

**Legal measures concerning the rights of
persons with disabilities to participate in
the election under the Organic Act on
the Election of Members of Parliament
B.E. 2561 (2018)**

Research report



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Abstract

The election is one of the most critical procedures that undergird the foundation of liberal democracy as it enables citizens to express their collective political wills by electing their representatives according to the rules laid out in the Constitution and other relevant laws. However, the election must be held under certain core principles; for instance, the State must ensure that every citizen can exercise their right to participate in the election on an equal footing. Furthermore, the State needs to undertake all the necessary legal measures to support the rights of persons with disabilities to participate in the election and eliminate limitations posed by their citizens' disabilities that may prevent them from the full enjoyment of this right.

The ASEAN Enabling Masterplan 2025: Mainstreaming the rights of Persons with Disabilities, the regional instrument adopted by 10 ASEAN leaders in 2018 aimed to mainstream the rights of people with disabilities in all 3 ASEAN community pillars namely political-security, economic and socio-cultural community, has put inclusive election and access to electoral-related information as one of its priority key action points.

This research finds that the existing legal framework under the Organic Act on the Election of Members of Parliament B.E. 2561 (2018) focusing on Section 92 already, to a certain extent, guarantee the State's obligation to ensure accommodation and assistance for persons with disabilities to vote. However, to ensure the full realization of their right, the State must undertake additional measures as per international human

rights standards laid out in the Convention on the Rights of Persons with Disabilities which Thailand has ratified as well as ASEAN Enabling Masterplan. That is to say, Thailand must protect and fulfill their rights of persons with disabilities to participate in the election at all stages including before, during, and after the election. However, this research shows that the Organic Act on the Election of Members of Parliament B.E. 2561 (2018) does not contain any provisions that extend the protection of the rights of persons with disabilities during the pre-election and post-election period; it only focuses on their voting rights on the election date as mandated in Section 92. Moreover, the existing provisions also encounter several problems and challenges in its implementation in the form of direct and indirect discrimination which prevents persons with disabilities from enjoying their rights. Therefore, this research aims to explore possible solutions that may help Thailand achieve the full realization of the rights of persons with disabilities to participate in the election as per international standards laid out in the Convention on the Rights of Persons with Disabilities and the ASEAN Enabling Masterplan 2025.

Keywords: Persons with Disabilities, Right to Participate in the Election, Voting

Legal measures concerning the rights of persons with disabilities to participate in the election under the Organic Act on the Election of Members of Parliament B.E. 2561 (2018)

Background

The principle of respect for human dignity is an important principle which is respected by international community. It demonstrates the awareness of the value of individual that should be treated equally, regardless of differences of origin, ethnicity, language, sex, age, disabilities, physical or health condition, economic or social status, religious background, education level or political believes. People with disabilities, as a human being therefore have the same human dignity.

In Thailand, there are about 2 million people who have officially registered as persons with disabilities as of June 2019. It is considered about 3.07% of the total population. These people have experienced many types of barriers such as institutional, environmental and attitudinal barriers. According to WHO and World Bank, these barriers result in stigmatization, discrimination against people with disabilities and preventing them from participation and inclusion.

According to ICCRP, CRPD, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and Declaration on the Rights of Disabled Person (DRDP), there are three main types of discrimination as follows: (1.) Distinction, (2.) Exclusion, and (3.) Restriction. However, the State may take special measures to reasonable accommodations or promote the capacity of persons with disabilities to exercise their rights and liberties in the same way as their peers or to protect and facilitate the access to these rights and liberties for persons with disabilities. Notably, such measures will not count as unjust discrimination. On the contrary, it will be regarded as “just discrimination” that does not violate the principle of equality.

After Thailand ratified the Convention of Rights of Persons with Disabilities (CRPD) on 29 July 2008, the government has made an effort to make people with disabilities access to rights as equal as all citizens, such as rights to basic education, rights to employment, rights to an

appropriate environment for people with disabilities, rights to participate in politics, and etc. as protected by national and international laws, there are still a big number of people with disabilities who are unable to access these rights.

In every democratic country, the right to vote is considered a fundamental right for every citizen in order to choose his or her representatives through an electoral process that is free, fair, confidential, and equal. In organizing elections, the state should take all possible steps to allow people with disabilities to exercise their rights to vote as equal as all other citizens.

