Abstract

The purpose of this study was to assess the electoral process and the visually impaired so as to determine their inclusion in the electoral process. The objectives were to establish the electoral needs of people with visual impairment in Zambia, to determine how people with visual impairment have been embraced in the electoral process, to examine the barriers that have contributed to the non-participation of people with visual impairment in the electoral process and finally to ascertain how the electoral process can be made more inclusive for individuals with visual impairment. The study employed a phenomenological research design. Both qualitative and quantitative methods were used to collect and analyse data. A purposive sampling technique was employed. The key informants were officials from the ECZ, the Zambia Agency for persons with disabilities and selected individuals with visual impairments, Jesuit center for theological reflections official, selected students with visual impairments at Kwame Nkrumah University and selected lectures and individuals with visual impairments in Kabwe District of Zambia. Data was collected through Questionnaires, interviews and focus group discussions and observation. The findings from this study revealed that despite the fact that the legal framework in Zambia provides for the conduct of elections by means of a secret ballot, the practice has been that the visually impaired voters are subjected to the assistance of a third party that is required to mark the ballot paper on their behalf, despite the braille jacket which was used in the 2016 elections by some visually impaired persons by slotting in a ballot paper and be able to identify a candidate of their choice, by no means was that used by the visually impaired who are illiterate because braille is as good as reading and writing of which the uneducated visually impaired will still need assistance to vote, hence the study further revealed that, the visually impaired, both total and partially blind need braille jackets across the country, large font ballot paper and most of all efficient and effective sensitisation at all levels of the electoral process in all local languages. The study recommends that a law that restricts fundamental human rights must be shown to be reasonably justified in a democratic society and must be cross-cutting also and not be discriminatory in its effect or application. In this regard, there is need to adopt alternative voting and participation mechanisms that will allow both partially and totally visually impaired voters to vote independently and exercise the right to a secret ballot and fully participate at all levels of the electoral process. These uncertainties, therefore, call for an extensive sensitisation on the part of the organisations directly dealing with the disabled persons and stakeholders regarding the purpose and importance of participation in the electoral process hence enhancing the visually impaired persons’ inclusion in the entire electoral process in Zambia.

Key words: inclusion, electoral process, visually impaired, Human rights
INTRODUCTION

Background

Voting and participation in the electoral process is a fundamental aspect of the democratic process. This provides individuals with a voice to influence decisions that affect their lives. However, people with disabilities have often been discriminated against in this regard. Several barriers to political participation have been identified. These include: negative attitudes towards persons with disabilities; low literacy; poverty; cumbersome electoral procedures; lack of customized electoral materials; and an inaccessible physical environment (Attanayake, 2015; Baffoe, 2013; Human Rights Watch, 2012; Sackey, 2014). Studies from several countries including Canada (Klein, 2005), Ghana (Sackey, 2014), Zambia (International Labour Organization, 2013) and Vietnam (Human Rights Watch, 2012) have consistently linked lack of financial resources, negative attitudes, low educational attainment and inaccessible physical environment to the low political participation of persons with disabilities. Beside these factors, disability makes it difficult for some persons with disabilities to interact with other members of society, thus limiting interaction with their peers and the opportunities to understand the political process (Meekosha, 1999; Schur et al. 2013). Electoral laws have also disenfranchised some persons with disabilities such as persons with intellectual and psychosocial disabilities from participating in politics because they are deemed incapable of making sound political decisions (Human Rights Watch, 2012; International Foundation for Electoral System, 2014; Sackey, 2014; Scotch, 1988). A strategy towards creating a better understanding of the rights of persons with disabilities and eradicating attitudinal, physical, and institutional barriers will go a long way towards increase the participation of persons with disabilities in politics. In reference to historical exclusion, the United Nations (UN) General assembly adopted the convention on the rights of persons with disabilities (CRPD) in December 2006. The CRDP report is an international human rights treaty, which promotes, protects, and ensures the full enjoyment of human rights by persons with disabilities. The UNCRPD is the guiding international standard in disability inclusion. Article 29 of the treaty focuses on participation in political and public life. It calls on states to ensure that persons with disabilities can effectively and fully participate in political and public life. It calls on states to ensure that all persons with disabilities can effectively and fully participate in political and public life on equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected (CRPD Protocol 2012).
The right to vote and participate in the electoral process is critical to democracy and the United Nations Convention on the rights of persons with disabilities (UNCRPD) underscores the equal rights of persons with disabilities to participate in political life. Yet, in many low income countries in Africa, persons with disabilities are often unable to cast their vote or stand for political election in their local institutions. They are therefore excluded from political and social engagement and cannot fully exercise and enjoy their guaranteed rights.

