



Savez slijepih Crne Gore



## FINAL REPORT

# OBSERVATION OF EARLY PARLIAMENTARY ELECTIONS IN MONTENEGRO, 11 JUNE 2023

Podgorica, July 17, 2023



## **ABBREVIATIONS:**

MEC – Municipal Election Commission

MoI – Ministry of Interior

PB – polling board

PS – polling station

PWDs – persons with disabilities

SEC – State Election Commission

OSCE – Organization for Security and Cooperation in Europe

UBM – the Union of the Blind of Montenegro

UMHCG - the Union of Youth with Disabilities

VIPs – visually impaired persons

VWD – voters with disabilities

*The observation was carried out with the support of the National Democratic Institute (NDI). The findings of this observation belong to the Union of the Blind and do not necessarily reflect the views of the donors.*





## SUMMARY

On June 11, 2023, the Union of the Blind conducted **the first systematic observation of polling station accessibility in Montenegro's history** in all three of its regions. Observation data demonstrated that **independent voting, with dignity and the secrecy of the ballot, was not ensured for persons with disabilities on election day.**

Montenegro's legal framework guarantees both the ability of persons with disabilities to freely exercise their voting rights without barriers and the removal of all barriers. **However, findings confirm that the legal framework is poorly implemented, resulting in discrimination against persons with disabilities on election day.**

Commendably, Montenegro is one of the few countries in the Western Balkans whose legal framework governs voting rights of persons with disabilities on election day in order to provide them with equal possibilities to exercise electoral rights. The Union of the Blind's observation aimed to determine the extent to which positive laws were respected in particular, observation examined the implementation of the Rules on designation, setting up of polling stations and measures for ensuring the secrecy of the ballot, as well as the Rules on uniform standards for election material, both of which were adopted by the State Election Commission and are mandatory for all municipal election commissions and polling boards. After the Union of the Blind acquainted the State Election Commission with the measurement process, the Commission adopted a decision stating that observers must ask polling board members to take measures without interfering with the electoral procedure at polling stations. **On Election Day, 50 Union of the Blind-trained mobile observers visited 505 polling stations in 20 municipalities across Montenegro,** collecting data on the accessibility of polling stations and the provision of election materials for persons with disabilities. Observers monitored **five key accessibility indicators** at each polling station: the accessibility of the surrounding area (i.e. parking), the access route to the polling station, the accessibility of the polling station's entrance area, polling boards' efforts, and the polling station's physical accessibility and provision of election material.

Inside the polling stations, observers measured the entrance door width, the height of the threshold, the height of low-level shelves inside the voting booth and the height at which ballot boxes were positioned. This process took place during the entirety of election day, and the observers were allowed to take measures freely. It is important to highlight that data was obtained according to the **previously-established measurement procedure**, independent of polling board members or the observers' own judgment.

Observers reported and submitted their findings to the Union call center which verified and analyzed data, and informed the public about it. Observation findings are detailed below.

- **Polling stations' surrounding area**

**Polling stations' surrounding areas were largely inaccessible to persons with disabilities. As many as 87.3% of the observed polling stations were not fully accessible.** For example, parking spaces were not located in the immediate vicinity of the polling station and were not marked by the International Symbol of Accessibility. Moreover, the dimensions of parking spaces were not adequate, and the degree of access for persons with disabilities was limited by the presence of incorrectly parked cars.



- **Polling stations' access route**

The access to polling stations was also made difficult, with **57.6%** of the observed polling stations utilizing inaccessible routes, meaning that curbs, if any, exceeded the prescribed height of 2 centimeters, and that some other obstructions, such as concrete pillars, planters, etc., were present.

- **Polling station entrance area**

**32.2% of the observed polling stations had fully accessible entrances to persons with physical disabilities.** Within the entrances, with no flat-level passable surfaces, as many as 63% were not equipped with ramps or had ramps with a slope exceeding 8% or with steps denying access to persons with disabilities.

**Polling station entrance areas were not accessible at 83.8% of the total of 505 observed polling stations.** This indicates that the locations designated for polling stations were not chosen with accessibility in mind, as there were no flat entrance areas or adequate ramps at those locations.

In 96.2% of the observed polling stations, corridors were at least 120 cm wide, which enabled persons with disabilities to move unhindered. However, the entrance door threshold was higher than 2 centimeters at a third of the observed polling stations.

Municipal election commissions generally did not choose accessible locations for polling stations and did not organize polling stations to ensure independent access for persons with disabilities. In addition to that, they violated the bylaws adopted by the State Election Commission. This segment indicates that the Ministry of Internal Affairs did not sufficiently take into account prescribed accessibility standards when proposing potential polling station locations. This also pertains to representatives of municipal election commissions determining the locations of polling stations.

- **Work of polling boards**

**Observation findings indicated partial non-compliance with the prescribed procedure, combined with the lack of participation of persons with disabilities, in the composition of polling boards across the country.**

According to information received by polling boards, **99.4% of the observed polling stations were open on time at 7 a.m.** Observers reported that at **28.3% of the observed polling board members did not have accreditation badges on a visible place**, at **19% of the polling stations mobile phones were used**, although the use of phones and other means of communication at polling stations is strictly prohibited by the Law. At **3.8% of the observed polling stations, polling board members were saying the voter's full name aloud during the voter identification.**

**The lack of participation of persons with disabilities in the work of polling boards was noticeable.** Persons with disabilities were among members of polling boards at only 17 (3.4%) out of 505 of the observed polling stations, meaning that persons with disabilities are not recognized as equal participants in the election process.



The observers noted the answers given by the polling board members who showed an inadequate approach towards persons with disabilities. For example, when asked “*Are there any persons with disabilities in the composition of the polling board*” one of the observers gave the following answer “*Thank God, no. We are all healthy.*”

- **Movement of persons with disabilities inside the polling stations and voting**

**Polling stations were not organized in a manner that enabled the independent and unhindered voting and movement of persons with disabilities.**

**Only 21.4% of the observed polling stations were fully accessible to visually impaired persons**, meaning that two ballot templates and two brochures in Braille were provided and were on a desk at the polling board with the rest of the election materials. **Carpet strips, which should contrast with floor color, were not installed at as many as 66.5% of the observed polling stations**, hindering the independent movement of visually impaired and blind persons.

Ballot templates that ensure the secrecy of ballots for visually impaired persons were true to the form and appearance of the ballot paper, made of solid material with openings for physical voting. Two ballot paper templates were available at 95.8% of the polling stations. At 37.4% of polling stations, however, the templates were not found on a desk with other election materials.

At least two brochures printed in Braille should be provided at each polling station in order to allow each visually impaired person to become familiar with the content of a ballot paper. This standard was respected at 93.5% of the observed polling stations.

**Regarding the accessibility of the vote for persons of short stature and wheelchair users, 52.3% of the observed polling stations were fully accessible**, which means that low-level shelves were properly put up, and that the upper edge of the ballot box did not exceed the prescribed 85 centimeters.

During the period between 7am and 9pm the **Call Center set up by the Union** not only collected and analyzed data obtained from the field, but also received calls made by persons with disabilities to report irregularities related to potential violations of their rights on election day. On election day, 4 persons with disabilities reported irregularities. Given the fact that this was the third election cycle in 2023—in some cities (14 of them) it was the fourth election since October 2022—the low number of irregularities reported by the persons with disabilities is to be expected. This situation indicates that **persons with disabilities are discouraged from reporting irregularities**, which comes as a result of **longstanding failures to solve problems concerning accessibility** at polling stations for persons with disabilities. One of the reported irregularities referred to poor knowledge and the **lack of accessibility-related knowledge among polling board members**, which speaks of the need for **mandatory education** of polling board members, since they direct crucial electoral activities on Election Day.

In the post-election period, the Union of the Blind will **provide all interested persons with disabilities with free legal aid in filing lawsuits** alleging rights violations.