The State may legitimately create special measures to assist people with disabilities to participate in the election as equal as their peers. These special measures must be based on universal design principle and other fundamental human rights enshrined in the Convention on the Rights of Persons with Disabilities. Moreover, the State must take into account the fact that different types of disabilities require different forms of accommodation and support. In the context of this research, it must be noted that persons with disabilities shall enjoy their rights to engage in every electoral process before, during, and after the election.

Under the Thailand's Constitution 2017, it has guaranteed the human dignity and principle of protection of citizen's rights and liberty on a basis of equality.

The Organic Act on the Election of the House of Representatives B.E. 2561 (2018) has been enacted to ensure standard administration of the Election of the House of Representatives and guarantee the rights of vote of all Thai citizens aged above 18 years old. However, this Organic Act, for the first time, includes Section 92 aiming to assist persons with disabilities to have an equal access to the right to vote as follows;

“For the convenience of people with disabilities and older people to vote, the polling officers or an assigned officer shall provide special facilitation or assistance for such persons to vote under the supervision of the polling officers. In providing such assistance, the voter shall vote according to his or her intention, unless the person has physical condition causing inability to

mark the ballot by him or herself. In this case, other person or the board member of polling officers shall mark the ballot on his or her behalf with consent and in accordance with the intention of the persons with disabilities or elderly citizen. It shall be regarded as direct and secret voting.

In case that the board of election commission deems appropriate, there should be an arrangement of special polling stations for people with disabilities and elderly voters. The voters who require special arrangement should register to vote at the above-mentioned special polling stations. Once the registration is conducted, the name of the voter shall be withdrawn from the voter's list at his or her original polling place according to the house registration.

Facilitation under paragraph one on providing polling place, and paragraph two on registration of voting at special polling places shall be in accordance with the rules and procedures set by the election commissioners. The registration shall be in accordance with the procedures set by the election commission and must consider the convenience of the application for registration.”

The above provision shows that the Thai Election Law now started to pay an attention to the basic rights of people with disabilities to access the electoral process. According to the data from the Ministry of Social Development and Human Security, it showed that there were up to 1,834,808 voters with disabilities out of the total number of 51,419,975 voters in the General Election of Members of the House of Representatives on 24 March 2019, which was the first election under the provisions of the Organic Act on Election of the House of Representatives B.E. 2561 (2018). The number of voters with disabilities is 3.56% out of all eligible voters. However, the Election Commission of Thailand failed to keep official statistical record of eligible voters with disabilities and turnout of voter with disabilities resulting in lack of statistical data of turnout number of

voters of specific group and failure to provide appropriate preparation and assistance.

Although this law provides facilitation and assistance to people with disabilities in order to enable them to exercise their voting rights, this law will has many gaps which make people with disabilities to fully access their rights to vote, such as the lack of regulation on information outreach on election related information, the inadequate information of political parties' policies and pre-election party campaigns, candidates, and facilitation and assistance to people with disabilities to fully exercise his or her voting rights, and access to electoral information on voting results and endorsing election results, among others.

As a basis for the development of advocacy and improvement of political and electoral rights of people with disabilities under the Organic Act on Election of the House of Representatives B.E. 2561 (2018), ANFREL has conducted a research on legal measures in election of people with disabilities under the above mentioned Organic Act. Ultimately, this research aims to present its outcomes as an instrumental in the implementation of the ASEAN Enabling Masterplan 2025: Mainstreaming the Rights of Persons with Disabilities in Thailand as Thailand has adopted this Enabling Masterplan 2025 as a joint commitment of ASEAN community to make the ASEAN region an inclusive society. The goal of this Enabling Masterplan is not only to contribute to the enhancement of the implementation of the CRPD at regional level and achieving inclusive community, but it also intends to assist ASEAN Member States in harmonizing local laws and policies.

Research Objectives

1. To study theoretical basis on voting rights of people with disabilities,
2. To study the voting rights of people with disabilities under the international law and the Masterplan,
3. To study voting rights of people with disabilities under Thai law to analyze existing obstacles and challenges to access voting rights under the Organic Act on Election of the House of Representatives B.E. 2561 (2018), and

4. To provide recommendations and suggest appropriate legal measures that will support full access for people with disabilities to elections according to international standard.

Research Methodology

This research mainly uses desk research documents by studying theories, academic papers, organization reports from both Thai and foreign sources that relates to rights of persons with disabilities in elections, principles of genuine elections, international laws, and Thai laws that relates to rights of persons with disabilities in election which is the Organic Act on the Election of Members of Parliament B.E. 2561 (2018).

