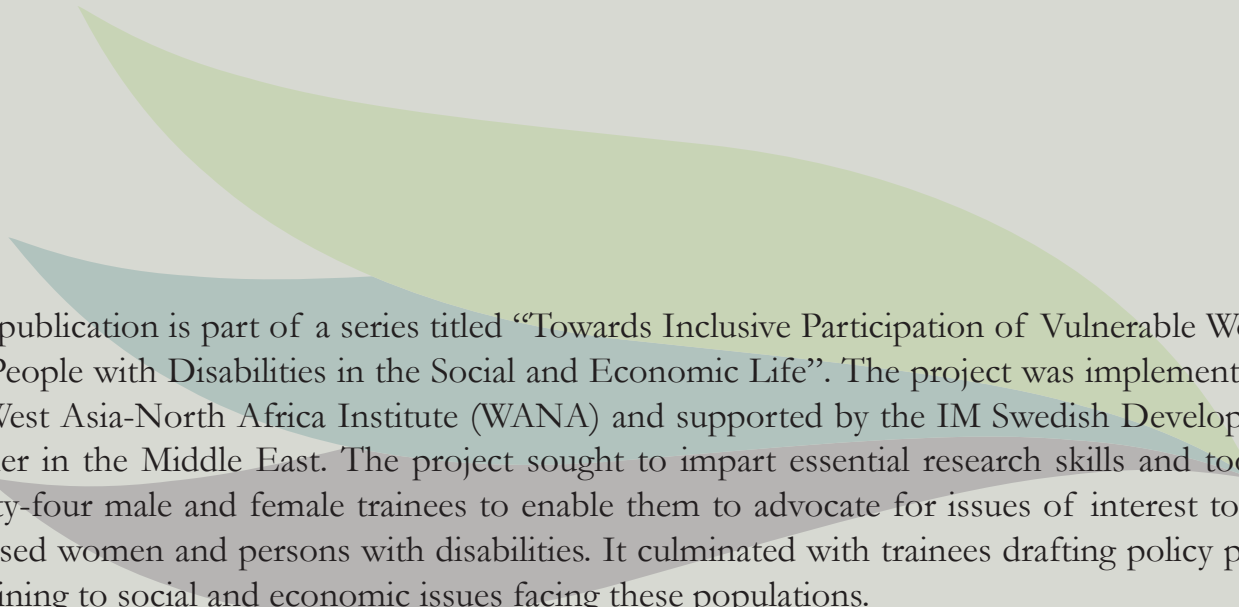




Policy Paper: Improving the Accessibility of Voting Centres for the Visually Impaired Persons



West Asia-North Africa Institute, February 2020



This publication is part of a series titled “Towards Inclusive Participation of Vulnerable Women and People with Disabilities in the Social and Economic Life”. The project was implemented by the West Asia-North Africa Institute (WANA) and supported by the IM Swedish Development Partner in the Middle East. The project sought to impart essential research skills and tools to twenty-four male and female trainees to enable them to advocate for issues of interest to marginalised women and persons with disabilities. It culminated with trainees drafting policy papers pertaining to social and economic issues facing these populations.

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1. Introduction

This policy paper is part of a project entitled “Towards Inclusive Participation of Vulnerable Women and People with Disabilities in Social and Economic Life”. The project was implemented by the West Asia-North Africa Institute (WANA) with the support from the IM Swedish Development Partner in the Middle East. The project sought to impart essential research skills and tools to twenty-four male and female trainees to enable them to advocate for issues of interest to marginalised women and persons with disabilities. It culminated with trainees drafting policy papers pertaining to social and economic issues facing these populations.

The Hashemite Kingdom of Jordan has witnessed various legislative reforms over the past decade, including electoral reforms. The legislative amendments provided the establishment of the Independent Election Commission for the purpose of conducting elections that line with the international standards. The purpose of the electoral reform was to restore citizens' trust in the electoral process to enhance democracy and freedom of opinion.¹ In the 2016 parliamentary elections, the Independent Election Commission strived to implement measures and procedures suitable for the needs of persons with disabilities. The Commission undertook various efforts to facilitate access to voting centers for people with disabilities in a manner that guarantees their ability to practice its electoral right freely and confidentially.

