

Privacy and Confidentiality Concerns of People with Visual Impairment in the Electoral Process in Zimbabwe

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ABSTRACT:- The purpose of this study was to interrogate the concerns of voters with visual impairment on the subject of privacy and confidentiality in the voting process in Zimbabwe. The study was prompted by the fact that while the Constitution makes a number of provisions on this issue, on the ground the reality was not in tandem with these provisions. The study used a qualitative paradigm. An interpretive design was chosen with a sample of thirty participants. The study established that the privacy and confidentiality rights of people with visual impairment were being violated by electoral authorities. It also established that there was a very high risk of one's choice of the person he or she wanted to vote for being tempered with by the person who will be assisting, regardless of whether the person assisting was a close relative or not. It was also demonstrated by people with visual impairment that they stood to benefit immensely if they voted privately and independently. The study recommended that authorities should take steps to ensure that voters with visual impairment voted independently. Authorities should learn from other countries that have managed to democratise the voting process in this regard. Effective policies and legislation also needed to be put in place and complied with to make sure that the provision of independent voting is complied with.

Keywords:- privacy, Confidentiality, visual impairment, electoral process.

I. INTRODUCTION

The history of voter privacy dates back to Ancient Greece. While in Athens, Greece, during the 6th century B.C.E. Athenians initially voted by raising their hands, this later changed as they got to a stage where privacy was embraced in the voting process. (Keller, Mertz, Hall and Urken 2006) In East Germany, between 1949 and 1989 secret ballot was an option, but it was not mandatory in terms of the law. (Amato and Leeber, 2011). The issue of a secret ballot therefore merely became a political gimmick. In the circumstances, faced by serious threats of persecution voters had no option except to vote for the least dangerous choice. In West Virginia in the USA they do not require a secret ballot and they leave that to the discretion of the voter. Fourteen states constitutions do not list secret balloting or anonymous voting.

Legal provisions for the secret ballot are a relatively more recent development. In Zimbabwe, confidentiality and privacy in the voting process are a fundamental right that is enshrined in the Constitution, and is meant to benefit all citizens regardless of disability. This is the situation not only in Zimbabwe, but in other countries. In the USA, for example, The Help America Vote Act (2002) provides for people with disabilities to vote privately and independently. The National Federation of the Blind, (2000). In New Zealand and South Africa, they also have similar provisions. (Munemo, 2015) Regrettably in Zimbabwe there appears to be no matching evidence on the ground to confirm that indeed the legal provisions were being complied with to the latter. In the case of Zimbabwe there has been no known significant study carried out to determine the possibility of implementing an accessible voting system that guarantees privacy and confidentiality.

Background to the study

There have been conflicting views and attitudes on the state of provisions at law and from a moral point of view regarding the issue of privacy and confidentiality in the voting process for people with visual impairment in Zimbabwe. This may not be surprising, since even historically, people with disabilities have been erroneously viewed as some tragic victims of some unfortunate accident or disease and as people who do not function normally. (Watson 1988, in Munemo, 2015). Such attitudes have been very counterproductive. Without the privacy of a secret ballot, voters were most likely to feel apprehensive, unsettled and intimidated or even embarrassed when voting. (Amato and Leeber, 2011) Being aware that someone else or other people may end

up knowing how you voted in an election can result in serious mistrust on the part of voters with visual impairment. (Evans and Paul 2004)

The United Nations has been instrumental in promoting and enhancing the view that privacy is a critical element of the political institution of democracy. It is against this background that if a person with a visual impairment has to tell their vote to a third party, many of them strongly felt that their privacy rights were being infringed upon or violated. (Heibrunn 2011) A number of studies have concurred that there was generally a lower voter turnout of voters with visual impairment compared to voters without disability during elections in a number of countries. (The Disability Rights Advocates, 2013). In another survey carried out by NASCOH (2008), among the grey areas that were identified in the study was the issue of the lack of privacy in the voting process. The major issue then revolved around being assisted to vote by total strangers in some cases and the lack of information on electoral procedures. NASCOH also found out about the following statistics:

36% of the sample was not registered to vote (possibly because of the fear of being exposed due to the lack of privacy and confidentiality)

16,5 % were not willing to vote (probably due to concerns over privacy and confidentiality)

11,75 % were afraid of political violence, (political violence invades people's public and private space)

25,66 % managed to vote.

The 25,66 % who were able to vote raised a number of complaints and one of these had to do with the lack of privacy in the voting process as well as being assisted to vote.

