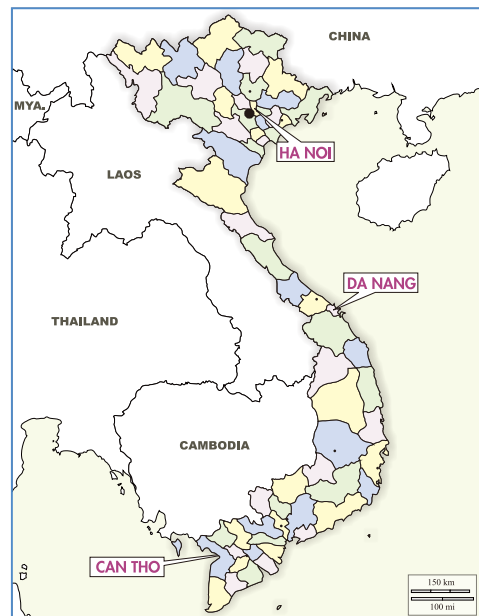
are also locations where is a considerable level of awareness among persons with disabilities on election access and electoral issues. In addition, the areas where the research was conducted are mostly urban and strategically located, and accessible both for the participants and the research team.

## Vietnam

In Vietnam, the selected sites were Hanoi, Da Nang and Can Tho because the representativeness of the regions in Vietnam (North, Center and South), and the existence of provincial-level DPOs in these cities to have better understanding of persons with disabilities in their cities and therefore they can assist in the data collection process.

In each city we conducted the survey and key informant interviews both in urban and suburban areas.

Picture 3. Selected cities in Vietnam<sup>185</sup>

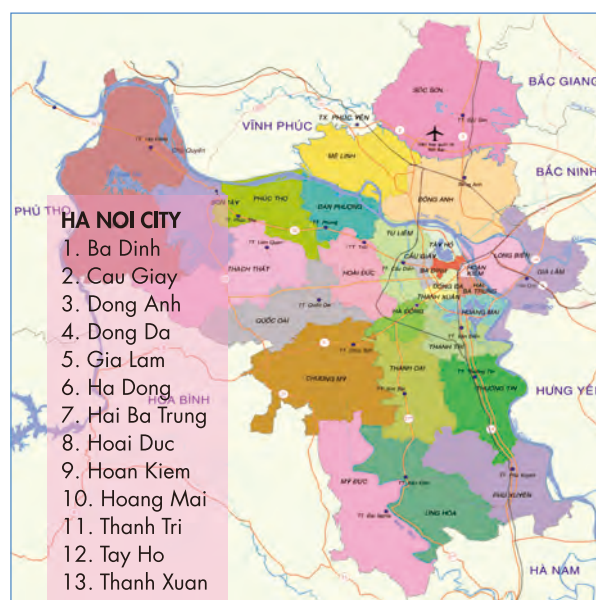


<sup>185</sup> Source: <http://vietsciences1.free.fr/vietscience/Vietnam/sudia/images/bando.jpg>

### Hanoi

Hanoi is the capital city of Vietnam. The total geographical area of Hanoi is 3,328.9 square kilometers, with 6,472,000 citizens of whom 59 percent live in suburban areas. This city is comprised of eleven urban districts and eighteen suburban districts. The urban districts are Ba Dinh, Hoan Kiem, Tay Ho, Long Bien, Cau Giay, Dong Da, Hai Ba Trung, Hoang Mai, Thanh Xuan, Ha Dong, and Son Tay.

Picture 4. Selected sites in Hanoi<sup>186</sup>



Hanoi has a relatively large population of persons with disabilities. By 2009, the city had nearly 90,000 persons with disabilities, accounting for 1.40 percent of the city's population.<sup>187</sup> According to the overall report of the second term 2009-2012, Orientation Plan of the third term

<sup>186</sup> Source: [http://vi.wikipedia.org/wiki/T%E1%BA%ADp\\_tin:B%E1%BA%A3n\\_%C4%91%E1%BB%93\\_H%C3%A0\\_N%E1%BB%99i.png](http://vi.wikipedia.org/wiki/T%E1%BA%ADp_tin:B%E1%BA%A3n_%C4%91%E1%BB%93_H%C3%A0_N%E1%BB%99i.png)

<sup>187</sup> Hanoi Disabled People's Organization, "Overall report of the 2nd term 2009-2012, Orientation plan of the 3rd term 2012-2017," 2012, para.2 [http://www.dphanoi.org.vn/index.php?option=com\\_content&task=view&id=3222&Itemid=818](http://www.dphanoi.org.vn/index.php?option=com_content&task=view&id=3222&Itemid=818)

2012-2017 of Hanoi Disabled People's Organization, there were 36,357 (40.74 percent) citizens with mental disabilities, 34,190 (38.28 percent) citizens with physical disabilities, 11,414 (12.79 percent) blind citizens, 8,131 (9.11 percent) deaf citizens, and 5,883 (6.59 percent) citizens with physical deformities.<sup>188</sup> The proportion of illiteracy among persons with disabilities in Hanoi was also quite high, 33.34 percent of total persons with disabilities. Unsurprisingly, the employment rate of persons with disabilities in Hanoi was quite low, only 13.14 percent.<sup>189</sup>

The provincial organization of persons with disabilities in Hanoi is the Hanoi DPO. Hanoi DPO was established with the gathering of 19 self-help groups and clubs and centers with 750 members in the Hanoi area. After operating for more than four years, the Hanoi DPO had 43 member organizations and over 5,000 members (consisting of 20 clubs, groups and centers and 23 DPOs in districts).<sup>192</sup>

## Da Nang

Da Nang is one of the five largest urban centers of Vietnam. The city has an area of 1,256 square kilometers, divided into six urban districts (Hai Chau, Thanh Khe, Son Tra, Lien Chieu, Ngu Hanh Son, and Cam Le), one large rural district (Hoa Vang), and one island district (Hoang Sa).

