



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

**Press Release**

## **ZESN PRE-ELECTION STATEMENT**

**21-08-2023-** On 23 August 2023, Zimbabwe will hold its harmonised elections, namely; the Local Authority, National Assembly and the Presidential elections. The elections are being held under new electoral boundaries drawn by the Zimbabwe Electoral Commission (ZEC). ZESN extols the government for implementing some electoral reforms, which include; the ratification of the African Charter on Democracy, Governance and Elections (ACDEG) in 2022; the amendment of the Census and Statistics Act in 2020 to push forward the population census to pave way for the delimitation of electoral boundaries by the ZEC, the Constitution Amendment Number 2 which introduced the Youth Quota in the National Assembly and the extension of the Women's Quota by another ten years in the National Assembly.

### **Delimitation of Electoral Boundaries**

The Delimitation of election boundaries is one of the key electoral processes that preceded the 2023 harmonized elections. The ZEC is constitutionally mandated to undertake this process. The 2023 delimitation was ZEC's first delimitation process since 2008 when the last exercise was undertaken. The process and outcome was shrouded in controversies that included, the inadequate stakeholder engagements, reliance on a preliminary Census report (as opposed to the final report) and the formula applied in determining average voter population for each constituency. Following the release of the delimitation report, a court application was filed by a political party seeking the nullification or revision of the ZEC Delimitation report to make descriptions of boundaries clearer and to apply the correct formula in determining the average voter population for each constituency. The dismissal of the Court challenge means that Zimbabwe harmonised polls will be conducted under the newly delimited boundaries.

The Final Delimitation Report, gazetted in an extraordinary Government Gazette on the 20th of February 2023 as Proclamation 1 of 2023 (Statutory Instrument 14 of 2023), sets out the Boundaries of Zimbabwe for the purposes of the 23 August harmonised elections and any subsequent elections that may be conducted in the next ten years.

In order to address the challenges we see with the current delimitation report, ZEC must in future predicate the delimitation exercise on final census report, not the preliminary reports, which often contain errors and mistakes that are corrected upon validation and prior to the production of the Final Report. The preliminary census report may not lead to results that reflect reality, thereby distorting representativeness.

### **Women and Elections**

Notwithstanding the efforts made by multi-stakeholders to enhance women's political participation in Zimbabwe, the gender parity gap has widened. Out of the eleven presidential candidates, there is only one female presidential aspirant Elisabeth Valerio in comparison with the 2018 harmonised elections where four (4) females contested for election to be the Head of State and Government. Overall, 70 women are contesting for National Assembly seats, representing 11% of the 637 prospective candidates. In the 2018 general elections, women constituted 14.4% of the 1648 national assembly candidates. In the Local Authority elections, 665 women will contest as candidates against 3940 men. Overall, 14% of the candidates in this election are women compared to 17% in the previous election. The prevailing trend violates Sections 17, 56 and 80 of the Constitution which call for gender equality in all sectors including politics.

The Network notes the efforts made to increase women's political participation in the 2023 harmonised elections. Amendments to the Electoral Act were purportedly introduced through a statutory instrument gazetted well after the president had proclaimed the date of the elections. Statutory Instruments 114 and 115 of 2023, corrected Section 268 of the Constitution of Zimbabwe, compelling the party list for Provincial and Metropolitan Councils to contain female and male candidates listed alternately, with every list being headed by a female candidate. Statutory Instrument 115 of 2023 also introduced the 30% Women's Quota in Local Authorities in line with Section 277 of the Constitution on elections to local authorities. The amendments, while progressive, violate Section 157 (5) of the Constitution, which provides that after an election has been proclaimed no change to the Electoral Law or any other law on elections will apply for that election.

Many issues continue to impede women's political participation, including patriarchy, an unconducive political environment and socio-economic reasons. CSOs have recorded several instances of intimidation and online attacks as well as hate speech against women in the current campaigns. ZESN implores political parties, the government, parliament and electoral stakeholders to do more to support meaningful participation of women in politics.