Against this understanding, effective inclusion of people with visual impairment in the electoral process in Zambia remains a pipe dream with chances of making it reality farfetched. Disability has historically been regarded predominantly as a health and welfare issue (South African Integrated National Disability Strategy - White paper, 1997). This position and stance has regrettably contributed to the continued marginalization, and limited participation of people with visual impairment in the electoral process in their country of birth. It would seem a number of barriers continue to stand in the way, thereby, stifling/closing the effective participation of people with visual impairment in the electoral process. The grey areas that have largely prompted the researcher to have an interest to find out more about the electoral process and provisions for the visually impaired people in Zambia include: Lack of privacy in the voting process; Being assisted to vote by total strangers; Lack of Braille ballots or enlarged print for easy reading; Unavailability of magnifying material; Inaccessible polling stations; Being prevented from voting for different reasons; Lack of information on the electoral procedures; Lack of trained personnel to help people with visual impairment; Lack of transport to polling stations; and Fear of political violence on the part of the visually impaired. National Association of Societies for the Care of the Handicapped (NASCOH, 2008).

**Statement of the Problem**

The right to participate in political activities is a fundamental human right for every citizen in a country, but this right is often not available to persons with disabilities. Political participation involves the ability of individuals to take part in public affairs, to assemble and form associations, to register during elections, and to declare candidacy during national and local elections (Hall & Alvarez, 2012; Krishna, 2013; UN, 2012). Throughout history, persons with disabilities have suffered systematic discrimination and exclusion from national issues including issues that directly affect their lives (Schur et al. 2002). In Zambia, the right to participate in national affairs is of great practical importance as it enshrines the principle of political and civil equality in the law and is enshrined under article 75 (2) of the Constitution.
of Zambia. However, in Zambia, it is not clear to what extent the electoral process is inclusive or exclusive with regards to the Visually Impaired. It appears people with visual impairment face exclusion from the electoral process and marginalization in governance issues in Zambia. It is, therefore, the intention of this study to establish the extent to which people with visual impairment have gained access to the electoral and voting processes from a human rights perspective.

**Purpose of the study**

The purpose of the study is to establish the extent to which people with visual Impairment have been included in the electoral process in Zambia with a view to giving possible strategies that could be adopted to address the issues contributing to their exclusion. The study, therefore, looks at current trends with a view to isolating the concerns and suggested improvements where possible in order to increase access and inclusion of the visually impaired persons in the electoral process.

**METHODOLOGY**

This study used a mixed method approach. The research design was phenomenology. In this research, interviews and focus group discussions were used to generate qualitative data. The target population will comprise of officials from the electoral commission of Zambia (ECZ), the Zambia Agency for persons with disabilities (ZAPD) ,human rights commission, Jesuit centre for theological reflections and selected individuals in kabwe and Lusaka among them people with visual impairment to ascertain the Practical and administrative challenges to ensure that the visually impaired persons are included in all stages of the electoral process and how these challenges can be mitigated. This study will use purposive sampling techniques. This study will analyze data using the Narrative analysis.
RESULTS

Figure 1: Level of Inclusion in the Electoral Process

From figure 1 above the results shows that the levels of participation by the visually impaired in the electoral process were very low. Margins of over 80% depicting that the levels of participation were low cannot be deemed negligible. According to ZFPD, the level of participation of the visually impaired (VI) in the electoral process is very low because there is no enough information being discerned to the disabled persons regards elections, hence participation being very low. One respondent observed that:

“The electoral process has irregularities in the system and therefore not perfect, hence, the visually impaired cannot participate in the electoral process with inadequate information.”

According to FODEP, the participation of the Visually Impaired in the electoral process is very low because the language being used is difficult to communicate effectively to the
visually impaired. Furthermore, FODEP argued that the visually impaired feel that they should be treated on an equal footing with every other citizen regardless of their disability. When FODEP was asked on how many visually impaired persons were registered, he said that, the response was that as an organization they were advocating for that data from ECZ but to no avail, so there is no data but just guess work.

![Barriers for VI inclusion](image)

**Figure 2: Barriers for VI inclusion**

Figure 2 above shows that the barriers for Visually Impaired inclusion in the electoral process were lack of voter education, electoral equipment and distance to polling stations and violence. The ECZ observed that there were a number of challenges that hinder the participation of the visually impaired in the electoral process and among them are electoral violence and political violence, and gave an example of tire gas canisters which the police throw, saying if such a thing happened, someone who can’t see can run to the canister and not from the canister because they can’t see, hence the fears of the visually impaired to participate in the electoral process. ECZ also mentioned of self-discrimination and external discrimination, self being a situation where the visually impaired perceive the thoughts of the able bodied as being negative towards them and also the external discrimination where the able bodied would say the blind would never do anything because they can’t see any
development taking place, hence they can’t participate in the electoral process. Basically, ECZ observed that the political atmosphere is not good for the visually impaired in Zambia.

