

**EXPLORING CHALLENGES OF PERSONS WITH DISABILITIES IN THE  
ELECTORAL PROCESS IN SELECTED AREAS OF LUSAKA DISTRICT**

**BY**

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**DECLARATION**

**Student Number: 716812964**

I, Merreny Kalomba declare that the dissertation: **“Exploring challenges of persons with disabilities in the electoral process in selected areas of Lusaka District”** is my own work and that all the sources that I have used or quoted have been indicated and acknowledged by means of complete references.

**NAME OF CANDIDATE**

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## APPROVAL

On behalf of the University of Zambia and Zimbabwe Open University, I wish to confirm that I supervised Merreny Kalomba's dissertation. I further wish to state that to the best of my knowledge, I believe that the said student actually conducted this research work. I therefore approve that this dissertation by Merreny Kalomba submitted in partial fulfillment for the requirements of the award of the Master of Science in Peace, Leadership and Conflict Resolution.

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## **ABSTRACT**

This Study investigated the challenges of persons with disabilities in the electoral process in selected areas of Lusaka District. Specifically, the study investigated accessibility of polling stations, electoral materials and adequacy of laws and policies that promote participation of persons with disabilities in the electoral process as well as the impact of electoral conflicts. The study has demonstrated that Zambia, like many countries in the world; persons with disabilities are faced with several challenges occurring at individual or micro level as well as those determined by the socio-economic and environmental or macro level in participating in the electoral process.

However, the most prominent of them all is inaccessible infrastructure such as polling stations. Others which directly contribute to inaccessible infrastructure include inadequate tactile materials for the visually impaired and other assistive devices as well as long distances to polling stations. This study has also shown that electoral conflicts is also one of the challenges that persons with disabilities face in their quest to participate in the electoral process at various levels as well as negative perceptions that people without disabilities have towards those with disabilities.

With regard to policies, the study has demonstrated that although laws and policies that are aimed at promoting and mainstreaming disability issues in all sectors of development and particularly the participation of persons with disabilities in the electoral process are in place, they are not adequately implemented to address the many aspects and challenges faced by persons with disabilities. In view of these findings, the study recommends for the implementation of the provisions of the laws and policies and in particular the adequate implementation of laws and policies on election and processes.

The study further recommends that facilities and processes put in place must not in any way restrict the right to vote for any citizen. Voting procedures, facilities and materials should be appropriate, accessible and easy to understand and use for all. There is also need to provide voter education and information in accessible formats (for example, large print, electronic format for voters that use screen-reading technology, written material, and easy-to-understand language for persons with intellectual disabilities). The study also strongly recommends providing closed captions and sign language interpreters on televised voter information announcements.

## **DEDICATION**

I dedicate this study to my daughter Natalia S. Himunzowa and my son Chabota Mwanachilenga for the inspiration that they give me to continue working hard and be a good example to them. My dream is that they will strive for higher heights and do much better than I could ever do. I love you my children and I thank you for being my inspiration in all that I do. May you continue to shine in your own ways and never let anyone make you feel that you cannot achieve that which you set out to do. For you, not even the sky is the limit. I wish you the very best in your life's endeavours.

To my late father, Mr. Richards Kalomba, I want to say thank you for the love and guidance that you showed me. I hope this makes you proud wherever you are. May you continue to rest in peace.

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## ABBREVIATIONS AND ACRONYMS

|             |  |
|-------------|--|
| CRPD.....   | Convention on the Rights of Persons with Disabilities                |
| CSO.....    | Civil Society Organizations  |
| DPO.....    | Disabled People’s Organizations                                      |
| EMB.....    | Electoral Management Body  |
| ECZ .....   | Electoral Commission of Zambia                                       |
| FODEP ..... | Forum for Democratic Process   |
| ICCPR.....  | International Covenant on Civil and Political Rights                 |
| GRZ .....   | Government of the Republic Zambia                                    |
| PWDs.....   | Persons with Disabilities  |
| NDS.....    | National Disability Survey   |
| UDHR.....   | Universal Declaration of Human Rights                                |
| UNCRPD..... | United Nations Convention on the Rights of Persons with Disabilities |
| WHO.....    | World Health Organization  |
| ZAFOD.....  | Zambia Federation of Disability Organizations                        |
| ZAPD.....   | Zambia Agency for Persons with Disabilities                          |

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# **CHAPTER ONE**

## **INTRODUCTION AND BACKGROUND**

### **1.1 INTRODUCTION**

The right to vote is critical to democracy and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) underscores the equal right of people with disabilities to participate in political life (Sightsavers; 2017). Yet, in many low-income countries, including those in Africa, people with disabilities are often unable to cast their vote or stand for political office in their local institutions. They are therefore excluded from political and social engagement and cannot fully exercise and enjoy their guaranteed rights.

According to Australian Agency for International Development (2009), effective democratic development involves making sure that the poorest and most marginalized have a meaningful voice in decisions affecting their welfare. Yet persons with disabilities, often the poorest of the poor, are frequently overlooked and struggle to achieve a better quality of life. The World Health Organization (WHO) estimates that 15 percent of the world's population has a disability, with 80 percent of these persons living in developing countries, with potentially higher levels in post-conflict States.

Democracy assistance programmes can empower persons with disabilities to engage politically and become mainstream members of society with the rights, responsibilities and respect afforded to all citizens. Persons with disabilities represent various ethnic, religious, socioeconomic and gender groups. When such a large, cross-cutting portion of society is not participating politically, it prevents democracy from deepening and allowing all citizens a voice in the way they are governed. Persons with disabilities participate politically for a variety of reasons. In some cases, they are pursuing interests specifically tied to their disability, such as making public buildings accessible, access to inclusive health and other facilities or having an inclusive education system where they have access sign language interpretation in schools (CVEC; 2011). In other cases, their interests coincide with wider segments of society when it comes to basic human needs, such as access to clean water, education for their children or developing a safe and secure community.

Persons with disabilities like any other members of the society want the opportunity to take part and shape their communities. In doing so, they can become recognized and valued community members. However, in order to achieve this status, persons with disabilities need to participate in key issues that affect their lives including taking part in political affair of their communities and nation at large. Elections provide an opportunity for persons with disabilities to exercise their power and influence within their communities. As with other citizens, elections are a fundamental way for persons with disabilities to express their preferences and shape political outcomes. Elections also allow persons with disabilities to develop leadership and organisational skills, build relationships, publicly raise issues important to them, demonstrate their abilities and set the stage for continual participation and leadership.

The UNCRPD prohibits all forms of discrimination against persons with disabilities and in Article 2, defines discrimination on the basis of disability as any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation. The right to participate in political and public life is guaranteed under Article 29 of the UNCRPD. Thus, States Parties shall guarantee to persons with disabilities their political rights and the opportunity to enjoy them on an equal basis by ensuring an accessible electoral system and providing reasonable accommodation where necessary. By so doing states parties guarantee the participation of persons with disabilities in the electoral process.

There are many ways of including persons with disabilities in elections and political processes, starting with their involvement in programme-planning decisions (CVEC; 2011). Another way to ensuring the participation of persons with disabilities is providing direct financial assistance. The assistance could be channelled through individuals taking party in political processes or through their representative organisations, that is, the Disabled People's Organisations (DPOs). Activities through which the assistance can be channelled to may include communications to raise awareness not on the processes but should also include information on the right to vote for all persons as well as why it is important. Funds can further be used to ensure accessibility to the

entire electoral process. For political parties, efforts must be made to adopt persons with disabilities to vie for key positions at all levels of the political office. Further, political parties must make it a priority to include issues that affect persons with disabilities in their manifestoes. It is such processes ensure that persons with disabilities have a voice in programmes that affect them. The principle of “nothing about us without us” is a cornerstone of disability inclusion and must be taken into consideration in all issues at all levels of the society.

Inclusion of persons with disabilities is fundamental to democracy. Without the inclusion of all citizens, a country is not a true democracy. Democracy entails engaging citizens in political and public life of their countries. Thus, including persons with disabilities in political life also provides the basis for mainstreaming their inclusion in all aspects of society. During elections, the concept of citizenship is often featured in state and non-state media, and thus defined in the public conscious. This provides a unique opportunity to break down social stigmas by ensuring that persons with disabilities appear alongside other citizens as active participants in the political process (USAID; 2014). Persons with disabilities can play the same roles as all other citizens in the electoral process, including serving as election administrators or poll workers, voting, running for office, advocating for policies, monitoring the voting and counting process, reporting, educating voters and campaigning for candidates and political parties. Involvement in these different activities not only empowers persons with disabilities, but can also help transform the electoral process and public perception. This sets the stage for ongoing participation and integration in society, ensuring the equal rights of persons with disabilities (USAID; 2014).

Empowering persons with disabilities to take their place alongside other citizens in the electoral process, promotes equality and helps break barriers that hinder their full and effective participation in political and public life. For example, hiring persons with disabilities to work at polling stations empowers individual poll workers and provides a valuable opportunity to eradicate stereotypes that negatively affect persons with disabilities. Likewise, ensuring women with disabilities are involved in programmes designed to increase the political participation of women provides an opportunity to shift perceptions about disability and gender.

## **1.2 BACKGROUND**

Persons with disabilities are among the most vulnerable and usually excluded in many aspects of life. In order to enhance the rights of persons with disabilities, the United Nations adopted the Convention on the Rights of Persons with Disabilities (CRPD) on 13 December, 2006 and was entered into force on 3<sup>rd</sup> May, 2008. Zambia ratified the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) on 10<sup>th</sup> February, 2010. Article 29 of the UNCRPD outlines the steps that states parties must take to protect the political rights of persons with disabilities. Thus, state parties must ensure participation of persons with disabilities by making the electoral process and all facilities used in the electoral process accessible to persons with disabilities. Accessibility in the electoral process as provided for in the UNCRPD does not only apply to the physical environment but goes beyond and takes into account the issues of education, communication and provision of a secret ballot to persons with visual impairments and blind persons among other things. It is important to state that the UNCRPD is the first international binding agreement and thus countries bound by the provisions of the Convention. Zambia, after having ratified the UNCRPD commenced the process of domesticating the International Law and this was done through the enactment of the Persons with Disabilities Act No. 6 of 2012. By ratifying the Convention, Zambia agreed to ensure the protection and promotion of the rights of persons with disabilities. Persons with disabilities have historically been excluded from exercising and enjoying their human rights in many aspects of their lives including the right to political participation. Zambia has not been an exception to this.

Political participation encompasses both taking part in the electoral process as candidates and being able to vote for those who vie for political positions at all levels. The Zambian law through the Constitution and the Electoral Act provides that every person aged eighteen (18) years and above can obtain a voter's card and are thus eligible to vote in elections. While persons with disabilities are not stopped from registering and taking part in elections, most persons with disabilities are hindered from exercising their right to take part in elections due to the inaccessible conditions in which the elections and the electoral process is conducted. There has been a number of calls made by individuals as well as organisations for and of persons with disabilities to mainstream disability in all aspects of life including the electoral process.

By virtue of having ratified the UNCPRD, and enacting the Persons with Disabilities Act, Zambia is obligated to ensure that persons with disabilities are included in the electoral process. Participation in political and public life means that persons with disabilities must be given equal opportunities to take part in elections to run as candidates in elections, as well as to be able to vote for those they want as leaders. The intention of this study is to find out what measures are being put in place by the Electoral Commission of Zambia (ECZ) and other key stakeholders to mainstream disability in the electoral process and ensure that no one is left behind.