### **Commendable administrative reforms**

The Network commends ZEC for implementing some administrative reforms which have improved its management of key electoral processes. ZEC now informs registrants who would have been removed from the voters roll by publishing names in the government gazette, continuously cleaning the voters roll. Voters roll inspection is now being done both physically and electronically as recommended by the observer missions. The ZEC now reviews and updates the voter education manual before elections, and the posting of voters rolls outside each polling station a progressive administrative reforms in line with best practices. However, ZEC published the list of polling stations specifying the numbers of registered voters at each polling station late, on 18 August 2023. This did not give adequate time for political parties and observer groups to plan in advance the deployment of the party agents and observers, respectively. In line with open data policies ZEC must be more transparent and accountable and must continuously engage with stakeholders

and publish timeously key electoral documents such the voters roll and list of polling stations.

ZESN remains concerned that the 2023 plebiscite is going to be held without the institution of key political, legal and administrative electoral reforms. In the 2018 harmonised elections, local, regional and international observers proffered a plethora of recommendations meant to improve the management and conduct of elections in Zimbabwe. Some of these outstanding reforms which ZESN had anticipated to have been addressed ahead of the 2023 polls include the domestication of the ACDEG, the need to create a conducive electoral environment that will see the effective participation of citizens without fear; availing of the voter's roll to key electoral stakeholders on time; the need for tactile ballot papers to ensure secrecy of the vote for persons with visual impairment; enhanced transparency and accountability in all key electoral processes (voter registration, delimitation, printing of ballot papers among others.), review of the accreditation committee and process, removal of the accreditation fees for domestic observers and the need to ensure punitive measures are put in place to address the violence against women in elections (VAWIE). By not implementing the above-recommended reforms, Zimbabwe has lost an opportunity of enhancing its electoral integrity and alignment of its laws with the ACDEG and the revised SADC Principles and Guidelines Governing Democratic Elections.

### **ZEC Preparations**

The ZEC issued a detailed operational plan and a comprehensive 2023 electoral roadmap in July 2023. While ZESN notes the availing of the ZEC election calendar, there is need for the Commission to avail the calendar on time, even a year ahead like in other African countries in line with best practices. This will afford electoral stakeholders ample time to plan various interventions in support of the various electoral processes preceding the elections.

ZEC has conducted two (2) observers briefing meetings on 8 July and 16 August respectively, however, it would have been prudent as in previous years that ZEC would continuously engage stakeholders prior to the elections to enhance transparency and accountability in electoral processes.

In the second observers' briefing, held on 16 August 2023, ZEC indicated that the Treasury had availed adequate resources for the elections and that 80% of essential election materials had been distributed to the districts. ZESN commends the government for availing resources to ZEC to enable them to administer the elections and envisages that there would not be any administrative challenges on Election Day.

Furthermore, ZESN noted the gazetting of Statutory Instrument 140A of 2023 cited as Electoral (Alteration of Period) Regulations, 2023 which extended the deadline for postal voting to 20 August 2023 at 12 pm. The development was a departure from the traditional fourteen (14) days before election to just three (3) days before the holding of the polls. The deadline extension may be attributed to the unprecedented numerous 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. ZESN is concerned that the promulgation of this amendment came after the proclamation of the date of the harmonised elections, in violation of the law. Concerns have been raised by some stakeholders regarding the manner of postal voting in police camps and military barracks, that the secrecy of the ballot is being compromised as junior officers allegedly vote under the watchful eyes of their superiors. To avoid this challenge, postal voting should in future be open to observation by party agents and observers to enhance the secrecy of the ballot.

ZESN notes the belated availing of the information on the dates for the publication of the number of ballot papers printed purportedly in compliance with Section 52 A (b) of the Act. The printing of ballot papers must be open for observation by political parties and observers, in line with Section 52 A (a) of the Electoral Act which states that ZEC should without delay provide information to all political parties, candidates and observers on where and by whom the ballot papers for the election are being printed. This is common practice in other jurisdictions. Availing such information to all political parties, candidates and observers ahead of the printing mitigates conflict and suspicions around the sample ballot paper by ensuring transparency in ballot paper designing and printing.

We call upon ZEC to continuously engage with all electoral stakeholders throughout the remaining electoral process, in particular the results management process.

### **Voter Registration**

In Zimbabwe, voter registration is conducted by the ZEC on a continuous basis at the ZEC district and provincial offices. In addition, the ZEC periodically conducts a voter registration blitz during which additional voter registration centres are opened to the members of the public for defined periods of time.