**Figure 3: How the electoral Process can be made more inclusive**

![Bar chart showing options for making the electoral process more inclusive for visually impaired individuals.]

Figure 3 above shows how the electoral process can be made more inclusive to the visually impaired. When asked what strategies the electoral commission has put in place to ensure participation of the visually impaired in the electoral process. ECZ stated the following measure; the provision of the braille paper jacket, appointment of the national conflict committee involving the disabled people, appointment of the disability focal point person at ECZ to look into the issues of the disabled regards the electoral process and the involvement of the presiding officers into assisting the visually impaired during the voting process by reading out all the candidate in their order and then ask the visually impaired to cross an X in a hole of their choice, hence an important measure because it will provide for secrecy. ECZ mentioned that the level of sensitization is very low, despite the efforts ECZ and ZAPD is putting in to sensitize the disabled people on this cause. The levels are low because only
government is putting in effort, henceforth ECZ called for stakeholders to come on board and help sensitize on this noble cause. The respondent from ECZ further mentioned that, ECZ had come up with bill boards where they were pictures of disabled persons encouraging the fellow disabled persons to come in numbers and participate in the electoral process.

With regards to confidentiality, ECZ has put in place the provision of the braille paper jacket and only the presiding officer will be assisting the visually impaired, though there will be a problem with the illiterate ones who will be helped to mark the ballot paper, hence no secrecy in this regards. A national voter book is now in braille, hence a lot of councils dealing with disabled persons will be engaged to transcribe braille though human resource in this regard is scarce.

DISCUSSION

Level of Inclusion of VI in the Electoral Process

Zambia has assumed obligations to protect the right of disabled persons to participate in national affairs. Despite the fact that the legal framework in Zambia provides for the conduct of elections in a free and fair atmosphere, the practice has been that the visually impaired voters are being deprived of this right. Zambia is in breach of its obligation to ensure that the visually impaired persons take part in the political affairs of the country on an equal basis with others (Blackburn,1993).

International and domestic law provides a certain level of limitation or derogation from constitutionally guaranteed rights. However, a law that restricts fundamental human rights must be shown to be reasonably justified in a democratic society and must also not be discriminatory in its effect or application. Elections are a foundation of every democratic state and its violations undermines the very principles of democracy. Furthermore, depriving the visually impaired voters of free access to the ballot and participation in the electoral process is discrimination on the grounds of class. Therefore, depriving the visually impaired voters of their right to vote freely is unlawful and not justified in a democratic state. In this regard, there is need to adopt alternative voting mechanisms that will allow the visually impaired voters to vote independently and exercise the right to a secret ballot (Donnelly and Howard,1987).

Deviating from the participation of the visually impaired in the electoral process to ascertain as to its whether absolute or discriminatory, the findings reveal that actually the participation
of the visually impaired in the electoral process is very low, the study revealed that amongst individuals with visual impairments, there is very limited or no knowledge at all about provisions of the laws regarding electoral issues. The few who had at least some knowledge about the electoral process had very little knowledge about the provisions. The main reason advanced, according to the findings, was that currently there is no proper legal framework guaranteeing the participation of the visually impaired in the electoral process and most of all because of lack of proper sensitisation which would keep the visually impaired persons abreast with proper knowledge regards participation in the electoral process and its importance. To this effect, this lack of a proper legal framework gives the Zambia agency for persons with disabilities (ZAPD) no mandate to claim responsibility of sensitising the visually impaired about the electoral process. The depiction of conflicting findings raises a number of questions to the matter: is the Government as democratic state ignorant of Article 75(2) of the Zambian constitution guarantees every person’s right to vote while section 18 (2) of the electoral act makes it mandatory for all voters to cast their votes by way of secret ballot. These uncertainties, therefore, call for an extensive sensitisation on the part of the organisations directly dealing with the disabled persons and stakeholders regarding the purpose and importance of participation in the electoral process.