### **1.3 STATEMENT OF THE PROBLEM**

Persons with disabilities have since time immemorial been a disadvantaged group in society in many aspects of their lives in a number of countries around the world and persons with disabilities living in Zambia are no exception. Although Zambia has made some strides towards enhancing the participation of persons with disabilities in different areas of their lives, there is still much to be done to reach full inclusion and participation in society. During the electoral processes, persons with disabilities continuously face challenges which inherently hinder their full and effective participation in the process. The areas of concern affecting the participation of persons with disabilities in the electoral process include, lack of accessible voter education, inaccessibility of polling stations and materials, lack of secret ballot as well communication barriers and electoral violence. While sign language may be provided for television adverts and other key programmes, some deaf persons or those with hearing impairments may not have access to television sets as is the case with many persons with disabilities. Thus, the problem remains that inaccessible nature of the electoral process and facilities results in discrimination against persons with disabilities as they are not able participate in elections on an equal basis with others.

### **1.4 PURPOSE OF THE STUDY**

The purpose of this study was to explore the challenges faced by persons with disabilities in the electoral process in selected areas of Lusaka District.

## **1.5 RESEARCH OBJECTIVES**

### **1.5.1 General Objective**

The general objective of the research was to explore the challenges faced by persons with disabilities in the electoral process in selected areas of Lusaka District.

### **1.5.2 Specific Objectives**

- a) To establish challenges faced by persons with disabilities in the electoral process in selected areas of Lusaka District.
- b) To explore the advocacy strategies put in place by the Electoral Commission of Zambia and Civil Society Organisations to ensure accessibility in future elections for persons with disabilities.
- c) To determine the view of the Disabled People's Organisations (DPOs) on the participation of persons with disabilities in elections.
- d) To suggest solutions to enhance the participation of persons with disabilities in the electoral process.

## **1.6 RESEARCH QUESTIONS**

The research sought to answer the following questions:

1. What challenges do persons with disabilities face in taking part in the electoral process?
2. What can be done to promote full participation of persons with disabilities in the electoral process?
3. What advocacy strategies should ECZ, FODEP, DPO's and other Civil Society Organizations put in place to ensure accessibility to future elections for persons with disabilities?
4. Are there any laws and policies in place that are aimed at ensuring full participation of persons with disabilities in national, district and local elections?

## **1.7 SIGNIFICANCE OF THE STUDY**

It appears like there are few studies that have been conducted in Zambia focusing on the participation of persons with disabilities in the electoral process. This study will contribute to the

enhancement of participation of persons with disabilities in Zambia through the recommendations on how best ECZ can improve in terms of mainstreaming disability in the electoral process. Zambia is scheduled to hold general elections in 2021 and hence this study was done in a timely manner for the ECZ to take into account the recommendations as a way forward for continued improvements in enhancing the participation of persons with disabilities in the electoral process. For the disability movement, the study will serve as an advocacy tool as it has provided information on the challenges faced by various groups of persons with disabilities as well as proposed some possible ways of enhancing their participation in the electoral process.

### **1.8 LIMITATIONS OF THE STUDY**

The limitation of the study was the focus on one district and further focused on selected areas within the district as catchment areas. This is due to insufficient funding and time limitation for the research to roll it out to all the provinces of the country.

### **1.9 CONCEPTUAL FRAMEWORK**

Participation in the electoral process is fundamental to citizens of a democratic society. The right to political participation, including of persons with disabilities, is accordingly firmly grounded in international law and enshrined in the United Nations (UN) Convention on the Rights of Persons with Disabilities (CRPD), Council of Europe instruments and European Union (EU) primary and secondary legislation (FRA; 2010).

People with disabilities represent various ethnic, religious, socioeconomic and gender groups. Thus, when such a large, cross-cutting portion of society is excluded from participating politically, it prevents democracy from deepening and allowing all citizens a voice in the way they are governed. Waddell (1999) revealed that persons with disabilities participate politically for a variety of reasons. In some cases, they pursue interests specifically tied to their particular disability, such as making public buildings accessible for those with physical disabilities or having sign language interpretation in schools for the deaf and those with hearing impairments. In other cases, their interests coincide with wider segments of society when it comes to basic human needs, such as access to clean water, education for their children, employment and other empowerment needs or developing a safe and secure community. Like all citizens, persons with disabilities want the opportunity to shape their communities and ensuring participation in key

national or community programmes. In doing so, persons with disabilities can become recognized and valued members in their communities.

It is believed that if given an accessible and enabling environment, persons with disabilities can be active citizens and are very keen to be engaged in the political life of their communities (FRA; 2010). As well as voting in elections, persons with disabilities take part in other types of political activities in large numbers, including being members of political parties, attending political meetings and contacting elected officials. Providing more accessible information and processes, as well as better support and reasonable accommodation can enable persons with disabilities to enjoy their human rights on an equal basis with others as well as further improve their participation (IFES; 2013).

It is important that all components of election management triggers attention to access, including assessments of the extent to which election standards and the broader legal framework conform to international standards. Beyond legal measures, election access must encompass civil and voter registry development targeting persons with disabilities; records and technology management with attention to accessibility concerns; and strategic and operational planning for enhanced access (Waddell; 1999). According to Creative Associates International (2010), likewise, inclusive voter and civic education; capacity building and professional development of election management bodies and personnel; development of codes of conduct and professional standards; and election officials and poll workers' training programmes must integrate election access components. So too must election commodity specifications, procurement, planning, and logistics; the design of ballots and election forms; and procedures and systems to deter and flag election fraud be attuned to identifying and removing barriers that persons with disabilities may experience in these contexts (FRA; 2010). Particular attention should be paid to accessibility in the context of applying modern technologies to electoral processes as well as the implications for election budgeting of inclusion. Finally, accessible electoral complaints mechanisms and post-election activities should provide opportunities to redress barriers to election access for persons with disabilities (Waddell; 1999).

It is further conceptualized that the challenges faced by persons with disabilities in the electoral process are measured by getting feedback from persons with disabilities, DPOs, civil society organisations (CSOs) and the Electoral Management Bodies because it is believed that they have first-hand data (Westoff and Bankole, 1997). Getting feedback from persons with disabilities is very important as it helps to redress barriers to election access. For instance, feedback from persons with disabilities helps to identify and respond to issues in real-time, rather than wait for monitoring or post-election reports.

The framework also tells us that challenges faced by persons with disabilities in the electoral process play a part in informing people's attitudes towards the strategies that are put in place by the Electoral Management Bodies and CSOs in promoting full participation of persons with disabilities in the electoral process as well as help in assessing the impact of those strategies while also establishing whether or not they have an impact on target audience. It is for this reason that this study is worthwhile as it has presented solutions, literature and strategies for future elections and information to other researchers.

This information is important to document in order to understand fully the challenges that persons with disabilities face in the electoral process and if taken into consideration would result in enhanced participation of persons with disabilities in the electoral process by DPOs, CSOs and especially by the Electoral Commission of Zambia as well as promote a variety of strategic interventions and approaches which can be harnessed to promote behaviour and social change as well as perceptions towards persons with disabilities in Zambia.

## **CHAPTER TWO**

### **LITERATURE REVIEW**

#### **2.0 LITERATURE REVIEW**

The objective of this chapter is to explain what has been studied previously in order to determine what remains to be studied in future research. Gray (2014:98) notes that a comprehensive review of the literature is essential because it serves a number of purposes, including: providing an up-to-date understanding of the subject, its significance and structure; identifying significant issues and themes that present themselves for further research, particularly where there are gaps in current knowledge; guiding the development of research topics and questions; assisting future researchers in understanding why the research was undertaken, its design and direction, and helping others to replicate the research; and presenting the kinds of research methodologies and tools that have been used in other studies, which may guide the design of the proposed study.

Zambia like many countries in the world today is democratic and allows for free and fair elections to be held to enable the citizens to select leaders who will be charged with the responsibility of running and managing the affairs of the country. Democracy in its factual sense allows for the participation of all eligible candidates to take part in elections as candidates to be voted for and take part in the selection of leaders as voters. As such, a true democratic nation ensures that the most vulnerable and marginalized groups of people or citizens have a voice in the decisions that affect them by having access to the electoral process. The right to vote is a unique indicator of citizenship in a democratic nation like Zambia. In the political sense, Zambia is a democratic dispensation and has had a total of eleven presidential and general elections after gaining her independence on 24<sup>th</sup> October, 1964. A true democracy requires the inclusion of all citizens and ensuring that the poorest and most marginalized citizens have a meaningful voice in decisions affecting their lives. However, persons with disabilities, often among the poorest of the poor and comprising approximately 15 percent of the global population, are rarely empowered to participate politically in their countries. Zambia has a population of 15million people (Central Statistical Office, 2015) and National Disability Survey (NDS; 2015) Report indicates that 7.7percent (%) of the population are persons with disabilities.

*“The right to vote is a unique and singularly important indicator of citizenship in a democracy, in Zambia and throughout the free world. For too long, people with disabilities have been in the shadows in exercising this basic civil right. The causes of voter disenfranchisement are myriad, but they include physical inaccessibility, a failure to provide registration and voting materials in accessible formats, a lack of private and independent voting for many citizens, and the denial of the right to vote on the basis of erroneous assumptions about a person’s capability because of his or her disability.”* (University of Minnesota, 2003).

In 2011, the Zambia Federation of Disability Organisations (ZAFOD) sued the Electoral Commission of Zambia together with the Attorney General for failure to provide access to persons with disabilities to take part in elections, Sela Brotherton -Vs- Electoral Commission of Zambia (2011/HP/0818), a matter in which the High Court found the Electoral Commission of Zambia to have had unlawfully discriminated against persons with disabilities. In its ruling, the High Court of Zambia found the ECZ with a case to answer and ordered that all elections held after the 2011 elections must be accessible to persons with disabilities. The ECZ could not do much for the 2011 elections but needed to do more to ensure persons with disabilities access to the electoral process on an equal basis with others in all elections that followed after 2011. In the matter, the Petitioner alleged as follows:

- i. The Respondent (ECZ) had unlawfully discriminated against the Petitioner and persons with disabilities, in general, in the electoral process contrary to Article 23 of the Constitution as read with Section 19 of The Persons with Disabilities Act.
- ii. The Respondent had reneged its statutory duty to ensure equitable participation of all stakeholders, in the electoral process contrary to Regulation 7 of the Electoral (Code of Conduct) Regulations.
- iii. The Respondent had unlawfully limited the rights of the Petitioner and persons with disabilities in general, to exercise their franchise freely, fairly, in secret and with dignity contrary to Article 75 of the Constitution as read with Sections 18 and 60 of the Electoral Act.
- iv. The Respondent has reneged on its statutory obligation to make provision for a special vote for persons who were unable to vote at the designated polling stations by reason of disability contrary to the provisions of Section 24 of the Electoral Act.

- v. The Respondent had reneged its statutory duty to relocate inaccessible polling stations to ensure that all citizens, including persons with disabilities and would be voters are able to access the stations contrary to Section 28, 40 and 41 of the Electoral Act.

Thus, arising from the above, the Petitioner claimed the following remedies:

- (i) An order declaring that the Respondent had unlawfully discriminated against the Petitioner and other persons with Disabilities contrary to Article 23 of the Constitution of Zambia as read together with Section 19 of the Persons with Disabilities Act, Cap 65 of the Laws of Zambia;
- (ii) An order declaring that the Respondent had unlawfully limited the right of the Petitioner and other persons with disabilities in exercising a free franchise by not providing premises and services that are accessible to persons with disabilities contrary to Article 75 of the Constitution:
- (iii) An order directed at the Respondent to invoke its statutory powers to provide the following facilities and services:
  - (a) Temporal ramps for use by persons with disabilities in all polling stations or polling stations where there are wheel chair users.
  - (b) Ensure that all polling booths are located at the ground floors and in places accessible to persons with disabilities.
  - (c) Provide a tactile ballot guide for voters who are blind or are partially sighted but do not wish to be assisted in casting their secret vote.
- (iv) An order directed at the Respondent to invoke its statutory powers under section 41 of the Electoral Act No. 12 of 2006 to relocate polling stations that are not accessible to persons with disabilities to accessible premises.
- (v) An order directed at the Respondent to make provision for exercise of a special vote pursuant to section 24 of the Electoral Act No. 12 of 2006 for persons with disabilities who are unable to vote at their respective polling stations by reason of their disability.