The global recognition of the right to vote privately and secretly is provided for in a number of International Conventions, declarations and legal provisions put forth by the International community. (Amato and Leeber 2011) Article 1 and 2 of the United Nations Universal Declaration of Human Rights (1948) embraces basic human rights of all people regardless of whether they have a disability or not. Article 21(3) focuses on the sanctity of the secret vote. The articles do not discriminate against anyone in any way. The European Commission summarized the concerns on ensuring secret ballot in the Compendium of International Standards where it indicated that "The element of a secret vote is quite clear and that voters should cast their vote in secret. Nobody else should see how the voter votes" (European Union 2009). The UNCRPD (2006) Article 29 concurs with Article 21 of the United Nations Declaration on Human Rights. The UNCRPD refers to the right to vote by secret ballot in elections or referendums. Article 29 also indicates that should the voter be willing to be assisted by a third party, then this should be accepted. To back up these noble provisions the United Nations Assembly Resolution 3447 confirms that people with disabilities should be protected against exploitation, and all regulations and all treatment of a discriminatory, abusive or derogatory nature. (Declaration on Rights of Disabled Persons 2007). The right to vote in private is also notable in the Universal Declaration of Human Rights (UDHR 1948) Article 25 of the International Covenant on Civil and Political Rights also states that "votes shall be held by secret ballot" to guarantee free expression of the will of electors. The right to privacy and confidentiality are therefore clearly enshrined in a number of Conventions and legislative provisions. While this is the case, the situation on the ground in Zimbabwe appears to speak to a totally different scenario.

It has been inferred that maybe the indifference and lack of interest to participate in the electoral process by people with visual impairment could have been due to the fears and suspicions of the lack of privacy and confidentiality on their part. Negative perceptions about people with visual impairment could have probably buttressed the idea that people with visual impairment do not need any privacy or confidentiality in the voting process.

Traditionally, in Zimbabwe, voters with visual impairment have never been exposed to voting independently and in private through the use of a Braille ballot like what has been happening in a number of other countries in Africa and other continents. (Munemo, 2015). They have neither been given the opportunity to vote through other alternative voting formats apart from use of the normal print size ballot paper, but with assistance from another person. Regrettably, for voters with visual impairment, access to the printed word has been mediated through another person such as a family member, a friend, a good Samaritan or organization. It is the researcher's contention that this way of doing things for people with visual impairment has largely contributed to their disenfranchisement through taking away their right to privacy and confidentiality as enshrined in Section 57 of the new Constitution of Zimbabwe. Section 57 of The Zimbabwe Constitution clearly guarantees the right to privacy for everyone regardless of disability.

Forcing voters with disability to dictate their choice to a third party, only helped to aggravate the problem by discouraging them from taking any active interest in voting. Such practices only worsen the challenge in that there will be a very high risk of undue influence and compromise on the part of the voter to vote in a particular way. (The Ace Electoral Network 2013) Voter choice for people with visual impairment should be secret at any cost. Even if people with visual impairment are assisted to vote by people of their choice, such as a close family member, a friend or a poll worker, there is no 100 % guarantee to secrecy or privacy. In

another study, it was established that the following were the voter assistance preferences by people with visual impairment:

Voter Preferences by people with visual impairment	Preference by Percentage
Choice of person preferred	
By a Family member	65,1 %
By a poll worker	58,1 %
By a friend	41 %
By any other person	9,6 %
Never received any help	7,8 %

Source – Gillian, Piner and Michael (2005)

In spite of the preferences indicated above, the risk of interested parties in the form of assistants, known or unknown to the person with visual impairment, who wish to take advantage of the vulnerability of people with visual impairment is high and cannot just be ignored like that. Privacy and confidentiality of one's vote is a serious matter. The Zimbabwe Electoral Act, Section 81 outlines this seriousness when it acknowledges that "No person shall interfere or attempt to interfere with a voter when making his or her vote or otherwise attempt to obtain in the polling station information as to the candidate for whom the voter is about to vote for or has voted for" (Zimbabwe Electoral Support Network ZESN 2014). In order to safeguard privacy and confidentiality in the electoral process for people with visual impairment, personal assistants needed to be obliged to respect the law and protect the trust given to them by people with visual impairment. (ACE Electoral Knowledge Network 2013).

Under normal circumstances the ideal arrangement would be for people with visual impairment to be allowed to vote privately and independently. Under Clause 19 of the Electoral Amendment Act (2014) in Zimbabwe, there is a provision for those who are illiterate, those with physical disabilities and those with visual impairment to be assisted by people of their choice and not state officers. (ZESN, 2014). Before the 2013 harmonised elections in Zimbabwe, police officers were part of the 'team of witnesses' that assisted people with visual impairment to cast their vote. This arrangement was abandoned after it was realized that police officers were interested parties and were therefore compromised in the way they discharged their duties. On one hand they were accused of taking sides with the ruling party, and on the other, they were also expected to be impartial which was quite contradictory.