Observation was carried within the framework of the project *Observation of Early parliamentary elections, June 11, 2023*. The project took into account two goals: collecting



and analyzing data on the accessibility at polling stations, and advocating for improvement in the field of participation of persons with disabilities in election processes.

Based on the observation findings, the Union's key recommendation is to **start the process of comprehensive electoral reform** immediately after the new convocation of the Parliament takes office in order to ensure the full electoral rights of persons with disabilities. **Depoliticisation of election administration at all levels** and enabling adequate conduct of election processes by electoral management bodies should be top priorities. It is necessary to **provide and ensure the meaningful participation of persons with disabilities** in the electoral reform process.

In order to improve the current situation, it is of vital importance to develop more **effective communication and establish mutual obligations among electoral management bodies**. It is mandatory to work on **raising awareness of the rights** of persons with disabilities and the significance of comprehensive accessibility with regard to: **official premises, organizing events, and creating and publishing information.**<sup>1</sup>

For that reason, the Union of the Blind invites all institutions/organizations to, in cooperation with the Union and other civil society organizations, **systematically and continuously implement these recommendations** as part of the electoral and other indispensable reforms in order to enable the exercise of **all rights of persons with disabilities guaranteed by the Constitution**.

We would like to thank all the actors participating in the electoral process who contributed to the first conduct of the systematic observation of the election day with regard to the exercise of voting rights of persons with disabilities.

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<sup>1</sup> More details below in Recommendations



## RECOMMENDATIONS

Based on the findings of the observation, we set out the following recommendations for enhancing participation of PWDs in election processes.

### The Parliament

- Embark on a comprehensive electoral reform process immediately after new parliamentary convocation in order to ensure the full electoral rights of PWDs.
- Prioritize professionalism by depoliticizing election administration at all levels of government in order to ensure professional performance of MECs and PBs in accordance with legislations and bylaws.
- Require all PB members to participate in mandatory training, obtaining a certificate in the process. Only persons with issued training certificates should be eligible to serve as PB members.
- Priority shall be given to the establishment of accountability mechanisms for violations of electoral laws and bylaws, including those affecting the protection of the rights of PWDs.
- Ensure meaningful participation of organizations of PWDs in the electoral reform process.
- Ensure budget transparency during election processes.
- Ensure the provision of sign language interpretation during plenary sessions.

### The Government

- Enforce the mandatory participation of all relevant state institutions in the electoral reform process with precisely prescribed obligations related to the protection and promotion of the electoral rights of PWDs.
- Provide sign language interpretation during Government sessions.
- Allocate funding to dedicated sign language interpretation on television broadcasters, i.e. RTCG using budget funds.
- Provide adequate financial resources to ensure the full accessibility at PSs and production of election and voting materials.
- Ensure the effective work of the Committee on the rights of PWDs in order to ensure the adoption of specific measures for improving the position of PWDs by state institutions, as well as the implementation of these measures.
- Adapt facilities, including structures in public use, schools, buildings in which authorities of local administration are located, as well as other facilities often used as PSs, in order to ensure accessibility for PWDs.

### The SEC

- Ensure transparency of all funds earmarked for ensuring the accessibility at PSs.
- Raise awareness of the significance of PWDs' electoral rights through work and channels of communication.
- Ensure more effective communication between the SEC, MECs and PBs on issues pertaining to full accessibility for PWDs.
- Enhance the knowledge of PWDs on electoral rights through educational materials and campaigns in accessible formats.
- Produce educational material intended for voters in accessible formats.
- Ensure that the website of the SEC complies with Guidelines for e-accessibility in order to make it accessible to all persons with disabilities.





- Conduct required training courses for the members of all MEC and polling board members on the voting rights of PWDs, accessibility at PSs and accessibility-oriented voting materials on a regular basis.

### **MECs**

- Strictly follow the regulations adopted by the SEC relating to electoral participation for PWDs.
- Improve the election process and develop certain criteria for the designation of fully accessible PSs.
- Produce voter education materials in an accessible format.
- Establish a quality plan and develop effective training programs for members of PBs by putting a focus on voting rights of PWDs and making attendance mandatory.
- Fully comply with the legal acts and bylaws related to the organization of PSs and the voting rights of PWDs.

### **Political parties**

- Raise awareness of the rights of PWDs and the importance of overall accessibility related to: office premises, event organization, and creating and publishing information.
- Develop and implement policies and internal bylaws that ensure the meaningful representation of PWDs in political parties, including determining authorities.
- Include issues relevant to voters with disabilities in pre-election programmes.
- Conduct electoral campaigns with sign language interpretation provided.

### **Civil society organizations – CSOs**

- Utilize the expertise of civil society organizations dealing with issues concerning PWDs and support their work.
- Include the electoral rights of PWDs in the process of advocacy for comprehensive electoral reform.

### **Media**

- Invest in building the familiarity and capacities of media representatives – producers, journalists, presenters – to accurately and appropriately report on the rights of PWDs, in order to prevent stereotypes while reporting matters concerning PWDs.
- Ensure the participation of PWDs in different socio-political spheres such as politics, economy, elections and decision-making.
- Provide sign language interpretation at election debates and news broadcasts.

### **Donors**

- Ensure adequate and continuous financing for civil society organizations dealing with the rights of PWDs in order to enable advocacy of improvement of their rights for the long term.



## A WORD FROM THE PRESIDENT OF THE UNION OF THE BLIND OF MONTENEGRO

Dear all,

After having spent many years working on improvement and promotion of participation in political and public life of persons with disabilities, the fact that we conducted the first systematic observation of the election day in order to assess the opportunities for exercising voting rights of persons with disabilities brings us great pleasure.

Persons with disabilities, as the other citizens of Montenegro, have the right to vote, exercise their free will and choose who will represent them. However, if accessibility with respect to both environment and information is not provided, persons with disabilities are denied the right to vote and the opportunity to enjoy their rights on an equal basis with other citizens of Montenegro.

Therefore, it is necessary to ensure full respect for legal standards and bylaws, and enable persons with disabilities to independently and secretly express their will without any form of discrimination.

Election observers had a significant role in the process of the election day observation, and we are very grateful for their contribution. With their participation, serious approach, commitment and political impartiality they personally contributed to the assessment of the current situation with regard to the rights of our fellow-citizens with disabilities to vote. A contribution to the overall observation mission was also made by the call center operators. Eight operators were devoted to the continuous gathering and structuring data obtained from the field on election day. This data was then analyzed by the project team and used in order to write press releases, make a preliminary assessment of election day and prepare the final report you are reading now. This was a great work with great responsibility for the Union as the project holder but also for our observers and operators who were engaged in collecting and analyzing data obtained from the field during the whole day. The contribution of the State Election Commission was of equal importance. Through the activities carried out by the Commission and decisions this body had made, the observers were given the opportunity to smoothly perform their measurements inside the polling stations. In this manner, the State Election Commission demonstrated a high level of professionalism and understanding the importance of this procedure. All the data mentioned and made available to you in this report, are of immeasurable importance for carrying out high-quality analysis and getting an unbiased and objective overview of the situation on the ground, as well as for developing recommendations in relation to indispensable electoral reform.

Hopefully, competent institutions—in particular, election administration—will take all the necessary steps in implementing necessary electoral reforms in order to improve the current situation by taking into account findings and recommendations set out in this report. I would like to take this opportunity to express my gratitude to the National Democratic Institute for its technical and financial support to this project.

Andrija Samardžić, President of the Union of the Blind of Montenegro



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## 1. 2023 PARLIAMENTARY ELECTIONS – BASIC INFORMATION

Early parliamentary elections in Montenegro took place on June 11 2023. The former-President of Montenegro, Milo Đukanović, set June 11 as the date for early parliamentary elections, a day after he dissolved parliament. In April, the Constitutional Court deliberated the constitutionality of the presidential decree for early elections, but it failed to reach its decision due to a tied vote. In another case, the constitutionality of the amendments to the Law on the President from 2022 was challenged. This challenge provided a basis for the dissolution of parliament, which was unanimously confirmed at the Constitutional Court Session, held on June 27, 2023.