- (vi) A mandatory injunction directed at the Respondent to formulate and issue a detailed plan and budget aimed at providing services and amenities aimed at ensuring equal participation by person with disabilities in the electoral process.

The High Court held that the Petitioner had substantiated her claim in the petition to the required standard and satisfaction of the Court and was entitled to remedies in paragraph 28(i) and (ii) as endorsed in the Petition. The High Court accordingly held as follows:

- (i) That the Respondent had unlawfully discriminated against the Petitioner and other persons with disabilities represented by the organization on whose behalf this action was brought contrary to Article 23 of the Constitution as read with Section 19 of The Persons with Disabilities Act;
- (ii) That the Respondent had unlawfully limited the rights of the Petitioner and other persons with disabilities represented by the organisation on whose behalf this action was brought, to exercise their franchise by not providing premises and services that were accessible to persons with disabilities contrary to Article 75 of the *Constitution*;
- (iii) That the ECZ had to erect temporary ramps for use by persons with disabilities in all polling stations, and ensure that all polling booths were located on the ground floor;
- (iv) That ECZ was to provide a tactile ballot guide for voters who were blind or were partially sighted but who did not wish to be assisted in casting their vote.

The United Nations through the CRPD provides for international standards on making electoral processes accessible to persons with disabilities. Zambia ratified the UNCRPD on 10<sup>th</sup> February, 2010 and domesticated the Convention through the enactment of the Persons with Disabilities Act No.6 of 2012. By putting in place the Act, the Zambian government holds the responsibility to ensure that persons with disabilities enjoy their human rights on an equal basis with other citizens of the nation. Article 29 of the UNCRPD, Participation in political and public life provides that:

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and undertake to:

- (a) 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:

- (i) Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;
  - (ii) 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 functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;
  - (iii) 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;
- (b) Promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:
- (i) Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;
  - (ii) Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.

Persons with disabilities must be given opportunities to take part in the electoral process just like any other person. Emerging practices around the globe nonetheless have shown that persons with disabilities can be successfully incorporated in all phases of an electoral process (Lord et al. 2012). Further, they can perform a variety of roles beyond exercising the franchise as voter educators, election commissioners, observers, monitors and committee members, and as candidates (Creative Associates International, Inc. 2010). The sections that follow reflect evolving state policies and practices by Disabled People's Organizations (DPOs), and draw on our experience working in this field to provide guidance for disability inclusion throughout the ongoing process of pre-electoral, electoral and post-electoral phases that comprise the electoral cycle.

While the CRPD is the primary benchmark for assessing the political rights of persons with disabilities, the right to participate in political and public life is firmly instantiated in the foundational instruments comprising the human rights legal framework. Thus, article 21 of the Universal Declaration of Human Rights (UDHR) recognizes the right and article 25 of the International Covenant on Civil and Political Rights (ICCPR) guarantees to all citizens ‘the right and the opportunity without unreasonable restrictions to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors’. These provisions are shored up in thematically-oriented treaties, such as the Convention on the Elimination of All Forms of Discrimination against Women (article 7) and the Convention on the Elimination of All Forms of Racial Discrimination (article 5), as well as regional human rights instruments. The foregoing standards are given fuller expression and disability-specific content in the UNCRPD. As the only legally binding international human rights treaty on disability rights, the CRPD explicitly prohibits discrimination on the basis of disability and also contains measures that ensure persons with disabilities are able to achieve full enjoyment of their human rights in political and other spheres (Lord and Stein 2008).

Article 29 of the CRPD requires states parties to ‘ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others’, including the right to vote. Interpreted on its own, and together with provisions of crosscutting applicability in article 3 (general principles), article 4 (general obligations), and article 5 (equality and non-discrimination), the CRPD categorically prohibits all exclusionary practices connected to political participation based on disability status (Lord et al. 2012).

Despite all these international instruments which try to promote equal participation between those with disabilities and those with disabilities, persons with disabilities have continued to face a number of challenges world-wide.

Fiala-Butora et al (2014) found that one of the most well-articulated rules of international human rights law, the right to participate in politics and public life, is one of the most frequently denied rights for individuals with disabilities and that disability-related exclusions from political participation take many forms which have negatively impacted on individuals with all types of

disabilities, and invariably lead to or entrench other human rights abridgements. According to Lord and Stein (2013), stereotypes about disability often lead to discrimination against persons with disabilities in decision-making processes generally and in the specific processes of voting, running for office, or participating in public outreach initiatives by political parties. Disability-based animus leads to legislative stereotyping and rules that restrict or even prohibit altogether the right to vote, particularly for persons with psychosocial or intellectual disabilities.

Discriminatory laws rooted in prejudice may also restrict or even prohibit altogether the right to vote, particularly for persons with psychosocial or intellectual disabilities, ostensibly under the guise of protecting the system from fraud or on the basis that disabled voters are not 'rational' and therefore cannot exercise their franchise competently. Beyond legislation denying individuals with disabilities the right to vote, as in automatic disenfranchisement in connection with the imposition of guardianship, stereotypes may also serve to exclude persons with disabilities from being included in public outreach by political parties or from consideration as candidates for public office. Finally, legal provisions that preclude persons with disabilities from voting typically fail to provide any process for court challenge or judicial review and are often vague, arbitrary and lacking in legitimate aim or purpose (Fiala-Burtora et al. 2014).

The right to political participation may be denied to persons with disabilities for a variety of reasons. Lack of accessible transport for persons with disabilities will impact on access to public meetings for example attending political rallies, voter education activities, registration and voting. Poorly trained election officials may also serve to discourage voters with disabilities from participating in the electoral process. Lack of access to information, such as the timing of public meetings or voter registration requirements, can also be a barrier to participation of persons with disabilities in the electoral process. Communication barriers frequently exclude persons who are deaf or hard of hearing from accessing information on voting procedures, as well as other important processes. For individuals with visual impairments, the absence of alternative voting devices or accessible voting methods poses significant barriers. For individuals with disabilities who cannot leave their homes or who reside in hospitals or institutions, mobile voting mechanisms or voting by mail may not be on offer particularly in the Zambian scenario.

Civic and voter education initiatives along with domestic voter observation programmes frequently engage Civil Society Organisations (CSOs) as implementers. DPOs should therefore be included in such efforts in order to ensure effective outreach to voters with disabilities and to strengthen networking among civil society in general. Too often, disability organizations are not involved in such domestic efforts. Relatedly, in the context of international development, donor organizations or service providers may wrongly assume that persons with disabilities are unable to take part or are uninterested in doing in the electoral process. Thus, DPOs are often excluded from participating in projects supporting electoral access, voter education and election monitoring.

Even where efforts are made to effectuate access, they too often fall short or introduce other insurmountable barriers. An exemplar of this tendency is the provision of a wheelchair-accessible voting booth at one polling centre during the 2016 general elections but unfortunately most of the polling stations around Lusaka District were inaccessible to persons with disabilities especially those that were using wheelchairs as mobility aids, (Democratic Investigative Staff 2001: 53). In addition, the rooms used as polling stations were too small to accommodate persons using wheelchairs and voting booths were too high to be used for writing by those who use wheelchairs and those whose disability affects their height. These and numerous other barriers serve to reinforce the exclusion and isolation of persons with disabilities in political and public life, and, more generally, their participation in decision making in all areas where their interests are affected, whether in the public or private realm.

If full participation of persons with disabilities in electoral process is to be enhanced, it is important for institutions mandated to conduct and organise elections in partnership with DPOs and other civil society organizations to gauge electoral environments for the purpose of including persons with disabilities, as well as other marginalized groups within the general framework of a pre-election technical assessment. These exercises provide an opportunity to identify needs and formulate recommendations for electoral administration reforms and adjustments that are inclusive, accessible, coordinated, and consistent with international disability rights standards (USAID 2000: 7).

Pre-election technical assessments can provide information and analysis of the overall electoral environment together with political, economic, social, and security issues that may have an impact on political campaigns and election procedures, set out recommendations on programming priorities and funding needs, and identify short- and long-term action strategies that should be taken (Heilman 1999; Sheinbaum, Fremaux, and Seiler 1995). Importantly, these evaluations provide a road map for governments, election management bodies, political parties, and civil society organizations to undertake necessary reforms and implement good practices that foster inclusion and enhance the legitimacy of electoral processes (IFES 2012; IFES and the Association for Participatory Democracy (ADEPT) 2004; Organization for Security and Co-operation in Europe (OSCE) 2001). Too often, however, assessments of the accessibility of an electoral system to persons with disabilities are not included within general assessment frameworks, but exist as a one-off or ad hoc effort, if at all. Nevertheless, standard election assessments touch upon a variety of issues with salience for accessibility and advancing citizen participation by persons with disabilities (International IDEA; 2000).

The mandate, relative independence, technical readiness, and institutional capacity of an election management body (EMB), along with subordinate election commissions and polling boards, is important insofar as election management bodies can substantially advance or seriously undermine disability inclusion and election access. Likewise, other government agencies tasked with supporting voter registration and election administration processes and adjudicating election-related disputes are implicated in strengthening or inhibiting inclusion for voters with disabilities. The timetable for elections, major deadlines within the campaign, and election preparation is pertinent to ensuring that efforts to design and introduce inclusive practices are fully implemented. Procedures and systems targeting fraud identification and prevention are an essential feature of assessments, but all too often fraud is used as the primary basis upon which to exclude various categories of voters from the franchise, particularly persons with intellectual and mental disabilities (Sabatino and Spurgeon 2007; Karlan 2007; Kohn 2007). Accordingly, technical assessments must scrutinize closely and view pessimistically this basis for exclusion insofar as no studies disclose a link between allowing persons with disabilities to vote, with or without facilitated assistance, and a higher rate of electoral fraud, and the purported protection of

the electoral system though the disenfranchisement of voters with disabilities is not empirically demonstrated (Fiala-Butora et al.2014).

Other issues to be covered in assessments include evaluating the accuracy and sufficiency of the voter identification system and the voter registration process/voters' registry. Of particular consequence for persons with disabilities is the fact that in many cases children with disabilities are not registered at birth, presenting additional barriers to exercising the franchise (Stein and Lord 2011). Also, of consequence is the extent to which assessments cover the adequacy of election budgeting, including the level of funding devoted to targeted outreach and inclusion efforts to enhance opportunities for equal access and participation by persons with disabilities. Finally, technical assessments examine opportunities for the mass media and domestic monitoring groups to provide information to voters and to oversee the electoral process in addition to assessing media and domestic monitoring competency. Attention should be given to the diversity of domestic monitoring groups and the extent to which strategies of media engagement can enhance the participation of marginalized groups (Fleming, 2009).

Stein and Lord (2011), states that balloting procedures along with ballot design, procurement and use are important dimensions of accessibility for persons with disabilities. Voters who are blind or who have low vision are particularly at risk of compromised access to printed ballots and other electoral materials essential to participate effectively in electoral processes (Fleming, 2009). With specific regard to ballot casting, such persons very often have their right to vote independently and in secret compromised. In some countries, electronic voting machines are enhancing access for persons with visual impairments (Mindes 2002; Ghana Association of the Blind 2002). In Western Australia, for example, computer software called 'Vote Assist' allows electors with visual impairments to listen to an audio recording, and by following the instructions and using a numeric keypad, they can cast their vote, obtain a printed ballot paper, and place the ballot paper into the ballot box, thereby preserving both independence and secrecy (Palmer 2013).

