

ZIMBABWE ELECTION SUPPORT NETWORK



THE GENERAL LAWS AMENDMENT ACT FALLS SHORT OF EXPECTATIONS: ZESN

4 August 2016 – Harare - The Zimbabwe Election Support Network (ZESN) notes the gazetting of the General Laws Amendment Act (GLAA) which introduces some amendments to various laws including the Electoral Act to bring them into alignment with the Constitution. ZESN believes that the Act does not sufficiently address fundamental issues related to the Electoral Act such as the right to vote, the special vote, delimitation and media access among other issues.

ZESN notes with concern that the GLAA offers piecemeal reforms and fails to align the most substantive provisions related to the Electoral Act to fully comply with the Constitution. This appears to be a result of the omnibus approach taken by the legislature to amend more than one hundred legislative instruments via the GLAA. ZESN reiterates its previously stated position that there is need for a comprehensive process of amending all the Electoral Laws and bring them into conformity with the Constitution as well as regional guidelines on good governance and elections.

An analysis of the GLAA amendments relating to the Electoral Act shows that the Act still falls short of the constitutional provisions relating to conduct of elections. The amendments purport to transfer the responsibility of registering voters, compiling the voters' roll and ensuring the proper custody and maintenance of the voters' roll from the Registrar of Voters to the Zimbabwe Electoral Commission. However the amendments do not conform with the Constitution to the extent the Act requires the Commission to share responsibilities with the office of the Registrar General of Votes, an office that is effectively abolished by the Constitution and the Act.

Furthermore, the amendments bring in the Executive into the election management processes by giving a significant role to the Minister in some of the electoral processes. This is contrary to the letter and spirit of the Constitution that establishes an electoral management body with exclusive mandate to manage elections, independent of any other legal person or arm of government.

ZESN is dismayed by the fact that despite conducting consultations and receiving input and submissions from civic society organizations and the general public, there was very little effort to factor those concerns into the Act. Furthermore, ZESN believes that the Act in its current state fails to fully capture a number of fundamental rights.

Section 67 of the Constitution states every Zimbabwean citizen has the right to vote and does not discriminate between citizens in Zimbabwe and those abroad. ZESN notes that the GLAA does not address the question of the right to vote for those in the diaspora and people in hospitals and jail thereby maintaining their disenfranchisement in exercising their political right to vote.

“The major concern and misgiving regarding the General Laws Amendment Act is the fact that it does not seem to vest the Commission with a clear and exclusive mandate to manage elections in the letter and spirit of the constitution. Besides, the minor changes to the Electoral Act such as re-referencing and changing titles of offices, the general assessment is that the Act does not adequately align the most crucial and

substantive provisions in order for it to fully comply with Constitutional guarantees and maintains the undesirable trend of taking a piecemeal approach to amending the electoral Act,” said ZESN National Director, Rindai Chipfunde Vava.

ZESN continues to call for the full alignment of the electoral laws with the Constitution and for the creation of a conducive electoral environment as the country gears for the 2018 harmonised elections.

**PROMOTING DEMOCRATIC ELECTIONS IN ZIMBABWE
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