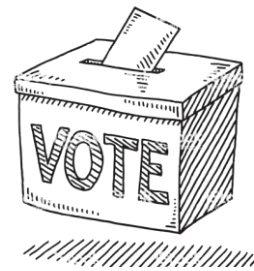




**Zimbabwe Election  
Support Network** ■  
Promoting Democratic  
Elections In Zimbabwe



# **ZESN**

## **PRE-ELECTION REPORT THREE**

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# **2023**

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## **1. Executive Summary**

With a less than a month to go before the harmonised elections pencilled for 23 August 2023, July and part of August has been characterized by an unprecedented plethora of Court challenges ranging from Nomination disputes, eligibility to contest the elections, fielding of double and triple candidates. The effect of these electoral disputes forced the Zimbabwe Electoral Commission (ZEC) to delay printing of the ballot papers.

While, the Supreme Court made a determination to uphold the High Court ruling on nullification of self-exiled former ZANU-PF Minister, Saviour Kasukuwere to contest as an independent candidate in the upcoming elections; a fresh Constitutional Court lawsuit was filed by Kasukuwere's campaign chairperson, Jim Kunaka challenging the High Court's decision.

All political parties are conducting door to door campaigns, social media promotions, star rallies, political gatherings, distributing posters and flyers as well as promotional campaign materials in the form of T-shirts, wrappers and caps among others. Campaigns are in full swing as political parties prepare for 23 August harmonised elections where the incumbent Emmerson Mnangagwa, the main opposition leader Nelson Chamisa, the only female candidate Elisabeth Valerio and other nine contestants will contest in the presidential race. Incumbent Zimbabwe African National Union – Patriotic Front (ZANU-PF) President Emmerson Mnangagwa hopes to secure a second term in office, while Citizens Coalition for Change (CCC) Nelson Chamisa and nine others aspire to clinch the title of Zimbabwe's Head of State and Government.

Postal voting was conducted as provided for in Section 72 of the Electoral Act and the process was supposed to end on the 5 July 2023. Those who qualify for postal voting are the electoral officers, diplomatic and consular officials and members of the disciplined forces. On 3 August 2023, Statutory Instrument 140A of 2023 cited as Electoral (Alteration of Period) Regulations, 2023 was gazetted which extends the deadline for postal voting to 20 August 2023 at 12 pm. This means that ZEC will accept postal votes until just three (3) days before 23 August polls, departing from the traditional fourteen (14) days before election.

ZESN has been calling for the extension of the postal vote and the institution of other types of special voting to other groups of people like health personnel on duty on Election Day, hospitalised people and certain categories of prisoners among others.

In Bulawayo, the District Elections Officer indicated that they will be receiving postal votes with possible plans of holding an observer briefing and training of polling officials and accreditation of observers first week of July. In Matabeleland North, ZEC recruited and deployed polling officers at district level. It received names of polling officials who have been deployed far away from polling station where they are registered to vote so as to make arrangements for postal voting. The ZEC is finalizing the processing of the postal voting for the Zimbabwe's uniformed forces ahead of the August 23 elections.

ZEC is visible on the ground, conducting voter education using various methods including the use of flyers to reach out to people. The Commission is also using social media in particular, Twitter and WhatsApp to reach out to people. However, civil society organizations that applied for civic

and voter education accreditation are yet to be accredited. ZEC also stepped up preparations and held a Press Conference and the first Observers' Briefing on the 8<sup>th</sup> of July 2023 in Harare.

Government has started repairing roads through grading, gravelling and pothole patching to polling stations to ensure accessibility. ZEC indicated that about 12 370 polling stations will be set up to ensure all registered voters cast their ballots under the new delimitation boundaries. Thirty six (36) Chiefs were duly elected to the National Council of Chiefs across the country on 3 August 2023, setting the stage for conducting of the polls for the president and deputy president of the council.

## **2. The Legal Framework**

### **(a) "The Patriotic Act"**

On 14 July 2023, President Emmerson Mnangagwa assented to the the Criminal Law Code Amendment Bill dubbed the "Patriotic Bill into an Act." The Act has provisions that criminalize participating in meetings where sanctions and military interventions are considered or planning to subvert, upset, overthrow and overtake a constitutionally elected government. Penalties range from losing citizenship to the death penalty. Critics say the law is designed to curtail freedom of information, freedom of assembly and freedom of the press.

Commenting on the Act, Amnesty International's Deputy Research Director for Southern Africa Khanyo Farisè, said; "The signing of the 'Patriotic Bill' into an Act by the President is a grave attack on the rights to freedom of expression, peaceful assembly." He also called on President Mnangagwa to reverse the decision and immediately ensure the repeal of the law to demonstrate the commitment of his government to human rights.

The Act was first published in the Government Gazette on 23 December 2022. The Bill was then passed by the lower house of the National Assembly on 31 May 2023 and sailed through Senate on 7 June 2023.