The researcher analyzes all information and different legal provisions laid out in the Organic Act and points to the challenges they have posed in terms of providing persons with disabilities with the right to participate in the election during the General Election that recently took place in Thailand on 24 March 2019.

Results

According to CRPD, the term “person with disabilities” includes those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others. As this research focuses on participation of people with disabilities in elections, the research finds that barriers encountered during the electoral process can be reduced to ensure that persons with disabilities can participate on an equal basis with their peers. Since Thailand ratified the Convention on the Rights of Persons with Disabilities (CPRD) on 29 July 2008, the right of persons with disabilities to participate in the election is guaranteed and protected under the Thai Constitution.

This international treaty protects and guarantees the right of persons with disabilities to participate in political and public life as per basic human rights standards laid out in the Universal Declaration of Human Rights, Article 25 of the International Covenant on Civil and Political Rights and

Article 29 of the Convention on the Rights of Persons with Disabilities. Treatment that results in the lack of access to rights by some groups constitutes discrimination and is a violation of the principle of equality. Therefore, whenever a person is treated differently because of his or her disabilities, such treatment shall be considered unjust discrimination and violates the principle of equality. Should there be any discriminatory action against someone on the grounds of his or her disabilities, such action shall be considered unjust and must be prohibited.

Obstacles to access elections for people with different disabilities

Type of disability	Pre-election period	Election Day	Post-election period
Visual disability	-Lack of or inadequate access to electoral information, political parties' policies and candidate profiles -Lack of access and information on online registration for advance voting at special polling stations	-Inability to read complete information on ballot paper -Inability to cast vote independently without Braille template or an assistant	-Limitation of access to voting results and post-election information due to widespread use of infographic
Hearing disability	-Lack of or inadequate access to electoral information, political parties' policies and candidate profiles -People with hearing disability do not use a unified sign language, causing inadequate understanding and information on elections	-Inability to communicate with polling station officers -voters with hearing disability who are also illiterate may have less understanding on how to cast the vote	- Limitation of access to voting results and post-election information due to limitation of sign language interpretation or writing script

	-Some groups of people with hearing disability are illiterate and having to only rely on sign language interpretation, therefore they are mostly left behind with access to information.		
Physical disability	-Lack of access to announcement venue on electoral information -Lack of access and information on online registration for advance voting at special polling stations	-Some polling stations may be inaccessible or having improper settings -Inability to cast the vote independently without an assistant	-Lack of access to filing electoral complaints or opposing to vote results.

As in the ASEAN Enabling Masterplan 2025, the APSC 1 emphasizes on equal participation to public and political life, and 2 on equal access to information from public and private sector websites on elections by using universal design principle. The research findings show that voters with disabilities in Thailand still encounter barriers in these aspects.

During the pre-election period, persons with disabilities are entitled to receiving and accessing adequate information, whether it be information regarding voting procedures, policy proposals from each political party and their candidate profiles, and other relevant information that may allow them to make an informed decision when voting.

Government officials and volunteers based at polling stations (referred to as “polling station committee members” in official vocabulary) must also undergo a capacity-building training that will equip them with the knowledge about the rights of persons with disabilities to participate in

all electoral processes and train their technical skills in providing accommodations or assistance for voters with disabilities at the polling station.

Nevertheless, this research observes the absence of a clear provision regarding this matter in the Organic Act on the Election of Members of Parliament B.E. 2561 (2018), which had left some groups of persons with disabilities, such as those with visual and hearing disabilities lacking adequate information that will help them fully exercise their rights. Generally, the polling station committee members are not required to undergo training on how to organize an election that is accessible to persons with disabilities. This shortcoming of the Organic Act, therefore, results in the widespread lack of knowledge and sensitivity in the matters related to the rights of voters with disabilities among personnel assigned to polling stations across the country. The most complaints found on online social media was the polling staff did not know how to prepare braille templates for voters with visual disabilities and the polling officers did not have any guideline of how to communicate with people with hearing disabilities in a proper way.