When assistive technology is not available, other solutions have been effectively introduced at low cost. Tactile ballot guides, for example, have been effectively used in Sierra Leone, Ghana, Peru and elsewhere to help secure the right to vote in secret and independently (Global Initiative to Enfranchise People with Disabilities, undated b). Where designed properly, the guides enable ballot papers to be inserted into the guide in one direction only, allowing a blind voter to place the ballot paper in the guide without assistance, thereby ensuring independence and secrecy in the ballot casting process. In Liberia in 2004, key representatives from the disability community worked collaboratively with the National Election Commission and international assistance partners to design and pilot such tactile ballot guides in designated electoral districts (Mindes 2002). Materials on the use of the guide were developed, poll workers were trained on its use, and outreach was undertaken to ensure that blind voters were aware of its availability. It should be noted that designing a tactile and not Braille guide is a good example of a locally-driven solution. While well-meaning persons from developed countries often assume that Braille is an accessible solution for blind persons, in many countries, including Liberia, blind persons are not versed in Braille (Mindes 2002). In the 2011 and 2016 elections, the Electoral Commission of Zambia provided tactile ballots for persons with visual impairments, however, the extent to which the voter education was done and the number of persons that used these voting guides is uncertain.

Other aspects of ballot design and use trigger concerns about accommodation for disability. During elections in the immediate post-conflict period in Sierra Leone, it was important to consider the procedure for marking ballots for those Sierra Leoneans who experienced forced amputations during the civil war. An accommodation that preserved both the integrity of the balloting process and the dignity of the voters was to allow individuals to mark their ballot by inking their toe, as opposed to their thumb (Morin and Deane 2002).

Another important factor which can be used to promote full participation among persons with disabilities is the voter education and information campaigning which is directed at enhancing voters' awareness of their voting rights; knowledge about the registration, election, and adjudication processes; understanding of election day issues to be put before the electorate,

including terms of candidates, parties, and key issues; and levels of confidence in the electoral system. Differences in communication and information needs must be taken into account in order to accommodate the diversity of the electorate. Variables such as language, literacy, urban vs. rural, cultural traditions and gender all must be taken into consideration in planning for effective education and outreach. Likewise, ensuring the access of persons with disabilities to voter education and information will require various accommodations and modifications, many of which will enhance access for a variety of marginalized groups. For example, illustrative or pictorial information may be useful for a broad range of potential voters, including but not limited to persons with intellectual disabilities and the deaf. In Egypt for example, during the Mubarak regime, DPO activists mobilized to raise awareness about the importance of including persons with disabilities in voter outreach efforts. They engaged a famous Egyptian political cartoonist who drew a series of cartoons illustrating disability rights themes. One of these was developed into an election access poster to support inclusion efforts in the elections happening at the time (Mindes 2002). The poster depicted a wheelchair user at the bottom of a flight of stairs with a ballot box on the floor at the very top of the staircase. The frustrated voter had beads of perspiration dripping from his forehead whilst trying to figure out a solution to the problem. Such images deliver a powerful message of exclusion, and can help enhance the visibility of persons with disabilities within the framework of an election process. In addition, informational materials for electors should be adapted to alternative media such as Braille, audiocassette and large print, as well as video cassettes in both Quebec Sign Language and American Sign Language (Leclerc 2010).

## **2.2 RESEARCH GAP**

The author's critique of this project approach lies in the assumption that there has been little studies done around the world on challenges faced by persons with disabilities to fully participate in the electoral process. This research will therefore provide in-depth insight into the challenges that persons with disabilities face in the electoral process in Zambia. The research will further provide recommendations on how equal participation can be improved in the electoral process. The research will also highlight recommendations on how full participation of persons with disabilities can be enhanced in the electoral process through advocacy strategies employed by

that DPOs, FODEP, and other Civil Society Organizations (CSOs) with interest in disability issues.

### **2.3 CHAPTER SUMMARY**

Review of available literature above gives us one conclusion – the right to vote and participate in the electoral process is for every citizen. It is a democratic right so no one should be denied this right on disability grounds. Whereas each of the stated strategies are effective in disability issues promotion, it is not an ‘either/or’ questions more strategies and approaches should be devised by DPOs and CSO with interest in disability issues to maximise the benefits of participating in the electoral process by persons with disabilities.

## **CHAPTER THREE**

### **RESEARCH DESIGN AND METHODOLOGY**

#### **3.1 OVERVIEW**

This chapter gives a description of the methodology used in conducting this study. According to Crotty (1998:3), “a methodology is a strategy, plan of action, process, or design lying behind the choice and use of particular methods and linking the choice and use of methods to the desired outcomes.” Creswell (2003:4) as quoted by Tumba (2014) defines methodology as the framework that relates to the entire process of research. To answer the research questions outlined in Chapter One of this study, the researcher employed a qualitative descriptive design.

#### **3.2 RESEARCH DESIGN**

A research design is simply defined as a plan used to study a problem or questions (Hines and Valiant, 2000). It can also be defined as the scheme, outline or plan that is used to generate answers to research problems. In order to fulfil the aim of this study, the researcher used descriptive research design (UNICEF, 2006). The major purpose of descriptive research is description of state of affairs as it exists. Kerlinger (1969) points out that a descriptive research is not only restricted to fact findings, but may often result in the formulation of important principles of knowledge and solutions to significant problem.

#### **3.3 STUDY AREA AND SAMPLE POPULATION**

The study was undertaken in Lusaka district which is located in Lusaka Province of Zambia. Lusaka is in the southern part of the central plateau at an elevation of about 1,279 metres (4,196 ft). As of 2010, the city's population is about 1.7 million, (Wikipedia). The subjects of the study were drawn from the Electoral Commission of Zambia (ECZ), persons with disabilities, DPO's, Foundation for Democratic Process (FODEP) and individuals with disabilities that had participated previous general elections from various compounds.

The Electoral Commission of Zambia is an independent and autonomous Electoral Management Body (EMB) established in 1996. Since its establishment, the Commission has delivered five (5) General Elections (in 1996, 2001, 2006, 2011 and 2016), two (2) Presidential By-Elections (in 2008 and 2015) and several National Assembly and Local Government by-elections. FODEP's traditional mandate is election monitoring and electoral reforms advocacy. However, the organisation has over the years continued to expand its programmes to other emerging issues which have affected the social and economic life of Zambians.

The sample population targeted was 40 people in total, comprising 15 males and 25 females. This is because in the 2016 general elections there was a strong participation of Zambian women in the electoral process as voters. However, the study had engaged as many as 60% females to maximise gender representation.

The 40 respondents were segmented as follows:

| No. | Segment   | No. of Participants |
|-----|---|---------------------|
| 1.  | Key Informant (Interviews) from 5 DPO's- 3 individuals with disabilities from each DPO  | 10                  |
| 2.  | Officers from FODEP (Interviews)  | 4                   |
| 3.  | Officers from ECZ (In-depth Interviews)   | 4                   |
| 4.  | In-depth interviews with Persons with disabilities that took part in the 2016 general elections in the 5 compounds of Lusaka (4 in each compound) | 9                   |
| 5   | Focus Group Discussion Participants   | 13                  |
|     | <b>Total</b>  | <b>40</b>           |

### 3.4 SAMPLING PROCEDURE

This study used purposive sampling to select respondents as the study is qualitative. According to Black (2010), purposive sampling is a non-probability sampling method which occurs when “elements selected for the sample are chosen by the judgment of the researcher. He further notes

that researchers often believe that they can obtain a representative sample by using a sound judgment, which results in saving time and money. Considering that this study is focused on disability and access to the electoral process, this sampling method was effective due to the limited numbers of people and organizations who served as primary data sources. The study also drew its respondents from the electoral management body; election monitors, electorates and human rights advocates. This helped to enhance representativeness.

### **3.5 DATA COLLECTION**

#### ***Primary data***

For the collection of primary data, the study used interview guides and focus group discussions to explore the challenges faced by persons with disabilities in the electoral process in selected areas of Lusaka District as well as examine the provisions made by the Electoral Commission of Zambia to enhance participation of persons with disabilities in the electoral process. The interview guides were researcher-administered which increased responsiveness and provided explanations for some terms. Face-to-face interaction helped to capture verbal and non-verbal cues. Further, the method ensured accurate screening as individuals were unable to provide false information during screening questions such as gender, and to some extent age.

### **3.6 DATA ANALYSIS**

Data Analysis is the process of systematically applying statistical and/or logical techniques to describe and illustrate, condense and recap, and evaluate data. According to Shamo and Resnik (2003) various analytic procedures “provide a way of drawing inductive inferences from data and distinguishing the signal (the phenomenon of interest) from the noise to present it in the data. The initial coding phase was completed through the process of structural coding, in which the initial raw data (taken from brief notes collected by the researcher during the interview process) was labeled. Data was classified into different categories. This aimed at making sense of the data which was collected and also highlighted the important findings. Similar responses were grouped and given different codes under each theme that was identified.

### **3.7 CHAPTER SUMMARY**

The research utilized qualitative data collection and analysis methods, so as to gain an insightful analysis of the relevant facts in explaining the challenges faced by persons with disabilities in the electoral process. Findings were summarized and conclusions drawn in accordance with the research questions. Recommendations have been presented to address those challenges.

## **CHAPTER FOUR**

### **PRESENTATION OF RESEARCH FINDINGS**

#### **4.1 OVERVIEW**

This chapter presents the findings on challenges faced by persons with disabilities in the electoral process in Lusaka. In-depth interviews aimed at probing the challenges faced by persons with disabilities in the electoral process. Specifically, the study investigated past and future trends of challenges which inherently hinder persons with disabilities full and effective participation in the process. Furthermore, this survey also involved the use of focus group discussions which brought together various persons with disabilities.

Thus, this chapter reveals the findings with regards to the issues expressed by: ten individuals with disabilities, seven DPOs, two ECZ representatives, one representative from FODEP, four representatives from the ZAPD and three focus group discussions. A total of forty-two participants were available for the study.

The chapter comprises the views of the respondents in the focus group discussions and in-depth interviews. A verbatim presentation of the responses from the respondents according to the research questions;

The presentation of the findings therefore is guided by the following research questions;

1. What challenges do persons with disabilities face in taking part in the electoral process?
2. What can be done to promote full participation of persons with disabilities in the electoral process?
3. What advocacy strategies should ECZ, FODEP, DPO's and other Civil Society Organizations put in place to ensure accessibility to future elections for persons with disabilities?
4. Are there any laws and policies in place that are aimed at ensuring full participation of persons with disabilities in national, district and local elections?

The above research questions therefore guided the respondents and the findings of this study.

## 4.2 RESEARCH FINDINGS

The research findings were analysed to gain a comprehensive meaning from the data that were obtained. A verbatim presentation has been used to represent the views of the respondents.

### 4.2.1 What challenges do persons with disabilities face in taking part in the electoral process?

In response to the above question, individuals with disabilities highlighted a number of challenges some of them specific to their disability type. Other respondents from institutions interviewed also gave their views/opinions

- i. Blind persons indicated that the most challenging factor to be lack of privacy as they cannot exercise their secret ballot.

*We do not have privacy when voting, I cannot be certain that the persons assisting has given my vote to my preferred candidate.*

- ii. Many respondents further highlighted physical inaccessible polling centres and other facilities used in the electoral process as being one of the major challenges faced by persons with disabilities. This challenge was highlighted by all respondents that participated in this research.