ZEC announced that there are 83% eligible voters in Zimbabwe with 6 623 511 registered voters this electoral cycle. Major mobile voter registration blitzes were held, one of them ahead of the commencement of the boundary delimitation exercise. Blitz were regarded as too short (the second Blitz was held in 7 days). Unlike in previous elections, ZEC did not extend an invitation for CSOs to observe last voter registration blitz. Further, stakeholders expressed concern with the limited publicity over the blitz, especially the itinerary for the voter registration officers. Observation of this process would have showcased ZEC's openness, and transparency in electoral processes expected of it in terms of the Constitution.

### **Elections Dispute Resolution Mechanisms**

Judicial Service Commission Chairperson activated the Electoral Court in all the 10 provinces with 35 Judges and 76 Magistrates appointed to arbitrate in election disputes, hear appeals, applications and petitions and to review any decision of ZEC or any other person and give judgements, orders and refer matters to the High Court. Multi-Party Liaison Committees were also established at the National, Provincial, and District levels to support the resolution of electoral disputes through mediation and consensus. In addition,

special police liaison officers were created to investigate cases of violence across the country's ten (10) provinces. We urge the judiciary in the adjudication of electoral disputes to be fair and impartial.

### **Nomination Process**

The Nomination Court is a key component in the pre-election administration of Zimbabwe elections. The President of Zimbabwe, on the 31st of May 2023 and in accordance with the constitution and electoral laws, through Statutory Instrument 85 of 2023, issued a proclamation of the 2023 harmonised election date. The proclamation, specified, among other electoral events, the exact date for the sitting of the Nomination Court and fixed it to take place on the 21st of June 2023. The Nomination Court was scheduled to sit in the following places; High Court (for Presidential), Provincial Magistrates Courts (for National Assembly) and Local Authority Offices (for Councillors). ZESN commends the manner in which the constitution was followed in letter and in spirit in terms of sticking to the time frames in which the Nomination Court business was to be conducted.

Aspiring candidates are expected to pay a nomination fee that is meant to cover the administrative costs of the election process. Payment can be in form of cash or electronic bank transfer to ZEC, and either in United States Dollars or the equivalent RTGS. Statutory Instrument (SI) 144 of 2022 published by ZEC stipulated the nomination fees for the 2023 election. A steep increase from the 2018 figures was noted with new figures pegged in USD or ZWL equivalent as follows: presidential USD20,000 from USD1,000, and National Assembly USD1,000 from US\$50.

The new nomination fees are regarded by some as presenting a significant financial hurdle for women, youth, and persons with disabilities, independent candidates, and smaller parties (who do not receive state support under the Political Party Finance Act). Reflective of how the steep increase in the Nomination Fees could have affected women candidates, Zimbabwe has only one aspiring female presidential candidate, down from four who vied for the same post in 2018. The steep nomination fees were challenged in court but the Constitutional Court dismissed the application meaning that the steep fees stayed. ZESN urges the ZEC to reduce the nomination fees to comparable nomination fees in the region, and categorising the fees in order to enhance the participation of disadvantaged groups such as women, youth and people with disabilities.

ZESN is concerned that the 2023 elections have been highly litigated, presenting challenges to the credibility of the election. When the Nomination Court sat, some political parties faced challenges with the payment system, as the point of sale machines were failing. This delayed the process with prospective candidates spending long hours waiting to file their nomination papers. A good number of candidates from the MDC-T and UZA were disenfranchised in the process. Some alleged voters in Bulawayo petitioned the Electoral Court in Bulawayo alleging that 12 CCC members and one aspiring UZA candidate had submitted their papers after the 4pm time set in the proclamation as the time to close the nomination courts. The voters were successful in the Electoral Court, but the ruling was reversed in the Supreme Court much to the relief of the 13 candidates whose participation had been thrown into doubt. We recommend that in future elections more

time and more nomination courts be opened to avoid delays in processing nomination papers.

The High Court also nullified independent presidential aspirant Saviour Kasukuwere's bid to contest in the elections. The Supreme Court made a determination to uphold the High Court ruling and the Constitutional Court closed the door for Kasukuwere's candidature. The nullification of the candidature of Kasukuwere will affect thousands of Zimbabweans in the diaspora who have been out of the country for more than 18 continuous months. This residence qualification in our view violate section 67 (3) of the Constitution, which guarantees every Zimbabwean citizen the political right to vote and be voted for. The Electoral Law must be harmonised with the Constitution in that regard.