The 81-member parliament is elected for a four-year term through closed candidate lists within a proportional representation system in a single nationwide constituency. The election administration structure comprises three levels, State Election Commission (SEC), 25 municipal election commissions (MECs) and polling boards (PBs). Both the SEC and MECs are bodies with four-year terms. 1.157 polling station locations were designated for the elections. PBs were composed solely of representatives of parliamentary political parties and empowered representatives of electoral lists. They were all appointed by May 31.

Voting rights are granted to all citizens 18 or older, provided they have a permanent residence in Montenegro for at least 24 months before Election Day. The Ministry of the Interior (Mol) compiled the voter list, and by May 31, 2023 there were 542.468 registered voters. Voters could check where their assigned polling station was using the biraci.me application.<sup>2</sup>

All eligible voters were entitled to stand as candidates. Political parties, coalitions and voter groups could nominate candidates as part of a closed party list, each of which requires 4,338 supporting signatures. For parliamentary elections, the validity of proposed lists is determined by the observed respect for the 30% quota for the underrepresented gender (in this case, women) and list of supporting signatures. Voters could check online if they have been included in the SEC online database.<sup>3</sup> In the parliamentary elections, the SEC registered 15 lists.

Candidate lists were eligible for seats if they obtained at least 3% of the valid votes cast. Preferential rules apply for lists representing national minorities not exceeding 15% of the total population.

Campaigning in the media started after candidate lists had been registered by the SEC on May 22, 2023.

By the time of writing this report, the final results of the parliamentary elections have not been published by the State Election Commission.

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<sup>2</sup> <http://xn--birai-kya.me/>

<sup>3</sup> <https://provjeripotpis.me/>



## 2. INTRODUCTION

Persons with disabilities (PWDs) exercise their right to vote throughout Montenegro. However, can their voting rights be exercised in compliance with fundamental international standards of voting as well as national legislation governing independent voting and the secrecy of the ballot?

The constitution of the Republic of Montenegro guarantees universal and equal suffrage for all Montenegrin citizens, as well as the secrecy of the ballot. The right of PWDs to participate in public and political life is regulated by numerous positive acts adopted or ratified by Montenegro, including the right to vote and stand as a candidate.

There is an insufficient degree of PWD participation in political life, as citizens of Montenegro. With respect to the right to vote in Montenegro, adequate requirements for independent voting and the secrecy of the ballot secret for this population group need to be ensured.

It is a long-standing tradition that PWDs are not independent during the voting process, since they often depend on other people to physically vote, meaning that there are still significant vulnerabilities in independent decision-making. PWDs rely on family members who often affect their choices, thereby compromising the principles of independence and the secrecy of the ballot during the vote.

Although visually impaired persons (VIPs) do not sufficiently participate in political and public life, they show a great deal of interest in the act of voting in elections. Factors that prevent VIPs from participating more actively in the political scene include **societal prejudice as well as numerous physical and non-physical barriers that make them stay home on election day.**

Until 2014, PWDs had mainly voted with the assistance of a person of their own choice or via post from home. Since 2013, when ballot templates were made available for the first time in the presidential election, VIPs have had an opportunity to vote using them. The fact that the use of the template for independent and secret vote by VIPs was specified in the Law on Election of Councilors and Members of Parliament (2014) is very commendable, as well as the application of the template. At the same time it is an advanced practice and in line with legal standards and practice in developed countries.

However, during the presidential elections on April 15, 2018 the application of the ballot revealed serious shortcomings which required certain improvements.<sup>4</sup>

In accordance with the existing legislation and international commitments undertaken by Montenegro and with the goal of improving conditions for independent, secret and dignified participation of PWDs in election process—primarily through ensured accessibility at polling stations, procedures and voting material—the Association of Youth with Disabilities of Montenegro and the Union of the Blind of Montenegro (UBM) in cooperation with OSCE Mission to Montenegro developed guidelines<sup>5</sup> that were used to initiate amendments to the

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<sup>4</sup> More details at: <https://ss-cg.org/?p=4028> .

<sup>5</sup> <https://disabilityinfo.me/ljudska-prava/item/1354-smjernice-za-unapredjenje-pristupacnosti-izbornog-procesa-za-osobe-s-invaliditetom-osi>



bylaws of the SEC, legally binding on all municipal election commissions in all election cycles: local, presidential and parliamentary.

In spite of relatively adequate legal regulations and initiatives that had constantly been launched prior to every election process, even during Presidential Elections held on March 19, 2023, conditions for PWDs were not adequate. According to the reports presented by domestic and international observation missions, situation at PSs was generally unsatisfactory,<sup>6</sup> which reflects the fact that many PSs, although located in public facilities and premises for public purposes, were fully inaccessible (i.e. lack of parking places, entrance with steps, narrow entrance area, double wing door with one leaf closed). As for the interior of PSs, ballot templates were not available at all PSs, although they were provided by the SEC. Furthermore, ballot boxes were not placed at a lower height, which prevented some PWDs from inserting their ballots into the ballot box. In this way, the secrecy of the ballot was not ensured and at many PSs there was neither a low-level shelf inside the voting booth nor carpet strips designed to enable the independent movement of VIPs within PSs.

As justification for this situation, some members of PBs said there were no PWDs present at their PSs, that they mostly voted by post, and they would help them if they showed up to vote at the PS. Since there was no central registry of PWDs, it was implausible that members of PBs would have information that is not known at the national level, and that they would have had records on the presence of PWDs at specific PSs.

Election day observation with regard to respect for accessibility elements for PWDs is of great importance for collecting and analyzing data relevant to the current situation, objective reporting and giving recommendations for improvement. In order to assess the accessibility of PSs, which is directly related to the opportunity for the exercise of voting rights by PWDs, the UBM decided to conduct systematic election observation, focusing on PWDs.

### 3. LEGAL FRAMEWORK

The right to participation in public and political life of PWDs is regulated by numerous positive laws adopted or ratified by Montenegro, and it includes the right to vote and stand as a candidate.

#### 3.1. International legal framework

**The European Convention for the Protection of Human Rights and Fundamental Freedoms<sup>7</sup> stipulates in Article 14 that** enjoyment of the rights and freedoms shall be secured without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. **Protocol No.12** to the European Convention for the Protection of Human Rights and Fundamental Freedoms specifies in Article 1 that no one shall be discriminated against by any public authority on any ground such as those earlier mentioned.

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<sup>6</sup> More details at: <https://www.osce.org/odihr/elections/montenegro/537026>.

<sup>7</sup> <https://www.ombudsman.co.me/Propisi.html>



**The United Nations Convention on the Rights of PWDs**, ratified by Montenegro in 2009<sup>8</sup>, deals with all aspects of life of PWDs. The Convention obliges Member States to recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefits of the law. It also prohibits all discrimination on the basis of disability and guarantees to all PWDs equal and effective legal protection against discrimination on all grounds. In order to promote equality and eliminate discrimination, State Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.<sup>9</sup>

The Convention lays down that State Parties, including Montenegro, shall **guarantee to PWDs political rights and the opportunity to enjoy them on an equal basis with others**.<sup>10</sup> In accordance with that, Montenegro is obliged to ensure that PWDs 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 ensuring that **voting procedures, facilities and materials are appropriate, accessible and easy to understand and use, protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation and guaranteeing the free expression of the will of persons with disabilities as electors**, allowing assistance in voting by a person of their own choice. The Convention also provides the possibility to stand for elections and to effectively hold office and perform all public functions at all levels of government.

