



# BALLOT e-Newsletter

ZIMBABWE ELECTION SUPPORT NETWORK(ZESN)

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ELECTIONS BULLETIN

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# GOVERNMENT FAILS TO IMPLEMENT KEY ELECTORAL REFORMS

GOVERNMENT has failed to implement a number of key electoral reforms that seek to improve the credibility of future elections in Zimbabwe. These reforms include the independence of the Zimbabwe Electoral Commission (ZEC) as recommended by Election Observer Missions of the 2018 harmonized elections.

This is contained in ZESN's Electoral Reform Tracking report on the 2018 harmonised election observer mission recommendations.

ZESN has been tracking progress on the implementation of the 223 election local, regional and international observer missions recommendations that call for the review of the political, legislative and administrative framework against the country's Constitution, regional and international principles governing the holding of democratic elections.

In its Electoral Reform Implementation Tracking Report, ZESN raises a red flag on the failure to ensure the independence of ZEC as guaranteed under Section 235 of the Constitution.

“There has not been any movement on improving the independence of ZEC since 2018. The provisions permitting executive interference in ZEC are still in force,” the ZESN notes in its report.

“The Electoral Act does not empower ZEC to make and prove electoral regulations. ZEC still needs to get approval from the Minister of Justice, Legal and Parliamentary Affairs for the Commission to introduce regulations for use by its institutions' staff.”

A case in point is a move by the government in October 2020 to overturn a decision by ZEC to lift the suspension of by-elections, showing that the electoral body cannot make decisions independent of its parent ministry, the ZESN argues.

*The Network also cited the failure by authorities to ratify and domesticate the African Charter on Democracy, Elections and Governance (ACDEG) signed in February 2018.*

“Ratification of ACDEG will demonstrate that Zimbabwe is committed and serious about the promotion of democratic principles and institutions, popular participation, human rights, the rule of law, good governance, condemnation and unconstitutional changes of government's, sustainable development, peace and security as enshrined in the AU Constitutive Act and ACDEG,” the ZESN added.

Zimbabwe is one of the 25 African countries that are yet to ratify the ACDEG.

ZESN has been engaging parliament, ZEC, political parties and other stakeholders while also petitioning parliament in December 2018 to push for a comprehensive review of the Electoral Act.



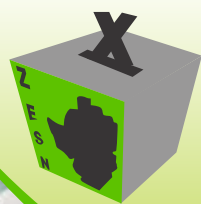
**ZEC should provide voter education in all the 16 languages to ensure participation of all Zimbabweans in electoral processes**

**PROMOTING DEMOCRATIC ELECTIONS IN ZIMBABWE**

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## POSTAL BALLOT SYSTEM AND POSSIBLE MECHANISMS FOR ENSURING SECRECY OF THE BALLOT

Zimbabweans voting by the postal ballot system must be allowed to send their ballot papers via private commercial courier entities to the Zimbabwe Electoral Commission (ZEC) for counting.

At present, government postal services courier the postal ballots.

Opposition parties and critics often question the secrecy surrounding the postal ballot system while also suggesting that it is used as a vehicle for vote fraud.

In the 2018 elections, reports of police officers in Bulawayo casting postal votes under the watchful eyes of their superior officers raised questions about the postal voting system.

ZESN and other civic groups in a Draft Comprehensive Electoral Amendment Bill submitted to Parliament in September, 2020 suggest that commercial courier services must also be considered for dispatching ballot papers to ZEC.

“110 (1)(a) A person to whom, a postal ballot paper has been sent shall...(c) dispatch the covering envelope to the Commission by either (i) registered post or by a commercial courier service or diplomatic courier or (ii) any other means as may be prescribed,” reads in part ZESN Electoral Amendment Bill recommendations.

“(2) (b) the external ballot papers shall be dispatched to the Commission by a commercial courier service, or diplomatic courier or any other means as may be prescribed so that it is received by the Commission not later than noon on the 14<sup>th</sup> day before polling day or the first day, as the case may be, in the election.”

CSOs also recommended the prosecution of persons “who makes or induces any other person to make a false statement in an application for a postal or external ballot paper or fails to deliver, post or otherwise dispatch” the envelope containing the postal ballot paper.

### *Postal voting is regulated by the Constitution and the Electoral Act.*

The offence must attract fine not exceeding Level 6 or imprisonment for a period not exceeding a year or both, the civic groups added.

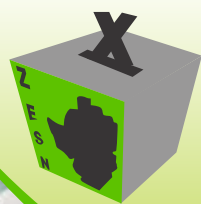
Under the Electoral Act, people who can vote by post are registered voters, who, on polling day, will be unable to vote at their polling station due to official state duties.

So only government employees and employees of ZEC, and persons who are seconded to ZEC for electoral duties, are entitled to vote by post. Government officials on official duties outside the country on polling day and their spouses are also eligible for postal voting.

If Zimbabweans who use the postal ballot system to cast their vote were to be allowed to send their ballot papers via private courier services to the ZEC for counting, issues to do with ensuring secrecy of the ballot as well as credibility of the process would be addressed.







## PERI-URBAN AND RURAL WOMEN BEMOAN COVID-19 LOCKDOWN AND SUSPENSION OF ELECTORAL PROCESSES

A cross section of women from rural and peri-urban communities say the continuous lockdown and subsequent suspension of judicial and electoral processes is further widening the inequality gap and setting back the gains made so far towards inclusive political participation in Zimbabwe.

Women's Coalition of Zimbabwe (WCoZ) member, Florence Guzha said the electoral cycle has suffered a major blow as women in rural areas are now out of touch with current affairs due to poor internet connectivity and may not be aware of any political discussions and processes going on in towns and cities.

"Participatory democracy which is given in our Constitution is now compromised due to shrinking of spaces for civic participation. Due to the restrictions on public and community meetings women can no longer meet to debate, dialogue and resolve issues that concern them. Such spaces have been fertile grounds for women to build consensus, alliances and boost each other's confidence and gear up for democratic electoral and political participation."

She said more women have been relegated to the periphery in terms of community level decision making.

Sakhile Sifelani of the Women in Politics Support Unit (WIPSU) said the lockdown has reduced capacities of communities to connect with issues affecting them, collectively engage and dialogue on way forward.

"We have seen some local authorities at times suspending crucial meetings such as budget consultations or development meetings and at times such meetings were held on online platforms like zoom. This has really compromised women's participation and diluted the quality of governance," said Sifelani.

Sifelani added that, "Women's limited participation in civic spaces ultimately compromises their participation in electoral processes or any decision making platforms. Parliamentary consultations for the 2021 national budget for example; had poor participation due to the lockdown. We need as a country to ensure that we build a solid foundation for electoral participation through civic participation and this is where women get opportunities for inclusive participation."

Zimbabwe Women Lawyers Association's Clara Chikohora said women's access to justice has been highly compromised due to closure and at times partial opening of Courts as well as strict regulations on movement.

It is high time government looks into opening up spaces for inclusive participation which is a building block towards electoral democracy given the fact that the COVID-19 induced lockdown has adversely affected women's participation in democratic electoral and governance processes.

*... women have been relegated to the periphery in terms of community level decision making.*