Article 92 of the Organic Act on the Election of Members of Parliament B.E. 2561 (2018) stipulates that persons with disabilities shall receive reasonable accommodation and assistance to vote. This Article indicates that each polling station must provide special accommodations for persons with disabilities. The law allows the Election Commission of Thailand to host separate polling stations specifically tailored to the needs of persons with disabilities. Therefore, the Election Commission had plan to set up 14 polling stations for persons with disabilities and older persons across the country to ensure their full realization of rights to participate in the election. Nonetheless, it later announced that four stations would not be organized due to financial constraints and logistical challenges, thereby leaving only ten stations operating for voters with disabilities and senior citizens. These special polling stations were equipped with tools that are necessary to accommodate persons with disabilities to vote. For instance, braille templates, magnifying glasses, and lamps are available to assist persons with visual disabilities and wheelchairs, canes, and struts for persons with physical disabilities. Moreover, the polling stations were

designed to have an appropriate size and width to make it more easily accessible for persons who use assistive devices, such as wheelchairs.

Among these ten stations, seven are located inside nursing homes for elderly people, two inside residential institutions, and one inside a hospital. The locations of these stations demonstrate that they had been set up with a clear intention to mainly accommodate those who reside inside these care facilities in exercising their voting rights.

This research finds that such a measure was highly ineffective and problematic, as hosting separate polling stations could be considered discriminatory. The persons with disabilities and older people who registered to vote at these special polling stations did not have the access to cast their vote alongside their peers. Moreover, according to the official statistics of voter registration, only 846 individuals registered to vote at the ten polling stations for persons with disabilities and older people across Thailand; the number represented merely a tiny fraction of the population living with disabilities in the country as the estimated number of voters with disabilities is 1.8 million. In other polling stations, little attention has been paid on how to accommodate persons with disabilities who were registered to vote there.

Hosting special polling station, not only showed ineffectiveness of attempt to organize inclusive elections, but it could be considered discriminatory as the persons with disabilities would not be able to cast their vote alongside their peers. Moreover, many people with disabilities did not have access to transportation that would take them to these special polling stations.

In selection of other polling stations, it was found that no facilities surrounding these polling stations had been specially prepared to accommodate voters with disabilities. For example, some polling stations had no ramps for wheelchair users and there was no restroom or parking lot for persons with disabilities near some polling stations. This research has established that these factors contribute to further limiting the capacity of persons with disabilities to exercise their voting rights.

During the Election Day, the Election Commission failed to provide facilitation to voters with disabilities. According to the desk research, some polling station committee members still lacked proper knowledge about

how to prepare braille templates to voters with visual disabilities or provide assistance for voters with disabilities, and polling officers lack information about the newly enacted Article 92 of the Organic Act of the Election of Members of Parliament B.E. 2561 (2018).

Although Article 92 of the Organic Act on the Election of Members of Parliament B.E. 2561 (2018) has a specific provision allowing voters with disabilities to appoint a person of their choice or a polling station committee member to cast a ballot with the assistance of one's choice if they are not able to vote independently. The ballot cast in this manner will still be considered a direct and secret exercise of their voting right. However, this provision creates a large margin of discretion for polling station committee members to determine whether a person needs their assistance. According to the information received, some polling station committee members explicitly asked or volunteered to cast the ballots on behalf of the voters with disabilities even though they had not requested such assistance. This manner of assistance will hinder the rights of persons with disabilities to participate in the election directly and in secret and contradicts the spirit of the law.

This Organic Act also does not specify any measures that shall be taken to ensure that persons with disabilities can access all the information regarding the election in the post-election period. After the election that recently took place, the election results were reported without considering making the information accessible by everyone, such as there was no text or hand sign interpretation describing what is being reported, making it impossible for many others to access the equal amount of information or the most up-to-date information as their peers. Sometimes, in several cases, persons with disabilities have also experienced undue delays of their access to information related to the election. Moreover, there is no official statistics on the voter turnout of persons with disabilities.

Recommendations on how to improve legal measures related to the rights of persons with disabilities to participate in the election

Given that the Organic Act on the Election of Members of Parliament B.E. 2561 (2018) does not contain adequate legal safeguards to guarantee the full realization of the rights of persons with disabilities to

participate in the election, the government should issue supplementary regulations on the accommodation of persons with disabilities to effectively access their rights to participate in the election. The regulation shall cover the protection and promotion of their rights throughout every process of the election, be it before, during, and after the election, as follows:

1) During the pre-election period, measures must be taken to raise public awareness of important information regarding the election via various media. The persons in charge of publicity must take into consideration the fact that there are several types of persons with disabilities that require specific modes of communication to receive information. The Election Commission shall be vested with the power to require political parties to produce public information about their campaigns, policies, and candidates that is accessible for all including persons with disabilities. Moreover, all media agencies that report news on the election should also be subject to the same requirements. The Election Commission must act as a coordinator that connects with different groups of persons with disabilities and ensure that they receive appropriate accommodations that allow them to access adequate information about the election. The Commission must also be responsible for all the costs related to this matter, using the budget from the Fund for Development of Political Parties.