In its report on Montenegro, the **UN Committee on the rights of PWDs**<sup>11</sup> noted with grave concern that there were still certain **physical and information barriers regarding the voting process**. The Committee recommended Montenegro to amend its electoral laws and rules of procedures in order to: **(a) Provide all PWDs with an opportunity to vote and stand for elections**; and **(b) Ensure barrier-free access to voting**, provide mechanisms to ensure **the secrecy of the ballot regardless of the type of disability** and accessibility of other voting material such as information in accessible formats in accordance to the General Comment No. 2 on accessibility.

Participating states of the **OSCE** committed to taking steps to ensure equal opportunity for PWDs to participate fully in society, and to promote the appropriate participation of PWDs in decision-making, especially on issues that concern them. These commitments are enshrined in the **Moscow 1991 Document**.<sup>12</sup>

### **3.2. National legal framework**

According to the **Constitution of the Republic of Montenegro**, Montenegro is an independent and sovereign state, and a republic by the form of its government.

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<sup>8</sup> Law on Ratification of the UN Convention on the Rights of Persons with Disabilities with Optional Protocol "Official Gazette of Montenegro" No. 02/09 of July 27, 2009.

<sup>9</sup> Article 5 of the UNCRPD

<sup>10</sup> Article 29 of the UNCRPD

<sup>11</sup> <https://www.gov.me/dokumenta/1812f22c-d8a6-42a5-9fe6-e8da4f5c6886>

<sup>12</sup> <https://www.osce.org/files/f/documents/2/3/14310.pdf>



Montenegro is a civil, democratic, ecological state responsible for social justice, based on the rule of law.<sup>13</sup> A citizen with Montenegrin citizenship is a bearer of sovereignty. Citizens shall exercise power directly and through freely-elected representatives.<sup>14</sup>

Montenegro shall guarantee and protect rights and freedoms which are inviolable, and everyone is obliged to respect the rights and freedoms of others.<sup>15</sup> Any, direct and indirect, form of discrimination on any ground shall be prohibited. Regulations and special measures aimed at creating conditions for the realization of national, gender and overall equality and protection of persons being in unequal position on any ground will not be considered to be discrimination.<sup>16</sup> Rights and freedoms shall be exercised on the basis of the Constitution and the confirmed international agreements. All shall be deemed equal before the law, regardless of any particularity or personal feature.<sup>17</sup> The right to elect and stand for election shall be granted to the citizen of Montenegro who is over 18 with at least a two-year residence in Montenegro. Voting rights are exercised in elections, and are general and equal. Elections shall be free and direct, by secret ballot.<sup>18</sup>

**The Law on Prohibition of Discrimination<sup>19</sup>** prohibits any form of discrimination on any ground. The Law defines discrimination as any legal or actual distinction or unequal treatment, or failure to treat a person or a group of persons in comparison to other persons, as well as exclusion, restriction or preferential treatment of a person in comparison to other persons, based on any immutable characteristic, including **disability**.<sup>20</sup>

**Lex specialis, the Law on Prohibition of Discrimination of Persons with Disabilities<sup>21</sup>, considers discrimination based on disability in the area of political and public life to be:** denying, limiting or impeding exercise of the right to vote; denying the right to independent voting or voting with the help of an assistant; preventing, limiting or hindering access, movement, stay and work in the premises of political parties; denying or limiting the right to elect and be elected to the management organs of public institutions, non-governmental organizations and other institutions; as well as to efficiently perform public functions at all levels of power with the help of technologies for support to persons with disabilities.<sup>22</sup>

**The Law on Election of Councilors and Members of Parliament<sup>23</sup>** extensively covers voting rights. This Law holds that voting rights should include the rights of voters to: vote and stand as a candidate in elections; nominate and be nominated; make decisions on the nominated candidates and candidate lists; to ask candidates questions publicly; be informed in a timely, truthful, complete and objective manner about the programmes and

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<sup>13</sup> Article 1 of the Constitution of the Montenegro

<sup>14</sup> Article 2 of the Constitution of the Montenegro

<sup>15</sup> Article 6 of the Constitution of the Montenegro

<sup>16</sup> Article 8 of the Constitution of the Montenegro

<sup>17</sup> Article 17 of the Constitution of the Montenegro

<sup>18</sup> Article 45 of the Constitution of the Montenegro

<sup>19</sup> "Official Gazette of Montenegro No. 46/2010, 18/2014 and 042/17

<sup>20</sup> Article 2 of the Law on Prohibition of Discrimination

<sup>21</sup> "Official Gazette of Montenegro No. 035/15, 044/15

<sup>22</sup> Article 25 of the Law on Prohibition of Discrimination against PWDs

<sup>23</sup> "Official Gazette", No. 004/98, 005/98, 017/98, 014/00, 018/00, "Official Gazette of the Federal Republic of Yugoslavia", No. 073/00, 009/01, 041/02, 046/02, 045/04, 048/06, 056/06, "Official Gazette of Montenegro", No. 046/11, 014/14, 047/14, 012/16, 060/17, 010/18, 109/20).





activities of candidates list submitting entities; as well as to exercise other rights provided by this Law.<sup>24</sup>

PS locations shall be designated by the MEC, at the proposal of the Mol, at the latest 20 days before Election Day. **PSs shall have ample space allowing all members of the PB may freely and at any moment examine and access ballot boxes and voting material.** No later than 10 days before election day, the municipal election commission must announce the polling stations which have been designated and which voters will cast their votes at individual polling.<sup>25</sup>

The Mol shall deliver **poll cards to voters** no later than seven days before the date of the elections. The poll card shall be in a format accessible to voters with disabilities and contain the following: the polling date and polling hours, the number and address of the polling station which to vote and the number under which the voter is included into the extract from the electoral register. Voters with disabilities shall submit a poll card application to Molno later than 15 days before the date of the elections.<sup>26</sup> The SEC shall prescribe the form and appearance of ballot templates in more detail, which **shall be true to form and appearance of the ballot paper.**<sup>27</sup> On the date of the elections, before the voting begins, the polling board shall ascertain that the prepared election materials are complete and in proper order, and that the layout of the polling station is organized in a manner which ensures the secrecy of the ballot.<sup>28</sup>

According to this Law, PWDs may exercise voting rights:

- By using ballot template for voting;
- With the assistance of a freely chosen person; or
- By post (from home).

**Voters with disability shall be entitled to cast their vote with the assistance of a designated aide, who shall mark the ballot, that is, cast the vote as instructed by the voter.** The casting of vote on behalf of the voter may not be performed by polling board members, nor by authorized representatives of candidate list submitting entities. Applications to vote by post shall be submitted to the polling board at the polling station at the latest until 13:00h on polling day.<sup>29</sup>

Accessibility standards that apply to public facilities are defined in the **Law on Spatial Planning and Construction of Structures** and in more detail within the **Rulebook on detailed conditions and methods of adapting facilities for access and movement of persons with reduced mobility and persons with disabilities.**<sup>30</sup> The above-mentioned Rulebook prescribes that a ramp shall have minimum allowed inclination of 5%, minimum width of 120 centimeters in external area or minimum 90 centimeters in internal area, a solid surface with anti-sliding finishing and guardrail with handrails.<sup>31</sup> **Elevators** shall have minimum internal dimensions of **110 x 140 centimeters**, a handrail placed at height of 90 centimeters, **sound announcements** and a control panel with information available in

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<sup>24</sup> Article 10 of the Law on Election of Councillors and Members of Parliament

<sup>25</sup> Article 65 of the Law on Election of Councillors and Members of Parliament

<sup>26</sup> Article 68 of the Law on Election of Councillors and Members of Parliament

<sup>27</sup> Article 74 of the Law on Election of Councillors and Members of Parliament

<sup>28</sup> Article 75 of the Law on Election of Councillors and Members of Parliament

<sup>29</sup> Article 85 of the Law on Election of Councillors and Members of Parliament

<sup>30</sup> <https://www.gov.me/dokumenta/85a0d4a1-c6f9-438b-8257-00a6493d49ce>