Assisted voting has its other challenges in that allowing polling staff to assist especially in post conflict countries creates a lot of confusion and that it has the potential to culminate in the suspension of polls for hours or minutes. (Kebbie, 2014) In the past this has resulted in contesting political parties getting an excuse to discredit the electoral process as well as the electoral authorities. The biggest challenge to assisted voting however has been that it compromises privacy and confidentiality to a very large extent. This violates well enunciated constitutional provisions and is extremely unfair to people with visual impairment. This is quite a serious concern to people with visual impairment especially in light of the fact that there is legislation that guards against such practices. Being assisted to vote by an assistant, friend or family member, was open to abuse and electoral fraud. (The Guardian, 16 Nov, 2012). Being assisted to vote may have been a positive move at some point, but there is urgent need to acknowledge that the more there are autonomous and carefully designed voting systems, the less the need for assistance. Electoral authorities may need to gradually reduce their reliance on voting assistance as a substitution for providing fully accessible electoral systems in their countries. It has been noted with concern that many "accommodations" do not adequately protect the autonomy, independence and confidentiality of the vote and this further dampened the enthusiasm of voters with visual impairment to freely take part in elections. (Ibid)

In Sierra Leone for example voters were left vulnerable to political and domestic pressure and manipulation to vote for a particular party and this led to the negation of privacy and confidentiality values especially on the part of people with visual impairment. (Munemo, 2015) Once there is some pressure to bear with the result, there is a compromise on the part of privacy and confidentiality issues. Sierra Leone was one of the few African countries to introduce tactile voting for people with visual impairment. It however suddenly abandoned the system and this did not go down well with many stakeholders. A right had been denied, confidence was eroded and secrecy deprived in Sierra Leone when authorities scrapped the tactile ballot paper. (Ibid) The major advantage of tactile voting was that it guaranteed some measure of privacy and confidentiality. A mandatory secret ballot is considered as one of the standards by which institutions evaluate the legitimacy of elections. (House 2011)

Article 29 of the United Nations Convention on the Rights of People with Disabilities (2006) stresses the need for people with disabilities' political rights and ability to exercise "on the basis of equality with others" The right to vote by secret ballot and in guaranteed privacy for people with visual impairment in particular is one of these rights. No other person has the right to take away the right to vote from a person with a disability

regardless of the nature of the disability, let alone one with a visual impairment. (United Nations International Disability Alliance, 2011). Taking away this right contributes to people with disabilities' continued subjugated position in society and to discrimination. (Ibid)

Against this background the researcher sought to interrogate the issues and concerns around privacy and confidentiality concerns of people with visual impairment in the electoral process in Zimbabwe.

Statement of the problem

People with visual impairment were being shortchanged in accessing the right to privacy and confidentiality in the voting process in Zimbabwe.

Research Questions

- What are the privacy and confidentiality concerns of people with visual impairment in the electoral process.
- To what extent does the lack of privacy and confidentiality in the electoral process affect people with visual impairment
- How do people with visual impairment benefit from provisions for privacy and confidentiality
- How can the situation be improved for the betterment of people with visual impairments.

Significance of the Study

The major beneficiaries for this study are people with visual impairment. They stand to benefit immensely in that if Electoral Authorities were to comply with existing statutory provisions in ensuring compliance to both local and International laws, conventions and declarations on privacy and confidentiality in the way they vote will be guaranteed. The study will also be of benefit to policy makers who will learn about practices in other countries where voters with visual impairment vote privately and independently. Other stakeholders can learn the strategies that can be employed to ensure that people with visual impairment vote in private and utmost confidentiality. Lastly, the study will be of use to future research studies in that other scholars and electoral authorities can use it as a stepping stone to other researches in the area in question.

II. REVIEW OF RELATED LITERATURE

Section 22 of the Zimbabwe Constitution encourages the use and development of forms of communication suitable for persons with disabilities. Effective communication is one of the areas, that, if not properly handled can compromise and further increase the challenges of privacy and confidentiality for people with visual impairment. According to the UNCRPD (2006) which was ratified in 2008, access to information and communication for most state and non-state institutions are obliged to package services and information to benefit people with disabilities for example the blind.

The Rationale for a Secret Ballot

People with visual impairment have a lot to benefit from voting in private. Part of the justification of why they should be allowed to vote in private include the following reasons

- Secrecy in voting for people with visual impairment guarantees autonomy and independence on the part of the voter (International Disability Alliance, 2011)
- It also removes the high risk of undue influence and compromise on the part of the voter to vote in a particular way. (The Ace Electoral Network, 2013)
- Privacy in the voting process instills self-esteem in voters with visual impairment
- The right to privacy is enshrined in Section 57 of the constitution (Majome, 2018)
- The right to vote privately and secretly is a human right that people with visual impairment were entitled to and they must therefore exercise this right to its logical conclusion. (UNCRPD 2006)
- Voting in privacy motivates people with visual impairment. Voter choice should be a choice known only to the voter as provided for in the constitution
- Some so called "accommodations" do not adequately protect the autonomy and independence of voters with visual impairment
- Anonymous balloting minimizes bribery, intimidation and undue influence (Keller, Mertz, Hall, and Urken, undated)

Requirements of a Secret Ballot

Requirements for secrecy in elections largely depend on the values and goals of the political culture where voting takes place. Keller, Mertz, Hall, and Urken, (2006) In some countries voters traditionally indicate their choices orally in front of a panel of election officials as in Switzerland. However, in most modern polities, complete privacy is now institutionalized by relying heavily on anonymous balloting. (Ibid). According to provisions of the Help America Vote Act (2002) the arrangements should be such that information about the

voter cannot be revealed including how the person voted. The use of voting booths can go a long way in ensuring this privacy.

