



# Ballot Update

## Bulletin

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FREE

# Analysing the Electoral amendment Bill

## What is in it for Zimbabweans: What are the key changes?



The major highlights of the Electoral Amendment Bill of 2011, provides for the following main changes: polling station based voters' roll; police officers will no longer be stationed inside polling stations; disabled and illiterate voters will be able to choose who they want to assist them in casting their votes; postal voting will be restricted to State employees who are outside the country; the procedures for counting and collating votes will be made more transparent, and time-limits (5 days) will be specified for the announcement of results of presidential elections and committees will be set up to minimize violence and intimidation during elections as well as a creation of the Electoral Court.

These above mentioned changes will be explained briefly in this article.

The Electoral Amendment Bill of 2011 is part of the package of reforms to ensure that Zimbabwe's electoral processes will be free, fair and democratic. The reforms come against the background of seriously compromised and controversial elections held in 2008. These elections, and previous contests before them, produced contentious results.

The ultimate aim of these amendments is to create a level playing field for political contestants and to ensure the realization of free and fair elections in Zimbabwe. The Bill has passed in both Houses and now awaits Presidential assent and gazetting as an Act.

### Election news quotes

"We know that some of our companies will not be in existence this time next year unless something improves," Katsande said. "Difficult times are before us. Our plea to politicians is that they spare some thought for the economy, otherwise it will be difficult to pick up the pieces after the elections. "As elections pick up steam, we are going to be tested on our maturity and non-partisan stance." Confederation of Zimbabwe Industries (CZI) president Kumbirai Katsande- *Newsday 27 JULY 2012*

"The law doesn't compel people to do the impossible, that is basic law," Prof Madhuku said. "It doesn't make sense to have by-elections and then have general elections a few months after. "The President can actually apply for stay of execution of the Supreme Court ruling at the High Court, but he will have to do it within the time frame given by the Supreme Court. Prof Lovemore Madhuku- *The Herald July 21 2012*

Polling stations will become the basis of the electoral process. Voters' rolls will be compiled for each polling station and voters will be compelled to vote at the polling station on whose roll they are registered. In the current system the voters' roll is ward based; the electorate is registered in their ward but can vote at any polling station. The polling station based Voters Roll is favourable as the voters' roll will prevent double voting and the alleged bussing in of voters. However, there is likelihood that would-be voters can be displaced or easily targeted. The change from the ward-based voters' rolls to polling-station based rolls will not take place immediately, but only after the Zimbabwe Election Commission has compiled the rolls for all polling stations throughout the country. The Commission will also be mandated to make available to the public searchable printed and electronic voters' rolls.

The duty of the police on election day is to maintain peace and order, however their presence inside the polling station has been viewed as intimidatory to voters. In the Bill, police officers will no longer be stationed inside polling stations, instead they will be stationed a distance of about 300m and will be allowed to enter polling stations only to cast their votes or help in preserving order. According to Sections 59 and 60 of the Electoral Act Chapter 2:13, the illiterate, blind and

disabled who were unable to vote by themselves had to be assisted by an electoral official in the presence of a police officer.

This clause did not guarantee the secrecy of the ballot and was prone to abuse as in some alleged cases a mark was put on a candidate not of the individuals' choice. The Electoral Amendment Bill upholds the choice of voters to select persons who may assist them to vote.

Under the Electoral Act at present, postal voting is restricted to: Government employees such as staff of diplomatic missions, who are stationed outside Zimbabwe; electoral officials who will be on election duty outside their constituencies; members of the police and defence forces who are required for election duty; and spouses of these people (though it is unlikely that electoral officers and members of the police and defence forces would bring their spouses with them on election duty).

The Bill will now allow postal votes only to Government employees stationed outside Zimbabwe. Electoral officials and security force personnel who will be away from their constituencies on polling day in an election will be allowed to cast their votes two to three weeks before polling day, at special polling stations established in each district. Candidates' election agents and accredited observers will be entitled to be present at these special polling stations and to monitor voting procedures there. In previous elections there were suspicions that postal votes cast were done in an environment that was not free, furthermore the accreditation has to be done early to allow the observers ample time to observe the process. The Bill also provides for a clause that states that results should be announced within five days after polling.