<sup>31</sup> Article 11 of the Rulebook



**Braille.**<sup>32</sup> **The entrance area** of the facility shall have a single wing door with a minimum useful area width of 110 x 210 centimeters or double wing door with minimum width of useful area of 2 x 90/210 centimeters, a door opening outwards or a sliding door, **and a threshold** no higher than 2 centimeters.<sup>33</sup> **Corridors** shall have a minimum width of 150 centimeters, and all passable surfaces shall be at the same surfaces.<sup>34</sup> The Rulebook also specifically addresses the arrangements of **voting booths**. **Voting booths for wheelchair users** shall have an upper panel put up at **maximum height of 85 centimeters**, ensure free area for turning of wheelchairs, and have a minimum area of circle – radius of 150 cm. Voting booths shall also be located near the entrance of a space and/or a room where voters cast their ballots.<sup>35</sup> **VIPs shall have access to a tactile leading line**, and a minimum width 40 centimeters shall be placed from entrance door to the **voting booth**, with grooves in leading directions. If there are three or more voting booths of the same type within the facility, one of them must meet accessibility requirements.<sup>36</sup>

**Parking spaces** shall be placed in the immediate vicinity of the accessible building entrance, it shall have a size of 370 x 500 centimeters for one vehicle, and size of 590 x 500 centimeters for two vehicles.<sup>37</sup> In public parking lots and garages and parking belonging to voting facilities, 5% of the total number of parking spaces shall be designated for use by PWDs (at least one parking space).<sup>38</sup>

The SEC considered and adopted initiatives proposed by the UBM and UMHCG at a session held on March 23, 2022.<sup>39</sup> It amended the **Rules on designation and organization of polling stations and measures for ensuring the secrecy of the ballot**<sup>40</sup> and **Rules on uniformed standards for election material**<sup>41</sup>, and directed all MECs to pay special attention to the necessary application of amended provisions in order to ensure conditions for independent voting and the secrecy of the ballot for PWDs. In accordance with these Rules, the most significant amendments concern the following issues:

- 1) **The ballot template** shall be made of **appropriate material in dark blue**, shall be true to the form and appearance of the ballot paper and have **metal rings** so the secrecy of the ballot can be ensured. While the ballot template used so far was true to the appearance of the ballot paper, it did not have metal rings, only openings. There have been complaints regarding pen traces left on the ballot template, which led to the breach of the secrecy of the ballot. The **breach of the secrecy of the ballot** should be **eliminated** through the introduction and use of a new ballot template with metal rings.
- 2) There shall be **2 ballot papers available in Braille** at each polling station, so VIPs may become familiar with the exact **content of the ballot paper**. These two ballots shall be part of election material, for informational purposes. Although the members of the SEC were aware of the fact that there is no official standardization for Braille

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<sup>32</sup> Article 13 of the Rulebook

<sup>33</sup> Article 17 of the Rulebook

<sup>34</sup> Article 18 of the Rulebook

<sup>35</sup> Article 27 of the Rulebook

<sup>36</sup> Ibid

<sup>37</sup> Article 40 of the Rulebook

<sup>38</sup> Article 51 of the Rulebook

<sup>39</sup> <https://dik.co.me/novine-u-izbornom-procesu-koje-se-odnose-na-osobe-sa-invaliditetom/>

<sup>40</sup> "Official Gazette of Montenegro", No. 011/16, 076/17 and 033/22

<sup>41</sup> "Official Gazette of Montenegro", No. 015/14, 005/22 and 033/22



in the legal system of Montenegro, they have expressed the view it is a necessary step to take in order to improve the rights of PWDs in this field.

- 3) **The ballot box** shall be placed on a **flat surface with a height not exceeding 40 centimeters** so that a person of short stature or a wheelchair user may **independently** insert their ballot paper into the box. Up to now, PB members lowered ballot boxes during the vote for persons of short stature or wheelchair users, which resulted in the breach of the secrecy of the ballot. The SEC concluded that polling stations should be set up in such a manner to enable **all members of PBs to have an unobstructed view of the ballot box**.
- 4) In accordance with their respective competences, the SEC issued precise instructions on matters related to **organizing of PSs**. To comply with instructions, **dark red carpet strips** intended for directing the movement of VIPs shall be installed inside PSs. They shall direct them to a desk where they are given a ballot paper, then to the voting booth, then to the ballot box and finally to the exit point of the PS. Other than that, the MECs are required to designate PSs bearing in mind that facilities shall be adapted to PWDs.

#### 4. ELECTION MANAGEMENT BODIES

Election management bodies are: the SEC, 25 MECs (each local government unit, the Administrative Capital's election commission and the Historic Royal Capital's election commission) and PBs.

**The SEC operates in permanent and extended composition.** The permanent composition **the SEC shall be composed of: the chairperson and ten members** and the extended composition includes one authorized representative of each candidate list-submitting entity.

The SEC chairperson shall be appointed by the Parliament following an open competition. The current chairperson of the SEC is not a representative of a political party. It is a key **competence** of the SEC to take care<sup>42</sup> of lawful election administration and uniformed enforcement of provisions of the Law, coordinate work of MECs, supervise their work, and lay down uniformed standards for election materials. The SEC uses its website<sup>43</sup> for publishing information on acts and information of election administration significance, as well as interim and final voting results at every PS. With regard to performing electoral actions, the SEC shall be responsible for the procurement and distribution of election materials to MECs. In this context, the UBM highlights the necessity of voting templates and information brochures in Braille.

The permanent composition of the **MEC** shall be appointed by the municipal assembly in accordance with the rules established.<sup>44</sup> The permanent composition of the MEC includes a **chairperson and four members** as well as one empowered representative of each candidate list-submitting entity. The MECs shall take care of lawful election administration and organize technical preparations for the administration of elections. In addition to that, they shall designate PSs for election of councilors and members of parliament, form polling boards, appoint the presiding officers and members of polling boards and organize

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<sup>42</sup> Article 32 of the Law on Election of Councillors and Members of Parliament

<sup>43</sup> <https://dik.co.me/>

<sup>44</sup> Article 23 of the Law on Election of Councillors and Members of Parliament



their training on polling board procedures.<sup>45</sup> The MECs have their subpages on the SEC's website.

The permanent composition of **PBs** shall include **the presiding officer and four members**, as well as one empowered representative of each candidate list submitting entity.<sup>46</sup> Each political party represented in the relevant assembly shall be entitled to the number of polling board presiding officers proportionate to the proportional representation of councilor seats in assembly, while the polling stations at which individual parties would propose representatives for presiding officers of PBs shall be determined by the municipal election commission by drawing lots.

Polling boards shall be appointed for each polling station, no later than **10 days** before the election date. As an exception, at the substantiated request, the polling board composition may also be changed after the expiry of this term, and at the latest **12 hours before the PSs are open**.

**In the absence of the** polling board presiding officer and members, as well as empowered representatives of candidate list-submitting entities, or if they are unable to work, they shall be replaced by their **deputies** who shall perform polling board activities and tasks. **Polling boards shall directly administer voting processes at the polling stations, and attend to the maintenance of order at polling stations during the voting. They shall designate, from among its members, four designated members in charge of voting outside polling stations.**<sup>47</sup> More detailed rules concerning the work of polling boards shall be laid down by the SEC.

## **5. METHODOLOGY OF ELECTION DAY OBSERVATION FROM THE PERSPECTIVE OF ACCESSIBILITY FOR PWDs IN MONTENEGRO**

Methodology of election day observation is closely related to legal regulations. An in-depth analysis of this regulation was carried out in the preparatory period. Based on this analysis, the UBM created a data collection form, the Handbook on rights and responsibilities of observers and standardized methodology of trainings including the simulation of taking measurements at polling stations.