A wheelchair user lamented;

- *I did not vote in the last elections because I felt that I was being degraded. I have a mobility aid and facilities for such important national events and programmes must allow me to exercise my independence.*

- *We have and seen a number of persons facing challenges accessing the places used for voting and other related electoral processes. We must mention that this is also the case in many services and facilities provided to the public. We cannot continue to live this way 54 years after independence.*

- *In 2011, we took ECZ to court and inaccessible infrastructure was one of the main issues in the matter. We have seen the provision of temporal ramps in some places but we know that it's not all polling centres that had this facility in place.*

Coupled with the challenge of inaccessible infrastructure was the challenge of long distance to the polling centres. One crutch user said;

*You see I personally shun voting or all other electoral processes because of the long distance I have to cover from my home to the polling station. Mobility is a challenge even with my assistive device I cannot walk a very long distance.*

iii. For us the deaf, the biggest challenge has to do with communication.

*Many times, we are thought of last. It is only those that may have television sets that may get know what is going on in the country. Voter education process may not leave out those with hearing disabilities. I have attended campaign rallies where party manifestos are shared and there has been no sign language interpretation and so I get nothing and have nothing to share with my deaf colleagues.*

Representatives from the DPOs also confirmed that their members faced numerous challenges in accessing the electoral process and hence some shunned participating in the process.

The representative from Disability Rights Watch said that persons with disabilities were affected by the inaccessible nature of the process as well as the centres and facilities used at all levels of the electoral process. Most access needs are not taken into consideration and also the negative perception from the community was a key factor affecting the participation of persons with disabilities in the electoral process. The DRW representative said;

*As a human rights defender working for the disability community, the following challenges are of concern:*

- *Public negative perception towards persons with disabilities that undermines their political leadership potential. Society tends to view persons with disabilities only as voters and not potential candidates for political leadership office.*
- *Failure to promote the secret ballot for the blind or visually impaired*
- *Failure to provide public education on the electoral process to persons with disabilities in accessible formats.*

On the same matter, the ECZ representatives interviewed said that they were aware of the inaccessible infrastructure used in the electoral process and how this may affect the participation of persons with disabilities in the electoral process.

*We are aware that the places used may pose challenges to persons with disabilities during voting. As an institution we do not have adequate facilities that can be used in registration as well as voting processes. The facilities are usually public institutions such as schools and some of the buildings are quite old and may not necessarily have modern accessibility features.*

In the views of the respondents including the Electoral Commission of Zambia, the electoral process is indeed inaccessible to persons with disabilities. However, even though the challenges exist acknowledged nothing much seems to be done in ensuring that improvements are done to enhance the participation of persons with disabilities. For instance, even after the introduction of Braille jacket to enhance secret ballot for the visually impaired, most blind and visually impaired persons were not able to use this facility.

Respondents cited the lack of education on how to use the jacket as the ECZ did not for example have effective voter education campaigns on the newly introduced braille jacket during the 2016 elections.

*So I heard about the newly introduced braille jacket which could enable me to exercise my right to a secret ballot but I was not well informed on how to use it. Thus, I opted to use my trustee to guide me and cost the vote on my behalf. I hope the marked on my preferred candidate.*

#### **4.2.2 What can be done to promote full participation of persons with disabilities in the electoral process?**

In responding to what can be done to promote the full participation of persons with disabilities in the electoral process, the following were the responses from the informants;

- i. Persons with disabilities highlighted engagement, involvement and consultation as key to achieving full participation.

*Many are times when we are not engaged on matters that involve or affect us. We are the ones who affected and so we know best what can be done.*

*You cannot achieve our full participation without our involvement. The ECZ must get it straight from us, we are the ones that affected and we have the solutions.*

*We can work as polling officers and also be engaged as voter educators. We can communicate and train our colleagues better. If we are seen as officers in these processes, our fellow disabled persons will be encouraged to participate. At this point what is critical is that we have a say in the process. There is nothing about with us.*

One of the respondents in Kayama during a focus group discussion said,

*Mummy ise munga ma ladies bo lemala, siba tichita involve. Tinga sebenze nchito monga ya ma elections.*

Meaning; Madam, we ladies with disabilities are not involved in the electoral process.

We too can work as electoral agents or officers

ii. For ZAFOD and DRW, the indicated that

*The solution to achieving full inclusion and participation of persons with disabilities lies in designing an electoral system and process using universal access principles and providing a constitutional framework that allows for representation of minority and disadvantaged groups.”*

Other DPOs also alluded to the planning and design of the electoral process as being vital. You cannot start at the end of the process one representative said. ECZ and key stakeholders in the electoral system must plan and design an effective system that takes in to consideration the needs all citizens. They said it was not feasible and effective to consider persons with disabilities when the processes commence. Some of the requirements have budget implications and cannot be effectively achieved if they come as an after-thought. Post-election deliberation must seriously

consider the needs and challenges of persons with disabilities. Consideration must be made during registration and poll officials could be assigned to take note of persons with disabilities who register and actually vote. Keeping statistics keep help in making decisions and follow up engagements on what can be done to improve the participation of persons with disabilities.

Further sentiments on the availability of the legal framework on the participation of persons with disabilities in the electoral process were as follows;

- The Republican Constitution affirms the rights of persons with disabilities and adopts a definition of disability that mirrors the paradigm shift contained in the UNCRPD towards a social and human rights perspective essentially classifying disability as a social construct.
- The Persons with Disabilities Act has compelling provisions affirming the rights of persons with disabilities to participate in politics.
- The weakness lies in the poor conformity to this law by the electoral process Act and its regulations.

DPOs however said that the absence of Political Parties Act to operationalize constitutional provisions on inclusive politics disadvantages persons with disabilities as political parties are not compelled to adopt persons with disabilities in their structures later on as candidates. Thus, there was need for political parties and other stakeholders to advocate for the enactment of a Political Parties Act.

ECZ said they had committees were ZAPD and other DPOs were represented.

However, DPOs said that they were not adequately represented and felt that for example ZAPD being a government institution may not necessarily represent their needs adequately on the committees.

*We cannot have government speak on our behalf, government needs to hear from us and work on the issues raised by us.*

In view of the above response, it shows some mistrust or the lack trust by those who are selected to represent persons with disabilities on the ECZ committees. It was highlighted that DPOs were only part of the voter education committee and hence their role may be narrow.

Further, DPOs said that they did not have adequate funding to effectively implement some of the proposed advocacy strategies. This thus poses a huge challenge to ensure that the duty bearers are held accountable and reminded of what must be done. Some DPOs stated that they sometimes received funding when elections got closer and even with that it is difficult to push government and the ECZ in particular to work on some of the areas that may need attention in order to make the electoral process may accessible to persons with disabilities and ensure their full participation.

#### **4.2.3 What advocacy strategies should ECZ, FODEP, DPO's and other Civil Society Organizations put in place to ensure accessibility to future elections for persons with disabilities?**

In responding to the above question, the following were some of the responses;

i. Individuals with disabilities were of the opinion that it was the responsibility of the DPOs to spearhead advocacy work.

ii. During a focus group discussion, the respondents said,

*We have representative organisations that have been given the mandate to speak on our behalf. Yes, we can advocate as individuals but we need a more organised ways of fighting for what is due to us.*

iii. For the DPOs; the following advocacy strategies were highlighted;

- Lobbying with the authorities
- Litigation
- Participation in specialized committees of ZAPD
- participating as committee members on the ECZ committees

A representative from ZAFOD said,

*What we need to do as DPOs is to continuously engage the Electoral Commission on the issue of accessibility to election materials/information and other facilities to ensure that future elections are more accessible. This will in turn encourage more persons with disabilities to participate in the electoral processes.*

On the advocacy strategies, FODEP highlighted the need for informed advocacy through research.

*For us as an institution working on ensuring that the tenets of democracy are upheld, it is important to see that all citizens are able to participate in the Electoral Process. We have worked with key DPOs to review legislation and conduct research on participation of persons with disabilities. We all agree that every person has a right to vote and this right must not be taken away simply because of one's disability.*

Both the DPO and the FODEP representatives agreed that one of the most effective advocacy strategies is engaging law makers in their advocacy work works to their advantage as the parliamentarians are able to question and push for the implementation of certain key issues. A committee can for instance call upon a particular institution to question them on implementation and service provision issues and give ultimatum on implementation and feedback. By so doing most public institutions are kept on their toes to ensure parliamentary directives are implemented.

*You see members of Parliament need votes and every vote counts and so we feel that by informing them about the challenges that persons with disabilities face in accessing electoral process, they will be able to champion the call to ensure that right measures are put in place. When this is done, we will see an improvement in the participation of persons with disabilities in the electoral process.*

For the Zambia Agency for Persons with Disabilities (ZAPD), the officials were quick to cite the ratification of the UNCRPD in 2010 which meant that Zambia should take steps to ensure the implementation of the provisions through its domestication by firstly putting in place a law that is in conformity with the CRPD provisions. In 2012, Zambia enacted the Persons with Disabilities Act to repeal the 1996 Act. The Act continued the existence of the Zambia Agency for Persons with Disabilities which was established under the 1996 Act.

*The Persons with Disabilities Act mandates ZAPD to promote the participation of persons with disabilities with equal opportunities in the civil, political, economic, social and cultural spheres. The Act further provides for mainstreaming of disability issues as an integral part of national policies and strategies of sustainable development and incorporates gender perspectives in the promotion of the full enjoyment of human rights and fundamental freedoms by persons with disabilities as no one institution can provide services required and essential to persons with disabilities.*

*The Act also grants powers to ZAPD to ensure accessibility by persons with disabilities to the physical, social, economic and cultural environment and to health, education, information, communication and technology by conducting inspections and providing adjustment orders with recommendations for facilities and services that are not accessible to persons with disabilities. Further, it provides for the regulation and registration of institutions that provide services to persons with disabilities and organizations of and for persons with disabilities.*

As ZAPD we are called to make presentation on various issues affecting persons with disabilities as well to give an account of what we are doing in order to promote and protect the rights of persons with disabilities in the country.

*One of the officials narrated that in 2017, the Zambia Agency for Persons with Disabilities (ZAPD) was summoned by the Committee on Health, Community Development and Social Services to give an update on what was being done to enhance participation of persons with disabilities in the electoral process. For us this was an*

*opportunity to highlight what is provided in the law and also highlight challenges faced by persons with disabilities when it comes to the electoral process.*

He further added that;

*We highlighted some of the legal provisions on participation of persons with disabilities in the electoral process, as that is what guides our work and advocacy to ensure that persons with disabilities participate in key national processes such as elections. We are always receiving complaints from various individuals and groups of persons with disabilities from all over the country and these are forwarded to the responsible institutions.*

*In our presentation, we highlighted challenges faced by persons with disabilities at different levels of the electoral process and also made recommendations on how to improve participation of persons with disabilities in the electoral process for future elections. We feel Informing law makers on key issues is a key strategic advocacy move as they influence what can be done and also ensure that it is done by holding the responsible institution accountable.*

#### **4.2.4 Availability of laws and policies in place that are aimed at ensuring full participation of persons with disabilities in national, district and local elections?**

In responding to the above question, the respondents said that the country did have adequate laws to ensure the participation of persons with disabilities.

ZAPD officials highlighted provisions of the National Constitution, and the persons with Disabilities Act as having key provisions that ensure participation of persons with disabilities in the electoral process.

