



European network of legal experts in gender equality and non-discrimination

NEWS REPORT

Country:	Cyprus
Title:	Access to the right to vote for persons with disability at the 2018 Presidential elections
Date:	28 February 2018
Expert:	Corina Demetriou
<u>Context</u>	
Issue at stake:	Persons with disability are hampered in their access to vote based on obsolete legislation
Ground of discrimination:	Disability
Source:	Press release and consultations with the head of the disability organisations confederation KYSOA
Field:	Access to state services (elections)
Applicable law:	Law on elections (President and Vice President of the Republic) of 1959 N. 37/1959, article 29(6); CRPD, article 29

Content

Political development:

What preceded the elections:

Three months ahead of the Presidential Elections of 2018, the confederation of disability organisations KYSOA met with the Minister of the Interior to express their concerns about access of persons with disability to the voting procedure. In the meeting, KYSOA pointed out that the UN Committee on the implementation of the CRPD had urged the government to introduce legislative measures safeguarding the right of persons with disability to vote and to be elected and to collect reliable analytical data regarding the exercise of this right. KYSOA asked the Interior Minister to ensure that persons with disability be supplied with specific and accessible information about all stages of the voting procedure; that all voting centres be rendered accessible to persons with all kinds of kinetic, visual, hearing, mental or other disability; that voting systems be accessible to all persons with disability including the right to be accompanied into the booth with a person of their choice without at the same time cancelling their right to secret vote; to organise information campaigns and events for election procedures which respect diversity; to train persons who will be involved in the election procedure on how to explain to persons with mental and psychosocial disabilities the voting procedure; to ensure that the residents of homes, day care and institutions register in the electoral roll and are offered the necessary support to vote; and to render all pre-election debates and campaigns accessible and encourage political parties to make their programs accessible to all. KYSOA pointed out that the UN Committee has asked to be informed about the implementation of legislative amendments to safeguard this right by May 2018, adding

that KYSOA will also be informing the UN Committee about the accessibility of the voting procedure.¹

A week ahead of the elections, the Ministry of the Interior posted a note on its website stating that voters who are blind or physically 'incapacitated' may vote alone if they declare to the chairperson of the voting centre that they can do so without assistance. Additional options available to them would be to ask the chairperson of the voting centre for assistance or to be escorted into the booth by a person of their trust.²

What the law says:

The law on presidential elections in fact does not safeguard the right of persons with disabilities to vote assisted by a person of their choice. Instead, it provides that persons who cannot vote by themselves may ask for the assistance of the person presiding over the particular voting centre but does not provide for the right of persons in need of assistance to vote with the help of persons of their choice. This provision has been in place since 1959 without any amendments.³ By contrast, the law regulating the national parliamentary elections was amended in 1992 to provide for the right of persons to ask for the assistance of the presiding officer, *or of any other person of his or her trust*, to help them vote.⁴ The law regulating the European Parliament elections does not address the issue at all.⁵

What actually happened:

On the day of the first round of the elections on 28 January 2018, the state radio station was reported to have broadcasted an announcement that persons with visual disability could vote either alone or assisted by the chairperson of the voting centre. Contrary to the Interior Ministry's announcement, there was no mention in the radio announcement about any right to vote assisted by a person of their choice. At the end of the day, KYSOA received complaints that blind persons were not allowed to enter the booth with the person of their choice. On one occasion, a person with visual impairment reported that the chairperson of the voting centre who was assisting her with voting in fact voted on her behalf for a candidate other than the one she had selected.

As regards the second round of elections on 4 February 2018, KYSOA received reports that some blind people did not show up because of the problems they had encountered when exercising their voting rights during the first round. Other blind persons who tried to vote with an escort of their choice were turned away. KYSOA points out that there are hundreds, if not thousands of persons with disability who never voted at any elections and did not vote this time either due to problems of accessibility, including accessibility to information, this being particularly the case of persons residing in institutions and persons with intellectual disabilities.

Key points of analysis: In spite of the concerns expressed by the disability movement well ahead of the elections, policy makers emerged as unprepared, disorganised and inconsistent. The possibility of printing ballot papers in braille, a very easy and low cost

¹ KYSOA Press release (2017), Persons with disabilities and their organisations demand the safeguarding of their right to participate in political and public life, 9 October 2017, available at www.kysoa.org.cy/kysoa/modules/banners/bannersAddHits.php?bid=57.