### **Observers on election day**

The UBM recruited observers through a public call for applications, which had been published on the official website of the Union<sup>48</sup> and its social media profiles. The primary requirement for recruiting observers was that they were not members of any political party, that they did not actively support a political party and that they supported and/or promoted the rights of PWDs to equally participate in all aspects of life.

Of the 78 potential observers who applied for observation, 60 were selected for the training course, with 59 of them participating.

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<sup>45</sup> Article 27 of the Law on Election of Councillors and Members of Parliament

<sup>46</sup> Article 35 of the Law on Election of Councillors and Members of Parliament

<sup>47</sup> Article 37 of the Law on Election of Councillors and Members of Parliament

<sup>48</sup> <https://ss-cg.org/?p=4263> .



During the training courses, observers were informed of the basic human and civil rights of PWDs, principles of equality and non-discrimination in accordance with relevant national and international legislation.

Additionally, observers were given clear and precise instructions on their rights and responsibilities in election day reporting, signing a Code of Conduct beforehand.

### **Call center**

The UBM established a Call center for gathering and analyzing data obtained from election observers. The UBM subsequently held a half-day training for Call center operators. During the training, operators had an opportunity to see the form for reporting irregularities by PWDs, familiarizing themselves with the content of the form and the way it is used. The operators were provided with detailed information via Google Forms as well as the method of reporting from polling stations. In order to clarify any potential doubts, the UBM organized a simulation of work with the observers. The call center was organized on the premises of the UBM, and there were 6 persons in the center, including 3 PWDs who worked in two shifts.

### **Election day and reporting from polling stations**

**On election day**, the UBM **deployed 50 mobile observers, including 8 PWDs, in all three regions** (Central, Northern and Coastal) **in 80% of municipalities in Montenegro, including:** Andrijevica, Bar, Berane, Bijelo Polje, Cetinje, Gusinje, Danilovgrad, Herceg Novi, Kolašin, Kotor, Mojkovac, Nikšić, Plav, Pljevlja, Podgorica, Pljevlja, Rožaje, Tuzi, Ulcinj, Žabljak and Zeta. Observation was not carried out in five municipalities due to the lack of candidates who applied to observe in these cities. These include: Budva, Petnjica, Plužine, Tivat and Šavnik.

Observers were mobile, meaning they observed multiple polling stations. They were not present at the opening and closing of polling stations or while counting the ballots, but they visited several polling stations and monitored the above-mentioned elements. It is important to highlight the fact that there were **8 persons with different types of disabilities** among observers, rendering the process uniquely inclusive.

Observers of the UBM reported on election day from 505 PSs. Each one of the accredited observers visited and assessed at least 8 and no more than 15 polling stations. Observers spent at least 30 minutes at individual PSs.

Monitoring was performed by observing **five different categories:** PS surrounding areas, **PS access routes**, PS entrance areas, the work of PBs and the design of PS rooms in terms of physical accessibility and election material accessibility.

During their stay at and around the PSs, observers noted the answers with respect to accessibility, or the lack thereof, directly in the Reporting form. After leaving the polling station, each observer completed the Google-based reporting form.

Data obtained from reporting on Google Forms were verified and analyzed by the Call center. In addition to that, a team of analysts analyzed data and promptly informed the public via press releases and by providing additional information on social media.



Moreover, in order to identify irregularities related to potential violations of their rights on election day, the Call center received calls from PWDs over the course of election day.

### **Public reporting on observation mission**

In anticipation of election day, the UBM informed the public about the election day observation through press releases and social media accounts.<sup>49</sup> All interested members of the public, particularly persons with disabilities, were invited to report irregularities regarding inaccessibility of PSs.

The UBM developed a detailed plan for communication with the public on election day which presumed two press releases with information concerning (in)accessibility at PSs for persons with disabilities, and which was based on observers' reports. Press releases were published on election day at 1 p.m.<sup>50</sup> and 7 p.m.<sup>51</sup>. During election day, content based on observers' reports was actively posted on social media.

The day after elections, the Union organized a press conference which was held in the PR Center. The observation results were summarized at the conference, and the preliminary findings with regard to accessibility at polling stations for persons with disabilities were presented.<sup>52</sup>

## **6. RESULTS**

### **6.1. Legal framework analysis**

**Montenegro's legal framework<sup>53</sup> guarantees the barrier-free exercise of voting rights of PWDs to a large extent.** The Law on Election of Councilors and Members of Parliament contains several standards related to requirements for full exercise of the right to vote such as: obtaining information about PSs in required accessible formats, voting with an assistant, postal voting and the opportunity to cast vote with the appropriate ballot template. The Law does not prescribe the appearance of the ballot template nor the material it shall be made from in order to ensure the absolute secrecy of the ballot, which is prescribed by bylaws. However, neither the Law nor the bylaws adopted by the SEC prescribe an obligation to make PSs accessible for all PWDs, which encompasses the obligation to make PS access routes and entrance areas accessible as well as the obligation to ensure barrier-free movement inside polling stations. The adequate standards, however, have not been consistently implemented by the election administration in the past 10 years. This requires extra work. The Law does not provide for the further professionalization of election administration, which is of crucial importance. In order to put a special emphasis on improving the election process, members of the SEC and the MECs ought to be nonpartisan professionals instead of representatives of political parties. The Law also does not make provisions for penalties in connection to non-compliance, i.e. the failure to apply legal standards, the introduction of which would contribute to raising the awareness of all actors in the election process.

### **6.2. ELECTION DAY**

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<sup>49</sup> <https://ss-cg.org/?p=4415>

<sup>50</sup> <https://ss-cg.org/?p=4327>

<sup>51</sup> <https://ss-cg.org/?p=4334>

<sup>52</sup> <https://ss-cg.org/?p=4361>

<sup>53</sup> More details in section 3 – Legal framework



All observers were allowed to observe the election without hindrance, which was crucial for efficient performance of their work.

Monitoring was performed by examining **5 different categories**: the PS surrounding areas, PS access routes, PS entrance areas, the work of PBs and the manner in which polling stations were set up in relation to physical accessibility and the availability of accessible election materials.

**Although the SEC adopted amendments which obliged all MECs to ensure independent voting and the secrecy of the ballot for PWDs, observation findings indicated that this did not occur.**

Bearing in mind the significant number of PSs that lacked accessibility elements, such as properly installed carpet strips, ballot template put on desks, information, information brochure in Braille, low-level shelf in voting booths, ballot boxes placed at lower height, **it can be concluded that this election process did not consistently allow all PWDs to vote independently or cast a secret ballot with dignity.**

Analysis of the findings reported by the observers led to the conclusion that the members of the PBs are not sufficiently informed about the voting methods intended for the use by PWDs, nor about mandatory accessibility requirements at PSs.

Key findings by categories are outlined below.

### **6.2.1. PS surrounding area**

Accessibility at PSs is a prerequisite for the free exercise of the right to vote on an equal basis with others, ensuring the possibility for voters with disabilities to park their cars unhindered and to get out of the vehicle safely.

**PS surrounding areas were fully accessible to PWDs at only 12.7% of PSs. 87.3% of the PSs observed were not fully accessible, specifically in that** the parking spaces were not in the immediate vicinity, not marked with an accessibility sign, or the dimensions were not adequate. There were also several instances of incorrectly parked cars in the PS' surrounding area denying the access to PWDs.

Parking spaces designated for PWDs shall be in the immediate vicinity of the PS, such as near the entrance into the polling station.<sup>54</sup> This was the case at **58% of the observed PSs**. The same percentage of parking spaces were marked by the international symbol of accessibility. Access to PSs was blocked by incorrectly parked cars at **14.3% of the observed PSs**, meaning that the access was automatically blocked to wheelchair users in those instances. At **32.1% of the observed PSs**, dimensions of parking spaces were adequate – 370 x 500 centimeters.<sup>55</sup>

### **6.2.2. PS access route**

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<sup>54</sup> Article 40 of the Rulebook on detailed conditions and methods of adapting facilities for access and movement of persons with reduced mobility and persons with disabilities

<sup>55</sup> Article 50 of the Rulebook on detailed conditions and methods of adapting facilities for access and movement of persons with reduced mobility and persons with disabilities



Sidewalks and pedestrian walkways are often not accessible, lacking non-slip materials and with concrete pillars, planters and other obstacles placed on top of them. In order to ensure that PWDs, wheelchair users, persons who use different aids and persons with reduced mobility that comes as a result of disability may have access, curbs should be sloped and all obstacles shall be removed from the curb as well. In this way, PWDs will have an obstacle free access to the PS.