Da Nang is commonly known as a young and dynamic city. The city has become the third largest economy in Vietnam after Ho Chi Minh City and Hanoi, likely a result of vast economic growth and social development. During the Vietnam War (1964-73), Da Nang was the most important and largest army and air force base of the U.S. military in the central region of Vietnam, where approximately 35.00 percent of the dioxin chemicals used during the war were stored, which is one of the main causes of disability. According to the 2009 National Population Census, Da

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<sup>188</sup> Ibid, para.2, Table 1

<sup>189</sup> Ibid, para.2, Table 2 Another survey<sup>190</sup> of Hanoi in 2009 also pointed out that the need to participate in political, social and cultural activities is met for just 3.74 percent of persons with disabilities in Hanoi<sup>191</sup>.

<sup>190</sup> Hanoi DOLISA, Baseline survey report, 2009.

<sup>191</sup> Opcit, para.2, Table 5

<sup>192</sup> Hanoi Disabled People's Organization website, Introduction, About Hanoi DPO, [http://www.dphanoi.org.vn/index.php?option=com\\_content&task=view&id=1324&Itemid=818](http://www.dphanoi.org.vn/index.php?option=com_content&task=view&id=1324&Itemid=818)

Picture 5. Selected sites in Da Nang<sup>193</sup>



Nang's total population was 894,500 people, with 86.87 percent of them (777,000 people) living in urban areas and 13.13 percent (117,500 people) living in suburban areas.

By 2010 there were 182,915 persons with disabilities which is equivalent to 20.40 percent of the total population of the city. The number of employed persons with disabilities accounted for 15.02 percent of the total number of persons with disabilities. There were 66.86 percent of total persons with disabilities in Da Nang who were blind,

19.95 percent were people with physical disabilities, 5.66percent had hearing and/or speaking disabilities, 2.52 percent had learning disabilities, and 5.02percent had other types of disabilities.<sup>194</sup>

Da Nang DPO is the provincial organization of persons with disabilities for the area. There are more than 500 members who are currently living, studying and working in Da Nang.

<sup>193</sup> Source: <http://www.amitourist.com/Vietnam-maps/da-nang.jpg>

<sup>194</sup> Da Nang City Department of Labor, Invalids and Social Affairs, 2010



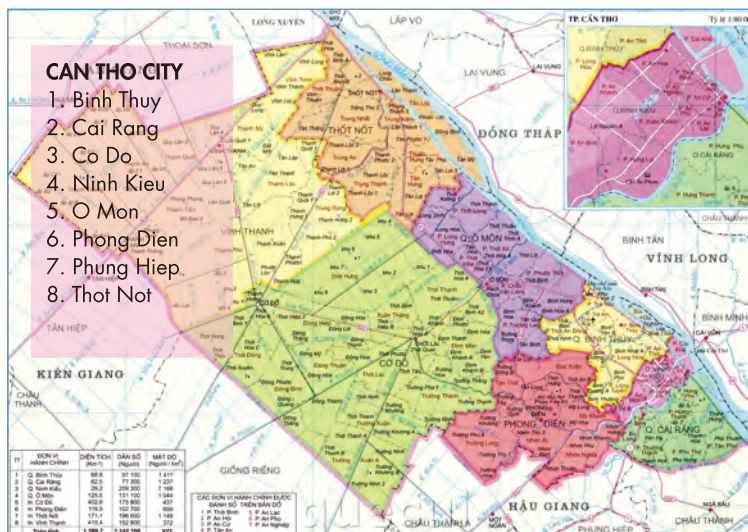
## Can Tho

Can Tho is situated amid the confluence of rivers and tributaries of the Mekong Delta region. Administratively, the city is divided into five urban districts (Ninh Kieu, Binh Thuy, Cai Rang, Thot Not, and O Mon), and four rural districts (Phong Dien, Co Do, Vinh Thanh, and Thoi Lai).

Can Tho's geographical area is 1,401.6 square kilometers. In 2009, the total population of the city was 1,187,089 people, 65.83 percent (781,481 people) living in urban areas and 34.17 percent (405,608 people) living in rural areas.<sup>195</sup>

According to provincial statistics in 2009, there were about 2,000 persons with disabilities in Can Tho, and 233 of them were official members of Can Tho DPO. This is the only DPO in all of the provinces of the Mekong Delta region.<sup>196</sup>

Picture 6. Selected sites in Can Tho<sup>197</sup>



<sup>195</sup> General Statistics Office, National Population Census, 2009

<sup>196</sup> Can Tho City Department of Labor, Invalids and Social Affairs, 2009

<sup>197</sup> Source: <http://acbwu.webs.com/khumiennam/cantho.htm>