² Ministry of the Interior, Presidential Elections 2018: Exercise of voting rights of blind or other persons with physical disability, 22 January 2018, available at [http://www.moi.gov.cy/moi/moi.nsf/All/55AAA4B97B7C073BC225821E00221AD9/\\$file/%CE%91%CE%A3%CE%9A%CE%97%CE%A3%CE%97%20%CE%95%CE%9A%CE%9B%CE%9F%CE%93%CE%99%CE%9A%CE%9F%CE%A5%20%CE%94%CE%99%CE%9A%CE%91%CE%99%CE%A9%CE%9C%CE%91%CE%A4%CE%9F%CE%A3%20%CE%A4%CE%A5%CE%A6%CE%9B%CE%A9%CE%9D.docx](http://www.moi.gov.cy/moi/moi.nsf/All/55AAA4B97B7C073BC225821E00221AD9/$file/%CE%91%CE%A3%CE%9A%CE%97%CE%A3%CE%97%20%CE%95%CE%9A%CE%9B%CE%9F%CE%93%CE%99%CE%9A%CE%9F%CE%A5%20%CE%94%CE%99%CE%9A%CE%91%CE%99%CE%A9%CE%9C%CE%91%CE%A4%CE%9F%CE%A3%20%CE%A4%CE%A5%CE%A6%CE%9B%CE%A9%CE%9D.docx).

³ Law on elections (President and Vice President of the Republic) of 1959 N. 37/1959, article 29(6) available at www.cylaw.org/nomoi/enop/non-ind/1959_1_37/index.html.

⁴ Law amending the law on the elections of members of the House of Parliament N. 107(I)/1992, article 2, 23 December 1992, available at www.cylaw.org/nomoi/arith/1992_1_107.pdf.

⁵ Law on the election of members of the European Parliament N.10(I)/2004, available at www.cylaw.org/nomoi/enop/non-ind/2004_1_10/full.html.

measure, was somehow not part of the agenda of policy makers or legislators, even as the various presidential candidates, which included the head of state himself, were competing for the votes of the electorate, including persons with disabilities. The failure to provide ballot papers in braille may potentially be seen as a violation of article 5(3) of the CRPD.

Three different laws regulating different elections contained three different provisions, some dating back to the period before Cypriot independence from British rule. It is particularly noteworthy that no provision for accessibility is made in the law regulating the European Parliament elections, given the comparably good record of this body in supporting the accessibility rights of persons with disability. The provision in the law on presidential elections about the chairperson of the voting centre assisting blind persons with their vote, is not in line with the right to secret ballot protected by article 29(a)(ii) of the CRPD. It is recalled that in April 2017 the UN Committee on the rights of persons with disability published its concluding observations regarding the implementation of the CRPD in Cyprus, expressing deep concern about the fact that persons with intellectual and/or psychosocial disabilities are not adequately included, supported and trained to exercise their right to vote and stand for election, with some also being legally deprived of these rights. At the time, the Committee had recommended the adoption of measures to safeguard to all persons with disabilities the right to vote and to stand for election and the collection of reliable and disaggregated data regarding their exercise of these rights.⁶

In 2016 the Ombudsman's office, in its capacity as monitoring mechanism for the CRPD, launched a campaign about the rights of persons with disability to vote in accessible voting centres, with secret ballot, assisted by persons of their choice if needed, and relying on information available to them in accessible format and manner regarding both the electoral procedure as well as the various candidates and programs. The campaign urged the authorities, service providers and political parties to collect information about available means to secure equal access to the elections process and to develop electoral campaigns that are accessible to all; to ensure voting centres are accessible; to distribute material in braille, in easy-to-read formats, in sign language and with subtitles; and to adopt accessible voting systems without cancelling the right to secret ballot, such as e-voting or other technical equipment. The campaign was launched after the parliamentary elections of 2016 and in response to complaints received by the Ombudsman regarding accessibility problems for persons with disability in those elections.⁷

In the 2018 elections, the recommendations of both the UN Committee and the Ombudsman were ignored whilst the authorities implemented an obsolete law that violates the CRPD. The new Ombudsman who took office in 2017 did not make any public intervention.

⁶ UN Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Cyprus, 12 April 2017, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fCYP%2fC.O%2f1&Lang=en.

⁷ Independent Authority for the rights of persons with disability (2017), 'Voting rights for all: I vote without obstacles', November 2016, available at <http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/All/A7CA1733AED3521BC2258065003AD17F>.