Relevant government authorities must provide training for polling station officers and produced a manual that established a standard way of accommodating persons with disabilities during the voting procedure. Both the training and manual must contain knowledge about policies and laws regarding the assistance and accommodation that persons with disabilities are entitled to when they wish to exercise their right to vote. There should also be guidelines and demonstrations on how to use all assistance tools that are available in polling stations to help all persons with disabilities to vote. Furthermore, polling station officers shall be trained to communicate and interact with persons with disabilities appropriately. Moreover, a hotline or other means of communication should be set up to respond to additional requests and answer questions that persons with disabilities or polling station officers may have about the election.

2) During the election day, all the polling stations and their surrounding areas must be designed as per international standards regarding the accommodation of persons with disabilities to participate in public and political life. A special emphasis should be placed on the accessibility principle for persons with disabilities and senior citizens. All stations must prepare appropriate tools that will accommodate persons with disabilities to vote.

The persons with disabilities who cannot cast the vote on their own should have the right to request a relative, spouse, trusted person, or a polling station officer to cast the vote on their behalf. Importantly, the appointed person may take an oath under their religious faith, swearing that they will not persuade the persons with disabilities whom they are representing to vote for any particular political party or candidate and will strictly commit to keeping the voting decision of their appointer a secret, as done in Canada or using an official form indicating that they will not coerce the voter nor will they share what the person voted, under penalty by the state.

The Election Commission may set up at least one central polling station or special polling station for eligible voters with disabilities or older people in each constituency as an experiment to test the new procedure and readiness of its polling station staffs. However, ideally, all polling stations must be made accessible with the same standard. There must be multiple channels of publicity and means of registrations for persons with disabilities to vote these stations, such as in-person registration, registration through care homes, registration by post, and online registration (which must comply with the WCAG standards.). Relatives or caretakers of persons with disabilities should also be able to vote at these special stations. Moreover, the State may also provide official transportations that take persons with disabilities to the polling stations and back to their residents on the election date. It could also create a system of voting outside the polling station; for example, the persons with disabilities may be allowed to vote by post or cast their vote inside a moving vehicle for persons with disabilities in extreme situations, not as a means to remove equal access to polling stations.

3) In the post-election period, The Election Commission of Thailand may include in its policy for disability inclusion that persons with disabilities and organizations for persons with disabilities should be given an opportunity to assess their satisfaction with their experience of exercising their rights to participate in the election and provide suggestions for improving the next election. Persons with disabilities should be able to access accurate election results without any undue delay. The government must compile statistical data regarding the voter turnout of voters with disabilities in each polling station.

These recommendations will lead to full execution of the key objectives of the ASEAN Enabling Masterplan 2025 on Mainstreaming the Rights of Persons with Disabilities. Such objectives include advocating for regional accession of the Convention on the Rights of Persons with Disabilities, building a people-centered ASEAN community where persons with disabilities can enjoy their freedom to participate in all aspects of political life in an effective and sustainable manner, and most importantly, achieving equality and better welfare for persons with disabilities, their families, and their caretakers. These objectives are also shown in the table below:

Table mapping out the correspondences between recommendations from this research and key action plans in the ASEAN Enabling Masterplan 2025 on Mainstreaming the Rights of Persons with Disabilities

ASEAN Masterplan 2025	Key action plans	Key measures	Recommendations
ASEAN Political and Security Community (APSC)	A. Law-based, People-Oriented, People-Centered Community	APSC 1: Encourage taking all appropriate legislative and administrative measures to promote and protect the rights of persons with disabilities to fully and meaningfully participate in public and political life to vote, to be elected and to access to justice on an equal basis with those without disabilities;	<p>- General measures</p> <p>1) Amend the law to make it inclusive of the rights of persons with disabilities to participate in the election at all stages, be it before, during, and after the election.</p> <p>-Pre-election measures</p> <p>1) Publicize accessible information about the election including political parties’ policies and their candidates in various media, such as braille election manuals, websites and mobile phone applications that meet the WCAG standards.</p> <p>2) Create various channels of registration for advance voting, such as, self-registration by post and online registration.</p>