The Independent Election Commission executed a number of measurements to ensure access to voting centres for persons with disabilities. It granted priority to persons with disabilities in entering voting centres, facilitated the preparation of some entrances to accommodate their needs and provided committee members with adequate training courses for enabling them to properly interact with persons with disabilities, as well as allowing the presence of an escort to assist their access to voting centres. However, all of the above is not sufficient to facilitate the participation of visually impaired persons in the electoral process. Therefore, three key Informant Interviews were conducted with the Independent Election Commission, RASED Center and the Higher Council for the Rights of Persons with Disabilities, in addition to a focus group discussion with visually impaired persons. The results of these interviews and discussions indicated the reluctance of visually impaired persons to register in the designated centres announced by the Independent Election Commission. Furthermore, the interviews revealed cases in which the complete privacy of persons with disabilities' voting process was hindered during the electoral process. Thus, there is a gap between the existing laws and the application of these laws to address the needs of the visually impaired persons.

The lack of statistics on the numbers of persons with disabilities and their geographical distribution hinders the Independent Election Commission's efforts to integrate persons with disabilities into the electoral process. The measures taken by the Independent Election Commission to facilitate access and ensure confidentiality and privacy in the electoral process for persons with disabilities are vital steps towards facilitating their political participation. However, in practice, these measures do not guarantee the freedom and secrecy of the electoral process. Therefore, the Commission must continue to cooperate with the relevant authorities and visually

¹ Jordan Official Gazette, Issue No. 5152, P. 1588, 2010.

impaired persons themselves to provide the necessary accommodations that ensure that the visually impaired overcome the obstacles standing in the way of performing their national duty.

2. Objectives of the Paper

This paper aims to increase the participation of visually impaired persons in the 2020 parliamentary elections by advocating for the provision of properly equipped voting centres to accommodate the needs of persons with different levels of visual impairment in order to guarantee their freedom and confidentiality during the electoral process for visually impaired persons.

3. Overview

The Independent Election Commission was established in the first quarter of 2012, under the provisions of Law No. (11) of 2012. Since its establishment the Commission undertook procedures for integrating persons with disabilities into the electoral process. The efforts of the Commission were evident in the 2016 elections, when it put in place regulations and instructions to facilitate the integration of persons with disabilities in the electoral process, which indirectly included visually impaired persons. They allowed the visually impaired to be assisted by an escort during the electoral process to replace a public voting process in which visually impaired persons articulated the candidate's name before the committee. However, this mechanism was not correctly adopted across all voting stations and did not guarantee the freedom and confidentiality of visually impaired persons.²

3.1. The Legal Background

Jordan's ratification of the International Convention on the Rights of Persons with Disabilities in 2007,³ which constitutes the primary basis for protecting the rights of persons with disabilities within the framework of international humanitarian law, had a significant role in the enactment of the Law on the Rights of Persons with Disabilities No. 31 of 2007 and the Law on the Rights of Persons with Disabilities No. 20 of 2017.

Article 29 of the Convention on the Rights of Persons with Disabilities and the Optional Protocol of the United Nations to participate in political and public life, states:

“State Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake to ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, 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 to stand for elections, to effectively hold office and perform all public

² Participant in a panel discussion with a group of visually impaired persons, Amman, Sep 8th, 2019

³ of the Convention on the Rights of Persons with Disabilities Ratification Law, The Jordan Official Gazette, No. 4895, p. 1056, 2008.

functions at all levels of government, facilitating the use of assistive and new technologies where appropriate; and 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”.⁴

Further, Article (44), Paragraph (B) of the Rights of Persons with Disabilities Law No. 20 of 2017 stipulated the following:

“According to instructions it will issue for this purpose and in coordination with the relevant authorities, the Independent Elections Commission will enable persons with disabilities to exercise their electoral right secretly and independently by providing reasonable accommodation and accessibility, including in voting centres and the provision of sign language interpreters, and to enable persons with disabilities to vote through their escorts”.⁵