History of Privacy in Elections

The first standardized secret ballot or so called Australian ballot was implemented in Australia during the mid 1850s. (Amato and Leeber 2011). This has since spread throughout the world and has been widely considered as an undisputed legal principle in modern democratic states. (Buchstein 2010). Dahl, 1998 further indicated that the use of a secret ballot has indeed become a fundamental measurement of freedom and fairness practices of governments throughout the modern world. Minimum standards or requirements of privacy and confidentiality make it mandatory for people with visual impairment to be able to access information in the most least restrictive strategy in accordance with their needs which may differ from one person to another. A number of countries make use of assisted voting and have legislated for this provision, eg Nigeria, Zimbabwe, Ethiopia, Ghana, Kenya, Niger, Senegal, Chile, (Munemo 2015). The moment voters with visual impairment have to rely on other people it complicates privacy. Those who assist them may not be honest or may have a lower level of literacy and this results in distortion of voter choice. (ZESN 2014). In the process original meaning will also be distorted and lost to say the least. Voting is supposed to be as private as possible. One's vote is supposed to be a closely guarded secret. Munemo, (2015) outlines a disturbing experience by a person with a visual impairment who after having voted for a person and party of his choice, was congratulated by a police officer who had assisted him to vote earlier in the day for having voted "correctly". To worsen matters the police officer did this in a public place for that matter. The person with a visual impairment was not amused by this gesture from the police officer. The experience goes a long way in demonstrating the excesses that some people can go to merely because there are no adequate checks and balances to guarantee privacy and confidentiality.

Had authorities developed a Braille ballot or a tactile ballot this very unfortunate incident could have been avoided. Segregation, exclusion, and marginalization have limited the potential of people with visual impairment and their enjoyment of a number of human rights when they have feelings, needs and aspirations like anyone else who is able bodied. (Human Rights Bulletin, 2015). Lack of privacy in the way services and information for people with visual impairment are packaged and provided has largely contributed to them being left out from issues and areas that have universal relevance. The major reason is simply because people with disabilities have not been accorded the opportunity and rights as well as standards of equality and dignity as everyone else. (Ibid) In the area of voting for example other progressive countries have developed options or alternatives that largely cater for privacy and confidentiality.

These have included among other issues, the development of Braille templates, Braille ballots as well as accessibility checklists. (International Disability Alliance, 2014) The right of people with disabilities to being protected to vote by secret ballot in elections and public referendums without intimidation, including the right to stand for elections is enunciated in the UNCRPD (2006). In Zimbabwe, there are no definitive procedures put in place to allow for independent voting. There is no provision for Braille even if many people with visual impairment can comfortably use it because it is taught in Primary and Secondary Schools throughout the country. Colleges and Universities were also doing their part in imparting Braille literacy skills to people with visual impairment. Non- governmental organizations were also involved in sponsoring short courses in Braille literacy. Some organisations were also training people in Braille literacy in partnership with Universities such as the Zimbabwe Open University, The Great Zimbabwe University, The University of Zimbabwe and others. Due to disenfranchisement of people with visual impairment, measures to make accessibility a dream come true have been stagnant for a long time. Negative attitudes and perspectives about people with visual impairment have also not helped to improve the situation.

The UNCRPD (2006) underscores the equal right of people with disabilities to participate in political life, and yet in many countries people with visual impairment for example are not even able to cast their vote independently, mainly because the mechanisms to cater for this are not inclusive at all. (Sightsavers @www.sightsavers.org) The United Nations General Assembly adopted the UNCRPD in December 2006, as the first comprehensive human rights treaty of the 21st Century, in response to the historic exclusion of people with disabilities from both the social and political processes. The UNCRPD therefore became a guiding international standard in disability inclusion efforts. (Ibid) Article 29 of the treaty articulates issues to do with the participation of people with disabilities in political and public life. Retaining personal privacy, integrity and confidentiality are some of the critical minimum standards needed to sustain and uphold this participation on the part of people with visual impairment.