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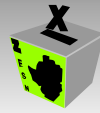
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## Bulletin

# Ongororo yezvirikufanira kushandurwa pamutemo wezvekuvhota.

**Shanduko idzi dzichabatsirei zvizvarwa zveZimbabwe uye ndezvipi zviri kufanira kushandurwa pamutemo wezvekuvhota?**

### Munyori weZESN

Shanduko dzinofanirwa kuitwa pamutemo wezvekuvhota dzakanyorwa mugore ra2011 ndeimwe yenzira dziri kushandiswa pakuedza kuti sarudzo dziitwe nenzira inokoshesa zvido zveruzhinji, pasina kubiridzira uye zvakasununguka. Izvi zviri kuitwa mushure mekunge paita kusagutsikana nekusafadzwa nesarudzo dzakaitwa mugore ra2008.

Shanduko idzi dzakaongororwa nekukurukurwa mudare reparamende naizvozvo dzamirira kuti dzishambadzirwe mushure mekunge mukuru wenyika abvumirana nezvirimo. Chimwe chikamu chakashandurwa pamutemo wekuvhota ndechinoti, munhu wese ave kufanira kuvhota panzvimbo yaakanyoresa zita rake. Nemamwe mazwi, nzvimbo imwe neimwe ichavhoterwa ichange ine mazita evanhu vakanyoresa kuti vanoda kuvhota panzvimbo iyi.

Izvi zvichabatsira kuti vanhu vasavhote kaviri kaviri. Asi, dambudziko rinogona kuitika nderekuti vanhu vanogona kubviswa munzvimbo dzavanogara kana kushungurudzwa nekuda kwemapato avanotsigira. Shanduko iyi ichatanga kushanda mushure mekunge veZimbabwe Election Commission vapedza kunyoresa mazita ese evanhu vanoda kuvhota munyika yese.

Imwe shanduko irikufanira kuitwa pamutemo wezvekuvhota ndeyekuti, mapurisa haachabvumirwi kupinda mukati menzvimbo dzekuvhota nekuti zvinogona kutyisidzira vanenge vachida kuvhota. Naizvozvo basa ravo richave rekuchengetedza runyararo vari kunze kwenzvimbo dzekuvhota.

Vachabvumidzwa chete kupinda mukati menzvimbo dzekuvhota kana vave kuda kuvhota uye kana pachinge paita mhirizhonga. Mutemo uripo ikozvino unoti, vakaremara nevasingagani kunyora vanobatsirwa nevanovhotesa paine mupurisa anenge achiona zviri kuitika. Muchinyorwa cheshanduko dzinofanira kuitwa pamutemo wekuvhotesa zviri kunzi, munhu akaremara nevasingagani kunyora achasarudza ega munhu waanoda uye waanovimba naye kuti amunyorere pabhepa resarudzo.

Izvi zvinobatsira kuti munhu ave nechokwadi chekuti zvido zvake zvaitwa nemazvo. Imwe shanduko inofanira kuitwa inoti, vanoshandira hurumende vari kunze kwenyika ndivo chete vachabvumidzwa kutumira mapepa esarudzo kubva kunze kwenyika. Mapurisa nevanovhotesa vanenge vasiri panzvimbo dzavakanyoresa mazita avo pazuva richaitwa sarudzo, vachabvumidzwa kuvhota mavhiki kana matatu sarudzo dzisati dzaitwa.

Pachagadzirwa nzvimbo dzakatsanangurika dzekuti vakwanise kuvhota mudunhu rimwe nerimwe. Vaongorori vesarudzo vanofanira kunge varipo pachaitwa sarudzo idzi kuti vave nechokwadi chekuti dzafambiswa zvakanaka. Pamutemo wange uchishandiswa iko zvino, pange pasina kutarwa nguva yekuti zvabuda musarudzo zvinofanira kunge zvashambadzirwa mushure memazuva akawanda zvakaadini sarudzo dzaitwa.

Naizvozvo imwe shanduko iri kufanira kuitwa ndeyekuti, zvinobuda musarudzo zvinofanira kushambadzirwa mazuva mashanu asati apfuura kubva pazuva raitwa sarudzo.

