



# BALLOT e-Newsletter

ZIMBABWE ELECTION SUPPORT NETWORK(ZESN)

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ELECTIONS BULLETIN

ZIMBABWE ELECTION SUPPORT NETWORK(ZESN)

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## ALIGN THE CITIZENSHIP ACT

### WITH THE CONSTITUTION TO ALLOW STATELESS CITIZENS TO ENJOY THE RIGHT TO VOTE

A ZANU-PF legislator has moved a motion calling on the Executive to align the Citizenship Act with the Constitution to allow stateless citizens to enjoy their political rights such as voting. In a petition, Umzingwane legislator, Levi Mayihlome, also calls on the Executive to domesticate international conventions against statelessness to ensure the affected are not denied the full enjoyment of their rights as enshrined in the Constitution.

Mayihlome said he only realised the need to address statelessness during the Christmas holidays at a feedback meeting held in his constituency.

“Mr. Speaker Sir, during the December period when we were on a break, I conducted feedback meetings in my constituency and I raised this issue to many of my constituents who did not have any documentation, some at the age of 70, 80,” Mayihlome said as he raised his motion.

“I was reminding them that they were stateless and they were deemed not Zimbabweans. That is when it dawned on many of them that they were not regarded as citizens of any country”, he added.

Zimbabwe is party to various international and regional human rights instruments including the 1954 Convention relating to the status of stateless persons which it acceded to in 1998. However, the country is not party to the 1961 Convention on the Reduction of Statelessness.

In international law, a stateless person is: Someone who is not considered as a national by any state under the operation of law. Statelessness results in the denial of birth and travel documentation to ensure enjoyment of political and voting rights.

“That the Executive immediately takes steps to accede to and domesticate the 1961 Convention on Reduction of Statelessness, the 1990 Convention on the Protection of the Rights of all migrant workers and Members of their families and the 1957 Convention on the nationality for all and ending statelessness by 2024,” Mayihlome recommended.

“That the Ministry of Home Affairs and Cultural Heritage urgently aligns the Citizenship Act [Chapter 4:01], Births and Deaths Registration Act [Chapter 5:02] and the Immigration Act [Chapter 4:02] with the Constitution in order to effectively address issues of statelessness by 2024,” asserted Mayihlome.

In support, opposition legislator, Tapiwa Mashakada, said it was sad that stateless persons were not enjoying voting rights.

“In Zimbabwe we have a lot of stateless persons arising from migrant workers who came in from Mozambique, Zambia and Malawi for many years. Up to now their generations cannot get national IDs or birth certificates because their parents are aliens or foreigners and that must be addressed because they are now Zimbabweans. They have been here for 50 years or over.

“So, they must be able to get documentation and also be able to vote in Zimbabwe. That is the problem of statelessness that must be addressed as a matter of urgency.”

Zimbabwe Election Support Network (ZESN) Chairperson, Mr Andrew Makoni said, “we commend the motion of Honourable Levi Mayihlome. The alignment of the Citizens Act to the Constitution is long overdue.”

He highlighted that the principles for the Citizenship of Zimbabwe Bill were approved by Cabinet on the 5th of February 2019 and the draft Bill prepared and as reported in the Sunday Mail of the 1st of March 2020 by the Secretary for Justice and Parliamentary Affairs. The Bill was awaiting submission to the Cabinet Committee on Legislation (CCL), ready for tabling before parliament before end of June 2020.

“The process of realigning at least 50 pieces of legislation, including the Citizens Act appears off the Inter Ministerial Taskforce Bill Tracker used by Government. It is high time the process is put back on track,” Makoni said.

There are no exact statistics on statelessness in Zimbabwe. Research however shows that about 30% of the original 2 million farm workers and their families were of foreign descent. These were mostly second- or third-generation immigrants whose parents or grandparents had moved to Zimbabwe as migrant labourers from Malawi, Zambia or Mozambique. Prior to the introduction of the Citizenship Amendment Act, many of these 'foreign' farm workers had been entitled to Zimbabwean nationality under the country's Constitution. The Citizenship Amendment Act left many of them stateless hence the motion calling for the Act to be aligned to the Constitution.

***“In Zimbabwe we have a lot of stateless persons arising from migrant workers .... ‘***

***For comments:***

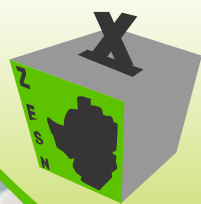
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## MIDLANDS PROVINCE YOUTHS BEMOAN LACK OF KNOWLEDGE OF KEY ELECTORAL PROCESSES

Youths in the Midlands Province have called on relevant electoral stakeholders to raise awareness on key electoral processes as well as the need for transparency and inclusivity in democratic processes associated with preparations for elections.

