



MISA WORRIES OVER SAFETY OF MEDIA PRACTITIONERS AHEAD OF 2023 ELECTIONS

AS Zimbabwe heads towards the 2023 elections, the Media Institute of Southern Africa (MISA) Zimbabwe has launched an alert button to prioritise the safety of journalists as temperatures heat up.

While there were no reported cases of physical attacks against media practitioners ahead of the March 26 by-elections, there are fears over their safety to ensure access to election related information.

"We realize that media practitioners always collect, or always have in custody critical information that is part of their news, part of dissemination but also information that they get from their sources hence the issue of confidentiality is very important about the protection of their devices and the protection of their documents," MISA- Zimbabwe Legal ICT Policy Officer Nompilo Simanje said.

During elections, journalists frequently cover rallies, campaign events, and protests which can increase their risk of being attacked, harassed, and detained.

Journalists may be required to report in areas or communities that are hostile to the media or outsiders.

This can happen if a community perceives that the media does not fairly represent them or portrays them in a negative light.

Simanje added: "We are engaging media practitioners on the tools and platforms that they can use that are secure for communication but that are also secure for storage of documents and dissemination of information, so we hope that going forward the practitioners will be safe not only physically but also in terms of the -

nature of the information that they carry with them."

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BY-ELECTIONS EXPOSE URGENCY FOR ELECTORAL REFORMS

OBSERVERS have said the March 26 by-elections exposed the urgency for electoral reforms and an independent audit of the voters' roll to prevent a disputed 2023 elections.

They said the Zimbabwe Electoral Commission (ZEC) failed the credibility tests after its shortcomings in the holding of a free and fair election in line with SADC guidelines were exposed.

Data experts unearthed irregularities in the voters' roll which included changes to 156 polling stations while 177 000 voters were moved from their polling stations without their knowledge.

"The Electoral Code of Conduct remains weak in addressing some ..."

The Crisis Coalition of Zimbabwe (CICZ) in a post-election report emphasized the need for electoral reforms.

"The Electoral Code of Conduct remains weak in addressing some fundamental structural shortcomings of elections, notably violent, corruption and the abuse of state resources in favour of the ruling party," CICZ said.

Academic Tobias Guzura said the independence of ZEC can be guaranteed if there was a change in the appointment of commissioners.

"The appointment process of our electoral management body and the reporting structure of our electoral management body is a recipe for a flawed election at any given point in time," said Guzura.

"So as long as the incumbent has control over the Electoral Management Body (EMB), chances of a free and fair election are very lean."

Exiled Minister Jonathan Moyo said the ZEC has a duty to discharge its constitutional responsibilities in terms of sections 232, 235 and 239 of the Constitution of Zimbabwe.

"Where the Commission fails to discharge its constitutional and statutory functions, then section 4A of the Electoral Act should apply in that, because ZEC is a body corporate capable of suing and being sued, voters and prospective voters should, and I would say, must sue ZEC," Moyo said.

"In this connection, section 239 (a) (iv) requires ZEC to ensure that elections and referendums "are conducted efficiently, freely, fairly, transparently and in accordance with the law." That is what the Constitution says."



MORE VOTER EDUCATION NEEDED FOR VOTER REGISTRATION

THE low turnout during the mobile voter registration exercise is a wake-up call to election watchdogs, political parties and other electoral stakeholders to up voter education awareness campaigns.

The ZEC said only 36 000 first time voters were registered as of April 18 during the second round of the mobile voter registration exercise which ended on April 30. The exercise began on April 9.

The ZEC admitted that the figures were low. Observers said this was an indication of a poor voter education awareness campaign by various stakeholders including the ZEC and political parties.

"The current youth apathy is a sign of lack of trust and confidence in the electoral process which calls for further reforms by ZEC.

There is also a need to increase civic and voter education amongst youth ahead of the 2023 election through avenues and means that are attractive and accessible to young people." Vivid Gwede, a political analyst said.

Another political analyst, Methulesi Moyo said political parties need to work hard to convince youths to register to vote.

"Youths are disillusioned and desolate. They have lost hope in anything Zimbabwean, more so elections. They have been exposed to the belief that elections are rigged. Political parties need to work hard to convince youths to register and vote," Moyo said.

Analyst Effie Ncube added: "The biggest problem that we have is that young people are not politically empowered.

"It's high time we gave the youths the power within the political institutions that is proportionate to their numbers. That way younger people begin to inspire more people to participate politically and this has to be peer driven."

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ZESN field officers on an Electoral Education and Capacity Building programme



ZESN COURTS MULTI-STAKEHOLDERS OVER THE DRAFT COMPREHENSIVE ELECTORAL AMENDMENT BILL

The Zimbabwe Election Support Network (ZESN) in collaboration with the Southern African Parliamentary Support Trust (SAPST) and the Parliament of Zimbabwe (POZ) hosted an All Stakeholders Conference in Kariba from Sunday 29 to Monday 30 May 2022 to discuss the Civil Society Organizations (CSOs) Comprehensive Draft Electoral Amendment Bill. The objective of the conference was to go through the Draft Amendment Bill, clause by clause to ensure the finalization of discussions and input from relevant stakeholders.

