



ZESN CONCERNED WITH THE SLOW PACE OF IMPLEMENTATION OF ELECTORAL REFORMS



ZESN has been tracking progress by the government in the implementation of electoral reforms premised on recommendations proffered by local, regional and international Election Observer Missions(EOMs) to the 2018 harmonized elections. Notably, parliament passed and the President assented to the Constitutional Amendment Number 2, which extended the women's quota in the National Assembly for another ten (10) years, introduced a 30 percent women's quota in local government, and provided for a quota for ten (10) youths in the National Assembly on a party-list basis and five (5) female youths within the current women's quota.

ZESN Chairperson Mr. Andrew Makoni argued that; "while Constitutional Amendment Number 2 extended the women's quota for another 10 years, and introduced a 30 percent women's quota in local government, ZESN is of the view that, it is unlikely that gender parity will be attained in the 2023 elections based on this electoral framework." Concerning youth participation, the Amendment now provides for a youth quota system. "While the constitutional change guarantees some youthful representatives in the National Assembly, it appears that the number of representatives provided for in the Amendment was not informed by a scientific approach or meaningful consultations with the affected youth.

The quota is at odds with population demographics and official voter registration and participation statistics, said Makoni. Further, whereas the Amendment mentioned People with Disabilities (PwDs), it was short on details for implementation. The Zimbabwe Gender Commission adopted a Gender and Inclusion Policy, and while it is a positive development, it is just persuasive and cannot be enforced as law

In the absence of a clearer and more effective legal framework on the inclusion of women, young persons and PwDs, it would seem that these changes will remain as symbols of tokenism that will not address the values of the 2013 Constitution on these matters.

A myriad of other critical reforms are still to be attended to. These include the strengthening the independence of the Zimbabwe Electoral Commission (ZEC); reviewing legal provisions around voter registration and the voters' roll; voter education and election observation; tightening the provisions on results management to enhance transparency, reduce suspicion and results contestation; streamlining election dispute mechanisms; domesticating the African Charter on Democracy, Elections and Governance (ACDEG); enhancing electoral administration through clearer legal provisions and

electoral practice; reviewing provisions on political party registration and regulation; establishing a clear legal provisions around the delimitation of electoral boundaries; implementing the provisions under Section 287 of the Constituency on integrity and ethics on the role of traditional leaders in elections; the right to vote and the inclusion of women, young persons and persons with disability in electoral and governance processes as well as in political representation; evening the electoral playing field and improving the political environment, among other administrative electoral reforms which do not require any amendments to the electoral laws.

Media law and policy reforms remain in limbo despite the regulatory powers conferred on ZEC concerning the media during election periods. There have not been any changes to the ZEC media monitoring legal framework informed by experiences of previous elections. ZESN has noted the issuance of new radio and television broadcasting licenses which have resulted in a plurality of players. However, of concern are sentiments from key electoral stakeholders that the stations remain appendages of the State and the country risks having a perpetuation of biased media coverage of elections, which is an anathema to democracy.

"ZESN calls upon the government to move with speed in the implementation of the electoral reforms, as most remain unattended at a time when Zimbabwe is barely two years away from yet another set of harmonized elections in 2023. If addressed early, the reforms would contribute to a more credible electoral process. Having to rush electoral law changes on the eve of elections, as has been the case in the past, is not in the best interest of democracy," said Mr. Makoni.

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POLAD SUPPORTS CONTENTS OF THE DRAFT COMPREHENSIVE ELECTORAL AMENDMENT BILL



THE Political Actors Dialogue (POLAD) has said it supports several recommendations contained in a Draft Comprehensive Electoral Amendment Bill submitted to Parliament by civic groups as the party principals expressed confidence that the country stands to have the best electoral laws if the recommendations are adopted.

The Zimbabwe Election Support Network (ZESN) and other civic groups submitted the Draft Comprehensive Electoral Amendment Bill to Parliament in 2020. ZESN has also been engaging the Zimbabwe Electoral Commission (ZEC), political parties and other stakeholders in the push for a comprehensive review of the Electoral Act.

In separate interviews, POLAD principals said they were in support of electoral reforms to ensure that the country does not have disputed elections. POLAD brings together some of the Presidential candidates who contested the 2018 Presidential elections.