### **The access to PSs was significantly impeded**

**The access to the PS was fully accessible at 57.6% of the observed PSs**, meaning that the curb, if it existed, was sloped less than prescribed maximum - 2 **centimeters**<sup>56</sup>, and that there were no other obstacles blocking access such as concrete pillars and planters.

With regard to the PS access itself, curbs sloped more than 2 centimeters, **prevented safe access** to wheelchair users at **39.6%** of the observed PSs. Access was also blocked to persons using other mobility aids such as a walker or cane. At 13.3% of the observed PSs, the access route leading to the PS was not made of non-slip material, but of materials such as marble or linoleum, which was why **PWDs were at high risk while moving throughout the PS**. At **12.5%** of the observed PSs, there were different **access obstacles**.

#### **6.2.3. PS entrance area**

Ensuring the accessibility of the PS entrance area is of great importance; necessary so that PWDs may exercise the right to vote on an equal basis with other citizens.

### **Location for PSs inadequately selected**

According to the rules adopted by the SEC, PSs shall be designated to ensure accessibility for PWDs, which means the **access** shall be adequate<sup>57</sup>, **passable surfaces shall be free of changes in level**<sup>58</sup>, and there shall be **sloped ramps**<sup>59</sup> or an **elevator**<sup>60</sup> for persons with reduced mobility or wheelchair users.

**PS entrance areas were not fully accessible at as many as 83.8% of the 505 observed PSs**, which clearly shows that locations for these PSs were not carefully selected by the SEC. Entrances either did not have a ramp provided or were not flat. Only **16.2% locations** selected for PSs were selected in accordance with accessibility elements which allowed PWDs to enter the PS unhindered.

**In entrance areas with surfaces at different levels, as many as 63% either lacked ramps or only had ramps with slopes exceeding 8%, as well as and were not free of**

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<sup>56</sup> Article 41 of the Rulebook on detailed conditions and methods of adapting facilities for access and movement of persons with reduced mobility and persons with disabilities

<sup>57</sup> Article 13 of the Rulebook on detailed conditions and methods of adapting facilities for access and movement of persons with reduced mobility and persons with disabilities

<sup>58</sup> Article 14 of the Rulebook on detailed conditions and methods of adapting facilities for access and movement of persons with reduced mobility and persons with disabilities

<sup>59</sup> Article 15 of the Rulebook on detailed conditions and methods of adapting facilities for access and movement of persons with reduced mobility and persons with disabilities

<sup>60</sup> Article 17 of the Rulebook on detailed conditions and methods of adapting facilities for access and movement of persons with reduced mobility and persons with disabilities





**steps, greatly impeding access.** If PSs are within facilities that lack access to voters who use wheelchairs or persons with reduced mobility, ad-hoc access solutions can include temporary ramps made of heavy wood or metal with a **slope not exceeding 8%**.

The entrance area, i.e. surfaces in it, were flat at **only 15.8%** of the observed PSs, so PWDs could move unhindered at these PSs.

**Entrance into the PS was only fully accessible at 32.3% of the observed PSs. At those PSs,** the entrance door was wide enough for wheelchair users to pass through, both wings of double-wing doors were open, the threshold of the entrance door did not exceed the height of 2 centimeters and the corridors were at least 120 cm wide.

The entrance door was wide enough—at least 85 centimeters<sup>61</sup> at **62.4%** of the observed PSs, enabling wheelchair users to pass through.

Double wing doors were at/in the entrance at 67.3% of the PSs, with one of the wings not open at **45.5% of the observed PSs**, making it impossible for wheelchair users to enter the PS unimpeded.

**Corridors were at least 120 centimeters<sup>62</sup> wide at the 96.2% of the observed PSs, enabling wheelchair users to move freely and unhindered through the corridors.** At 42.6% of the observed PSs there were no entrance door thresholds. The entrance door threshold was higher than 2 centimeters at 28.5% PSs, posing an obstacle to the movement of wheelchair users.

**By virtue of inaccessible access routes and entrance areas, many PWDs were prevented from exercising the voting right in a dignified manner on equal basis with other citizens without being discriminated against.**

#### **6.2.4. Information on polling stations and polling boards**

During short stays at PSs (an average of 30 minutes) observers monitored the work of PBs and collected general information concerning PSs.

#### **Observation findings showed partial non-compliance with the prescribed procedures and the lack of participation of PWDs in the composition of PBs.**

According to information obtained by PBs, **99.4% of PSs were open on time at 7:00 a.m.**<sup>63</sup> Observers reported that members of PBs **did not have accreditation badges visibly attached at 28.3% of the observed PSs** and that **mobile phones were used at 19%**<sup>64</sup> **of the observed PSs**, though the use of mobile phones and other means of communication at PSs is strictly prohibited by the Law. **At 3.8% of the observed PSs member of PBs were saying voters' full names aloud**<sup>65</sup> **during the registration of the voter, which is against the law.**

<sup>61</sup> Article 17 of the Rulebook on detailed conditions and methods of adapting facilities for access and movement of persons with reduced mobility and persons with disabilities

<sup>62</sup> Article 18 of the Rulebook on detailed conditions and methods of adapting facilities for access and movement of persons with reduced mobility and persons with disabilities

<sup>63</sup> Article 70 of the Law on Election of Councillors and Members of Parliament

<sup>64</sup> Article 71 (a) of the Law on Election of Councillors and Members of Parliament

<sup>65</sup> Article 69 of the Law on Election of Councillors and Members of Parliament



The observers gathered data on the composition of PBs by asking questions to the presiding officers and their deputies. With regard to the function of the PB presiding officers, men are **more represented (65.7%) compared to women (34.3%)**.

When asked if there were PWDs in the composition of the PB, the answer was affirmative at only 17 out of 505 of the observed PSs (3.4%), meaning that PWDs were not adequately recognized as equal participants of the election process. Moreover, some PB members demonstrated inappropriate attitudes towards persons with disabilities. For example, when asked “*Are there any persons with disabilities in the composition of the polling board*” one of the observers gave the following answer “*Thank God, no. We are all healthy.*”

### **6.2.5. Movement and design of PSs**

PSs shall be set up in such a manner to ensure the independent movement of all PWDs, irrespective of the type of disability. Independent movement around the PS enables PDs to come safely to the desk the PB is sitting at, take adequate voting material, continue to move towards the voting booth, cast a vote, insert the ballot paper into the ballot box and exit the PS without obstacles.

#### **PSs were not set up in manner that enables independent and unhindered movement and voting of PWDs**

**Only 21.4% of the observed PSs were fully accessible for VIPs**, meaning that two ballot templates and brochures in Braille were available together with the rest of the voting materials on the desk where the PB members were sitting, and that the carpet strips were properly installed.

When it comes to setting up of PSs for VIPs, carpet strips<sup>66</sup> which should contrast with the floor color, were not installed **at 66.5% of the observed PSs**. The carpet strips that were installed at **33.5% of the PSs, mostly contrasted with the floor color and were clearly visible**. They were properly installed at 22.4% of PSs—leading from the entrance door to the PB members’ desks, then to the voting booth and ballot box, and finally back to the exit, allowing independent movement of blind and visually impaired persons at these PSs. The lighting was adequate at **91.1% of the observed polling stations**.