On 24 July 2023, launching his manifesto, Presidential aspirant Saviour Kasukuwere said Zimbabwe did not need draconian laws such as the Criminal (Codification and Reform) Act also known as the Patriot Act. Kasukuwere also said the Private Voluntary Organisations (PVOs) Amendment Bill needed to be kept away from the country's statutes.<sup>2</sup>

### **(b) Patriotic Act Court Challenge**

On 21 July 2023, Media Alliance of Zimbabwe (MAZ) and Centre for Innovation and Technology (CITE) Director Zenzele Ndebele through their lawyer the Zimbabwe Lawyers for Human Rights (ZLHR) filed a court application challenging the constitutionality of section 22A of the Criminal Law and Codification Reform Act. They argue that the new section violates several Bill of Rights

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<sup>1</sup> <https://www.amnesty.org/en/latest/news/2023/07/zimbabwe-presidents-signing-of-patriotic-bill-a-brutal-assault-on-civic-space/>

<sup>2</sup> <https://nehandaradio.com/2023/07/25/kasukuwere-manifesto-pledges-to-release-political-prisoners-in-zimbabwe/>

provisions and the Constitution such as Right to Life - imposition of death penalty Freedom of Expression, Freedom of Association and Assembly Right to vote or stand for office. Applicants also argue that crime of wilfully damaging sovereignty, national interest is vague, too broad and unconstitutional.<sup>3</sup>

### **(c) Private Voluntary Organizations Amendment Bill**

The Private Voluntary Organizations Bill aims at making Zimbabwe comply with the Financial Action Task Force (FATF) recommendation number 8. Recommendation 8 is of particular interest to NGOs, as it requires regulators of Non-Profit Organizations (NPOs) to review the laws and legislations so that non Profit Organisations (NPOs) cannot be abused by terrorist organizations. However, when drafting the amendment of the PVO bill the government took an opportunity to insert provisions, which have far-reaching consequences that give the government wide powers to interfere with civil society organizations.

On 5 November 2021, the government gazetted a Private Voluntary Organizations Amendment Bill ostensibly to counter terrorism and prohibit political lobbying from, non-government organizations. An amended bill was then presented in June 2022 which significantly toughened the initial legislation, the amended Bill was gazetted on 23 December 2022. On February 1, 2023, Senate passed the PVO Bill. Currently, the PVO Bill recently moved from the Attorney General's Office to the Counsel for administrative clean ups of checking accuracy and correcting typographical errors. After that, the Bill awaits President Emmerson Mnangagwa's assent to become law.

Should it be adopted, the PVO Bill would provide the Office of the Registrar of PVOs, which is under the control of the executive branch, with wide and discretionary powers to interfere in civil society organisations' governance and activities. PVOs will be required to register with the Registrar's Office, which will have powers to consider, grant or reject the registration of organisations, with little to no judicial or administrative recourse against such decisions. Many PVOs currently operating lawfully will not be able to continue under the new law unless they meet the new requirements. The Registrar will have the power to designate any PVO as "high risk" or "vulnerable" to terrorism abuse following a non-transparent risk assessment. That would allow them to revoke their registration or even to replace their leadership. Additionally, the new bill would include harsh penalties, ranging from heavy fines to imprisonment, for administrative offences related to the registration of PVOs. More so, the Bill contains provisions that allow for the banning of civil society organizations from "engaging in political activities", a broad and vague concept that could include legitimate human rights activities.

### **(d) Access to Information**

The Constitution of Zimbabwe in Section 61 (a) guarantees the freedom to seek, receive and communicate ideas and other information. Section 62 of the Constitution prescribes that *'Every Zimbabwean citizen or permanent resident, including juristic persons and the Zimbabwean media, has the right of access to any information held by the State or by any institution or agency of*

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<sup>3</sup> <https://twitter.com/ZLHRLawyers/status/1682382965689516033>

government at every level, in so far as the information is required in the interests of public accountability'. Section 21 (3) of the Electoral Act, the Commission has a mandate to provide a person who requests the voter's roll within reasonable time upon payment of a prescribed fee, either in printed or electronic form.

On 11 July 2022, the ZEC availed the voters' roll to contesting political parties.<sup>4</sup> However, CCC accused ZEC of availing a voters' roll in a PDF format with small fonts which does not allow a comprehensive search.

### **(e) Voter Education**

On 11 May 2023, the ZEC invited Civic Society Organisations (CSOs), Private Voluntary Organisations (PVOs) and Faith Based Organisations (FBOs), including those that were authorised to conduct Voter Education before, to submit new applications for accreditation by the Commission as Voter Educators.<sup>5</sup> The deadline for application was set for on or before 19 May 2023. The eligibility criteria for CSOs and PVOs were set in line with Section 40C of the Zimbabwe Electoral Act Chapter 2:13 which specifies that an organisation:

- Must consist wholly or mainly of citizens or permanent residents of Zimbabwe domiciled in Zimbabwe; or
- Must be a lawfully constituted trust, the majority of whose trustees are of citizens or permanent residents of Zimbabwe domiciled in Zimbabwe; and
- Should be an Association or Trust, that must be registered as a PVO in terms of the Private Voluntary Organisations Act [Chapter 17:05]; or registered in the Deeds Registry as a Trust;
- The organisation must be mandated by its constitution or trust deed, as the case may be, to provide voter education; and
- Must employ individuals who are citizens or permanent residents of Zimbabwe to conduct any voter education; for this the organisation can furnish the Commission with all the names, addresses, citizenship or residence status and qualifications of the individuals who will conduct voter education; and
- Must disclose the manner and sources of funding of its proposed voter education activities; the voter education is, subject to section 40F, (whereunder, foreign contributions or donations may be channelled to the Commission for onward allocation) funded solely by local contributions or donations.
- Must satisfy the Commission that it is not otherwise disqualified in terms of subsection (1) from providing voter education.