"It is an achievement of POLAD to have engagements with organisations such as the ZESN on the need for political reforms because from a perception point of view, those organisations, traditionally, have been said to be funded by the West and anti-government," Innocent Netanyahu, POLAD Rapporteur and leader of the Zimbabwe Partnership for Prosperity (ZIPP) said.

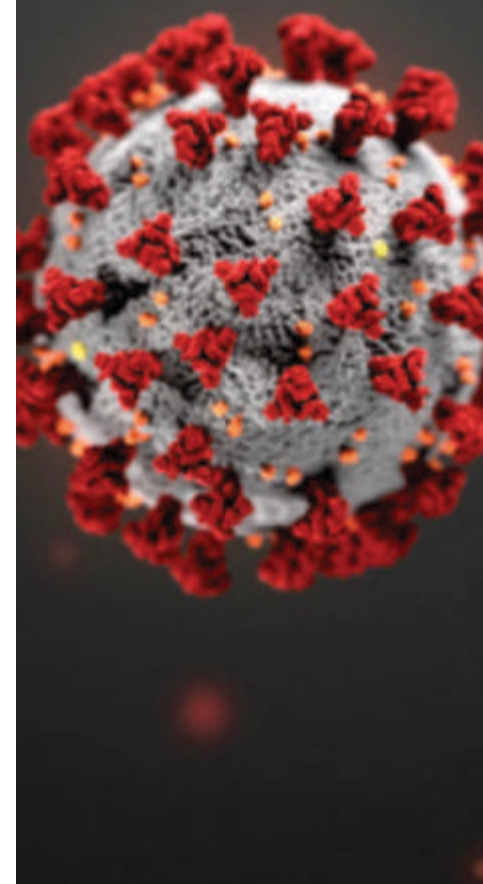
"We held a workshop with them where they presented the proposed amendment Bill. It was exhaustive and we agreed on several issues save for minor issues but generally we tread on common grounds and I can confidently say that if those recommendations are implemented, we will have the best electoral reforms that are going to come courtesy of POLAD working together with CSOs and the government."

Devine Hove, Chairperson of POLAD monitoring, implementation and evaluation committee and also leader of the National Alliance of Patriots (NAP) added: "It is also apparent to state that we cannot be going into elections and start talking about reforms at the last minute. Let us start talking about those reforms now so that by the time we get to elections at least we have made serious grounds in terms of those reforms. It is important that we start talking about those reforms now so that we have ample time to discuss, ample time to dispute and ample time to resolve."

A recent election recommendations implementation progress tracking report by ZESN expresses concern over slow progress concerning the reviewing of legislative and electoral framework in line with the country's Constitution, regional and international principles governing the holding of democratic elections.



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LEGISLATORS CALL FOR FURTHER AMENDMENT OF THE INDEPENDENT COMPLAINTS COMMISSION BILL



ZIMBABWE opposition legislators have called for further amendments to the Independent Complaints Commission Bill to ensure its operations are independent from the Executive and other arms of the State.

The Motlanthe Commission recommended the promulgation of an Independent Complaints Commission Act. The Commission was set up by President Emmerson Mnangagwa to investigate the conduct of the police and army after six (6) people were killed on August 1, 2018 when demonstrators took to the streets of Harare demanding the release of election results.

MDC legislator Innocent Gonese argued that a clause allowing the President to appoint the chairperson of the Commission must be removed. "It is my respectful submission that in this particular instance, that is not appropriate for two reasons. Firstly, in terms of our governance structure, the President is the Commander-in-Chief of the Defence Forces of Zimbabwe and I believe that he/she is conflicted. Whoever will be the President at any particular point in time is conflicted and compromised and it is not proper to give those powers of appointment to a person who is so conflicted," Gonese said.

"The second problem Madam Speaker is that in terms of, I think it is Clause 2 (2); it is the President again who is given the power to administer the Act, unless the President assigns another person. This is another reason, and even greater reason, why it is not proper for such a person to appoint the Chairperson of the Commission.

"Another cause for grave concern relates to Clause 23, which provides that the dismissal or removal of commissioners is in terms of the Public Entities Act. It therefore follows that those commissioners will be compromised. They will be afraid of the security of tenure of their appointment as a result of which they will not be able to discharge their obligations in the manner that is expected by the Constitution," Gonese added.

Gonese made the submissions in Parliament on August 19 during a debate on the Bill.

