

**Zimbabwe Election
Support Network** ■

Promoting Democratic
Elections In Zimbabwe

2018 Election Observation Missions (EOMs) Recommendations Tracking Report

Zimbabwe Election Support Network (ZESN)

REPORT # 1 (JANUARY –AUGUST)

ZESN 2022 Tracking Report on 2018 EOMs Recommendations




1.1 Introduction

This report covers the period January to August 2022. It seeks to make an assessment of electoral developments within the reporting period against the recommendations that were proffered by the Election Observer Missions to the Zimbabwe 2018 general elections.

Following the harmonised 2018 elections, the Zimbabwe Election Support Network (ZESN) compiled a Compendium of recommendations from the different Election Observer Missions (EOMs) that observed those elections. This tracking report analysis is premised mainly on desktop research to assess the update of the 115 EOMs recommendations

Colour codes will be used in this report to illustrate improvement or lack of it in the electoral environment on the thematic areas covered in the report, as highlighted below:

Three colour codes are used in the report:

	Red	No movement on the issue
	Orange	Some movement under the theme was observed
	Green	Reforms under the theme were implemented

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No.	Main Theme	Sub-Themes	EOM proposals and summarised recommendation	Analysis	Score
1	Electoral Framework	Addressing flaws, gaps, and inadequacies. Establishment of Electoral Reform Committee	[There is a] need for a comprehensive review of Zimbabwe's electoral framework that addresses existing flaws, gaps, and/or inadequacies in the administration of elections. The Government should establish an all-inclusive electoral reform committee to deliberate on political, administrative, and legal reforms that are needed to enhance the credibility of Zimbabwe's electoral processes.	While there have been serious advocacy for legal reform, there have been no significant changes to the electoral framework for elections. No changes to the framework have been made during the period under review (January to June 2022) Parliament of Zimbabwe (POZ) has landed its weight on the ZESN comprehensive Electoral Reform Bill, which is still a discussion document, yet to be embraced by the Executive.	
2	Legal Framework	Harmonisation of Electoral Law with the Constitution	<i>The Electoral Act and other legislation that relates to the electoral process should be harmonised (aligned) with Zimbabwe's Constitution, in particular to:</i> <ul style="list-style-type: none"> • Prevent disenfranchisement of homebound persons, hospitalised persons, and detained persons who have not been sentenced for a serious crime; • Protect the constitutional right to vote, and • Reinforce the independence of the ZEC with responsibility for its regulations, voter registration, and accreditation of observers, as well as the required approval of regulations. 	No changes for the inclusion of homebound persons hospitalised persons, and detained persons who have not been sentenced for serious crimes have taken place during the period under review.	
3	Legal Framework	Timeframe for Legislative Reform	Reforms should be legislated, regulated, and implemented promptly i.e. that substantive changes to the legal and electoral framework should be finalized no later than 6 to 12 months before an election.	The pre-existing system has prevailed. No substantive changes to the timeframe for electoral reforms have been legislated on during the period under review	
4	Election Administration	Independence of ZEC	<i>Following international covenants, the status of the ZEC as a fully independent commission should be strengthened, including by amending the Electoral Act such that:</i> <ul style="list-style-type: none"> • It is fully aligned with Section 235 of the Constitution, with the effect that the ZEC reports directly to the National Assembly and secures its funding from the Consolidated Fund; • ZEC represents itself before Parliament rather than the Minister for Justice, Legal and Parliamentary Affairs, and • The requirement for governmental approval of ZEC regulations is removed, and the ZEC has an expanded responsibility for regulating voter registration and the accreditation of election observers. 	There have been no changes to the legal framework affecting the independence of the Zimbabwe Electoral Commission (ZEC) or its administration during the period under review <ul style="list-style-type: none"> • The Executive claim that there is no way in which ZEC can represent itself in Parliament save through the Minister as it is not a Member of Parliament. • Ministerial approval of regulations made by ZEC has not yet been removed. ZEC funding from the Consolidated Revenue Fund (CRF) and its reportage on utilization via the Executive is still a red flag. 	