### **Eligibility criteria for Faith Based Organisations:**

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<sup>4</sup> <https://www.newzimbabwe.com/zec-avails-voters-roll-to-ccc-a-month-ahead-of-august-general-elections/>

<sup>5</sup> <https://www.zec.org.zw/call-for-applications-zec-accreditation-to-conduct-voter-education/>

- Must be conducted by an organisation consisting wholly or mainly of citizens or permanent residents of Zimbabwe domiciled in Zimbabwe;
- Voter education must be conducted in accordance with a course or programme of instruction furnished or approved by the Commission; and
- The voter education materials to be used and the course or programme of instruction in accordance with which the voter education is conducted must be adequate, current, gender sensitive, correct and not misleading or biased in favour of any political party; and
- The voter education materials to be used and the course or programme of instruction in accordance with which the voter education is conducted must be furnished to the Commission for its scrutiny,
- No fee or charge shall be levied for the provision of voter education or voter education materials.

Three weeks to go before the polls, the Commission had not yet accredited organisations seeking to raise awareness on the significance of electoral processes among Zimbabwean voters and increase their participation in elections through voter education. ZESN was asked to provide additional proof of registration documents. The Commission is actively on the ground conducting voter education.

ZESN members in Chiredzi, Masvingo Province have reported that information is being disseminated in the three major languages thus English, Shona and Ndebele with the exclusion of Shangani spoken by ethnic group in the community. In Mashonaland East, Midlands and Mashonaland West, ZESN members have reported that ZEC is distributing information and educational material in indigenous languages. ZEC also embarked on nationwide roadshows which commenced on 29 July and scheduled to end on 6 August 2023 as part of efforts to educate the electorate on the importance of fostering peace in elections.

#### **(f) Electoral Amendment Bill**

Some of the changes made to the Electoral Act between the 2018 elections and now were effected from the provision of the Constitution of Zimbabwe Amendment (No. 2) Bill which was first published on the 31st of December 2019 in the Extra Ordinary Government Gazette. Although amendments to the Electoral Act were not effected (Electoral Amendment Bill passed after Proclamation) some of the provisions in the Constitutional Amendment Bill are taking effect for the 2023 elections. These include the extension of the Women's Quota in the National Assembly by another 10 years, the introduction of 30% women's quota in local authorities and the introduction of 10 youth quota in the National Assembly.

#### **Nomination Court Challenges**

On July 2023, Elisabeth Valerio the Presidential candidate for United Zimbabwe Alliance won her appeal against the Zimbabwe Electoral Commission (ZEC) decision to reject her nomination papers and about 33 of her party candidates for National Assembly, Senate and Women's Quota

for late submission. The Electoral Court granted her permission to contest the 2023 presidential election.<sup>6</sup> Valerio was among the aspiring presidential candidates in Zimbabwe who were disqualified from filing their nomination papers after their applications were rejected by the commission due to “banking system challenges”.

Judge Samuel Deme ruled the ZEC made a mistake in refusing to accept her nomination papers and ordered ZEC to take all necessary steps to ensure she is registered and her name appears on the ballot paper as one of the presidential candidates. Valerio becomes the sole presidential candidate in the country's August 23 election after Masarira fell by the wayside.

On 27 July 2023, the Electoral Court dismissed Labour, Economists and African Democrats (LEAD) president Linda Masarira's High Court application challenging the ZEC for rejecting her nomination papers to participate in the August 23 harmonised elections with costs. Linda Masarira took ZEC to court after failing to raise the US\$20 000 or Zimbabwe dollars equivalent fee required to contest for the country's top post. She argued that she intended to pay using real time gross settlement (RTGS), but the presiding officer insisted on cash or payment through the ZimSwitch Instant Payment Interchange Technology (Zipit) system.

On 27 July 2023, the High Court ruling barred 17 candidates including 12 CCC members vying for parliament seats in Bulawayo constituencies from participating in the upcoming August 23 elections.<sup>7</sup> Justice Nokuthula Moyo handed the judgment on behalf of Justice Bongani Ndlovu saying that the opposition contenders had filed their nomination papers after the 4PM deadline on June 21. The Judge argued that, “there's a prima facie case of perjury in which Gift Siziva was not anywhere anytime in Bulawayo on 21 June 2023 between 10 am when the Nomination Court opened and 4 pm when it closed with unimpeachable evidence that proves that Siziva was outside the Harare High Court at 4:30 pm on 21 June 2023, at the time when Siziva should have been in Bulawayo at the Nomination Court, but throughout the better part of the day, micromanaging the nomination of candidates in Bulawayo and other provinces from Harare.”

The development meant that, by then ZANU-PF has two unopposed parliamentary seats in Bulawayo's Cowdray Park Constituency and Bulawayo Central. More so, CCC was also going to miss out on Provincial Council Seats which are awarded on the strength of parliamentary votes.

Again on the same date, Harare High Court dismissed CCC's appeal against ZEC's acceptance of nomination papers for 17 “fake candidates” on the basis that it was or is not the duty of the Nomination Officer to check if signatures provided to them are genuine in constituencies that CCC fielded double and triple candidates.