			<p>Measures during the election</p> <ol style="list-style-type: none"> 1) Make polling stations accessible for persons with disabilities 2) Provide facilities and accommodation for persons with disabilities as appropriate according to their needs <p>-Post-election measures</p> <ol style="list-style-type: none"> 1). Create a system that reports accurate, accessible election results to persons with disabilities without undue delay. 2) Document statistical data regarding the voter turnout of voters with disabilities in each polling station.
		<p>APSC 2: Encourage access to information from public and private sector websites on reasonable accommodation for court services, elections, accessible election and universal design polling stations, and other political processes by developing a disability-inclusive</p>	<p>-Pre-election measures</p> <ol style="list-style-type: none"> 1) Publicize accessible information about the election including political parties' policies and their candidates in various media, such as braille election manuals, websites and mobile phone applications that meet the WCAG standards.

		<p>system with the use of new technologies and alternative formats such as braille, audio, closed-captioned and/or audiodescribed videos, and universally designed electronic formats, making available subtitles in the videos and television, assistance of professional sign language interpreters, and cartoon materials for persons with learning disabilities;</p>	<p>2) Create various channels of registration for advance voting, such as, self-registration by post and online registration.</p> <p>-Post-election measures</p> <p>1). Create a system that reports accurate, accessible election results to persons with disabilities without undue delay.</p> <p>2) Document statistical data regarding the voter turnout of voters with disabilities in each polling station.</p>
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		APSC 5 Raise awareness within the judiciary, political bodies, and election commissions on the rights of persons with disabilities and disability inclusion through the celebration of the International Day of Persons with Disabilities (IDPD) and other relevant events, such as arts and sports events as well as various communication and informative media.	- General measures 1) Amend the law to make it inclusive of the rights of persons with disabilities to participate in the election at all stages, be it before, during, and after the election.
	B. Peaceful, Secure, and Stable Region	APSC 8 Strengthen national and local policies to provide reasonable accommodation to children, youth, women, and elderly/older persons who often experience some form of disability due to ageing.	- General measures 1) Amend the law to make it inclusive of the rights of persons with disabilities to participate in the election at all stages, be it before, during, and after the election.
ASEAN SocioCultural	A. Engages and Benefits the People	ASCC 1: Promote the rights of all persons with disabilities to full, equal, and effective participation in all aspects of life in all ASEAN Member States;	- General measures 1) Amend the law to make it inclusive of the rights of persons with disabilities to participate in the

Community (ASCC)			election at all stages, be it before, during, and after the election.
		ASCC 2: Enhance access to social protection and economic opportunities to attain independent living for persons with disabilities, ensuring their rights to live with dignity within an engaged and empowered community, including opportunities to enjoy and take part in socio-cultural and religious activities, sports and leisure;	<ul style="list-style-type: none"> - General measures <ul style="list-style-type: none"> 1) Amend the law to make it inclusive of the rights of persons with disabilities to participate in the election at all stages, be it before, during, and after the election. - Pre-election measures <ul style="list-style-type: none"> 1) Equip all personnel whose work is related to the election with positive attitudes towards persons with disabilities and knowledge about how they should treat persons with disabilities when providing them with assistance and accommodation during the election day. - Measures during the election <ul style="list-style-type: none"> 1) Make polling stations accessible for persons with disabilities

			<p>2) Provide facilities and accommodation for persons with disabilities as appropriate according to their needs</p>
		<p>ASCC 3: Strengthen capacity building activities relevant to persons with disabilities and their family members, personal assistants and caregivers, focusing on diversity, inclusion, social norm change, anti-stigma, unconscious bias and discrimination against persons with disabilities, and their application in the daily roles and functions of service providers, including civil servants, legal professionals, social welfare officers, law enforcement officials, and healthcare providers, among others;</p>	<p>- General measures 1) Amend the law to make it inclusive of the rights of persons with disabilities to participate in the election at all stages, be it before, during, and after the election.</p> <p>- Pre-election measures 1) Equip all personnel whose work is related to the election with positive attitudes towards persons with disabilities and knowledge about how they should treat persons with disabilities when providing them with assistance and accommodation during the election day.</p> <p>-Measures during the election 1) Make polling stations accessible for persons with disabilities</p>