The Independent Complaints Commission Bill was gazetted on November 24, 2020. This came after the Constitutional Court issued an order in favour of Hilton Chironga and Heal Zimbabwe Director, Rashid Mahiya compelling the government

to gazette a Bill for the Act envisaged by Section 210 of the Constitution.

In her submissions in Parliament, Bulawayo Central legislator Nicola Watson argued that, "On the other hand, the Bill has features that cause doubts on the commissioners' independence. There is no express statement as there is in Section 235 of the Constitution in regards to the independent constitutional commissions that the Commission will be independent and not subject to the direction or control of anyone."

Mt Pleasant legislator Samuel Banda weighed in arguing that SADC or African Union commissioners must be "appointed to the commission to bring total independence to the Bill." "The nature of some of the work requires foreigners like (former Presidents) President Motlanthe and (Thabo) Mbeki or any other commissioners that may be seen to be fit," Banda argued.

"Clause 2.2 says that Commissioners can be dismissed on any grounds. The grounds are too wide. So Commissioners have no security of tenure. I think that is something that needs to be looked at when we go to the next stage of the Bill."

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ELECTION VIOLENCE VICTIMS DESERVE JUSTICE – FORMER SPEAKER OF PARLIAMENT



FORMER Speaker of Parliament Lovemore Moyo has urged pressure groups not to tire in the push for the independence of state institutions to bring to justice all election human rights' violators.

Moyo said this is necessary to ensure that the country conducts credible and peaceful elections. Zimbabwe's elections have been marred with violence and other electoral malpractices. Moyo said it was disheartening that there has not been any justice for the victims of election violence, blaming this on lack of strong independent institutions.

He bemoaned the committing of election-related violence crimes with impunity arguing that the only way to seek justice would be through having independent structures that are constitutionally mandated to process a particular criminal justice system.

Moyo also complained about the impunity enjoyed by State security agents implicated as perpetrators of human rights violations during elections adding that opposition parties are helpless and calling for reforms that would ensure the independence of State institutions.

In a statement on International Day of Peace, ZESN implored all stakeholders to engage and work together in fostering peace building initiatives to ensure sustainable peace and development in the country. ZESN strongly believes that Peace can be sustained through a multi-stakeholder approach and appreciation of the unique roles each stakeholder plays.

The Network also called for the strengthening of the National Peace and Reconciliation Commission (NPRC) and the Zimbabwe Human Rights Commission (ZHRC), Faith Based Organizations (FBOs), Civic Society Organizations (CSOs), Community Based Organizations (CBOs), Education Institutions, political parties and the media as they are critical stakeholders to fostering a culture of peace and tolerance in the society.

In the statement, ZESN acknowledged and applauded the significant role that NPRC, ZHRC, FBOs, CSOs and CBOs play in conflict resolution, through peacebuilding education and teaching; early warning; mediation; emergency relief and support; information and data collecting as well as advocacy.

Educational institutions on the other hand are key as they are conduits of values in peace, coexistence and tolerance promotion.

Further, ZESN noted the significant role of the traditional justice system which has seen Traditional leaders being consulted to reinstate reconciliation and accord within the community on many issues including political and election related matters. The Network thus calls upon the government and CSOs to provide traditional leaders with the requisite skills in public administration, developmental policies and law so that they can effectively settle community disputes across their jurisdictions as vanguards of traditional law. In addition, ZESN calls upon traditional leaders to undertake their duties in a non-partisan manner as enshrined in Section 281 subsection 2 (a) and (b) of the Constitution which stipulates that; Traditional leaders must not be members of any political party or in any way participate in partisan politics; act in a partisan manner. Efforts must be made to ensure the role of Chiefs continues to be undergirded by the Constitution.

CSOs must continue with their watchdog role to ensure tenets of democracy and adherence to human rights are maintained and upheld.

Media is the sword arm of democracy as it protects public interest against malpractice and creates public awareness. ZESN urged the media to promote peacebuilding and coexistence through balanced and non-partisan reportage to foster democracy. Both the public and private media should be instrumental in uniting all people from all walks of life despite their political affiliation to ensure sustainable peace.

ZESN called upon the government to strengthen conflict resolution mechanisms and early warning systems to ensure that peace, tolerance and respect of human rights are upheld in Zimbabwe.

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