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No.	Main Theme	Sub-Themes	EOM proposals and summarised recommendation	Analysis	Score
5	Election Administration	Multi-Party Liaison Committees (MPLCs)	<i>Multi-Party Liaison Committees (MPLCs) should be made a permanent feature in Zimbabwe's electoral processes. This can be achieved through introducing provisions to the Electoral Act to institutionalize the MPLCs as forums for dialogue and dispute resolution among and between political parties and the ZEC. The legislation should establish a specific timeline for MPLCs to regularly meet.</i>	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. MPLCs do meet in practice with ZEC convening such meetings. But even then, this is only in the context of an electoral period, which is ushered in by a proclamation. The proposal is to have them as a permanent feature, rather than as an election-induced mechanism.	
6	Election Administration	Performance Review	After the electoral period, a review of policies, procedures, and staff capacity is recommended to identify the successes, challenges, and lessons that can be learned to build and strengthen the ZEC's capacity for future elections.	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. While the EMB is required by law to submit a report to Parliament, the framework could go further.	
7	Election Administration	Alignment of ZEC Procedures with Constitution	The ZEC should review its procedures and practices, especially for Election Day, to align them with Section 156(b) of the Constitution, to ensure the voting, counting, and aggregation of results 'is simple, verifiable, secure and transparent'.	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. ZEC has advised Parliament during the period under review, at regular oversight interface meetings with the Committee on Justice, Legal and Parliamentary Affairs that it has made recommendations for legal review on several matters. It is not in the public domain what these recommendations are on.	
8	Election Administration	ZEC Communication Strategy	To strengthen trust and confidence among election stakeholders, create a greater sense of 'ownership', and ensure an informed electorate, the ZEC should review its approach to external communication and develop a comprehensive Communication and Information Strategy.	ZEC should consider improving its communication strategy to ensure that ZEC communicates and engages with its stakeholders continuously.	
9	Election Administration	ZEC Communications (Principles)	The ZEC's Communication and Information Strategy should adhere to international principles for 'open data' and the accessibility to information held by public bodies and commit the ZEC to provide information and data of public interest in a responsive, proactive and timely manner even where there is no specific legal requirement to do so. <i>See for example:</i> https://www.ndi.org/open-election-data-initiative	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. The Freedom of Information Act ¹ now legally opens up this dark box and gives hope for change. This could compel the Commission to adopt open data approaches. Section 5 of the Act enjoins public entities to have a written public information disclosure policy. ZEC is not excluded from the reach of the Act, and can thus be compelled to disclose certain information.	
10	Election Administration	Access to Information (Transparency)	The ZEC should provide information on all stages of the electoral process in an easily-accessible form, including: ● ZEC Resolutions;	Radio programmes such as the ones that ZEC was running on delimitation could be enhanced by encompassing other aspects of its mandate. While the publicly owned radio stations	

¹ <https://dig.watch/updates/new-freedom-information-bill-signed-law-zimbabwe> (Accessed 30 July 2022)

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No.	Main Theme	Sub-Themes	EOM proposals and summarised recommendation	Analysis	Score
			<ul style="list-style-type: none"> • Data on the process of removing duplicates from the Voters Roll (see recommendation No. 24); • All Polling Station results in a tabulated format, including the original V11 and V23a/b returns (see recommendation No. 103); • Parties' and candidates' asset statements and financial reports on their election income and spending (see recommendation No. 53); • Data on the participation of marginalized groups (women, youth, PWD) in electoral processes (as candidates, registered voters, voters, polling officials, party agents, and observers); • Audit reports on ZEC expenditure; • Details of all Polling Stations, including those added close to the election. 	<p>may have the widest reach it is debatable if they reach the widest number of stakeholders.</p> <p>ZEC publishes some of the public information on its website, including approved CSOs on voter education, and its road-maps for polls².</p> <ul style="list-style-type: none"> • ZEC resolutions do not appear on their website; • Data on cleaning up of the voters roll, particularly names of deceased persons, as reported herein, has been published in the Government Gazette; • No law yet compels the provision of information on candidates' asset statements, financial reports, or election expenditure • While ZEC has an opportunity to get disaggregated data on disability upon voter registration, the law does not compel it to provide disaggregated data on the participation of the various groups in elections (women, PWDs, marginalised groups, youth, etc.) • The ZEC website carries a list of polling stations. 	