The right to vote and the broad right to participate in political and public life were an integral part to a functioning democracy. (United Nations Human Right Commission 2012) Being able to vote in utmost privacy and confidentiality is an assertion of individual autonomy and the right to make informed choices in the political arena. In Australia, an assessment of internet voting indicated that it was effective in facilitating secret and

independent voting for people with visual impairment. Information needed to be timeously provided in accessible formats such as Braille, large print, audio, electronically and even by phone. (Ibid). Political party profiles as well as candidate profiles and information should at all costs be made available in accessible formats for ease of use by people with visual impairment. In South Africa and Japan for example tactile voting templates are availed and these have been proven to ensure and guarantee secret and independent voting. New Zealand also uses enlarged print to benefit voters with visual impairment. (Human Rights Commission 2012)

In some countries privacy during voting has not been a priority at all. A typical example is that of Syria. According to George (2003) the right to a secret ballot is not recognized in Syria, since those who vote against the ruling party can be imprisoned. Syria is not an exception though. In 2010, during the Burmese election, voters were forced to vote for the military junta and among some of the threats used to coerce voters was the issue of confiscating the land. (Davies, 2010)

In Uganda there was an interesting dimension to the issues of voter privacy and confidentiality. Voters with visual impairment turned down ballot papers in Braille arguing that the Braille ballot exposed them. (Makabai, 2014). Voters with visual impairment in Uganda strongly felt that their vote was much safer in the same format as used by the able bodied voters. They argued that the Braille ballot does not necessarily enhance secrecy. (Munemo, 2015). To them there was more protection in the ordinary ballot. The major issue was that they preferred a situation where their vote was camouflaged in the big numbers of the sighted. They felt that in the event of a candidate losing by a narrow margin, it was easy to do a blame game where their few votes could be singled out and used as a scapegoat to account for the loss mainly because of the small numbers of voters with visual impairment at any polling station. (Ibid) They could therefore be easily identified as having caused the loss even if they may not have contributed to the loss. This was their position in view of the fact that in politics there was a lot at stake and political parties and contestants wanted to win at any cost even if it meant interfering or trampling on other people's rights.

Challenges of the Braille Ballot

- A printed Braille Ballot is expensive since it can cost 10 times more than the regular ballots. (Jackson 2008)
- Not all people with visual impairment are Braille literate. Only a few are literate. In the USA for example, fewer than 10% of the 1,3 million legally blind people read Braille. (Associated Press, 2009)
- Braille is difficult to learn.
- Braille devices are expensive than speech synthesizers. Many blind people were now opting for speech synthesizer software.
- Braille print takes up much more space on a piece of paper eg a one page ballot paper translates to eleven pages of Braille. (Jacobsen, 2008)

How Secrecy can be compromised

Privacy in the voting process can be compromised in a number of ways. These include the following.

- There may be need to disclose voter identity at some point eg through court orders when the need arises. This may be done to verify accusations of electoral fraud for example, and personal identity cards may be required.
- Secondly a record of the voter may also be kept by Authorities.
- The links between registration data and ballots may not be absolutely avoided.
- Ballot reconciliation exercises also compromise anonymity.
- The process of tallying of ballots may not be avoided sometimes.
- Security markings also compromise secrecy.

Source : (Keller, Mertz, Hall & Urken 2006)

III. METHODOLOGY

The study used a qualitative approach. The interpretive design appeared the most appropriate because of the nature of the enquiry. The qualitative paradigm recognized that meaning emerged from interactions. It was therefore not standardized from one individual to another as was the case with the quantitative paradigm. (Merriam, 1998) Use of the qualitative approach helped to maintain focus on specific concerns without any categorized predetermined analysis. Qualitative research involves the use of a naturalistic and interpretive approach to its subject matter. (Denzin, Lincoln & Guba 2000) Qualitative research has the added advantage of enhancing improved understanding of both social and human problems based on building a complex, holistic picture coming from words, thus reporting detailed views of participants. (Cresswell, 2009)

Theoretical Framework

The study was informed by the critical disability theory. The critical disability theory is a framework for the analysis of disability issues which hinges on disability and challenges the ableist assumptions which shape society. The central theme with the critical disability theory is that disability is a social construct, not the inevitable result of impairment. According to Gillies (2014) the critical disability theory is rooted in a critique of traditional discourses and assumptions of disability which serve to oppress persons with disabilities and infringe on their human rights. Issues and concerns on privacy and confidentiality in the voting process in Zimbabwe clearly fit into the parameters of this definition, hence the decision by the researcher to select it as the best theoretical framework. It is the environment that has failed to make provisions for privacy and confidentiality a reality in the electoral process. People with visual impairment do not have a problem, but society has in that it is not fulfilling its part of the expectations hence disenfranchising people with visual impairment.