3.2. Key Issue and Analysis of Findings

Like any Jordanian citizen, visually impaired persons are entitled to exercise their political right to vote in a manner that guarantees the freedom and secrecy of their votes. The Independent Election Commission has exercised massive efforts to integrate persons with disabilities into the electoral processes by preparing voting centres to accommodate persons with disabilities in order to ensure their ability to exercise their political right to vote in an accessible manner.⁶ These procedures facilitated electoral processes for visually impaired persons by allowing the help of an escort to aid in the completion of the electoral process.

A series of interviews conducted with five visually impaired persons about the 2016 parliamentary elections and voting mechanisms revealed the desire of some to conduct the voting process without the assistance of an escort.⁷ Furthermore, other respondents added that they encountered confidentiality violations despite the presence of the escort. The chairman of the committee requested that persons with disabilities articulate the name of the candidate they wish to elect in a low voice to ensure the validity of the names submitted by the escort on behalf of the visually impaired voter. Moreover, the interviews revealed that many visually impaired persons were unaware of their voting accommodations and were dissatisfied with the voting process in 2016 elections. They expressed a desire to develop a more secretive and independent process that guarantees their individual voting.

During a panel discussion conducted with visually impaired persons, it became evident that the voting process in 2016 elections did not guarantee the complete secrecy of the voting process. One voter stated: “There was no privacy. There is neither secrecy nor freedom at the voting centre”.⁸ Another voter emphasized the lack of privacy for visually impaired voter's, stating that:

⁴ Convention on the Rights of Persons with Disabilities and the Optional Protocol, United Nations, p. (34-35), 2008.

⁵ Law on the Rights of Persons with Disabilities No. 20 of 2017, the Jordan Official Gazette, No. 5464, p. 3744, 2017.

⁶ Interview with a visually impaired person, Amman, 7 August 2019.

⁷ Participant in a panel discussion with a group of visually impaired persons, Amman, Sep 8th, 2019.

⁸ Participant in a panel discussion with a group of visually impaired persons, Amman, Sep 8th, 2019.

“We didn’t have any privacy, and I was unable to see what the chairman of the committee had written. He didn’t pull me aside and ask who I want to vote for. There were also a lot of people standing there looking at me. Why can’t my escort write the name of the candidate I want to vote for on a piece of paper? I also didn't place the paper in the box; the person who wrote it did”.⁹

Moreover, some participants emphasised the lack of privacy in voting booths, including the presence of an escort which limited their complete privacy. The reason for this issue is the presence of the committee to ensure the validity of the escort’s submission.

In regards to the election process, the results showed an inconsistent manner by which chairmen of voting committees interpreted the voting procedures of visually impaired persons. One visually impaired voter stated: “The chairman of the committee explains the procedures for us. However, what happened during the last two election cycles was completely different from what was explained to us”.¹⁰ Another voter added: “We had a preexisting idea regarding the voting process, but actually voting was completely different”.¹¹ A female visually impaired voter noted that the chairman of the committee explained the process designated for electoral rolls in a broad manner, but failed to explain the election process designated for visually impaired persons. She added that the chairman of the committee stood near her and her escort (her mother), and validated that the candidate’s name selected by the voter was. In fact, the name written on the paper. The voter also added that the latest parliamentary elections cycle was better than the previous elections, as she was not required to articulate the candidate’s name to the chairman of the committee publicly.

In regards to the use of Braille, the results indicated that many visually impaired persons do not use Braille. The interviewed disabled persons reiterated their inability to utilize Braille to locate their designated voting centres or familiarise themselves with introductory bulletins. They stated that most voters with visual impairment relied on an audio application that reads texts and is more effective and less expensive. When asked about their satisfaction with the previous electoral process, most respondents rated their satisfaction with 2016 electoral process at 7 out of 10, as they perceived it was better than the previous elections.