### **Voter Education**

ZESN notes that, although improvements have been noted in the provisions for civic and voter education, there are still some deficiencies that need to be addressed, for example there is need for greater awareness on the new ward and constituency boundaries, the need to dispel misinformation and disinformation which has the potential to cause voter apathy on polling day. ZEC conducted voter education on electoral information, electoral systems and processes using numerous approaches including the use of flyers to reach out to people; ballot bulletin, social media in particular, Twitter now known as X, Facebook and WhatsApp; radio programmes and roadshows to reach out to the electorate. However the ZEC voter education lacked thrust on the secrecy of vote to mitigate against allegations of intimidation of voters and forced voting by traditional leaders and political parties' leadership.

Furthermore, in the past the ZEC had given organisations long term accreditation (e.g. in 2017) to conduct civic and voter education but this decision was reversed on 11 May 2023, when the ZEC invited CSOs/FBOs/PVOs, including those that were previously authorised to conduct voter education before this date to submit new applications for accreditation by the ZEC as voter educators. The approval process took more than two months. Despite submitting the required documentation including the copy of ZESN registration certificate, the Network was requested to resubmit proof of registration in the form of a written letter by the relevant government department. ZESN finally got accredited to conduct voter education on 5 August 2023 and collected the accompanying information on 8 August 2023. The delay impacted the ability of ZESN and other CSOs to complement ZEC in delivering the much-needed voter education interventions ahead of the harmonised elections.

### **Operating environment**

The timing towards the elections of the passing of the Criminal Law Codification and Reform Act, (Patriotic Act), Cybersecurity and Data Protection Act, that affects the operations of CSOs has had a negative impact on CSOs' programming and inducing fear leading to self-censorship, thus limiting the extent to which CSOs can meaningfully compliment efforts of ZEC and other agencies.

The Private Voluntary Organization Bill, which was sent to the President for his assent, has also negatively impacted CSOs' operations. For instance, authorities at the Provincial and District level now impose restrictive requirements for CSOs to operate within their jurisdictions.

### **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 government at every level, in so far as the information is required in the interests of public accountability'.

Despite the right to access to information being guaranteed by the Constitution, the 2022 Final Census report that was used in the delimitation exercise was not made public. Another case in point is the issue of accessing the voter's roll. Section 21 (3) of the Electoral Act provides that 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. Both the High Court and Supreme Court ruled that ZEC cannot be compelled to release the voter's roll in electronic format as that would compromise the security of the database. However ZESN noted the availing of the voters' roll to contesting political parties, which some of political parties alleged that the roll of the Presidential and National Assembly Constituency, in a PDF format, came with small fonts and was not searchable or analysable. The issue of the voters' roll continues to be a contentious issue in every election in Zimbabwe.

### **Media**

The Media have a critical role to play in the conduct of democratic elections in Zimbabwe and in any given country. ZESN noted increased reportage of electoral processes and electoral-related information by the media from 2018 to date. However, concerns have been raised over biased and inequitable media coverage for all political parties and candidates. In addition ZESN observed continued misinformation and disinformation particularly on social media. Some sections of the media have not adhered to the legislative framework which provides for fair, equitable, truthful, balanced opinions and objective coverage of political parties by both the public and private media in Zimbabwe.

### **Political Campaigns**

The official campaign season was two and half months long after the sitting of the Nomination Court on 21 June 2023. All political parties, and independent candidates took the initiative to strengthen and amplify their voter engagements and campaigning efforts in order to solicit for support from the electorate. All political parties conducted 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. The main two political parties namely; ZANU-PF and CCC held rallies across the country where thousands of their supporters were in attendance. ZANU-PF and CCC have been campaigning in rural areas intensely. Political engagement

plays a significant role in participation of the electorate in electoral processes, thus the correlation between high turnout at rallies and voter turnout remains to be seen on polling day.

ZESN noted that, the campaigns have not been issues based, the most dominant political parties released manifestos late or not at all. Politics of patronage and vote buying became the order of the day, with incentives being given to party supporters, key civil service personnel and traditional leaders. The Judicial Services Commission has not refuted claims that from June 2-23 through to date, Judges were awarded about US\$400 000 housing loans by the government; exposing Judges to negative public perception about their neutrality and impartiality, and to pork-barrelling. This in turn can impact on professional conduct and independent standing of the judiciary given the fact that the Judges were and are expected to be neutral arbiters of the Nomination Court process and possible petitions post 23 August harmonised elections.