Research Design

The study made use of the interpretive design. The interpretive design was selected mainly because of its focus on analytically reflecting on meaning making practices. The philosophical orientation or type of knowledge one is seeking guides the choice of the design, research methods and sampling techniques as well as data gathering strategies. (Tichapondwa, 2013) The research design in this study therefore assumed the role of a plan of action that brought together the philosophical foundations and methodological assumptions of a research approach in line with the research methods. The major elements of this design which the researcher took advantage of were words which were utilized as the basis of analysis. By their very nature people's views expressed as words were subjective and therefore focused more on individual interpretation than anything else. (Munemo, 2015) Words have shared interpretation and they are the basis of knowing meaning and discovery. According to Flick (2007) interpretive research has been identified as distinctive in its approach to research design, concept formation, data analysis and standards of assessment.

Population

The target population of this study was people with visual impairment in Harare.

Sample and Sampling Procedure

The researcher made use of opportunity sampling. Thirty people with visual impairment were therefore sampled. Nineteen of these were male while eleven were female. Opportunity sampling is a type of probability sampling which in essence entails identifying participants based on naturally occurring groups. It makes use of people who might be easily available and willing to take part in the study based on convenience. Opportunity sampling may normally be used for studying groups of people who will be difficult to come by. Participants with visual impairment may not always be easy to come by because they are a minority population in most communities. Opportunity sampling is less time consuming and cheaper in comparison to other sampling procedures. However, one of its limitations lies in the fact that it may not always provide an adequately representative sample of the target population.

Data gathering Methods and Procedures

For purposes of this study both primary and secondary data gathering procedures were made use of. The two have comparative advantages and disadvantages hence their use in the study. For this reason, primary data gathering methods were made use of because they produce first hand data.

Secondary Data gathering Methods/ Sources

A number of key documents were reviewed. These included the Zimbabwe Constitution, (2013), The Zimbabwe Electoral Act, (2014) and some newspaper articles, The United Nations Convention on the Rights of People with Disabilities, the Universal Declaration of Human Rights (UDHR) the Covenant on Civil and Political Rights and other documents were also made use of. Documentary analysis is important and this necessitated reviewing them in order to verify existing gaps and find the way forward. On the other hand, secondary data may sometimes on its own fail to provide much since it may also be relying on documents that were already reviewed or analysed. Secondary data helps to manage loopholes probably introduced by previous researches. In addition, the information may not absolutely relate to the topic in question or under study. It is however incumbent upon researchers to be wary of the fact that secondary data gathering procedures complement primary data gathering procedures.

Trustworthiness and Authenticity

To achieve trustworthiness and authenticity, two techniques were used. The first one was that to establish credibility of the study Triangulation and member checking were utilized. Triangulation was attained through asking similar questions to participants during the interviews. On the other hand, member checking entails giving research material relevant to a study for checking by people who were the source of those

materials. (Bryman 2001) Participants were therefore asked to review and verify the data they had provided earlier on.

Interviews

This study mainly made use of interviews as the main strategy to gather data. For purposes of this study interviews were carried out with people with visual impairment who stay or live in Harare. Appointments were made in advance making it possible to interview them either at home or in town. Interviews involve gathering data through face to face interactions with participants. Interviews are therefore an interactive data gathering instrument made up of a set of questions targeted for participants of the study. (Creswell, 2006) According to Borg and Gall (1996) participants identified for an interview must have had certain experiences that had to do with in-depth understanding of the problem being investigated. The real purpose of interviews remained to find out what it was that was in the mind of the participant. (Parton, 1990)

The researcher took advantage of the strengths of interviews by closely analyzing pertinent and cardinal words and the seeking clarification on a number of vital areas. The face to face interviews allowed for room to probe, as well as clarify some questions. (Holloway, 1997) Non-verbal cues were also closely observed for their meaning and implications. The researcher was also wary to the fact that some participants may not be comfortable with discussing sensitive issues. The interviewer was also careful not to unfairly focus on only what he thought or deemed to be more important at the expense of the participants. The interviewer was also careful not to ask leading questions. The researcher also took care of power relations that can shift and act as a barrier between the interviewer and interviewee. These limitations were managed through establishing rapport with all participants and remaining focused and adhering to ethical standards, guidelines, rules and regulations of research.

IV. FINDINGS AND DISCUSSION

Privacy and Confidentiality Concerns of people with visual Impairment

People with visual impairment highlighted a number of concerns that affect them in as far as privacy and confidential issues to do with the electoral process is concerned. One of the issues they raised was that they were not comfortable with disclosing their preferred choice to another person in the form of a third party since this exposes them to a number of challenges. One participant had this to say: *“There is nothing as embarrassing as having to disclose your choice of a political aspirant to another person. It was even worse off in the 2008 elections when we were forced to do that to a total stranger”*

Another participant indicated that *“Having to tell someone your preferred choice is very unfair. Most of us last voted in the 2008 elections due to reservations about this practice For me unless these issues are addressed I am not comfortable with voting”*