Barriers for VI inclusion in the Electoral Process in Zambia

The findings on the challenges that hinder participation of the visually impaired in the electoral process are divergent to that by Hurst (2012), where he noted that it’s vital to empower disabled persons and to ensure their active participation in political, economic, social and cultural life in a way that is respectful and accommodating of their difference. Also known as the social model of disability, the right based approach focuses on the inherent human rights of persons with disability and the responsibility of governments and society to ensure access, inclusion and participation of disabled persons on an equal footing with others. This approach; Identifies that persons with disabilities as right holders and subjects of human rights law on an equal basis with all people Recognizes and respects a person’s disability as an element of natural human diversity on the same basis as race or gender and addresses the disability-specific prejudices, attitudes and other barriers to the enjoyment of human rights places the responsibility on society and governments for ensuring that political, legal, social and physical environments support the human rights and full inclusion and participation of
people with disability. This approach is based on international human rights standards directed at enhancing the promotion and protection of the human rights of persons with disabilities. One such right is the right to a secret vote

Meanwhile, the findings on the challenges that hinder the participation of the visually in the electoral process were as follows: information in braille lack of tailored information, hence sensitisation is not well carried out to the extent that there is language discrimination where the reporter would say a blind man, hence the fears of the visually impaired to participate in the electoral process. Self-discrimination and external discrimination, self being a situation where the visually impaired perceive the thoughts of the able bodied as being negative towards them and also the external discrimination where the able bodied would say the blind would never do anything because they can’t see any development taking place, hence they can’t participate in the electoral process, hence the political atmosphere is not good for the visually impaired to actively participate in the electoral process in Zambia.

Further, the findings reviewed other challenges that hinder the participation of the visually impaired in the electoral process as from not having enough materials in braille, financial constraints by the commission to fully engage the visually impaired in the electoral process, hence resources are a hindrance to developing a system which is whole embracing to all the citizenry so that the advocated for human rights are respected and adhered to. According to the findings, the other challenges which hinder the participation of the visually impaired persons in the electoral process were reviewed whereas distance to the polling stations, resources to use in cases where they would want to aspire as candidates, assistance which depicts no secrecy in the voting process hence they feel used, while the uneducated visually impaired feel its unprofitable for them.

Meanwhile, it’s imperative to state here that, the afore stated hindrances are very serious and in breach of the human rights, hence it’s very important that the Zambian government should bring on board different stakeholders who will help in sensitizing the visually impaired persons on their rights to vote in order to bridge the gap which is prevailing currently. The visually impaired persons feel that its unprofitable for them to vote, especially that there is no secrecy in the voting process for they are always assisted, this statement though in contrast with the elections officer at the ECZ who said that; a braille paper jacket has been prepared for the 2016 elections of which, there will be secrecy in this election, the statement is still contradictory in the sense that, the presiding officers who they have said have taken oath will
be on the ground to assist the visually impaired to slot in the ballot paper in the braille paper jacket and then help them identify a candidate of their choice still calls for assistance, hence no secrecy and a bleach of human rights

The UDHR is a declaration adopted by the UN General Assembly in December, 1948. It is proclaimed as a common standard of achievement for all peoples and all nations in promoting respect for human rights and freedoms (paragraph 8, preamble, universal declaration of human rights). It must be noted that although the UDHR was not intended to have any legal force. The principles proclaimed there in have crystallized into international customary law and thus binding. This was rightly stated by John to the effect that; the declaration is now considered to be an authoritative interpretation of the UN Charter, spelling out in considerable detail the meaning of the phrase “human rights and fundamental freedoms; which member’s states agreed in the charter to promote and observe. The declaration as an authoritative listing of human rights has become a basic component of international customary law, binding all states, not only members of the United Nations (Mulenga, 1982; p16-17).

The preamble begins by recognizing that the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. The right to vote and the secret ballot are encapsulated under article 21 of the declaration. Article 21 (3) provides that;

The will of the people shall be the basis of the authority of government; this shall be expressed in periodic and genuine elections which shall be by universal and equal suffering and shall be held by secret vote or by equivalent free voting procedures.

It is important to note according to the above provisions, elections should be either by way of a secret ballot or equivalent free voting procedures. The equivalent voting procedures may include assistance. Thus in the absence of such, requests or consent, any measures that undermine the sanctity of the secret ballot violates Article 21 (3) above.

**How the Electoral Process can be made more inclusive in Zambia**

In the pursuit to identify the strategies and measures put in place to ensure effective participation of the visually impaired in the electoral process, the research findings reviewed that, provision of a braille paper jacket which will help the visually impaired persons to vote independently has been printed in readiness for the 2016 elections and this still calls for
assistance in marking the ballot paper, hence there will be no secrecy as purported. The other measure is that, the VI persons have been included in elections committees so that they can advance in the electoral process. Meanwhile, ramps have been put in place to help in this cause and flat rooms are used as polling stations to help the disabled access the polling stations easily, the commission has ensured confidentiality by asking family members, friends and presiding officers who are under oath to help the visually impaired to vote.