On 28 July 2023, the Supreme Court dismissed the appeal from would-be presidential candidate Savior Kasukuwere to contest in the harmonised elections. Kasukuwere had appealed a High

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<sup>6</sup> <https://iharare.com/2023-zimbabwe-elections-uza-president-elisabeth-valerios-appeal-triumphs-making-her-the-only-female-presidential-candidate/>

<sup>7</sup> <https://www.chronicle.co.zw/ccc-candidates-barred-from-elections-high-court/>



Court ruling that he could not run as an independent presidential candidate in the August 23 elections.<sup>8</sup>

On 30 July 2023, former ZANU-PF Youth Leader who is also Saviour Kasukuwere's campaign chairperson Jim Kunaka approached the Constitutional Court challenging the High Court decision barring Saviour Kasukuwere from contesting in the 2023 elections.<sup>9</sup> In his application seeking access to the ConCourt, Kunaka said Mangota's ruling violated the constitutional right of voters to vote for their preferred presidential candidate.<sup>10</sup>

Further, the integrity of ZEC personnel was questioned by the Judiciary following a High Court challenge where 17 opposition candidates, including the 12 CCC candidates were barred from contesting in parliamentary elections during the upcoming harmonised elections. Justice Nokuthula Moyo pointed out the averment in Mr Innocent Ncube's affidavit from the ZEC, who was the first respondent as the Nomination Court's presiding officer. Ncube said he had no interaction with any of the respondents save when they came to submit their nomination papers and that was before 1600hrs and yet there was video evidence to prove one of the candidates was not in Bulawayo during the day.

ZEC has been averse to criticism and calls for more transparency have been rebuffed by claims that they adhere to set rules and regulations. However, taking into account that the perception of any institution is of paramount importance, then the questioning of the ZEC Presiding Officer's integrity has a bearing on the credibility of outcomes. ZEC's role in the electoral system is central and critical so its credibility must be solid and unassailable.

On 1 August 2023, a registered voter Raymond Dudzayi Gombedza field an urgent application at the Bulawayo High Court to bar Deputy Minister Raj Modi from contesting in the Bulawayo South parliamentary race on the grounds that he submitted his nomination papers past the 4pm deadline. The same legal connotations led to the barring of the CCC MP candidates, a decision they appealed in the Supreme Court.

On 3 August 2023, the Supreme Court granted clearance to CCC Bulawayo parliamentary candidates who had appealed the judgement of the High Court to the Apex Court to contest in the upcoming elections. CCC candidates argued that the lower court erred in assuming jurisdiction over a matter which is constitutional and statutory command subject to the exclusive jurisdiction of the Electoral Court. The development means the suspension of the High Court ruling and the 12 and the other six (6) candidates are from ZAPU, Free Zim Congress and the Zimbabwe African National Congress (ZANC) can actively participate in the imminent polls.

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<sup>8</sup> <https://www.voanews.com/a/zimbabwe-court-disqualifies-ex-ruling-party-official-from-august-polls/7202410.html>

<sup>9</sup> <https://www.pindula.co.zw/2023/07/30/jim-kunaka-approaches-constitutional-court-over-kasukuweres-disqualification/>

<sup>10</sup> <https://www.newsday.co.zw/thestandard/news/article/200014675/fresh-court-battle-to-rescue-tyson-bid>



## **(b) Lawfare**

On 31 July 2023, President Emmerson Mnangagwa dismissed allegations on Executive interference in the Judiciary's operations which culminated in the disqualification of presidential candidate Saviour Kasukuwere and ban of 12 CCC parliamentary candidates from contesting in the elections.

The allegations on Executive interference stemmed from June 2023 events which saw Judges being awarded \$400 000 housing loans by the government. The major concerns around exposing Judges to political posturing, pork-barrelling, professional conduct and independent standing of the judiciary were raised given the fact that the Judges were expected to be preside over the Nomination Court and possible petitions post 23 August harmonised elections.

On 2 August 2023, Chief Justice Luke Malaba asserted that people who criticize judicial decisions undermine democracy and violate the rule of law. He emphasized the independence of Judges and their commitment to the rule of law and stated that judicial decisions are case law and not conclusive, national statute. The assertions by the Chief Justice in a way impede on freedom of expression.

## **(c) Printing of Presidential ballot papers**

ZEC Vice Chairperson Ambassador Rodney Kiwa revealed that, that the printing of the ballot papers for the presidential election had commenced following the conclusion of all court cases related to elections.<sup>11</sup>

However, Saviour Kasukuwere on his official twitter handle posed a question on the legitimacy of ballot papers printing citing Section 107 on Withdrawal of Candidature as read together with Section 108 on when fresh nominations can be held of the Electoral Act. His arguments were also premised on provisions of Section 23 (3) of the Electoral Act on residence qualifications of voters.

<sup>12</sup>

It remains to be seen if presidential aspirant Saviour Kasukuwere will be featured on the ballot papers and if the arguments he put forward are anything to go by then, there is a lacuna in the legislative framework which needs to be addressed. On the other hand, voters in Gutu West Masvingo Province will not be able to cast their votes on 23 August 2023 following the death of independent candidate Christopher Mutohori Rwodzi who died on 29 July 2023. Section 50 of the Electoral Act provides that should a candidate die between the nomination and the poll or while voting is in progress, the nomination process is declared void. All proceedings relating to that election are required to start anew in the same manner as if a vacancy had occurred. However, those who had already filed their nomination papers do not need to file new applications.

The development means that, the President is expected to proclaim a date for the by-election soon after the harmonised elections and new aspiring candidates can also file their nomination papers. In as much as the legislative framework has been provided for, there are others who

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<sup>11</sup> <https://www.sundaymail.co.zw/printing-of-presidential-ballot-papers-begins>

<sup>12</sup> [https://twitter.com/Hon\\_Kasukuwere/status/1686317571077779456?s=20](https://twitter.com/Hon_Kasukuwere/status/1686317571077779456?s=20)

expressed mixed reactions over the provision. They argued that, the law should apply to political parties in order to give them ample time to choose replacements and not it was not necessary to terminate the National Assembly election since the candidate was an independent.