Izvi zvichabatsira kuti sarudzo dzifambiswe nekukasika uye nenzira yakajeka. Chinyorwa ichi chinojekesa kuti pane nzira dzakatsanangurika dzichashandiswa pakudzivirira nekugadzirisa nyaya dzekurwisana pane zvevatongerwo enyika pamwe nezvekutyisidzirwa kweruzhinji. Zvakare panofanira kugadzirwa dare rakazvimirira rinoona nezvenyaya dzine chekuita nezvesarudzo.

Komishoni ndiyo icharamba ichiongorora mafambiro nemaitiro evanhu vanoda kudzidzisa ruhinji pamusoro pezvesarudzo pamwe nekuona kuti mari dzinobva kunze kwenyika dzine chekuita nedzidziso dzezvekuvhota dzafambiswa sei.

Vamwe vaongorori vari kuti chinyorwa ichi chakaedza kuita zvido zve mapato matatu ari muHurumende yemubatanidzwa. ZESN icharamba ichikurudzira kuti pave nesarudzo dzinoita zvido zveruzhinji. Naizvozvo ZESN inoti shanduko dzirikufanira kuti pave nesarudzo dzinoita zvido zveruzhinji.

kuitwa pamutemo wekuvhota inzira yekuedza kuti sarudzo dziitwe nenzira inogutsa.

**“Imwe shanduko irikufanira kuitwa pamutemo wezvekuvhota ndeyekuti, mapurisa haachabvumirwi kupinda mukati menzvimbo dzekuvhota nekuti zvinogona kutyisidzira vanenge vachida kuvhota.”**

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In the current Electoral Act, there is no stated timeframe within which results must be announced. This will ensure enhanced efficiency and transparency and will reduce speculation. In 2008 it took five weeks for the Commission to announce presidential results.

The Bill sets out special mechanisms for preventing or handling cases of political violence and intimidation. This clause will be effective if there are punitive measures for those who instigate violence. The Bill also seeks to establish an Electoral Court to deal with election-related matters.

The Commission remains the gate keeper and monitor persons who wish to provide voter education and will also have control over the receipt of foreign funding to persons wishing to provide voter education. In as much as the Bill is viewed as a compromise of the three parties in the GPA, ZESN remains committed to promoting democratic elections and the Bill is a step towards conducting credible elections.



Promoting  
Democratic  
Elections  
in  
Zimbabwe



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## AN ANALYSIS OF JULY 2012:

### INTRODUCTION

The period June to July 2012 has witnessed an upsurge of events with a bearing on the GPA and the relations of the parties to the GNU. Of significance, ZESN noted the passing of the Electoral Amendment Bill by both houses of Parliament. The Bill contributes to the creation of a platform in which elections can be guided and conducted and will hopefully foster a space for democratic, free and fair elections.

### The GPA

The GNU continues to tread its unstable path as several issues continue to bedevil its effectiveness. The publishing of the COPAC final draft constitution has just about spelt the end of the three and a half year old Inclusive Government born of the Global Political Agreement. The power-sharing document makes it clear that the coalition government must come to an end as soon as the three cooperating coalition partners agree to a draft constitution that will pave way for a constitutional referendum and general elections. ZANU PF, however, appears to be frustrating the progress of the transitional process by taking its time to come up with a position regarding the draft and apparently negating the mandate of their duly appointed negotiators. It is only reasonable to assume that the current haggling over issues, clauses and wording should have been done during the negotiation process and fed into the party's representatives at the negotiation table.

The two MDC formations have endorsed the draft despite having some misgivings with some of its clauses. While ZESN appreciates the stabilization and relative peace that has been brought about by the GPA, there is a need for greater political will, commitment and urgency from the parties in order to take the country forward. ZESN continues to advocate for full implementation of electoral reforms, as we believe that the inclusive government must continue to fulfill its mandate of ushering in progressive reforms.

## Ukuhlaziywa komthetho ongakapheli wokuphathwa kwezokhetho

Uzatholani uzulu weZimbabwe: Yinguquko bani emqoka ezaletwa yilo umthetho?

Umthetho ongakapheli ukubunjwa ophathelane lokuphathwa kokhetho eZimbabwe (iElectoral Amendment Bill) womnyaka ka-2011 uyingxenye yoluhlu lwezimiso ezimele zenze ukhetho lweZimbabwe lubegotho njalo kungabikhona ukuqilibezelana. Ukubunjwa kutsha kwalo umthetho kuza ngemva kokuba ilizwe laba lokhetho olungabanga lempumela eqotho ngomnyaka ka-2008 lakweminye eyadlulayo.