Appointment of the national conflict committee involving the disabled people is yet another measure and appointment of the disability focal point person at ECZ to look into the issues of the disabled regards the electoral process and the involvement of the presiding officers into assisting the visually impaired during the voting process by reading out all the candidate in their order and then ask the visually impaired to cross an X in a hole of their choice, hence an important measure because it will provide for secrecy. ECZ has come up with bill boards where they are pictures of disabled persons encouraging the fellow disabled persons to come in numbers and participate in the electoral process.

The commission has engaged organizations which deal with persons with disabilities, like ZAPD and ZFPD, Zambia federation for persons with disabilities and Zambia agency for persons with disabilities respectively at national level, so that they can help to discern information and translate materials in braille. The afore stated organizations will be engaged to target the visually impaired persons and ECZ has engaged experts to transcribe braille.

Regardless of all the aforementioned measures put in place to ensure effective participation of the visually impaired in the electoral process, there is still a lot to be done to ensure that the visually impaired rights are not bleached but respected on equal footing with every other citizen, because as for now, the measures which have been put in place to bridge the gap are not going to sort out the issue of the visually impaired participation in the electoral process.

CONCLUSION

This study has shed light on the participation of the Visually Impaired in the electoral process in Zambia. The following are the four objectives set in Chapter One that anchored this study: to determine the level of participation of the VI in the electoral process, analyze the legal framework guaranteeing the participation of the visually impaired persons in national affairs, to determine the challenges that hinder the participation of the Visually Impaired in the electoral process and finally to identify the strategies or measures that have been put in place to ensure effective participation of the VI in the electoral process.
The study has established that the ECZ and ZAPD are at the centre of managing the affairs of the disabled persons, ie, inclusive of the visually impaired as a strategy. The roles of the two managing institutions are that, the ECZ ensures that the disabled persons are included in the electoral process according to the electoral act, which calls all citizens to participate in the electoral process by age 18 by virtue of being a citizen. ZAPD is the medium of communication between the disabled persons and the government. The strategies employed by ECZ are provision of braille paper jacket, involving organisation like ZAPD and ZFPD to transcribe braille materials and communicate to the VIs as voter educators about the electoral process and its importance.

However, these strategies have proved more of a failure than a success on the part of the ECZ in that the catchment area is too vast and has proved to be difficult outside Lusaka, this is because ECZ and ZAPD who are the main actors in this cause are Lusaka based which makes it difficult to reach out to the whole country especially that we are in an election year(2016). Talking about the braille paper jacket which according to ECZ will call for secrecy but again ECZ says the braille paper jacket calls for the literate VIs for the illiterate VIs will require assistance which in the actual sense goes back to the fact that there will be no secrecy, hence violating their right to a secret ballot. The electoral process communication is still a challenge for it carters mostly only for those in Lusaka and better still the VIs can’t see the electoral adverstiments, hence making most of their strategies futile. And much of the positivity to the success is still in the pipeline. Media sensitisation reflects failure because of the ever swelling numbers of the VIs vendors onto the streets and especially that they can’t see the billboards media. Greater challenges in relation to the participation of the visually impaired in the electoral process that the study has established are: mobility to the polling stations by the VIs, distance to the polling assistance, lack of tailored information, lack of sensitisation, lack of resources by ECZ to employ adequate measures which will embrace the VIs in the electoral process and above all both self and external discrimination. There is again no proper legal framework providing specifically for the VIs, hence an obstacle to their participation in the electoral process and finally their participation in the electoral process is very low.
RECOMMENDATIONS

On the basis of the findings of this study, recommendations are hereby suggested to the Electoral commission of Zambia (ECZ) and Zambia agency for persons with disabilities (ZAPD).

1) The electoral commission needs to put in place strategies that will ensure that they reach out to voters with visual impairment with voter information packaged in formats suitable for the VIs such as braille materials, enlarged print and appropriate information technology.

2) Laws and policies that relate to the participation of the visually impaired in the electoral process.

3) Participatory strategies must be used, where the visually impaired countrywide will be effectively included in the electoral process from grass root level up to the commission level.

4) The electoral commission of Zambia to work with other stakeholders.

5) Make braille an integral part of learning.

6) Employ auto voting which is voting by the use of commands by using a touch screen.

7) Employ braille ballot paper or tactical guide where the visually impaired will be able to read and write through touch.

REFERENCES

Article29 (a) (ii) of the convention on the rights of persons with Disabilities


Emmer, K. (2003) *Securing t5he secret Ballot blind and Visually Impaired voters; voters challenge Election system that prevents blind and visually impaired voters from independently costing a secret Ballot*. Baltimore, PR.