#### **(e) Withdrawal of Independent Candidates**

ZEC gazetted the withdrawal of three (3) independent parliamentary candidates from Goromonzi South, Maramba Pfungwe and Owen Munatsi Chegutu West constituencies the forthcoming harmonised elections in line with Section 49 of the Electoral Act. The candidates' names will not be included on the ballot papers for the respective constituencies.

#### **(f) Polling Stations**

In line with Section 51 (3) of the Electoral Act [Chapter 2:13], the ZEC availed a list of 12 370 polling stations which will be established countrywide for the 23 August 2023 plebiscite.

#### **(g) ZEC Offices Burglary**

On 30 July 2023, online news media was awash with the story where the Zimbabwe Republic Police (ZRP) is investigating a suspected case of burglary at the Zimbabwe Electoral Commission headquarters in Harare after three laptops were reported missing. In a leaked internal police memo, the incident is suspected to have occurred on Sunday morning. Two of the laptops reported missing, according to reports, belong to electoral body's Chief Elections Officer Utoile Silaigwana while the third was allotted to his secretary, Isabel Mariwowo.

The burglary raises fears that the Commission could have lost critical information a few weeks before elections.

#### **(g) Postal Voting**

On 3 August 2023, Statutory Instrument 140A of 2023 cited as Electoral (Alteration of Period) Regulations, 2023 was gazetted which extends the deadline for postal voting to 20 August 2023 at 12 pm. This means that ZEC will accept postal votes until just three (3) days before 23 August polls, departing from the traditional fourteen (14) days before election. The deadline extension may be attributed to the unprecedented copious litigations effected since 21 June 2023 which delayed the printing of the ballot papers. Section 7 of the Electoral Act provides that, registered voters who on polling day will be unable to vote at their polling stations because they will be away on official duty are eligible for postal voting.

#### **(h) The National Council of Chiefs Election**

In line with Section 285 of the Zimbabwe Constitution, ZEC conducted elections for 36 members of the National Council of Chiefs on 3 August 2023, to mark the first stage of the 2023 harmonised elections. The number of provincial chiefs who were elected into Chief's Council are as follows: Manicaland 5; Mashonaland Central 4; Mashonaland East 4; Mashonaland West 4; Masvingo 5; Matabeleland North 5; Matabeleland South 4 and Midlands 5.

The functions of the National Council of Chiefs are set out in Section 286 of the Constitution which are as follows: *to protect, promote and develop Zimbabwe's culture and traditions; to represent the views of traditional leaders and to maintain the integrity and status of traditional institutions; to*

*protect, promote and advance the interests of traditional leaders; to consider representations and complaints made to it by traditional leaders; to define and enforce correct and ethical conduct on the part of traditional leaders and to develop their capacity for leadership; to facilitate the settlement of disputes between and concerning traditional leaders; to perform any other functions that may be conferred or imposed on it by an Act of Parliament.*

### **3. Chapter 12 Commissions**

On 11 July 2023 the Zimbabwe Human Rights Commission (ZHRC) issued a press statement imploring various stakeholders including political parties and political actors, other Independent Commissions, Traditional Leaders, religious leaders and FBOs, as well as CSOs to actively promote political tolerance in the build-up to the 2023 Harmonised Elections, in order to uphold human rights and fundamental freedoms of all citizens.<sup>13</sup> The ZHRC also encouraged the public to practice political tolerance and maturity, respect divergent views and to co-exist with one another, to avoid violating human rights and fundamental freedoms of other citizens in the pretext of supporting political parties of their choice as well as to report threats of violence or acts of violence to the ZRP for investigations.

The ZHRC reminded Zimbabwean citizens of their political rights and obligations, especially on the right to participate in the civil and political life of their country without fear. The Commission noted that the right of everyone to participate in the government of his or her country is a fundamental human right that should be applied without discrimination. The Right to participate in free and fair elections includes rights such as participating freely in political rallies, events or protests. The Commission also exhorted political parties to ensure political tolerance and co-existence among political opponents, and to ensure that their members exercise restraint in their activities by accepting political pluralism and the divergence of views.

On 19 July 2023, as part of efforts to curtail pre-and post-election violence, the National Peace and Reconciliation Commission (NPRC) launched the Zimbabwe Political Parties and Candidates Pledge for Peaceful, Free, Fair and Credible Elections which was signed by political parties. NPRC Spokesperson Obert Gutu emphasised the need for Zimbabwe to grow from contestation of ideas and not violence during the forthcoming harmonised elections.

On 20 July 2023, the Zimbabwe Gender Commission (ZGC) launched the 2023 Gender Observatory for Elections which will monitor the elections to ensure that gender equality and women's rights, as espoused in the Constitution are upheld and any instances of violence or discrimination are promptly addressed.<sup>14</sup>

On 21 July 2023, the Zimbabwe Media Commission (ZMC) issued a press statement calling on the Media for responsible conduct in the coverage of the 2023 harmonised elections following

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<sup>13</sup> <https://www.pindula.co.zw/2023/07/13/zimbabwe-human-rights-commissions-zhrc-statement-on-2023-general-elections-full-text/>

<sup>14</sup> <https://spikedmedia.co.zw/gender-observatory-to-monitor-2023-harmonised-elections/>

sensational journalism that was flagged out by the Deputy Chief Secretary Presidential Communications in the Office of the President and Cabinet.<sup>15</sup> ZMC stated that there is no place for activism or commissariat journalism in any newsroom and urged all media operating in Zimbabwe and providing coverage to the 2023 harmonized elections to do so responsibly and to be guided by the generally agreed universal ethic, national ethics, and the very Codes of Conduct they deposited at the point of registration. Media practitioners operating in Zimbabwe were also advised that they would be penalized if any journalist or media house abuses the freedom of expression and the freedom of the media as guaranteed by the Constitution to provide accurate, unbiased and factual information to the public.