Ukubunjwa kutsha kwalo umthetho kujonge ukuletha inguquko endleleni yokuphathwa kokhetho ukuze lubegotho njalo kungabi lebandla eliqila amanye. Umthetho lo obunjwayo sowedlula edale ePhalamende lakuSenethi ngakho usumelele ukuvunywa ngumongameli welizwe ukuze ube ngumthetho welizwe.

Inguquko ezimqoka kulo umthetho obunjwayo owomnyaka ka-2011 ngelandelayo: ugwalu lwamabizo abavotayo (voters' roll) lumele lubesendaweni yinye ngayinye lapho okumele bavotele kiyo (polling stations); amapholisa awasavunyelwa ukuba phakathi kwezindawo zokuvotela; abagokekileyo labazimpumpethe sebezazikhetela labo abafisa ukuthi babaphathise nxa bevota; amavoti athunyelwayo (postal votes) asezakuba yilawo awezisebenzi zikahulumende ezingaphandle kwelizwe kuphela, ukubalwa kwamavoti kumele kubegotho njalo kubemgeke; impumela yokhetho lukamongameli isifakelwe isikhathi sokuba izezwe kuzulu ngemva kokubalwa kwamavoti, kumele kungedluli insuku ezinhlanu (5 days) ingavezwanga; kuzakubakhona njalo amakomithi kanye lomthethwandaba okhangelane lokwenqabelwa kodlakela ngesikhathi sokhetho.

Lokhu okumunywethwe lapha kuzachasiswa ngokugcweleyo kulolugwalo. Indawo zonke zokuvotela (polling stations) zizakula logwalo lwamabizo (voters' roll) alabo okumele bavotele kuzo. Lokhu kwehlukene lalokho obekusenzakala, obekusenza ukuthi abantu benelise ukuvota kabili kumbe ukwethuselwa ngoba ugwalu lwamabizo lungolwewadi (ward) yonke hatshi indawo ngendawo yokuvotela.

Lokhu kudala ingozi yokuthi abantu bangethuselwa basuswe ezigabeni zabo ngakho-ke besebesehluleka ukuvota.

Uhlelo lokuguqulwa kwalokhu alusoze lwenzakale ngaphambili kokuba iKhomishini ebona ngokuphathwa kokhetho (Zimbabwe Electoral Commission) isiqedile umsebenzi wayo wokuqoqa ugwalu lwamabizo (voters' roll) ezindaweni zonke zokuvotela elizweni.

Ikhomishini izakwenza ukuthi uzulu enelise ukufinyelela ugwalu lwamabizo alotshiweyo emaphepheni njalo atholakalayo lasemithshini kagetsi (computers). Ukuba khona kwamapholisa ezindaweni zokuvotela obekusethusa abavotayo akuseyikubakhona njengoba amapholisa sokumele enze umsebenzi wawo wokulondoloza ukuthula njalo enze lokhu emi khatshana kwendawo zokuvotela.

Sokumele kube lamamitha angamakhulu amathathu (300 meters) phakathi kwamapholisa lezindawo zokuvotela. Amapholisa azavunyelwa ukungena endaweni zokuvotela nxa esiyavota kumbe encedisa ukuthi kube lokuthula.

Isahluko 59 lo 60 somthetho okade ukhona besingavumeli ukuthi labo abafuna uncedo ekuvoteni bancediswe yilabo abazikhethela bona. Bebencediswa yilabo abavotisayo kumbe amapholisa obekusenza ukuthi bakhethelwe labo ababavotelayo. Lokhu bekusenza ivoti ingabi yimfihlo yomuntu munye ngamunye. Umthetho lo osabunjwa wona uyananzelela ilungelo lalowo ovotayo lokuzikhethela njalo ivoti le yimfihlo yakhe.

Amavoti athunyelwayo ngokomthetho okhona khatshi ongakaguqulwa ngawalabo abasebenzela uhulumende bengaphandle kwelizwe abafana lalabo abasebenza emawofisini alabo abamela iZimbabwe kwamanye amazwe (diplomatic missions), labo abavotisela ngaphandle kwalapho ababhalisa khona, amapholisa, amasotsha, kanye labomkabo balabo bantu. Umthetho omutsha lo uzavumela kuphela izisebenzi zikahulumede.