² <https://www.zec.org.zw/>

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No.	Main Theme	Sub-Themes	EOM proposals and summarised recommendation	Analysis	Score
11	Election Administration	Consultation and engagement	<p>The ZEC should strengthen its engagement (consultation and dialogue) with stakeholders throughout the electoral process, in particular political parties and CSOs, including on:</p> <ul style="list-style-type: none"> • Election boundary delimitation (see recommendation No. 34) • The design of the ballot paper (see recommendation No. 94) • The size of the nomination fees (see recommendation No. 16) 	<p>ZEC has been running a number on broadcasts on ZBC relating to the proposed delimitation process. It is understood that it has also engaged with CSOs in various clusters, including those on PWDs to develop voter education material and delimitation issues. Such organisations as the Women's Coalition of Zimbabwe and the Albino Trust of Zimbabwe confirmed these engagements at the behest of ZEC.</p> <p>These engagements are appreciated and should be sustained throughout the electoral cycle.</p>	
12	Election Administration	MPLC (Frequency and Effectiveness)	<p>ZEC should explore measures to improve the effectiveness of the Multi-Party Liaison Committees (MPLCs) meetings at national and local levels. For example:</p> <ul style="list-style-type: none"> • MPLC meetings should take place frequently throughout the entire electoral process, so that it is an effective conflict resolution tool for political parties and provides an effective forum for reporting on non-compliance with the Code of Conduct for Political Parties and Candidates and for exchanges of views and information with ZEC. • Officials with the authority to make decisions, such as the ZEC chairperson and the Commissioner General of the Police, could attend the MPLC meetings to hear the issues raised and, where necessary, expedite a resolution. • Issues of violence against women in elections (VAWIE) should be discussed at MPLCs (see recommendation No. 15). 	<p>The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed.</p>	
13	Election Administration	ZEC Procurement (Technology)	<p>Invest in procurement of integrated systems that allow for one gadget to be used for multiple purposes such as enrolling voters, voter verification on election day and transmission of results. Refer also to Recommendation No. 104</p>	<p>There is no information to suggest such procurement has been or will be done for the 2023 Harmonised Elections.</p>	
14	Election Administration	ZEC Training	<p>The ZEC should invest in comprehensive training for its officials on disability and inclusion; statistics, data collection and data management, and lengthen the duration for the training for polling officials.</p>	<p>There is no information to suggest changes in this regard. With the appointment of new Commissioners into ZEC in July 2022 it is necessary that training be intensified, and the public kept informed on the training of all layers of the Commission. It is understood that the Commission had up skilled its staff in readiness for delimitation processes.</p>	