A third participant said that. *“Assistance is assistance. It does not matter whether you are being assisted by someone you know or not. People are the same. For as long as your secrecy is not guaranteed people with visual impairment will find it difficult to take part in elections ”* One participant had a different view altogether. He said that: *A secret ballot is not good enough. It is better to have your ballot in the ordinary way so that you don't stand out from the rest. People with visual impairment are a minority and identifying a few Braille ballots can be used against you.*

In the event of a violent party losing one could be singled out as having contributed to the loss even if that was not the case. These concerns could have been motivated by a number of reasons. One of these could be that indeed it is embarrassing to be asked who you prefer to vote for in the presence of other people. This could be justified. In the 2008 elections for example the researcher was a Presiding officer at one polling station. If persons with visual impairment wanted to be assisted, this was not done by one person. The rules then required that there be the Presiding Officer, a police officer, one polling officer as well as representatives of contesting political parties. The person with a visual impairment would then disclose his or her choice in the presence of all these people.” This was a real source of worry and one would agree that people with visual impairment had genuine concerns. On the other hand, even if the person who was assisting you was known to you maybe as a close relative, there was no guarantee that indeed they would keep your choice as a secret. The finding of being camouflaged in large numbers because they will have used an ordinary ballot agrees with Makabai (2014) who came up with similar findings in Uganda

The risk of one's choice being tempered with

Another finding that clearly came out of this study was that people with visual impairment had reservations that the person or persons helping them may breach the trust given to them and end up marking on a choice of their own.

A participant had this to say: *There is the risk that you can never be sure if the person helping you really put the X where you want it to be. In the event that they mark on a candidate of their own choice how do I know this or verify it.*

The other participant said: *Since the 2013 elections, it's much better that the law now says we can be helped by people of our choice, but even your own child can cheat you for as long as you cannot verify it.* Another participant said: *I prefer to vote privately and independently as opposed to being assisted by total strangers. I cannot risk getting assistance from people I do not know.* Another one had this to say: *"I have voted once, but as soon as I found out that I had to be assisted by electoral officers, I never went back to vote in subsequent elections because I never trusted that they would be impartial since they also had their own interests in the whole process. Some of the people would mark at the wrong place. They have no way of checking or correcting this unless they were doing it themselves. Trying to have what was voted for verified by yet another person destroys the whole essence of privacy, hence people with visual impairment found themselves in a dilemma of sorts. This finding confirms sentiments by The Guardian (2012) which indicated that being helped to vote was open to abuse and electoral fraud.*

Benefits of Voting Privately

The study found out that people with visual impairment were quite aware of the benefits of voting privately as confirmed by what some of them said on this issue. One of the participants said: *Voting privately and independently assures me that as a citizen of this country I can influence decisionmaking about the way I want things to be done in my country to go.* Another informant said: *Assisted voting has its limitations. One of these is that when the political environment is polarized like we have witnessed in the past, you end up marking where your safety can be assured even if that was not your true and preferred choice.* Another informant indicated that: *The major benefit of voting privately and in confidence is that you are not intimidated by the influence of any political party or individual. So you are in a position to make a free and informed choice.* These findings can be accounted for by the fact that people with visual impairment being the ultimate beneficiaries of voting in private and independently know exactly how they stood to benefit from voting in absolute privacy without interference from third parties. This confirms findings by a number of Authorities such as Kebbie (2014), ZESN (2014), ZPP, (2016), The International Disability Alliance (2011), Sightsavers (2018).

Awareness of Provisions guaranteeing privacy

The study established that the majority of people with visual impairment were not aware of the existing legal guarantees to their privacy and confidentiality in the voting process in Zimbabwe. One informant indicated that: *Most of what we hear about these provisions we are told by other people or we hear it on radio or TV. If that information was in Braille or enlarged print we would be in a better position to acquaint ourselves with what is going on around us.* Yet another participant said: *We have no access to newspapers or pamphlets. In this country I have never come across a library with Braille books or enlarged print, so under those circumstances what else would you expect.* Another informant indicated that: *Organisations that represent us are supposed to take the lead in ensuring adequate advocacy work to benefit those of us who may not have access to some of these things but who knows, maybe they also have challenges of resources. Because of this we may not be aware of important things that affect us directly.*