			<p>2) Provide facilities and accommodation for persons with disabilities as appropriate according to their needs</p> <p>3) Create central polling stations or special polling stations that can accommodate voters with disabilities and offer alternative voting methods that can be done outside the polling stations.</p>
		<p>ASCC 5: Enhance availability and accessibility of websites; including of public and private sectors, in particular online banking; as well as use of new technologies, information and communication technologies, assistive technologies, and adaptive technologies for persons with disabilities.</p>	<p>- Pre-election measures</p> <p>1) Publicize accessible information about the election including political parties' policies and their candidates in various media, such as braille election manuals, websites and mobile phone applications that meet the WCAG standards.</p> <p>2) Create various channels of advance voting registration including self-registration by post and online.</p> <p>- Measures during the election</p> <p>1) Create central polling stations or special polling stations that can accommodate voters with</p>

			<p>disabilities and offer alternative voting methods that can be done outside the polling stations.</p> <p>- Post-election measures</p> <p>1) Create a system that reports accurate, accessible election results to persons with disabilities without undue delay.</p>
B. Inclusive	ASCC 7 Recognise and mainstream the rights of persons with disabilities to fully participate in all aspects of their community life by respecting their autonomy, independence and decision-making and to ensure that the community services, and facilities are responsive to the needs of persons with disabilities;		<p>- General measures</p> <p>1) Amend the law to make it inclusive of the rights of persons with disabilities to participate in the election at all stages, be it before, during, and after the election.</p>
	ASCC 13 Recognise the rights of persons with disabilities to live by their choice, and to ensure a wide range of selection with regard to living with dignity, making their own decision and to guarantee autonomy for persons with disabilities over living arrangements and		<p>- General measures</p> <p>1) Amend the law to make it inclusive of the rights of persons with disabilities to participate in the election at all stages, be it before, during, and after the election.</p>

		<p>accessibility, and to protect both within and outside the home, from all forms of disability based-discrimination, the deprivation of liberty, exploitation, abuse and violence, including sexual and gender-based discrimination and violence;</p>	<p>Measures during the election</p> <ol style="list-style-type: none"> 1) Make polling stations accessible for persons with disabilities 2) Provide facilities and accommodation for persons with disabilities as appropriate according to their needs
		<p>ASCC 15 Ensure universal access to build environment, especially educational, health and legal institutions and services, law enforcement agencies, national human rights institutions, and offices of service providers, including public transportation, applying universal design standards, and accessible information and communication technology focusing on issues of gender and various age-groups in all ASEAN member states;</p> <p>ASCC 15.1 Ensure the recognition of national sign language as the language for the deaf in all ASEAN Member States.</p>	<p>- Pre-election measures</p> <ol style="list-style-type: none"> 1) Publicize accessible information about the election including political parties' policies and their candidates in various media, such as braille election manuals, websites and mobile phone applications that meet the WCAG standards. <p>Measures during the election</p> <ol style="list-style-type: none"> 1) Make polling stations accessible for persons with disabilities 2) Provide facilities and accommodation for persons with disabilities as appropriate according to their needs 3) Create central polling stations or special polling stations that can accommodate voters with

			<p>disabilities and offer alternative voting methods that can be done outside the polling stations.</p> <p>4) Provide public transportations to pick up voters with disabilities from their residences to the polling stations and back.</p>
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Other suggestions

To ensure the full realization of the rights of persons with disabilities to participate in the election for as per standards laid out in the ASEAN Enabling Masterplan 2025 on Mainstreaming the Rights of Person with Disabilities, all stakeholders including the government, private sector, organizations for persons with disabilities, and most importantly, the persons with disabilities themselves and their families, must work together to advocate for and raise public awareness of basic human rights of persons with disabilities and foster positive public attitudes towards persons with disabilities as competent people who can contribute to the development of the country and society as much as able-bodied people.

In addition, this research has not addressed the issues of those “of unsound mind or of mental infirmity”, who are also considered mentally and intellectually disabled. According to the Constitution of Thailand and the Organic Act on the Election of Members of Parliament B.E. 2561 (2018), this group of people is legally incompetent to exercise their franchise. We still need to conduct more studies exploring the level of their capacity to engage in electoral processes in order to determine what the appropriate legal measures shall be undertaken to realize their rights to participate in the election. According to the CRPD, Article 12 Equal recognition before the law and Article 29 Participation in political and public life, no persons with disabilities may be denied the right to vote on the basis of disability. Therefore, CRPD calls for this right to extend to all persons with disabilities without discrimination.