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15	Election Administration	Facilitation for Participation of Women	A conducive environment needs to be created to ensure participation of women. The ZEC [...] should put in place measures to facilitate the increase in the participation of women in elections.	The ZEC has a Gender and inclusion policy that covers the years 2020-2024. This policy informs the ZEC's budgeting processes, staffing and training, development of campaign regulations and ZEC engagement with stakeholders.	
16	Election Administration	Nomination Fees	<i>There is need to involve women, youth and Persons with Disabilities as election candidates and in decision-making. To this end, the ZEC should, in consultation with groups representing these persons, review the impact of the increased candidate nomination fees on their participation in the 2018 Harmonised Elections in order to guide the formulation and implementation of such future measures.</i>	Through Statutory Instrument Number 144/2022 ³ , ZEC increased candidate nomination fees significantly. This is potentially exclusionary for women and youth in particular.	
17	Election Administration	Removal of Accreditation Fees for Election Observers	Facilitate an easier accreditation process by removing the requirement for accreditation fees to be paid as well as the requirement for observers to physical present themselves at accreditation centres.	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. ZEC in August 2022, through Statutory Instrument 144/2022 reviewed accreditation fees significantly upwards.	
18	Election Administration	Ensuring the Secrecy of the Vote for Persons with a Visual Impairment	To enhance the secrecy of the vote, the ZEC should establish procedures for persons with a visual disability to vote without requiring the assistance of others, such as providing braille ballot papers/ballot sleeves.	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. Assisted voting has become a contested concept based on its weaknesses in the secrecy of the vote and potential abuses.	
19	Voter Registration	Timeframe to Avail the Voters' Roll	<i>The electoral legislation should be amended to provide a specific timeframe for the preliminary (provisional) voters roll to be availed to the political parties and other designated stakeholders e.g. during the inspection period. The final voters roll should be availed to the political parties and other designated stakeholders as soon as it is concluded. Candidates should be given a copy of the voters' roll for the constituency in which they are contesting the election at the point that their nomination is confirmed.</i>	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. There were complaints and concerns including from the opposition, before the March by-elections about the quality of the voters' roll as well as its quality ⁴ . ZEC on 19 August 2022, through Statutory Instrument 145/2022 reviewed fees for copies of the voters roll significantly upwards ⁵ .	
20	Voter Registration	Requirement to Notify	<i>The electoral legislation should be amended to require that persons that are put on the 'exclusion list' are notified promptly and that legal provisions are revised to make seeking redress for wrongful exclusion less cumbersome.</i>	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed.	

³ Electoral (Nomination of Candidates) (Amendment) Regulations, 2022 (No.1) gazetted on 19 August 2022. (The fees are pegged at USD 20 000, USD 1000, and USD 200, for presidential, parliamentary and local government nominees respectively.)

⁴ See for instance: <https://kubatana.net/2022/02/17/erc-concerned-over-voter-registration-anomalies/> (Accessed 30 July 2022)

⁵ See Electoral (Voter Registration) (Amendment) Regulations, 2022 (No.1). (The cost ranges from USD 10 to USD 150 depending on the type of voters roll)

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21	Voter Registration	Requirement to Notify	<i>The electoral legislation should be amended to require the ZEC to inform registrants who are removed from the voters' roll.</i>	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. It is noted though that ZEC publishes aggregate data at the national level, on updates that it carries out on the voters roll for constituencies, wards, and polling stations ⁶ .	
22	Voter Registration	Copy of Voters Roll to Party Agents	<i>The electoral legislation should be amended to afford party agents the right to receive copies of the polling station extract of the voters' roll at polling stations.</i>	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed.	
23	Voter Registration	Cleaning of Voters Roll, Amendment of ZEC Regulations	During the inter-election period, ZEC should focus on continuous voter registration and cleaning the voters' roll data (to remove entries with repeated addresses, similar ID numbers, and similar data for two different voters). ZEC regulations should be amended accordingly.	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. ZEC advised however that it had discovered some 23 000 errors in the voters' roll that it was addressing ⁷ .	
24	Voter Registration	Publication of Data	Data on the 'de-duplication' process should be made publicly available.	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. Perhaps the Electoral Act could subject this process to annual reviews. The information as published by ZEC carries the name of the deceased, their residential address, gender, date of death as well as constituency and polling station (See Note 3 above)	
25	Voter Registration	Independent Audit	To build public confidence, the ZEC should commission independent external audits to assess the quality of the voters' roll.	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed.	
26	Voter Registration	Address System	To ensure universal and equal suffrage as well as the right to vote, there is a need to review procedures for the identification of voter addresses (lessening the over-use of pre-commissioned affidavits), to ensure the correct allocation of polling station/ward/constituency for each voter, and to ensure a consistent format for the capturing and registering of voter addresses.	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed.	
27	Voter Registration	Form of Data	The preliminary (provisional) and final voters roll should be made available to contestants and other relevant stakeholders electronically and in a form that allows the data to be analysed/sorted easily and enables an audit/verification of the accuracy of the roll.	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed.	