Abanye kumele bavote endaweni zokuvotela njengozulu wonke jikelele, kumele kubekhona bonke okumele babone ukuqhutshwa kokhetho ukuze bafakaze ukuthi bonke bavota bekhululekile. Kumele kudalwe umumo ozakwenza ukuthi labo abazaphatheka ekhethweni bavote masinyane.

Umthetho lo osabunjwa ukubeka sobala ukuthi impumela yokhetho kumele izezwe kungakedluli insuku ezinhlanu (5 days). Emthethweni okade usebenza akula sikhathi esibekiweyo sokuveza impumela yokhetho. Lokhu kuzakwenza ukuthi kungabi lokucabangelana lokungathembani. Ukuswelakala kwesikhathi emthethweni okhona yikho okwadala ukuthi ngomnyaka ka-2008 iKhomishini eyayiphethe ukhetho ithathe amaviki amahlanu (5 weeks) ukuveza impumela yokhetho lukamongameli.

"Ukuba khona kwamapholisa ezindaweni zokuvotela obekusethusa abavotayo akuseyikubakhona njengoba amapholisa sokumele enze umsebenzi wawo wokulondoloza ukuthula njalo enze lokhu emi khatshana kwendawo zokuvotela."

Umthetho lo umisa izindlela zokwenqabela udlakela lezokujezisa labo abadala lolo dlakela ngesikhathi sokhetho. Umthetho lo osabunjwa ujonge ukudala umthethwandaba ozabhekana lezindaba zokungaphathwa kuhle kokhetho. Ikhomishini yiyo engumphathi walo lonke ukhetho. Yiyo ekhangela ukufundiswa kukazulu ngeziphathelane lokhetho njalo ikhangele lalapho abayithatha khona imali yokukwenza lokhu.

Lanxa umthetho lo osabunjwa uyimpumela yokuvumelana kwamabandla ezombusazwe akuhulumende okhona (GPA); I-ZESN imi njalo ngokuzimisela ekudaleni ukuthi ukhetho lufaze intando kazulu njalo ikholwa ukuthi umthetho lo osabunjwa ungokunye kwalokho okudingakalayo ukuze ukhetho luphathwe ngendlela esuthisayo kuleli.





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*Bulletin*

## Constitution making process

The constitution making process has witnessed several developments as COPAC has handed over the draft Constitution to the GPA principals. Various issues in the constitution which have a bearing on electoral issues have been noted and of interest to ZESN is Chapter 7 which highlights the following election related issues;

- Elections, which must be held regularly, and referendums, to which this Constitution applies must be peaceful, free and fair;
- Elections must be conducted by secret ballot; based on universal adult suffrage and equality of votes;
- Elections must be free from violence and other electoral malpractices;
- Ensure that all eligible citizens are registered as voters;
- Ensure that every citizen who is eligible to vote in an election or referendum has an opportunity to cast a vote;
- Facilitate voting by persons with disabilities or special needs;
- Ensure that all political parties and candidates contesting an election or participating in a referendum have reasonable access to all material and information necessary for them to participate effectively;
- Provide all political parties and candidates contesting an election or participating in a referendum with fair and equal access to electronic and print media, both public and private;
- Ensure the timely resolution of electoral disputes;
- Results of the election or referendum to be announced as soon as possible after the close of the polls;
- Appropriate systems and mechanisms should be put in place to eliminate electoral violence and other electoral malpractices;
- The need to ensure the safekeeping of electoral materials;
- No amendments may be made to the Electoral Law, or to any subsidiary legislation made under that law, unless the Electoral Commission has been consulted and any recommendations made by the Commission have been duly considered
- Delimitation of electoral boundaries once every ten years, on a date or within a period fixed by the Commission so as to fall as soon as possible after a population census;
- The Zimbabwe Electoral Commission mandated to conduct a delimitation of the electoral boundaries into which Zimbabwe is to be divided
- A Code of Conduct for political parties, candidates and other persons participating in elections or referendums should be established and enforced;
- A system of proportional representation for the election of persons to the seats in the Senate referred to in section 6.5(1)(a) and the seats reserved for women in the National Assembly referred to in section 6.9(1) of the constitution;
- A Constitutional and Electoral Court and an Electoral Commission with extended powers. President, cabinet, ministry permanent secretaries and all commissioners limited to two five year terms
- Creation of a devolved system of government to provincial and metropolitan councils and local authorities to exercise responsibilities to ensure development and equitable sharing of local and national resources
- Of interest is the issue on running mates as this will stop the culture of deliberately frustrating debate on succession among political parties in Zimbabwe as it faces an acid test as the new draft constitution demands that party leaders to choose their running mates
- The draft constitution captured the issue of citizenship as Zimbabwean citizens currently termed "aliens" are now being catered for in the constitution, which consequently will restore their right to vote