The interviews conducted with the Independent Election Commission, Al-Hayat RASED Center, and the Higher Council for the Rights of Persons with Disabilities, in addition to reviewing official statements in newspapers, resulted in the Independent Election Commission’s creation of 300 centres designated for persons with disabilities. The centres trained personnel to provide assistance to persons with disabilities,¹² however, the centers did not accommodate the needs of visually impaired voters specifically.¹³

⁹ Participant in a panel discussion with a group of visually impaired persons, Amman, Sep 8th, 2019.

¹⁰ Participant in a panel discussion with a group of visually impaired persons, Amman, Sep 8th, 2019.

¹¹ Participant in a panel discussion with a group of visually impaired persons, Amman, Sep 8th, 2019.

¹² Interview with an employee of the Independent Election Commission, Amman, August 20, 2019.

¹³ In 2017, the Independent Election Commission conducted awareness-raising and media campaigns, distributed publications, and published a video for the purpose of educating persons with disabilities in regards of their right to vote and the mechanism followed, according to an interview with a program director at the Al-Hayat Rased Center, Amman, July 8, 2019.

Upon the commission's announcement of 12 model centers designated for persons with disabilities, no visual impaired voters registered with any of the 12 centres. Furthermore, the designated centres were not utilised for the purpose of which they were intended.

No official numbers or databases exist to identify or determine the number or geographical distribution of persons with disabilities, including visually impaired persons. Thus, inhibiting the employment of such data in the preparation process of voting centres designated for persons with disabilities. Furthermore, the number of visually impaired persons skilled or fluent in Braille remains unknown. In reference to the procedures for facilitating access to voting centres, the commission's representatives referenced the lists that include the required criteria, as such lists encapsulate all the accommodations necessary for visually impaired persons, including surrounding roads and sidewalks designated for their use.¹⁴

3.3. Available Alternatives/ Proposals

Through the employment of participatory efforts, a number of recommendations are put forward that would integrate, encourage and assist people with visual impairment to participate in the upcoming election cycle. Concerned stakeholders, such as the Independent Election Commission and the Higher Council for the Rights of Persons with Disabilities are laying the right foundations to prepare centres to accommodate the needs of persons with disabilities in Jordan. It is necessary, however, to devote measurements and procedures pertaining specifically to the needs of visually impaired persons to facilitate their electoral processes. The recommendations are as follows:

Adopting a policy that aims to increase the political participation of persons with disabilities, especially visually impaired persons:

- The Independent Election Commission should provide an auditory voting mechanism in the electoral process to be used by visually impaired persons who want to vote, in a manner that ensures confidentiality and freedom of choice.
- The Civil Status and Passports Department should issue identification cards for persons with disabilities during the first quarter of 2020, to enable stakeholders to account for the number of persons with disabilities and their geographical distribution in order to determine the appropriate number of centres to be designated for persons with disabilities.
- The Independent Election Commission, in cooperation with the Civil Status Department, the Higher Council for the Rights of Persons with Disabilities, and the e-government, should identify visually impaired persons and communicate with them via short text messaging services (SMS), as they are able to hear the texts received through their smartphones.
- The Independent Election Commission should provide educational flyers on the rights of the visually impaired and their election processes in a WORD format electronic copy, to enable visually impaired persons to familiarise themselves with election mechanisms

¹⁴ Interview with an employee of the Independent Election Commission, Amman, August 20, 2019.

without the need for explanation. A size-18 font should be used in the educational flyers designated to persons with poor vision.

- The Independent Election Commission should ensure committee chairpersons' preparedness for assisting persons with disabilities, including those with visually impaired persons.
- The Independent Election Commission should provide volunteers of both genders to facilitate access for persons with disabilities to the ballot box.
- The Independent Election Commission should cooperate with the Higher Council for the Rights of Persons with Disabilities to engage a group of experts in the field of visual disabilities to examine voting centres prior to and during the preparation process, as well as the implementation of designated processes.
- It is necessary to spread awareness among visually impaired persons regarding the importance of registering in the lists of centres designated for persons with disabilities, so they can participate in elections, not only as voters but as candidates as well.



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