On 22 July 2023, the ZEC issued a statement stating that it has no legal obligation to issue out a voters' roll in Excel or printable formats. ZEC dismissed as false, allegations reported in some sections of the mainstream media that the voters' roll recently given to presidential and National Assembly Constituency candidates is not searchable and analysable. The Commission argued that the voters' roll is searchable and analysable as per provision of Section 21 (7) (1) of the Electoral Act [Chapter 2:13] which permits the Commission to format the voters' roll to prevent it from being altered or tampered with.

ZEC also pointed out that polling station codes were not included on the voters' roll, because they are an administrative tool used by the Commission to map out polling stations during delimitation.

It is envisaged that through the Gender Observatory for Elections, the Peace Pledge and the Media Code of Conduct Pledge, candidates will encourage their supporters to refrain from violence and to abide by the peace pledge they signed, gender equality and women's rights will be upheld and responsible media coverage will be witnessed. All these are conducive for emboldening electoral democracy and good governance in Zimbabwe which in turn will go a long way in strengthening electoral credibility and integrity.

#### **4. Media Update**

On 10-11 July 2023, the ZMC held a National Media Indaba in Mutare to get media stakeholders consensus on the expected media conduct and reportage of the 2023 Harmonised General Elections which would assist in the creation of a conducive environment for free, fair and credible elections. Media stakeholders also signed the Harmonised General Elections Code of Conduct pledge on accurate, objective, balanced and truthful reportage.

The media have a critical role to play in the conduct of democratic elections in Zimbabwe and in any given country. The Constitution of Zimbabwe, the Electoral Act Section 160E-K and Statutory Instruments set out provisions on the Media ought to cover and flight adverts on elections and political parties.

The Zimbabwe Broadcasting Corporation was accused by CCC of being partial to the ruling party, which enjoys unlimited coverage in the public print, radio and television stations through

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<sup>15</sup> <https://www.facebook.com/photo/?fbid=676213281194716&set=pcb.676213501194694>

allocating it more airplay and coverage. Conversely, the opposition alleged that it is covered in bad light and allocating them little or no airplay on both radio and Television news and current affairs. Political advertisements and election coverage matter because the Media sets the electoral and political agenda imperative in influencing what the electorate thinks about, which in turn helps in making informed decisions. Furthermore, internet penetration and mobile data coverage are low in Zimbabwe, making the public broadcaster the main source of information with the widest audience.

Without access to information, fair coverage of all parties by the Public Broadcaster and if the allegations are true, then the Public Broadcaster would be in contravention of the legislative framework in particular; Section 155 (2) (d) of the Constitution on Principles of Electoral System; Section 160E-K of the Electoral Act on media coverage of elections; Statutory Instrument 33 of 2008 on Election Equitable Broadcast and Adverts; Section 2.1.5 of the SADC Principles and Guidelines on the Conduct of Democratic Elections requires Member States to ensure "Equal opportunity for all political parties to access the state media" and the African Charter on Democracy, Elections and Governance Article 17 (3) which states that member states should ensure fair and equitable access by contesting parties and candidates to state-controlled media during elections.

## **5. Zimbabwe's Socio-Economic Political Analysis**

The month-on-month inflation and annual inflation continue tumbling following policy measures put in place by the Government and the Reserve Bank of Zimbabwe (RBZ) to stabilise the economy. The month-on-month inflation, which peaked at 74.5 percent in June 2023, fell to minus 15.3 percent in July, while annual inflation fell from 175.8 percent in June 2023 to 101.3 percent in July.

Prices of food and non-alcoholic beverages have declined by an average 30 percent this month following the firming of the Zimbabwe dollar and other interventions by Government to stabilise the economy. Retailers reduced prices of most basic goods by up to a third, meaning that food and non-alcoholic beverages are now much cheaper than they were in the month of June.

Prices of basic goods, commodities, services and health delivery rose sharply beyond the reach of many when the Zimbabwe dollar suffered heavy losses against the US dollar. Initially, retailers did not respond to the firming dollar, maintaining high prices for most products, but the past few weeks have seen them reduce some of the prices.

## **6. Political Developments**

There has been an increase in the frequency of rallies across the country and across the political party divide. ZANU-PF has held star rallies in Magunje, Mashonaland West Province; Chipinge, Manicaland; Bulilima in Matabeleland South; Zaka, Masvingo Province; Centenary, Mashonaland Province and Cowdray Park, Bulawayo Metropolitan Province and Uzumba Maramba Pfungwe, Mashonaland East Province. CCC has so far held star rallies in Gweru, Midlands Province, Chegutu,

Mashonaland West Province, Marondera, Mashonaland East Province and Nyanga South Hauna Growth Point, Manicaland Province.

Political parties are campaigning through distribution of party regalia, posters and door-to door strategies. In Glen View, ZANU-PF distributed regalia to its members and supporters.

ZESN members reported that the rallies have been largely peaceful, except for a few isolated events, where pockets of violence have been reported, for example; in Mabvuku-Tafara Constituency a group of ZANU-PF supporters attempted to disrupt a CCC meeting on the 15th of July 2023. Police moved in and maintained peace.