⁶ See General Notice 1470 of 2022 published in the Government Gazette of 8 July 2022

⁷ <https://www.newsday.co.zw/2022/07/180-000-errors-on-voters-roll-zec/> (Accessed 25 July 2022)

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28	Voter Registration	Location of Inspection Centres	The ZEC should enhance citizen access to the voters' roll inspection process through more localized inspection centres or by placing lists of registered voters at specific polling stations.	In readiness for the proposed delimitation process, ZEC in early July 2022 announced voters roll inspections through local inspection centres, mobile phones, as well as through an online platform on the EMB's website.	
29	Voter Registration	Targeting of Under-Registered Groups	To address the relative under-inclusion in the voters' roll of certain segments of the population, during future voter registration drives, the ZEC should undertake specific actions targeting: <ul style="list-style-type: none"> • Persons living in urban areas (particularly Harare and Bulawayo) • Young adults • "Under registered" districts • People with Disabilities 	ZEC undertook a youth-targeted programme during the period under review, with support from the UNDP and African Union Commission ⁸ . This needed to be expanded to cater to under-registered groupings.	
30	Constituency Boundary Delimitation	Legal Framework for Boundary Delimitation	<i>The Electoral Act should be amended to include provisions developing and elaborating the legal framework for boundary delimitation. It could include provisions requiring consultations (with political parties, civil society, and other interested stakeholders) on ensuring equal voting strength, representativeness, and community of interest and establishing a complaint and appeal mechanism.</i>	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. However, ZEC has been reportedly consulting electoral stakeholders on the boundary delimitation exercise.	
31	Constituency Boundary Delimitation	A mandate for Boundary Delimitation	<i>To ensure inclusive consultation to increase public confidence in the boundary delimitation process, an independent (ad hoc or permanent) commission in charge of drawing the electoral constituency boundaries could be established.</i>	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. Delimitation is the responsibility of the ZEC, which is an independent Commission.	
32	Constituency Boundary Delimitation	Equality of the Vote and adherence to the Constitution	<i>According to the 2013 Constitution, no constituency should have more than a 20 percent variation in registered voters. The election boundaries should be rationalised to comply with the Constitution and international standards i.e. that the boundaries of those constituencies whose electorates are too big or too small are revised to ensure broadly equal 'voting strength' and thus broadly equal representation.</i>	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. However, according to an amendment to the Census & Statistics Act, the national census that had been scheduled for 2021 was eventually conducted in April 2022. At the time of this report, the preliminary Census Report has been released. May also be noted that ZimStat was under considerable pressure from Government to hold the census in 2021, nine years after the last one, instead of the mandatory 10 years. The government seemed to have been prepared to throw the COVID-19 cautions to the wind in the stampede to have the census done early. Ultimately, common and legal sense prevailed.	

⁸ <https://au.int/en/pressreleases/20220607/national-training-trainers-youth-participation-political-and-electoral> (Accessed 2 September 2022)

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33	Constituency Boundary Delimitation	General Principles for Delimitation Process	<p>The election boundary review should be conducted:</p> <ul style="list-style-type: none"> • Transparently; • Inclusively; • Impartially (in a non-partisan manner), and • promptly (being concluded no less than one year before the next election) 	The legal framework governing the 2018 Harmonised Elections processes on this subject was reviewed only to the extent reported in 2021: instead of the Census being done in 2022, the law had permitted it to be done in 2021. However, citing the COVID-19 pandemic Government only managed to do the Census in 2022. The result has been that ZEC set July 17 to 26 ⁹ 2022 as the dates for inspection of the voters' roll. This is before the release of the final 2022 Census Report ¹⁰ .	
34	Civic Awareness and Voter Education	CVE (Objectives)	<p><i>To better fulfill Zimbabwe's international obligations on the right to access information, the Electoral Act should be reviewed to expand the ZEC's mandate to require it to deliver programs covering both civic awareness <u>and</u> voter education with the following objectives (outcomes):</i></p> <ul style="list-style-type: none"> • Improve voter literacy; • Counter misinformation and eliminate negative perceptions about elections; • Strengthen public confidence in the electoral process; • Improve understanding of the function of elected offices, including local government, and reduce 'the gap' between elected officials and the electorate; • Deepen awareness of rights and responsibilities in a participatory democracy, and • Increase participation in elections, particularly for special needs/interest groups. 	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed.	
35	Civic Awareness and Voter Education	Continuity of Civic Awareness Program	<i>The civic awareness program should take place continually throughout the election cycle and voter education needs to take place over a longer period.</i>	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. Beyond the voter education awareness targeting constituencies that had by-elections, it does not seem that the voter education culture has undergone any transformation to encapsulate all phases of the election cycle. We acknowledge the ZEC broadcasts on ZBC relating to the proposed delimitation process as positive. However civic education is broader.	
36	Civic Awareness and Voter Education	CVE Strategy Regulations, Planning Documents	The ZEC should conduct a review of its regulations, policy/strategy documents, manuals and planning documents related to civic and voter education (CVE) to ensure a robust and appropriate approach is taken	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. It is understood however that ZEC does review its manuals every electoral cycle and stakeholders are consulted/involved in the	