*Section 51 and subsections a, b, c and d of the Persons with Disabilities Act provide for the rights and opportunities for persons with disabilities to vote and be elected directly or through freely chosen representatives.*

Some individuals with disabilities said they were aware of existing laws that support the participation of persons with disabilities in the electoral processes just as they support the provisions of other services.

*Yes, the law is there but what is lacking is the implementation. I cannot point to much or anything that has been done with regards to the implementation of the law and the policy on disability.*

Another respondent said that;

*Most people in these compounds are not aware of the provisions of the law. Now imagine if we Lusaka residents, living in what you may consider the most developed part of Zambia are not informed about these laws, what is the situation for our brothers and sisters out there in the rural areas. I believe the DPOs and government itself still has a lot of work to do. If am not fully aware of the law and what it provides then I cannot hold government accountable.*

The respondent from FODEP, affirmed that the country did have laws and policies in place although what was needed to implement the provisions of the laws.

*We are constantly reviewing these laws and highlighting gaps when identified. For years now, the government has been talking about the repeal of the Mental Disorders Act of 1951 but that bill has not been tabled in Parliament. I will be very surprised to see that law passed before the next general elections.*

An official from ECZ said that,

*The Electoral Act provided for the participation of all citizens to take part in the electoral process. Thus, all Zambians who meet the voting requirements which are that one must be 18years and older and in possession of a Green National Registration Card.*

#### **4.3 PROPOSED WAY FORWARD**

The researcher wanted to know what the respondents feel could be done in order to improve the participation of persons with disabilities in the electoral process. It was revealed from many of

the respondents that they felt that the participation of persons with disabilities in the electoral process was low. The ECZ on the other hand could not indicate whether there was an improvement in the number of persons with disabilities taking part in the electoral process as statistics were not kept.

On the proposed way forward, the study revealed that twenty of the interviewed participants acknowledged the importance of introducing ramps in all the polling stations in order to make them accessible to those with mobility challenges such as those on wheelchairs. Eight of the respondents revealed that the introduction of sign language interpreters on televised voter education programmes and other voter education programmes or activities as well as political campaign rallies would be crucial in promoting equal participation of persons with disabilities in the electoral process.

The interviewed ECZ and FODEP officers and persons with disabilities revealed that in future elections there will be need to introduce tactile voting materials and not only jackets for persons with visual impairments so that they too can have a secret ballot. It was also revealed however, that there is a lot of voter education needed for the improvements that may be made to the electoral process to enhance participation of persons with disabilities.

For effective advocacy, four respondents reported the need for more funds for DPOs to be able to carry out advocacy work on issues of accessibility in the electoral processes. Documenting the challenges faced by persons with disabilities is also key for effective advocacy.

*The challenge that DPOs mainly face is lack of funds which if not available may deter active voicing on matters of elections for persons with disabilities.*

The need for financial support to DPOs also came out during focus group discussions with persons with disabilities.

*We have witnessed DPOs doing a good job when funding is available, they move from one point to another and call for workshops where are engaged and consulted on some pertinent issues. We can only urges donors and government to fund programmes that are aimed at enhancing our participation in key national processes.*

During focus group discussions, participants indicated the importance of having more persons with disabilities taking the role of polling assistants. They revealed that this will not only empower them economically but will most importantly work as inspiration and encouragement for persons with disabilities to take part in the electoral process.

Individuals with disabilities, FODEP and DPOs interviewed agreed that engaging persons with disabilities would ensure that proper measures are put in place to enhance participation of persons with disabilities in the electoral process. ECZ officials spoken to were highly in favour of a more consultative process which would bring on board persons with disabilities on matters of an inclusive electoral system and process.

When asked whether they had any complaints fears with regards to electoral processes, persons with disabilities pointed out that one of the reasons for their lack of participation was the violence that occurs sometimes during these processes.

*We are disabled, some of us can't hear and may end up not fleeing for our lives as we may not be aware of what is going on.*

*Some of us may not be able to run or fight back when attacked due to the nature of our disability. They said.*

In proposing what should be done with regards to violence, the respondents called for stiffer laws or punishment for people that involve themselves in electoral violence as it usually has a negative impact on the participation of not only people with disabilities but also those without disabilities in the electoral process.

#### **4.4 CHAPTER SUMMARY**

This chapter presented the findings of the study which give us insight into the responses of the respondents. From the findings, it can be summarised that most of the respondents did acknowledge that persons face a number of challenges in the electoral process. It is clear from

the finds that respondents agree that persons with disabilities have a right to vote and participate in the electoral process in their country however, it is the challenges faced that hinder their full and effective participation in the electoral process. Area of improvement for effective participation of persons with disabilities in the electoral process are also highlighted. Different advocacy strategies to be employed to enhance participation of persons with disabilities in the electoral process are highlighted. This analysis was done by presenting the results qualitatively.

## **CHAPTER FIVE: DISCUSSION OF THE RESEARCH FINDINGS**

### **5.1 OVERVIEW**

This chapter focuses on the discussion of the research findings in relation to the research objectives and associated research questions.

The chapter is divided into five sections;

- i. The importance of persons with disabilities participating in the electoral process,
- ii. Challenges faced by persons with disabilities in the electoral process,
- iii. The importance of equal participation in the electoral process,
- iv. Interventions vs. equal participation in the electoral process and,
- v. The importance of DPO involvement in the electoral process.

### **5.2 The importance of Persons with Disabilities participating in the electoral process**

In response to the study's research objectives, the findings from the study showed that most respondents that were interviewed are aware that persons with disabilities have the right to vote or participate in the electoral process just like any person without a disability and that this is regardless of one's type of disability. This finding is in line with observations made by FRA (2014) who indicated that persons with disabilities should be seen as active citizens keen to be engaged in the political life of their communities. As well as voting in elections, persons with disabilities take part in other types of political activity in large numbers, including being members of political parties, attending political meetings and contacting elected officials. It is important to note that persons with disabilities have the same right to vote and stand for electoral office as candidates to be voted for during elections. Participating in the electoral processes gives persons with disabilities a chance to make important decisions pertaining to the running and management of the affairs of the country to which they are citizens. Further, participation makes them equal before the law with other citizens as provided for in various legal frameworks including the National Constitution. This evidence provides more evidence about society's perceptions towards persons with disabilities as well as their rights particularly in political matters.

The study also revealed that some respondents indicated that persons with disabilities have to be involved in electoral activities with an exception of those with mental or psychosocial disabilities who are not allowed to vote and be voted for. This is supported by OHCHR (2011) who reported that in many countries, people with intellectual disabilities and mental problems cannot vote. This is because they are under guardianship and they do not have legal capacity. This means that the law does not allow them to make important decisions in their lives. However, contrary to this, the UNCRPD under Article 12 provides for the equal recognition of all persons before the law. The Article in section 1 and 2 further provides for states Parties to reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law and shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life. In order for persons with disabilities to enjoy their legal capacity, countries in particular, the Zambian government must take appropriate actions and measures to provide persons with disabilities access to support systems that they require in order to exercise their legal capacity. Section 4. of Article 12 states that,

*“States Parties shall ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person’s circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body.”*

Therefore, people with disabilities should have the same right to vote as any other citizen of a particular country. No one should be declared a person incapable of voting, no one should test if a person with disability is able to vote. Instead, government must put in place measures that will enable all citizens to participate and have their interests heard and represented in the electoral process. Government can ensure that participation of all persons with disabilities in the electoral process by moving towards the universal design of all electoral process to ensure accessibility and where possible providing adjustments through the provision of reasonable accommodation where necessary.

### **5.3 Challenges faced by Persons with Disabilities in the electoral process**

Although participation of people with disabilities in political processes is increasingly recognized as a human rights issue, little is known about how the key UNCRPD principles are translated into day-to-day practice, particularly in low and middle-income countries (World Health Organization and World Bank 2011 in Virendrakumar et al, 2018). The findings from the study have revealed that inaccessible infrastructure such as polling stations as one of the many challenges that persons with disabilities face in taking part in the electoral process. This challenge continues to act as a barrier and hinders persons with disabilities to be active citizens and be able to engage in the political life of their communities. This finding is in line with the observation made by Sackey (2015) who reported that People with disabilities who do manage to register to vote may find further barriers at the polling place. With votes being cast in a variety of public places, from school gyms to church basements to library meeting rooms, most of these voting facilities are inaccessible. This barrier excludes persons with disabilities from the opportunity to influence the development and implementation of laws and policies which shape their daily lives in their society.

The study also revealed that inadequate tactile materials for the visually impaired and other assistive devices pose as a challenge in participating in the electoral process. This is consistent with what was reported by Lord and Stein (2013). They reported that absence of alternative voting devices or accessible voting methods poses significant barriers particularly to individuals with visual impairments. Similarly, Young et al (2016) reported that communication barriers are experienced by people who have disabilities that affect hearing, speaking, reading, writing, and or understanding, and who use different ways to communicate than people who do not have these disabilities. It was further reported that lack of small print or no large-print, tactile and Braille electoral materials make it difficult for persons with disabilities to participate.

The other challenge that came out from the study was long distances to polling stations and the lack of adequate transportation which interferes with a person's ability to be independent and to participate in the electoral process. This is even worse for persons with disabilities living in rural areas where there is no access to accessible or convenient transportation for people with vision or

cognitive impairments, and public transportation is unavailable or at inconvenient distances or locations where polling stations are found. further, where the transport is accessed, most persons with disabilities have a challenge of meeting the cost of transportation as they may incur double the cost that others incur as they may require the assistance of another person. These findings are in line with observation made by Electoral Institute for Sustainable Democracy in Africa (2010) who reported that in the Democratic Republic of Congo (DRC), registration centers were problematic due to the poor status of the local roads and the voters' need to travel as far as 20 kilometers to their nearest centers and that in Mozambique efforts were made to deploy mobile registration centers in rural areas with the objective that no voter should travel more than 10 kilometers to the registration point. However, this standard was not always met for persons with disabilities as they were still made to travel 30 to 40 kilometers to register. These results are a clear evidence that people with disabilities and those who care about them should insist that their towns provide truly accessible voting places as required by the Persons with Disabilities Act No.6 of 2012, so that each individual can cast a vote just as do his or her fellow citizens.

The results of the study also showed that persons with disabilities do not get nominated by political parties to participate in elections as candidates. This shows that stigma against people with disabilities plays a major role in their political marginalization. (Sackey 2015; Sackey and Emmanuel (2015) reported that negative attitudes towards persons with disabilities are often rooted in cultural and social norms, where a disability is associated with punishment from God. According to a study undertaken in Ghana to analyze the disability situation by Osman et al. (2008); it was found that “people with disabilities were not allowed to become chiefs, even if they were part of the social elite. Those, who did dare to contest in political elections were often mocked or treated unfairly. As a result, many people with disabilities were discouraged from engaging in politics even if they were educated, aspired to contest and had resources to finance their election campaign.” This clearly shows how stigma impedes persons with disabilities from participating in political processes hence the need for more sensitizations and awareness raising campaigns to address this challenge.

Further, the study revealed that electoral violence hinders persons with disabilities from participating in the electoral process. Electoral violence can be defined as any random or organized act or threat to intimidate, physically harm, blackmail, or abuse a political stakeholder in seeking to determine, delay, or to otherwise influence an electoral process (Denis; 2000). Electoral violence impacts democracy in various ways and one of them is that the electorate's right to vote is denied and it leads to stalling of good governance and sometimes leads to voting without choice. Persons with disabilities may completely shun participating in the electoral process for fear of being caught up in the violence and failing to escape which may result in injuries or death. To avoid the risks associated with electoral violence, persons with disabilities opt to completely stay away from electoral processes. Shunning electoral processes such as pre-election campaign rallies may hinder persons with disabilities from accessing information on what the various political parties and aspirants have to offer once voted into office. This information is cardinal for each citizen as it helps in deciding whom to vote for.