(Seven) 7 CCC rallies scheduled to take place in Gokwe South, Chivi, Zaka, Mazowe Central, Chikombedzi, Bindura, Chiredzi Central were banned for various reasons, chief among them failure to meet MOPA regulations and lack of security personnel by the ZRP. For Chivi and Zaka, police banned the rallies with stringent conditions such as no sloganeering, canvassing for and bussing in supporters making it difficult for CCC to hold its campaign rallies.

On 5 July 2023, a rally pencilled to be held in Chiredzi was barred and 8 activists were arrested. On Police abruptly stopped a rally which Nelson Chamisa was addressing at Jerera Growth Point in Zaka on 6 July 2023. Aspiring CCC MPS Martin Mureri of Masvingo Urban and Pedzisai Gasva of Masvingo West were on 12 July 2023 fined US\$30 each after being arrested while conducting door to door campaigns. On 9 July 2023, the High Court upheld a ban on the planned campaign launch by main opposition party CCC, the third of its rallies to be banned as its leader Nelson Chamisa faces hurdles on his campaign trail.

CCC was scheduled to hold its campaign launch in Bindura on 9 July 2023, but police banned the gathering citing ablation problems with the venue, impassable roads and safety concerns for those attending. The police also said there was a “high risk” of the spread of communicable diseases. CCC lawyers filed an urgent application at the High Court on challenging the police decision, but a Judge referred the matter back to the lower court. <sup>16</sup> Bindura Magistrate Mary Musika then upheld the ban, saying CCC had failed to notify the police on time. On 10 July 2023, CCC was denied authorisation to hold a Roadshow in Zengeza East Constituency on the basis that the request did not meet the requirements of Section 7 of the MOPA. On 3 August 2023, CCC failed to hold its rally in Glen View South, Harare Metropolitan Province following a fatal attack of one of its supporters from suspected political assailants.

So far ZANU-PF has held (eight) 8 star rallies without hiccups from the law enforcement agency.

1. 24 June 2023
2. 1 July 2023
3. 8 July
4. 16 July
5. 23 July
6. 30 July

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<sup>16</sup> <https://www.reuters.com/world/africa/zimbabwean-court-upholds-opposition-campaign-launch-ban-2023-07-09/>

## 7. 5 August

On the contrary CCC has held (five) 5 rallies

1. 16 July
2. 27 July
3. 30 July
4. 3 August

### **(b) Political Party Manifestos**

Despite the holding of the star rallies graced by thousands of supporters, most of the political parties and candidates do not have succinct manifestos, if they do, they have not been made public and most of the political parties are less programmatic based as there are no clear ideologies. Furthermore, most political parties are either personality based or clientelistic. Personality-based parties are characterised by popularity of a single leader; have no clear ideology or policy platform; they focus on promoting the image of their leaders and appealing to voter's emotions and are often successful in countries with a weak tradition of political participation. Clientelistic Parties on the hand, provide material benefits to their supporters in exchange for their votes; these benefits can include party regalia, food and aid or other forms of assistance and are often successful in countries with high levels of poverty and inequality.

Concerns on the involvement of Traditional Leaders in politics continue to be expressed. In a statement, the ZHRC said political parties should desist from using Traditional Leaders to further their political interests. Traditional Leaders who are custodians of decisive rural constituencies are still brazenly partisan.

### **c) Peace Pledges**

Zimbabweans fear becoming victims of political violence in the upcoming harmonised elections. A new Afro barometer survey conducted by Mass Public Opinion Institute (MPOI) revealed that at least 70% are afraid of potential violence.

On 19 July 2023, the three (3) main Political parties; ZANU-PF, CCC and MDC-T signed the peace pledge ahead of elections order to curb electoral violence. <sup>17</sup> ZESN welcomes the public commitment to ensuring peaceful elections by the political parties as a positive development which supports the creation of an environment that facilitates the enjoyment of fundamental freedoms by citizens. Zimbabwe elections have been marred by incidents of intimidation and violence against citizens and observers as well as sporadic instances of inter and intra political as well as electoral violence whose effects have been democratic deficit due to fear and trauma to participate in elections leading to voter apathy. It is imperative that the political parties abide by the Peace Pledge as well as the Political Parties Code of Conduct.



On 20 July 2023, ZANU-PF, CCC, FREEZIM Congress, MDC-T and student union leaders endorsed the Zimbabwe Youth Charter on Peace in Electoral Processes and Peace Pledge.<sup>18 19</sup> The youth peace pledge is a step in the right direction against the backdrop that the youth are often coerced by the political leadership to play a role in mobilising and channelling youthful political participation to further their political interests. On the other hand, the youth have also been victims of political violence.

Despite signing the peace pledges, ZESN has observed bouts of hate speech and political intolerance suggestive of animosity fanning among political party supporters which impede free, fair and credible elections. Isolated cases of inter-political party violence are sprouting in some parts of the country.

#### **(d) Inter and intra-political party violence**

On 9 July 2023, a ZANU-PF supporter was beaten up for wearing his party T-shirt at Barbour Fields Stadium in Bulawayo Central Constituency. On the same day, in a case of suspected intra-party violence in St Mary's Constituency Chitungwiza, aspiring parliamentary candidate Brighton Mazhindu's son was assaulted at his home by CCC supporters belonging to Freddy Masarirevu led faction.

On 19 July 2023, a car belonging to Mwenezi West independent candidate, Tafadzwa Shumba was hijacked at gun point, burnt to ashes and later dumped at a nearby mountain near Madhakiwe dam.