ZESN has noted that battle lines are drawn over the latest COPAC draft constitution, with Zanu PF trying to compel wholesale amendments to the document while the two MDC parties endorsed it without changes. However, MDC 99 and NCA have rubbished the draft constitution as a negotiated settlement of political parties saying it fails to capture the collective contributions of Zimbabweans. Further, they argue that they are unhappy with a number of provisions in the draft which include the bloated parliament, the exclusion of other public offices from adhering to term limits and the contentious issue of executive powers.

## The passing of the Electoral Amendment bill

ZESN noted the passing of the Electoral Amendment Bill by both Houses of Parliament. The Electoral Amendment Bill is amongst some of the bills such as Zimbabwe Human Rights Commission Bill and the Older Person's Bill that have been passed but awaiting the Presidential assent. ZESN acknowledges the efforts by the parties in the GNU to initiate this reform as this will pave way for elections which are guided and enshrined by ethical principles. The Electoral Amendment Bill's significance cannot be ignored as it determines the manner in which elections will be conducted and thus can influence the legitimacy of the electoral process. ZESN has noted some of the proposed changes in the Electoral Amendment Bill and these include:

- The introduction of a polling station-based voters' roll
- Announcement of presidential election results within five days of polling
- Establishment of the Electoral Court to speedily deal with electoral disputes
- Restriction of police officers as they will no longer be allowed inside the polling station
- The visually impaired and illiterate will be allowed to bring any person of their choice to assist them in voting in the presence of a polling officer.
- Postal voting will be restricted to State employees who are outside the country;
- Provisions of special voting are now provided for people who are electoral officers and members of the disciplined forces who will be performing security duties during the Election Day.
- Procedures for counting and collating votes will be made more transparent;
- Setting up of committees to minimize violence and intimidation during elections

ZESN welcomes the provision of timelines to the announcement of election results and the establishment of the Electoral Court. However the establishment of the polling station based voters' roll though it is international best practice might not be ideal at this moment in time given the volatile political environment in Zimbabwe but could be taken on board later when the environment is more peaceful. Although most of the provisions are welcome, it is however sad to note that observers are not included under the special voting provisions. ZESN therefore will continue to advocate for the inclusion of observers in special voting and their role to be recognised as important by the relevant authorities

## Supreme Court ruling over by elections

ZESN acknowledges the decision by the Supreme Court which ruled that the President is to declare a date for by elections by 31st of August 2012. The ruling was on the by elections that are set to be held in Nkayi South, Bulilima West and Lupane East constituencies which were left vacant after the three MDC members of parliament were expelled from the party and relieved off their parliamentary duties. ZESN issued a statement last month in which it commended the Supreme Court for expressly showing that people are entitled to choose representatives and to be represented. While the political parties have expressed different sentiments towards the ruling by the supreme court decision, ZESN believes that the ultimate test is directed towards the Electoral Commission and its level of preparedness and ability to run credible elections. The same can be said for the political and other stakeholder on their ability and willingness to abide by the Code of Conduct to desist from violence and intimidation of voter and manipulation of the process. ZESN however notes that the decision for by elections came late as the 3 constituencies have gone for 3 years without representatives in the house of parliament hence ZESN also calls for faster judicial processes in the future as well as full implementation of court rulings by the state.