Human Rights defender, Takaedza Tafirei, said that there is widespread lack of knowledge amongst the youth on electoral processes such as the delimitation of electoral boundaries.

“While the nation is preparing for a Census and an ongoing delimitation process, the majority of young people are not aware of these key processes and how they affect them in both the short and long term. Electoral authorities should be mindful of the challenges young people are facing when participating in political life as a result of the COVID-19 pandemic,” said Tafirei.

“It is very important for the Zimbabwe Electoral Commission (ZEC) to address challenges such as lack of transparency, absence of involvement of interested stakeholders in particular the youths who constitute a significant percentage of the voting populace in Zimbabwe, lack of public participation and inadequate publicity that have a negative bearing on the holding of democratic elections.”

Tafirei added that, “As young people, we believe the pandemic has highly compromised our democracy as political leaders are using safety mechanisms to limit democratic participation and further exclude youth from decision-making processes. For example, consultations for proposed Bills are prone to sail without public scrutiny because young people are locked down and cannot contribute meaningfully in such critical democratic processes.”

Gweru based Peace Advocate, Takudzwa Samhembere, echoed the same sentiments saying young people are now limited to using digital platforms such as WhatsApp and Zoom to express themselves because participatory spaces continue to shrink. However, young people with internet access are displaying their resilience through digital activism, hence

it would be prudent if ZEC could scale up awareness of key electoral processes on digital media platforms to get a buy in from the youths.

Meanwhile, Parliamentary Portfolio Committee Member on Justice and Legal Affairs, Honorable Brian Dube, said the ZEC has confirmed that preliminary stages of the delimitation process is now complete.

“The committee engaged ZEC and was recently informed of the preliminary survey. ZEC is doing some work but there is lack of knowledge sharing and raising awareness with the general populace.”

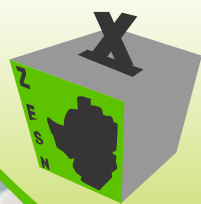
In terms of the law as espoused in Section 161 (2) of the Constitution on Delimitation of Electoral Boundaries, delimitation of electoral boundaries must be completed less than six months before polling day in a general election, and if that fails to happen, boundaries that existed before the delimitation would be applicable.

ZESN has over time lobbied for the timely and adequate funding for ZEC to be availed to enable the delimitation process to be undertaken without financial glitches and raised the same issues with the Portfolio committee on Justice, Legal and Parliamentary Affairs, the Committee that oversee ZEC's Parent Ministry was increased 10 fold \$243 million to \$2.3billion. ZEC will do what they can with whatever budget that is availed. Budgetary constraints are always an impediment to electoral processes. This has been a perennial challenge.

***“It is very important for the Zimbabwe Electoral Commission (ZEC) to address challenges such as lack of transparency,***







## DOMESTICATE CONVENTIONS ON GENDER PARITY, GOVERNMENT URGED

Government has been urged to domestic regional and international conventions on gender parity to ensure full participation of women in governance processes, the Zimbabwe Election Support Network (ZESN) said.

Zimbabwe is party to regional and international conventions on gender equality and equity but the country still lags behind in ensuring 50/50 gender parity on governance processes, particularly at local government level.

It was only in December, 2020 when President Emmerson Mnangagwa consented to pressure from female councillors for reforms to ensure at least 30% of all local government seats are reserved for women.

Mnangagwa was attending the inaugural Zimbabwe Local Government Association of Zimbabwe (Zilga) women councillors' indaba, which was held under the banner of "Women in Local Government Forum" (WILGF) in Victoria Falls.

"The COVID-19 pandemic presents an opportunity for the government to take stock of the implementation of a plethora of domestic laws, regional and international conventions and protocols according women equal opportunities in governance processes," the ZESN said in a statement to commemorate the International Women's Day.

The Zimbabwe Constitution under Section 17 calls on the State to promote full gender balance in Zimbabwean society, and in particular - with regard to promoting the full participation of women in all spheres of Zimbabwean society.

The ZESN however noted with concern that "notwithstanding the legislative framework to ensure gender equality and equity as well as gender mainstreaming in electoral processes to enhance women's participation in democratic governance processes, Zimbabwe has not yet achieved equal representation in public office including the Presidium and other decision making positions."

In order to promote women participation in politics, Southern African Development Community (SADC) adopted the Declaration on Gender and Development in 1997 and the Protocol on Gender and Development in 2008.

The objectives of the Protocol are, among others, to provide for the empowerment of women, to eliminate discrimination and to achieve gender equality and equity through the development and implementation of gender responsive legislation, policies, programmes and projects.

It also seeks to harmonise the various international, continental and regional gender equality instruments that SADC Member States have subscribed to such as the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), Beijing Declaration and its Platform of Action, the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa, and the Millennium Development goals (MDGs) amongst others.

***Zimbabwe has not yet achieved equal representation in public office ...***