On 25 July a bomb device was thrown at the home of St Mary's MP candidate Brighton Mazhindu by suspected political opponents either belonging to CCC rival faction led by Freddy Masarirevu or ZANU-PF supporters. The Bomb Disposal & Forensics Units attended the scene for investigations.

On 28 July 2023, ZESN members reported that two (2) CCC houses were destroyed in an arson attack in Ward 3, Chiweshe Mazowe Central in Mashonaland Central Province. On the same day, a cattle kraal and goat pen belonging to a CCC activist was set on fire in Musonza village Ward 3.<sup>20</sup>

On 29 July 2023, ten (10) homes and livestock belonging to ZANU-PF Hanke-B District Chairwoman Anna Mangena and five (5) party supporters were set on fire suspected political arsonists in Hanke Shurugwi Midlands Province. Police have since arrested two people in connection with the incident who were spotted running away from the crime scene. On 3 August 2023, Tinashe Chitsunge a CCC member died following a violent incursion near Tanaka grounds in Glenview 7 Harare Metropolitan Province. Twelve suspects have since been arrested in connection with the violence.

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<sup>18</sup> <https://www.newsday.co.zw/local-news/article/200014311/political-parties-endorse-peace-pledge>

<sup>19</sup> <https://www.sundaymail.co.zw/new-youths-endorse-charter-on-peace-during-elections>

<sup>20</sup> <https://twitter.com/zppINFO/status/1687074285527998464?s=20>

On 4 August 2023, the Ministry of Home Affairs and Cultural Heritage issued a press statement condoning political violence orchestrated by individuals and groupings operating under the guise of political campaigning. The Ministry also revealed that ZRP has been instructed to arrest perpetrators of violence without fear or favour.

It is against this backdrop that ZESN recommends the need to monitor, come up with methodologies to mitigate against electoral related violence and encourage peace by all stakeholders and availing of more voter education on peacebuilding initiatives, constitutional literacy awareness on the civil and political rights.

#### **(e) Erection of Billboards**

Presidential candidate Saviour Kasukuwere's campaign team mounted several billboards in Harare and other towns and cities, notably, the one erected along Simon Mazorodze Road in Harare. In response, on 18 July 2023, Mashonaland Provincial Road Engineer issued a memo advising all advertising agencies to first seek the approval of the contents of any advert before erecting a billboard on any state highway. Prior to this memo being issued, election candidates did not have to seek permission to put up campaign posters on national highways.

#### **(f) Inclusion of special groups**

Recognition of PWDs has been noted at rallies but only witnessed when they were given priority to sit in front at rallies (CCC and ZANU-PF) Bulawayo, PWDs remain disenfranchised from accessing voter education materials from the ZEC social media accounts. The limited availability of inclusive information dissemination techniques impacts negatively on the participation of marginalized groups.

#### **(g) Election Observers to the 2023 polls**

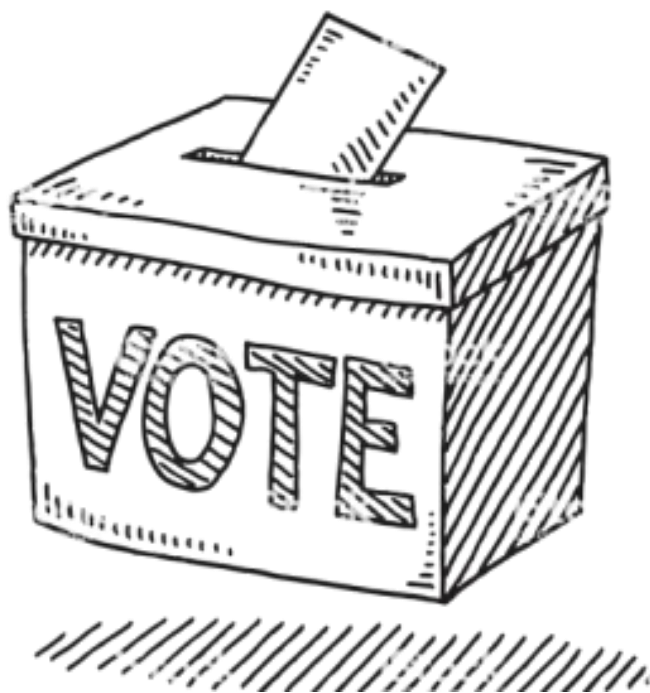
On 8 July 2023 ZEC held the first observer briefing meeting in Harare where only accredited observers and journalists with accreditation cards were allowed to attend.

Election observers play an important role in appraising the electoral process from the beginning to the end, including voter registration, campaigning, voting, vote counting, and the announcement of results to ensure that elections are free, fair and credible. They also report on any irregularities or violations of electoral laws and regulations that they observe during the electoral process; promoting transparency by providing public reports on their observations and recommendations for improving the electoral process, and promoting trust and confidence in the electoral process by providing impartial and unbiased reports on the conduct of elections.

### **Conclusion**

With a few weeks to go before Zimbabweans elect a president, members of parliament and local government representatives; the country is in full election mode with different political parties campaigning using various strategies. ZESN calls for all stakeholders to promote political tolerance and violence free campaigns ahead of the elections in adherence to Section 155 (a) (d). Peaceful and credible elections are essential for democracy to thrive while violence before and

during the electoral process denies citizens their right to participate in governance in a way that benefits them.



PRE-ELECTION REPORT THREE

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**2023**