Democracy involves a process of electing leaders who will form a government of the people with a view to representing the interest of the generality of members of the society. Democracy is aimed at realizing the organization of people by the people themselves to attain collectively self-defined, and ever improving, higher levels of civilization. This conception of democracy suggests that it is a representational government, which is based on the consent and will of the people, a responsive and responsible government in which the majority upholds power without suppressing the interest of the majority. From the foregoing definition, therefore, the issue of the denial of people's right to vote or of their voting preference, or even the restraining of the voice of the people's vote do not arise. Similar to our finding, Samuel (2004) reported that electoral violence is a threat to democratization and leads to anti-human acts on person with disabilities as their basic human rights, issues of gender equality; cultural rights and identities are often either ignored or trampled upon. Therefore, continuous human and institutional capacity building is needed to ensure thorough due process, and merit and credibility form the criteria for social relevance.

#### **5.4 The importance of Equal participation in the electoral process**

The study revealed that it is important to promote equal participation in the electoral process between the disabled and non-disabled as it helps to identify mistakes and offer insights for learning, improvement and reporting. The opportunity to be involved in political life is at the heart of what it means to live in a democratic society. The right to political participation, including for persons with disabilities, is accordingly firmly grounded in international law, enshrined in the United Nations (UN) Convention on the Rights of Persons with Disabilities (CRPD), Council of Europe instruments and European Union (EU) primary and secondary legislation. In order for equal participation in the electoral process to be achieved, laws and processes should not contain provisions that restrict the right to vote, while voting procedures, facilities and materials should be appropriate, accessible and easy to understand and use (International Foundation for Electoral Systems: 2012). This also means promoting an environment in which people with disabilities can fully and equally participate in public affairs as well as form and join organizations concerned with public and political life at various levels. Equal Participation serves as an adjunct to democratic institutions which enhance individual freedom and autonomy by allowing one to retain control over one's life and enhances belonging among individual citizens in their community, and fosters education essential for responsible social and political action. For persons with disabilities, much as is the case for all persons, the socializing, educative and freedom-enhancing role of participation in decision making is a precondition to full personhood and rights realization (Dan: 2016).

This could be the reason why a considerable number of respondents indicated that there should be equal participation in political processes because they believe that Persons with disabilities likewise should enjoy equal access to public service and government jobs at all levels, including working at local government offices, as well as serving as government representatives at international levels, such as the United Nations. Indeed, it should be noted that a number of elected representatives with disabilities and governmental public servants participated in the UN negotiations that resulted in the adoption of the CRPD. Such inclusion helps to ensure that government at all levels takes into account the needs of persons with disabilities (UN: 2007).

In addition, Zambia has adequate legal provisions to enhance participation of persons with disabilities in the electoral process. In its submission to parliament in 2017, ZAPD did highlight the legal provisions of the constitution and the Persons with Disabilities Act No. 6. of 2012.

In making its case and justification, ZAPD highlighted Article 45 (1) (c) of the Amended Constitution of Zambia provides for fair representation of the various interest groups in society. The Constitution in Article 46 further guarantees the right of all citizens to make political choices, to form political parties, to participate in the activities of political parties as well as to vote in elections for any legislative body established under the Constitution, and to do so in secret; and to stand for public office and, if elected, to hold office

### **5.5 Interventions Vs. Equal Participation In The Electoral Process**

The study revealed 21 respondents indicated tactile voting materials for persons with visual impairments and they further said that there is need for more interventions to be implemented by the electoral body which would cater for all types of disabilities unlike just looking at one type of disability. Fifteen respondents reported the need for all stakeholders in the electoral process to engage ECZ in the monitoring of Elections and ensure that they are more inclusive. They further admitted seeing interventions in making the electoral process inclusive through the provision of accessible polling booths and four respondents indicated efforts by the Electoral Commission of Zambia in providing sign language interpretation during adverts on elections. This was so considering the fact that in the few areas where interventions have been provided to enhance participation among persons with disabilities in the political processes, there has been a positive impact as revealed during the interviews. These findings are in line with the observations made by Osman et al. (2008) who reported that interventions relating to products and technologies in Ghana were developed and piloted such as tactile ballot guide to allow visually impaired people to vote in confidence. During the 2004 election, the Ghana Federation of the Disabled worked with the Electoral Commission of Ghana to raise awareness on the right of people with disabilities to vote as well as on the inclusion of the sign language interpretation. This was done in preparation for the elections which were coming and during the election the Ghana Association of the Blind record an increase in the number of visually impaired persons who had participated in voting as well as other political activities.

Dan (2016) reported that measures to improve physical accessibility of the elections were reported for two upper middle-income settings (Mauritius and South Africa) and for one low-income setting (DRC) and one lower middle-income setting (Cameroon). In Mauritius, voting premises were adapted by ramps and by adjustable height booths to accommodate voters using wheelchairs which led to increased political participation among persons with disabilities. The Electoral Commission of Zambia in collaboration with other stakeholders has been providing ramps as well as improving lighting and low-level tables in order to allow people with disabilities to better access the facilities. This may be due to pressure from Disability Peoples Organizations which always advocate for equal participation and better services for its people in Zambia. However, much more needs to be done to improve the electoral processes and encourage more persons with disabilities to vote. For Zambia, just like many other countries around the world, the facilities used as poll or registration centres are not owned by the Electoral Board. The inaccessible nature of the infrastructure and facilities therefore connotes that persons with disabilities face further challenges in areas of education, health and other social amenities. This therefore, calls for government to ensure that a universal design approach is adopted that will ensure that new buildings being constructed are made to accommodate all persons. Additionally, institutions that have inaccessible facilities must make deliberate decisions to make adjustments to their inaccessible infrastructure to make them accommodative to persons with disabilities. When this is done, the ECZ can then focus on other areas to improve the participation of persons with disabilities in the electoral process as they will not have to worry about the polling centres.

### **5.6 The importance of DPOs in the electoral process.**

On the roles played by Disabled people's organizations (DPOs) in the political process, the study revealed that DPOs actively promote the participation of persons with disabilities and serve as essential resources on disability inclusion to electoral commissions, civic and voter education organizations, and political parties. DPOs advocate for persons with disabilities to be included in voter education initiatives as educators and try to ensure that voting materials reflect the positive image of persons with disabilities. This was consistent with the assertion that inclusion has the added benefit of helping to raise the visibility of persons with disabilities in society and confronting harmful stereotypes that reinforce exclusion and marginalization.

According to Goodwin and Guy (2006), in some countries DPOs have advocated for positive measures in order to ensure that their interests are effectively represented in their legislatures. In Uganda, for example, the Constitution requires that a certain percentage of seats in Parliament be accorded to representatives with disabilities. In other countries, the executive may appoint a certain number of parliamentary seats to be occupied by persons with disabilities. In Namibia, for example, this policy has resulted in the presidential appointment of representatives with disabilities to parliament. In other cases, persons with disabilities may have representation through a Disability Advisor linked to the executive branch, as in the case of the Swedish Disability Ombudsman or Namibian Disability Advisor, or through a Council on Disability, as in the case of the United States National Council on Disability. It is for this reason that DPOs are explicitly referenced in the CRPD because they refer to organizations established by and for persons with disabilities themselves. Associations established and run by persons with lived experience of disability are best placed to ensure that the voice of persons with disabilities is heard in decision-making processes. DPOs played an important role in the process of drafting the CRPD and will continue to play critical roles in the implementation of the treaty (UN: 2007).

The case of Sela Brother vs. the Electoral Commission of Zambia can be seen as one of the major advocacy steps taken by the DPOs in their efforts to ensure the participation of persons with disabilities in the electoral process. The DPOs have taken it upon themselves to encourage persons with disabilities to participate in the electoral process at various stages. Communications activities such as radio programmes form a key part of the DPOs advocacy work.

In 2016, the Forum for Democratic Process (FODEP) working with the Zambia Federation of Disability Organisations (ZAFOD) and Disability Rights Watch (DRW) conducted a legal analysis on persons with disabilities and the electoral process. In the study the organisations made some recommendations to make the electoral process more accessible to persons with disabilities, FODEP, et al (2016). The recommendations made were;

- i. The ECZ must adhere to the judgment in Selah Brotherton vs. ECZ and undertake the measures ordered by court. The ECZ was given up to the 2016 General elections to do so

but this was not done. The judgment should be popularised as it forms the basis for policy and legislative reforms.

- ii. The ECZ must fully implement the provisions of the Electoral Act No. 35 of 2016 as it relates to the rights of persons with disabilities. The ECZ should include persons with disabilities in all their activities especially in the voter education process.
- iii. ZAPD should prioritise disability rights in relation to the electoral process and engage stakeholders to realise them. The full and effective political participation of persons with disabilities is the foundation of meaningful progress in meeting their socioeconomic needs.
- iv. FODEP, in conjunction with other stakeholders, should engage Members of Parliament on matters that hinge on the rights of persons with disabilities and the electoral process. This will raise awareness among the Members of Parliament and the public and will be a foundation for any meaningful legislative and policy reforms. Once the Members of Parliament are knowledgeable about disability rights, they will bring motions and questions to the House which will expedite action by the Executive arm of Government.

## **5.7 CHAPTER SUMMARY**

This chapter focused on the discussion of the findings in relation to the research objectives and associated research questions. The chapter was divided into five sections and contextualizes the responses.

## **CHAPTER 6**

### **CONCLUSIONS AND RECOMMENDATIONS**

#### **6.1 OVERVIEW**

Having analyzed and discussed the results of the findings, this chapter presents some conclusions and recommendations. It is important to note that some recommendations present implications for policy planning emanating from the study results. These recommendations are especially useful to stakeholders in the disability movement seeking to implement similar projects but also present an opportunity to government for better electoral reforms and interventions.

#### **6.2 CONCLUSIONS**

The study revealed that most respondents that were interviewed know that that persons with disabilities have the right to vote just like any person in society and that this is regardless of any type of disability whilst some reported knowing about their right to vote with an exception of Persons with Mental Disabilities. It is important to note that these were key informant personnel, DPOs and persons with disabilities themselves. They provided insightful detail of the rights to vote and take part in all electoral processes with regards to persons with disabilities.

The research also showed that persons with disabilities face challenges which range from inaccessible infrastructure such as polling stations, inadequate tactile materials for the visually impaired, lack of accessible communication formats for persons with hearing and speech impairments and other assistive devices as well as long distances to polling stations. Electoral violence was also noted to be one of the challenges by respondents that were interviewed and negative perceptions of people with disabilities which also tends to discourage persons with disabilities from participating in the electoral process.

The study further revealed that it is important to promote equal participation in the electoral process between the disabled and non-disabled persons as it helps to identify mistakes and offer insights for learning, improvement and reporting. The opportunity to be involved in political life is at the heart of what it means to live in a democratic society. The right to political participation,

including persons with disabilities, is accordingly firmly grounded in international law, enshrined in the United Nations (UN) Convention on the Rights of Persons with Disabilities (CRPD), Council of Europe instruments and European Union (EU) primary and secondary legislation (UN: 2007). Respondents also called for more interventions in order to make the electoral process inclusive through the provision of accessible polling booths, ramps, poor lighting, tactile Braille papers or jackets and provide electoral materials in all accessible formats as well as sign language interpreters at all levels of the electoral process.

Finally, the study revealed that DPOs actively promote the participation of persons with disabilities and serve as essential resources on disability inclusion to election commissions, civic and voter education organizations, and political parties. DPOs advocate for persons with disabilities to be included in voter education initiatives as educators and try to ensure that voting materials reflect the positive image of persons with disabilities hence the need for more funding towards DPOs.