## Media Reforms: Licensing of more media

ZESN notes the licensing of one more independent daily newspaper, The Observer which is expected to be on the streets in September 2012. Another private radio station, ZiFM is expected to start operations on the 15th of August 2012. Though the licensing of these new players is a positive step towards media diversity and plurality, ZESN remains concerned with the continued persecution of journalists and the tedious pace at which the licensing of new players is being conducted. ZESN also expresses concern over the failure by the Broadcasting Authority of Zimbabwe (BAZ) to licence community radio stations when Zimbabwe is reported to have the capacity to register 56 community radio stations and 31 commercial radio stations. ZESN continues to call for the licensing of more private radio, television stations and newspapers and for more guarantees to freedom of the press and of expression. Legislation that is inimical to the total enjoyment of press freedoms and access to information must be repelled and legislation that curtails hate speech and media bias must be put in place. ZESN Observers have however reported that residents are expressing dissatisfaction with the objectivity of the state controlled media and said that they relied on the private media for objective media coverage. In the urban areas, online social media platforms such as Facebook and Twitter were mentioned as alternative sources of news.

## Human rights and fundamental freedoms

Human rights form the basis of the individual hence the state should put in place effective mechanisms which guard these rights. However, in most constituencies, observers have reported on the blatant abuse of these human rights. Observers in Rushinga constituency have stated that militia bases are beginning to resurface and youths are singing revolutionary songs and perpetrating violence in the constituency all these activities have created an environment of fear as well as intolerance. Observers in the same area have also stated that there are high degrees of intolerance in the area as the MDC party supporters are not free to wear their regalia and attend political meetings.

Observers in Shamva North have stated that war veterans and headmen are writing down and noting people who support other political parties which are not ZANUPE, a clear indication of violating freedom of association. Observers in Insiza North have cited that a youth militia led by a brother [name withheld] to Hon. Andrew Langa, continues to terrorise Miners and opposition supporters as they are forcibly recruiting youths to join them. Observers have noted that whilst there are reports of human rights abuses in most constituencies, other areas have reported on the respect of these human rights, an aspect we hope will cascade to all constituencies. Observers in Hurungwe East have stated that there are improved tolerance levels in the constituency as residents are able to wear party regalia without discrimination or fear. Observers in the Midlands and Bulawayo provinces have also reported that the human rights situation is still relatively calm with very few instances of violations being recorded. People are relatively free to express themselves and discuss national political issues in these provinces. The major political parties have been able to hold meetings and campaign rallies without being harassed and denied their right to freedom of expression. Observers have made an analysis that in Gweru Urban and Mkoba areas, there is relative respect for human rights as compared to the more rural areas of the Province. The observers reckon that this is because the people in the urban areas are generally more enlightened about their rights are not afraid to demand them while many in the rural areas are barely literate and can easily be taken advantage of due to their proximity from the urban centres.

All political parties should be granted equal access to conduct their political meetings and rallies; however observer reports have indicated that in Mt Darwin East, ZANU PF youth disrupted a meeting organized by the MDC on the 1st of July 2012 as they invaded the meeting and started chanting ZANU PF slogans. While the observers in Mazowe South stated that only the ZANU PF is able to conduct meetings and political rallies as other political parties fear the eruption of violence during their rallies while in Shamva South have stated that the MDC failed to conduct a meeting after the ZANU PF threatened them. ZESN has expressed concern over the incident in Zvimba West which witnessed a clash occurring between the ZANU PF youths and MDC youths. Observers reported that the fallout occurred after both youth structures failed to reach a consensus on who should conduct a meeting as they had been both cleared by the police to conduct meetings hence resorted to violence which later saw the arrest of some MDC youth.

Observers in Hatcliffe have stated that whilst ZANU PF is able to conduct meetings and rallies the MDC seems to be conduct secret meetings. Observers in Muzarabani South, Mutoko North, Hurungwe East and Murehwa South cited that residents are usually coerced to attend ZANU PF meetings and rallies. Observers in Rushinga constituency have reported on the disruption of an MDC meeting by ZANU PF youth which had been scheduled for the 16th June 2012. Observers in Highfield East, Seke, Chitungwiza, and Hurungwe West have reported that the ZANU PF party is the only party which is able to conduct meetings. Observers in Bindura North have cited that the ZANU militia is prohibiting the MDC from conducting meetings and rallies. In Mashonaland East, Jabulani Sibanda descended in Murehwa West were he called for a meeting that residents were forced to attend on the 27th of June 2012 and allegedly failure to attend would result in severe assaults and harassment as claimed.

ZESN notes and acknowledges the work of various civic organisations in areas under observation.