According to what PB members said, **signing the extract from the electoral register with the use of facsimile by PWDs was possible at 72.1% of the observed PSs**, although this issue was not binding or regulated by law.

Ballot templates<sup>67</sup> that guarantee VIPs the secrecy of the ballot were true to the form and the appearance of the ballot paper, made of solid material with slots. **Two example ballot templates were available at 95.8% of the PSs**. Two ballot templates shall be available at each polling station—one for voting at the PS and another as material for postal voting. However, **at as many as 37.4% of the PSs the templates were not on the desk together**

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<sup>66</sup> Rules on designation and setting up of polling stations and measures for ensuring the secrecy of the ballot “Official Gazette of Montenegro”, No. 011/16, 076/17 and 033/22

<sup>67</sup> Article 84 of the Law on Election of Councillor and Members of Parliament



with other election materials. Voters with impaired vision were often put in uncomfortable situations and had to wait for PB members to find ballot templates.

In order to allow each VIP to have an insight into the content of the ballot paper, each PS should also provide two brochures in Braille.<sup>68</sup> This requirement was mostly met, at 93.5% of the observed PSs.

**With regard to casting a vote by persons of short stature and wheelchair users, 52.3% of the observed PSs were fully accessible.** These polling stations met the following requirements: there was a low-level shelf inside the voting booth placed properly, and the height at which a ballot box was positioned did not exceed prescribed height of 85 centimeters.

Low-level shelves inside the voting booth were put up at height not exceeding 80 cm at **68.9%** of the observed PSs, and at **62.4%** of the PSs the ballot box was placed in such a manner not allowing its upper edge to exceed 85 centimeters.

## 7. IRREGULARITIES REPORTED BY PWDs

The Call Center set up by the Union not only analyzed field data, but also received calls made by persons with disabilities who wanted to report irregularities related to potential violations of their rights on Election Day. The Call Center operated between 7 a.m. and 9 p.m. on election day, and during this period received calls from 4 PWDs who wanted to report irregularities.

Reported irregularities related to organization of PSs and provision of election materials as follows:

- It was reported that a **wheelchair user could not exercise his/her voting right** in terms of entrance area and accessibility at PS for PWDs. In that case, the passable surfaces of the entrance area were not at a consistent level and there were several steps with no ramp provided, so wheelchair users were not allowed to enter the PS. According to what the complainant said, he/she was **prevented from freely exercising his/her right to vote on an equal basis with others for the third time this year**, regardless of the fact that he/she had raised these concerns with judicial institutions in the past. Although the judicial institution issued an order to introduce an obligation for the MEC to ensure unimpeded entrance in following elections for the wheelchair user, the MEC did not comply with this obligation during neither round of presidential elections, nor in the parliamentary elections. In this particular case, the PS was located in one of the preschools, and according to the Law on Spatial Planning, since 2000 this facility should have been accessible to/for all PWDs. This irregularity is a clear indication that some MECs neither select accessible PSs nor comply with the orders made by judicial institutions, prolonging structural discrimination against PWDs.
- With regard to the work of the PBs, the irregularities reported related to the **ballot paper** which was **incorrectly inserted in the ballot template**. The PB also **did not allow VIPs to vote with the aid of an assistant**, and the voting booth was too narrow for two persons to get in, namely the voter and the assistant.

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<sup>68</sup> Rules on uniform standards for election material “Official Gazette of Montenegro”, No. 015/14, 005/22 and 033/22



According to the Law on Election of Councilors and Members of Parliament PWDs are entitled to cast votes with the assistance of an aide designated by him/her, but despite this fact, the PB grossly violated the aforementioned provision of the Law, given the fact that the assistant is not a member of the PB, and that all legal requirements had been met. In addition to insufficient knowledge of regulations that the members of PBs showed, they did not allow for the secrecy of the ballot and independent voting by PWDs with the use of ballot templates.

Irregularities were reported in the context of voting by VIPs too. One person reported **inadequate lighting at the PS**, and another person reported that there were **no carpet strips installed**. The organization of PSs was regulated by bylaws adopted by the SEC. However, according to the key findings of the observation mission, MECs did not consistently comply with this bylaw. Carpet strips are crucial in allowing the independent movement of VIPs within the PS and ensuring the secrecy of the ballot and independence of voting processes.

Given the fact that this was the third election cycle in 2023, and in some cities (14 of them) it was even the fourth since October 2022, the low number of irregularities reported by the persons with disabilities is not a surprise. This situation indicates that **PWDs are discouraged from reporting irregularities**, which comes as a result of **longstanding failures to solve problems concerning accessibility at PSs for PWDs**.

**Irregularities have recurred year after year and within each election cycle. Recommendations have been reiterated, but the issues they seek to correct remain unaddressed. Local administration does not take these recommendations seriously enough and does not deal effectively with irregularities.**

The UBM provided and will continue to provide all interested PWDs with free legal aid in the post-election period. **Two PWDs have announced filing complaints, and these complaints are currently being drafted.**



## CONCLUSION

The monitoring was conducted within the framework of the project Observation of Early Parliamentary Elections on June 11, 2023, focusing on PWDs within two main objectives: collecting and analyzing data on the conduct of the electoral process regarding accessibility at polling stations and voting materials for persons with disabilities, and advocacy for the improvement of the situation when it comes to equal participation of PWDs in electoral processes. This observation is carried out with the financial and technical support of the National Democratic Institute (NDI).

Equipped with its key findings and recommendations, the UBM will work to influence the achievement of the highest degree of accessibility for PWDs in upcoming election processes. This report will also serve as a key document for initiating changes and additions in relation to necessary electoral reforms and enabling the equal participation of PWDs to vote and be elected in all electoral processes.

Therefore, we once again call on all the aforementioned institutions to implement earlier recommendations in cooperation with the Union and other civil society organizations as part of its electoral reform strategy in order to enable PWDs to exercise their rights guaranteed by the Constitution.

The Final report will be used as a tool for future initiatives submitted to policymakers, and will be sent to all relevant institutions in the first phase of advocacy.

A meeting will be held in the Parliament of Montenegro as a matter of priority. Another meeting will be held with the SEC, with the aim of presenting this report, as well as initiating the implementation of the recommendations that have been set out in the report.



## **A WORD OF GRATITUDE**

We take this opportunity to thank all actors participating in the election process, in particular the SEC, which through its work and adopting bylaws proved that it recognized the importance of election process accessibility and independent voting, as well as the secrecy of the vote of PWDs. We are also grateful to all PBs who allowed observers accredited by the UBM to perform observation without hindrance.

We would like to thank all observers, operators and PWDs who contributed to the implementation of this project which allowed systematic election day observation with regard to exercise of voting rights of PWDs, for the first time in Montenegro.

## **ABOUT THE UNION OF THE BLIND OF MONTENEGRO**

The Union of the Blind of Montenegro is a non-governmental, non-profit organization that gathers about 1000 visually impaired and blind persons, who are members of eight local organizations of the blind. Local organizations cover the territory of all municipalities in our country. The Union was founded on April 11, 1947 in Cetinje, and the current headquarters is located in Podgorica.

Since it was founded, our seven and a half decades long activities have included launching many legislative initiatives aimed at improving, protecting and consistently encouraging the implementation of a wide range of rights of visually impaired persons. The Union has also undertaken activities aimed at developing different types of programmes and services promoting raising of awareness of the wider social community. Through these activities, persons with disabilities should also become more aware of their needs, possibilities, potential, independent movement and living, education and employment, right to equality and human dignity, right to be an equal member of a society, their electoral rights, etc.

Vision of the Union of the Blind of Montenegro for the future is to have visually impaired persons that are empowered and included in the society.

Mission of the Union of the Blind of Montenegro is the inclusion of visually impaired persons through promotion and implementation of activities that highlight their capacities and improve their personalities.

Further information on the Union of the Blind You can find at <https://ss-cg.org/> .