### **6.3 RECOMMENDATIONS**

Arising from the analysis of the study findings, it is important to note, again, that some of the recommendations have implications for policy planning and implementation. The following recommendations have been made for future programming on the participation of persons with disabilities in the electoral process.

- i. Ensuring that persons with disabilities and their representative organizations are included in voter education campaigns as participants and as educators.
- ii. Planning voter education activities in accessible venues and holding voter education sessions as close as possible to the communities where persons with disabilities live.
- iii. Inclusion of the voice and image of persons with disabilities in civic and voter education materials (for example, designing posters with images of voters with disabilities exercising their right to vote). This initiative will not only encourage persons with disabilities to participate in the electoral process but also reduce the stigma that comes from community.

- iv. Providing closed captions and sign language interpreters on televised voter information announcements.
- v. Ensuring that voters with disabilities have information on their right to have assistance when casting their vote, including by a person of their own choosing.
- vi. Providing voter education and information in accessible formats (for example, large print, electronic format for voters that use screen-reading technology, written material, and easy-to-understand language for persons with intellectual disabilities).
- vii. Capacity building among DPOs to enhance their role in civic and voter education.
- viii. Introduce stiffer punishment for people that cause electoral violence.
- ix. Measures to improve physical accessibility of voting premises should be adapted by ramps, wider entrances and provision of adjustable height booths to accommodate voters using wheelchairs. Adequate lighting is also another feature that has to be considered.
- x. Need for continuous voter education to be undertaken. This will increase the number of people being reached and give an opportunity to persons with disabilities to understand the electoral process and how they can participate.
- xi. For the DPOs and CSOs that focus on disability, there is need for continuous advocacy and engagement of ECZ to ensure that recommendations made from various studies are enforced and implemented.

## **6.4 CHAPTER SUMMARY**

This chapter presented some conclusions and recommendations. If these recommendations are implemented, participation of persons with disabilities in the electoral process will be enhanced. Of course it does not end there. There is need for more engagements between the Electoral Commission, DPOs, FODEP and other stakeholders with interest in disability issues. Particularly for Zambia, mainstreaming these recommendations in future elections such as 2021 elections will assist in developing Zambia with regard to equal participation in electoral processes. These recommendations are especially useful to stakeholders in the disability movement advocating for equal rights and participation in all spheres of life for persons with disabilities but also present policy implications for free and fair elections.

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## APPENDICES

### Appendix 1: Interview Guide for Persons with Disabilities

#### UNIVERSITY OF ZAMBIA AND ZIMBABWE OPEN UNIVERSITY

##### Postgraduate Programmes

Dear respondent, I am a student at the University of Zambia pursuing a Master of Science in Peace, Leadership and Conflict Resolution. As requirement for my studies, I am expected to conduct a research on the challenges of persons with disabilities in the electoral process in selected areas of Lusaka District. You have been purposively selected to help in answering this research study. The exercise is purely for academic purposes. You are being requested to freely answer all the questions in this interview/questionnaire and your responses will be treated as highly confidential.

1. What is your marital status?
2. What is your age?
3. What is your educational level?
4. What are the requirements for taking part in the electoral process, for example voting?
5. From your experience, share with me some of the challenges that persons with disabilities face in taking part in the electoral process?
6. Is there a platform for you to engage the Electoral Commission of Zambia (ECZ) on some of these issues?
7. What do you think should be done to promote participation of individuals with disabilities in elections?
8. What plans should ECZ put in place to ensure future elections are accessible to persons with disabilities including those with psycho-social and sensory disabilities?
9. What advocacy strategies should FODEP, DPOs and other Civil Society Organisations put in place to ensure accessibility to election materials, information and polling centers in future elections for persons with disabilities?
10. What changes have you observed from the time you started taking part in the electoral process with regard to persons with disabilities? Describe and give examples
11. Any last words?

## **Appendix 2: Interview guide for DPOs**

### **UNIVERSITY OF ZAMBIA AND ZIMBABWE OPEN**

#### **University Postgraduate Programmes**

Dear respondent, I am a student at the University of Zambia pursuing a Master of Science in Peace, Leadership and Conflict Resolution. As requirement for my studies, I am expected to conduct a research on the challenges of persons with disabilities in the electoral process in selected areas of Lusaka District. You have been purposively selected to help in answering this research study. The exercise is purely for academic purposes. You are being requested to freely answer all the questions in this interview/questionnaire and your responses will be treated as highly confidential. Kindly share with me what you know about the electoral process in Zambia?

1. Do persons with disabilities have the right to participate in the electoral process? Explain, why?
2. From your experience, share with me some of the challenges that persons with disabilities face in taking part in the electoral process?
3. Is it possible to have equal participation in the electoral process for persons with disabilities and those without disabilities? If yes, share with me what can be done?
4. Share with me any approaches and interventions you have employed in the past elections to ensure increased participation of your members (people with disabilities).
5. Are there any laws and policies in place that are aimed at ensuring full participation of people with disabilities at national, district and local elections? If yes, what are the strengths and weaknesses? If no, what are you doing about it as DPO's?
6. Kindly share with me your views on the participation of persons with disabilities in elections.
7. What advocacy strategies have you put in place as DPO's to ensure accessibility to election materials/information at polling centers in future elections for persons with disabilities?
8. What changes have you observed from the time you started taking part in the electoral process with regard to persons with disabilities part? Describe and give examples
9. Any last words?

### **Appendix 3: Interview guide for FODEP Officers**

#### **UNIVERSITY OF ZAMBIA AND ZIMBABWE OPEN UNIVERSITY**

##### **Postgraduate Programmes**

Dear respondent, I am a student at the University of Zambia pursuing a Master of Science in Peace, Leadership and Conflict Resolution. As requirement for my studies, I am expected to conduct a research on the challenges of persons with disabilities in the electoral process in selected areas of Lusaka District. You have been purposively selected to help in answering this research study. The exercise is purely for academic purposes. You are being requested to freely answer all the questions in this interview/questionnaire and your responses will be treated as highly confidential.

1. Can you explain to me how your experience has been working with persons with disabilities in your various electoral process programmes such as voter education and electoral monitoring?
2. Do persons with disabilities have access to various information on electoral processes in accessible formats? If not, why?
3. From your experience, share with me some of the challenges that persons with disabilities face in taking part in the electoral process?
4. Do you think it's possible for equal participation between persons with disabilities and those without in the electoral process? If yes, share with me what can be done?
5. What approaches and interventions has FODEP employed in the past elections to ensure increased participation of people with disabilities.
6. Are there any laws and policies in place that are aimed at ensuring full participation of people with disabilities in national, district and local elections? If yes, do they adhere to human rights standards and do they uphold the right to enjoy the exercise of legal capacity by persons with mental and psycho-social disabilities?
7. What changes have you observed from the time FODEP was formed with regard to participation of person with disabilities in the electoral process? If no, what is FODEP doing to ensure increased participation of person with disabilities in the electoral process?
8. What advocacy strategies has FODEP put in place to ensure accessibility to election materials and polling centers in future elections for persons with disabilities?
9. Any last words?

## **Appendix 4: Focus Group Discussion Guide**

### **UNIVERSITY OF ZAMBIA AND ZIMBABWE OPEN**

#### **University Postgraduate Programmes**

Dear participants, I am a student at University of Zambia pursuing a Master of Science in Peace, Leadership and Conflict Resolution. As requirement for my studies, I am expected to conduct a research on the challenges of persons with disabilities in the electoral process in selected areas of Lusaka District. You have been purposively selected to help in answering this research study. The exercise is purely for academic purposes. You are being requested to freely answer all the questions in this questionnaire and your responses will be treated as highly confidential.

1. Kindly share with me what you know about the electoral process in Zambia?
2. What are the requirements for taking part in the electoral process, for example voting?
3. Do you think persons with disabilities have the right to participate in the electoral process? If not, why?
4. Do you feel there is equal participation between the disabled and non-disabled in the electoral process? If not, why is it so?
5. Do you think it's possible for equal participation between persons with disabilities and those without in the electoral process? If yes, share with me what can be done?
6. What plans should ECZ s put in place to ensure future elections are accessible to persons with disabilities including those with psycho-social and sensory disabilities?
7. What advocacy strategies should FODEP, DPO's and other Civil Society Organizations put in place to ensure accessibility to election materials. Information and polling centers in future elections for persons with disabilities?
8. What changes have you observed from the time you started taking part in the electoral process with regard to persons with disabilities part? Describe and give examples
9. Any last words?

## **Appendix 5: Interview guide for ZAPD**

### **UNIVERSITY OF ZAMBIA AND ZIMBABWE OPEN**

#### **University Postgraduate Programmes**

Dear respondent, I am a student at the University of Zambia pursuing a Master of Science in Peace, Leadership and Conflict Resolution. As requirement for my studies, I am expected to conduct a research on the challenges of persons with disabilities in the electoral process in selected areas of Lusaka District. You have been purposively selected to help in answering this research study. The exercise is purely for academic purposes. You are being requested to freely answer all the questions in this interview/questionnaire and your responses will be treated as highly confidential. Kindly share with me what you know about the electoral process in Zambia?

1. For how long has ZAPD been in operational?
2. What services does ZAPD offer to persons with disabilities to enable them reach a high level of independence?
3. Are there any challenges that ZAPD faces in promoting and administering services for persons with disabilities? If so, what are the challenges?
4. What measures is the institution putting in place to mitigate the above stated challenges?
5. As a quasi-Government Institution established by an Act of Parliament, what is your role in ensuring that disability issues are an integral part of national policies and strategies of sustainable development?
6. What is your gender perspective in the promotion of the full enjoyment of human rights and fundamental freedoms by persons with disabilities?
7. Kindly share with me ZAPD's experience about the participation of persons with disabilities in elections.
8. What specific roles does ZAPD play in the electoral process?
9. Share with me any approaches and interventions ZAPD has employed in the past elections to ensure increased participation of people with disabilities in the electoral process?

10. Are there any organizations that you work with in promoting persons with disabilities participation in the electoral process? If so, how?

10. Any last words?

## **Appendix 6: Interview guide for ECZ Officers**

### **UNIVERSITY OF ZAMBIA AND ZIMBABWE OPEN**

#### **University Postgraduate Programmes**

Dear respondent, I am a student at the University of Zambia pursuing a Master of Science in Peace, Leadership and Conflict Resolution. As requirement for my studies, I am expected to conduct a research on the challenges of persons with disabilities in the electoral process in selected areas of Lusaka District. You have been purposively selected to help in answering this research study. The exercise is purely for academic purposes. You are being requested to freely answer all the questions in this interview/questionnaire and your responses will be treated as highly confidential.

1. As an autonomous body responsible for conducting and organizing elections in the country, how do you ensure that each and every citizen who is of voting age takes part in the electoral process?
2. Kindly share with me the measures you have put in place to ensure full participation of persons with psycho-social disabilities and the deaf in the electoral process?
3. What are the barriers and enablers of participation of people with disabilities in national, district and local elections in the country?
4. What are some of the conflicts that have been aired by persons with disabilities and/or their representatives?
5. What approaches and interventions have been employed to ensure full participation of people with disabilities in national, district and local elections?
6. What impact has been measured on the participation of people with disabilities in national, district and local elections as a result of the identified interventions?
7. What plans has ECZ put in place to ensure future elections are accessible to persons with disabilities including those with psycho-social and sensory disabilities?
8. Kindly share with me some of the advocacy strategies put in place to by the Electoral Commission of Zambia aimed at ensuring accessibility in future elections for persons with disabilities.
9. Any last words?