At least 90 participants including the Speaker of Parliament, Hon Advocate J.F.N Mudenda, the Chairperson of the Portfolio Committee on Justice, Legal and Parliamentary Affairs Hon. Misheck Mataranyika, Chairperson of the Parliamentary Portfolio Committee on Women Affairs, Community, Small and Medium Enterprises Development, Hon. Chido Madiwa; Honourable Members of Parliament; Acting Chairperson for the National Peace and Reconciliation Commission, Commissioner Dr Golden Chekenyere; Chairperson for the Zimbabwe Gender Commission, Commissioner Margaret Mukahanana-Sangarwe; Deputy Secretary for the Zimbabwe Human Rights Commission, Mr. Erick Mukutiri; The Executive Secretary of the Law Society of Zimbabwe, Mr. Edward Mapara; The Director of Zimbabwe Lawyers for Human Rights, Ms. Rose Hanzi; Chapter 12 Institutions as well as CSOs attended the conference.

The Chairperson of the Zimbabwe Election Support Network, Mr Andrew Makoni outlined the objectives of the conference and cited how the process of developing a comprehensive electoral bill by ZESN had commenced in 2019 following a mandate given to ZESN by the Hon Speaker of Parliament. He stated that the main function of the conference was to read the Bill, discuss it, assess the challenges and probably agree on the way forward.

In his keynote address, The Speaker of Parliament of Zimbabwe, Honourable Advocate Jacob Mudenda said the Conference was convened in accordance with the constitutional dictates that Parliament is there to make laws for peace, order and good governance of Zimbabwe as -



Participants at the All Stakeholders Conference

provided for in Section 117 (2) (b) of the Constitution of Zimbabwe with the objective of refining the Electoral Law in order to achieve peace, order and good governance in the context of Zimbabwe's political electoral processes, more so as the nation beckon the 2023 harmonized elections. He added that the Conference was held to marry our electoral law with the constitutional values and democratic principles provided for in Section 3 (2) as read together with sections 155, 156 and 157 of the Constitution.



On the podium, ZESN Chairperson Andrew Makoni

Honorable Advocate Mudenda highlighted the need to come up with a robust electoral law whose legal vigour and vitality should stand the test of time in ensuring that Zimbabwean elections, at any given time; are peaceful, free, fair and credible. He noted that electoral law should respect gender equality, inclusion and all other rights as elections are also a human rights issue as well as have the integrity of its purpose and intent.



Hon. Adv. J.F.N. Mudenda, Speaker of Parliament giving the keynote address

Hon. Adv Mudenda acknowledged ZESN for the sterling effort of coming up with the election petition which eventually led to the crafting of the Draft Electoral Bill. He emphasized on the need adhere to the electoral law as provided for in Section 157 (4) of the Constitution which provides that: "No amendments may be made to the Electoral Law, or to any subsidiary legislation made under that law, unless the Zimbabwe Electoral Commission has been consulted and any recommendations made by the Commission have been duly considered". The Honourable Speaker of Parliament directed the Parliamentary Portfolio Committee to see to it that it conducts oral sessions with the Ministry of Justice, Legal and Parliamentary Affairs and ZEC to consider the proposals discussed at the All Stakeholders Conference.

Further the Conference also deliberated on the registration of political parties; adherence to code of conduct; protection of the secrecy of the ballot and provisions on assisted voters; stipulating timelines for adjudication electoral disputes and conformity with constitutional provisions as well as regional standards; **Continues to page 04**



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provisions for postal, special and external voting; provisions for mechanisms for filling of vacancies among party lists members; provisions for mechanisms to operationalize youth seats in the National Assembly, women and men in Local Authorities; provisions for inclusion for persons with disabilities; provisions for prohibited political conduct during poll, disqualification of candidates for electoral malpractices, contravention of the Code; provisions for media additional measures for media coverage of elections and access to information and provisions for additional measures pertaining to Electoral Courts, filing, timing and appeals of election petitions.

procedural timelines to ensure that the ZEC and other stakeholders have enough time, while also ensuring that the timelines do not prejudice the outcomes or public perceptions.

On the way forward, Hon Advocate J.F.N Mudenda, Speaker of Parliament commended ZESN and other CSOs for demonstrating an instructive example that one need not criticize without offering or presenting an alternative. He challenged ZESN to share such an example with other CSOs. He further stated that Parliament takes CSOs and public petitions seriously. He reinforced the importance of independent commissions (Chapter 12 Institutions) in providing checks and balances in the governance matrix.

Participants agreed on the need to entrench gender equality safeguards in the Bill to enhance women participation in all electoral processes. The house was also in unison with respect to ensure that the Bill does enhance the transparency of Zimbabwe's electoral processes through consultation with stakeholders such as political parties and voters. A few changes in the Bill were put forward in order to enhance transparency of the electoral processes. Stakeholders also came to an agreement on shortening



Facilitator, Dr James Tsabora leading a plenary discussion

Dr. James Tsabora facilitated plenary discussion sessions; there was no consensus on a few provisions, chiefly among them the regulation of political parties. The house agreed on the registration of political parties for the purposes of the Electoral Act and there were suggestions for creating a separate independent body if need be. There was also no consensus with respect to the composition of the Observers Accreditation Committee. It was, however, agreed that in as much as ZEC independence is fundamental, there is a need to consider other issues/things in the current Section 40H of the current Act. It was suggested that the Electoral Bill include a provision requiring the losing presidential contender (s) to concede defeat as soon as the results are announced. This suggestion remained contentious.



Chairperson of the Portfolio Committee on Justice, Legal and Parliamentary Affairs Hon. Misheck Mataranyika



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