The political parties' finances benefitted the ZANU-PF and the MDC- T. ZESN observed that ZANU PF is well resourced as compared to other political parties. The resources invested into campaigns demonstrate huge disparities between the political parties contesting these elections. This needs to be addressed in future elections to ensure that smaller political parties also benefit from political parties finances, for them to stand a fair chance of participation in the elections.

ZESN observed that the electoral environment during these campaigns has been relatively peaceful with isolated and intermittent outbursts of intra and inter-party violence, intimidation and hate speech. Further, the ZHRC also reported that this 2023 harmonised elections recorded few incidents as compared to previous elections. Though political parties (ZANU-PF, CCC, and MDC-T) signed various peace pledges, to validate their open assurance to promoting non-violent and peaceful electoral processes, this regrettably did not stop the violent political clashes near Tanaka grounds in Glenview 7 Harare Metropolitan Province on 3 August 2023, which claimed the death of Tinashe Chitsunge a CCC member (May his dear soul rest in peace). ZESN also noted the defacing and removal of posters and billboards of different political parties and candidates which continues to date.

ZESN unreservedly condemns the bouts of intimidation, hate speech and instances of inter and intra-political violence. Hate speech and political intolerance are suggestive of animosity fanning among political party supporters and these impede free, fair and credible elections.

There seems to have been selective application of the Maintenance of Peace and Order Act (MOPA) by the law enforcement agency which has been viewed with mixed feelings, with some arguing that a disproportionate number of opposition rallies especially the CCC were stopped by the police on the pretext that the parties had not fully complied with the provisions of MOPA. However, briefing observers on the Security Situation and Political Environment on 16 August, the Police Commissioner General said more than 2 600 notifications had been received from political parties to hold meetings and gatherings and



303 were banned for not meeting MOPA regulations. ZANU-PF had 187 of their notifications out of 1 878 disapproved, CCC 89 out of 627, MDC-T 12 out of 36 and Other parties 15 out of 122 notifications turned down.

### **Observers Accreditation**

The observer accreditation process has been very slow, resulting in CSOs incurring significant costs to train and accredit observers. There are numerous cases of ZESN observers being intimidated have been experienced, in some instances resulting in observers declining to serve as observers. This was especially prevalent in Mashonaland West and Central. In addition, observer accreditation was significantly more challenging than in previous elections, with long delays in approving observer lists and ensuring their facilitation at provincial ZEC offices.

Further ZESN is concerned with the continuous media attacks on domestic and international observers despite having been invited by the government of Zimbabwe and accredited by the ZEC. The law provides and recognizes the roles of observers. Under Section 40 G (1) (d) of the Electoral Act; Persons who are accredited by the Commission as observers of an election shall be entitled to do all or any of the following... *to provide the Commission with a comprehensive review of the election taking into account all relevant circumstances, including— (i) the degree of impartiality shown by the Commission; and (ii) the degree of freedom of political parties to organise, move, assemble and express their views publicly; and (iii) the opportunity for political parties to have their agents observe all aspects of the electoral process; and (iv) the fairness of access afforded to political parties to the national media and other resources of the State; and (v) the proper conduct of the polling and the counting of the votes at the election; and (vi) any other issue concerning the essential freedom and fairness of the election.*

ZESN urges the government of Zimbabwe to adhere to the call made in October 2022 by the United Nations Special Rapporteurs for Member States to *“take all necessary steps to establish conditions that allow national and international election observers to effectively do their work, and to protect them from any violence, threats, retaliation, adverse discrimination, pressure or any other arbitrary action as a consequence of their legitimate exercise of their rights and freedoms.”*

### **Conclusion**

ZESN will be deploying domestic observers as the organisation continues to promote democratic elections in Zimbabwe through domestic oversight. The organisation implores all stakeholders to promote political tolerance and foster peace before, during and after elections in adherence to Section 155 (a) (d). Peaceful and credible elections are essential for democracy to thrive. ZESN urges voters to turn out in numbers on Election Day to exercise their right to vote peacefully. The Network also urges ZEC to be open, transparent, and accountable and to guarantee the secrecy of the vote to enhance the credibility of the electoral process. //ENDS

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