A number of reasons could account for this anomaly. While Zimbabwe is highly credited for high literacy levels in the world, people with visual impairment may not have directly benefitted from this education due to a number of reasons. Historically people with visual impairment were not sent to school by their families. Many families did not regard sending a child with a visual impairment to school seriously because it was seen as a waste of time and resources. Resources would rather be channeled to able bodied children. Parents felt that sending able bodied children to school was an investment to the family hence those with visual impairment were left out completely. Another explanation could be that when resources are limited families tend to look at what they believe to be priority areas and give first preference to these. In such cases children with visual impairment were not seen as a priority area when it came to being sent to school hence they were left to stay at home doing nothing most of the time. Another dimension could be that some families strongly felt that giving birth to a child with a disability was a curse from God. Neighbours and relatives would then label and stigmatise them resulting in them hiding their children with disabilities in shame. Such attitudes did not help matters hence children with visual impairment were not seen as suitable candidates who could go to school and come out with something good. These negative sentiments and views were not quite surprising as this concurred with findings by Watson (1988: 147) in Munemo, 2015 who indicated that "People with disabilities had been viewed as tragic victims of some unfortunate accident/disease as people who do not function normally"

Violation of guarantees to privacy and confidentiality

This study brought to the fore the fact that people with visual impairment strongly felt that in spite of legal provisions in the Constitution and other statutes, in reality there were no guarantees to privacy and confidentiality for them in the existing arrangements.

Organisations representing people with visual impairment just like individuals interviewed were not amused by the violation of the right to secrecy. While the Electoral law provided for secrecy on one's choice of who he/she votes for, the opposite was allowed to happen on the ground. This position exposed the double standards used by the electoral authorities. During voter education campaigns, both the electronic and print media emphasised that "your vote is your secret." It would appear that this provision was being applied selectively since it did not go on to say that people with visual impairment were an exception.

The choice of a candidate of a voter with a visual impairment was more like a public secret. The following example demonstrated how the right of voters with visual impairment had been violated. One Informant said: *"A colleague of mine was congratulated for having voted for a "politically correct" candidate by a police officer he knew after the election. It turned out that this person had been a witness through being asked to assist a visually impaired person to vote at the polling station. This is a clear violation of our rights and to aggravate matters it was a law enforcement agent who had helped the visually impaired voter."* This example which was a clear indication of the conflict of interest came from a number of people with visual impairment who were aware of it. While there had been an amendment allowing for only an assistant to help the visually impaired voter, discrepancies were noted that even after this amendment some presiding officers continued to make use of the old arrangement where several witnesses including political party representatives and electoral officers were obliged to take a keen interest on the choice of a voter with a visual impairment when voting. One of the officials had this to say, *"We are aware of some of our members who were assisted to vote using the outdated procedure at a number of polling stations."* Another informant said: *"A good number of our members appeared not to be aware of the implications of the amendment, and many were not even aware that there was such an amendment. If voter education was done effectively it could have helped in creating awareness on the part of voters with visual impairment."* There were no real guarantees probably because Authorities did not take seriously the concerns of voters with disabilities. This challenge was further aggravated by the fact that in the Zimbabwe Constitution (2013) it is highlighted that services can only be provided if resources are available which in a way implies the lack of commitment on the part of government.

Privacy and confidentiality

The study also established that people with visual impairment had some ideas on what they felt could be done to address the gaps in terms of the lack of privacy and confidentiality in the electoral process. One of them had this to say: *Electoral authorities could benefit from taking a leaf from other countries that have made some inroads in this area. Or better still Authorities can consult people with visual impairment and other stakeholders to establish common ground and determine the way forward.* Another participant said, *The Zimbabwe Electoral Commission needs to have people who are experts in the area of visual impairment. They can then tap on the expertise of these people. Another option could be going for consultancy services from experts in the area. This could probably go some way in addressing the electoral challenges experienced by people with visual impairment.* Another participant strongly felt that their representatives in Senate could do something: *Our two representatives in Senate could also be of assistance by influencing policy making processes at their level.* These sentiments could have been arrived at because people with visual impairment see this as a last resort for addressing the problems they were experiencing. Another issue could be because they no longer have confidence in those that do advocacy work for them such as organizations for and of people with disabilities. Such issues are critical and the lack of action on the part of government and the electoral authority could have prompted such a stance on the part of people with visual impairment. Experiences in countries like Australia and New Zealand also indicate that experts were responsible for electoral issues and not just anybody. This finding confirmed what was found out by the Human Rights Commission (2012)

Recommendations

In light of the findings of the study it is recommended that:

- Responsible Authorities and Electoral Authorities should ensure that legal provisions for privacy and confidentiality in the Voting process were complied with unconditionally.
- People with disabilities in particular those with visual impairment should make an effort to acquaint themselves with the legal provisions that have to do with the electoral process.
- The law should take its course on those who violate electoral provisions for privacy and confidentiality of people with visual impairment.

- Electoral Authorities should take a leaf from other democracies who have taken it upon themselves to empower people with visual impairment in the area of upholding privacy and confidentiality by visiting such countries on fact finding missions
- Electoral Authorities should uphold the right to a secret vote for voters with visual impairment at all costs
- Electoral Authorities should ensure that voters with visual impairment should be afforded the benefits of a private vote just like able bodied voters.
- The Privacy and confidentiality concerns of voters with visual impairment need to be addressed by all stakeholders

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