⁹ See <https://cite.org.zw/zec-sets-dates-for-delimitation-voters-roll-inspection/> (Accessed 2 September 2022)

¹⁰ See: <https://www.herald.co.zw/zec-sets-aside-us83m-for-delimitation/> and <https://www.herald.co.zw/zec-opens-voters-roll-for-inspection/> (Accessed 25 July 2022)

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			regarding the accuracy, consistency (standardisation), and comprehensiveness of the program content/messages and a systematic program roll-out and delivery.	development of the CVE curriculum. ZEC has also introduced a youth-focused strategy.	
37	Civic Awareness and Voter Education	Partnership with CSOs	<i>The ZEC should, within the framework of a coordinated partnership agreement, deepen its cooperation with CSOs and institutions of learning (secondary and higher), and government ministries in the design and delivery of civic and voter education. Political parties should also be involved in election-related awareness-raising activities.</i>	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. A review of the framework could entrench the scope of the partnership. The Constitution enjoins the State to ensure public awareness of the Constitution. This could be the starting point toward such partnerships. Several civil society organisations have been undertaking civic education. ZEC has an approved list of CSOs on voter education available on its website.	
38	Civic Awareness and Voter Education	CVE Targeting	While the CVE program should address the needs of all electors, the information needs of the following should be prioritised: <ul style="list-style-type: none"> • Women; • Young adults; • Students (in secondary and higher education); • First-time voters; • Persons with Disabilities (PWD); • The unlettered (illiterate), and • Rural and remote communities Add the elderly	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. The above comments on partnerships are pertinent. ZEC has been undertaking a youth-focused training of trainers programme to enhance their participation.	
39	Civic Awareness and Voter Education	Development of CVE materials for Persons with Disabilities (PWD)	[The ZEC should] develop effective electoral information, education, and communication materials tailored for PWDs, using various formats including braille, closed caption, and audio. The country could learn from other electoral jurisdictions.	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. This could compel the ZEC to deliberately target PWDs, particularly those with visual impairment.	
40	Civic Awareness and Voter Education	CVE Messaging and Content	The ZEC should review its voter education materials to reinforce messages on the BVR system, the actual voting process emphasising the secrecy of the vote, and better explain the modalities and management of the postal voting system. Voter education should be delivered promptly and accessible to all parts of Zimbabwean society.	Voter education needs to be informed by the electoral cycle approach and holistic. There is little to suggest that there have been changes in approach by ZEC on this matter from previous electoral cycle approaches.	
41	Participation and Representation	Domestication of CPRD	<i>To better ensure the right of all citizens to participate in political life, the Convention on the Rights of Persons with Disabilities should be incorporated into domestic law.</i>	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. There have been advocacy efforts toward domestication of the Convention.	

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	(PWD)				
42	Participation and Representation (PWD)	Participation by Persons with Disabilities (PWD) in all aspects of Elections	<p>Efforts should be made by the competent authorities and organisations to facilitate the participation of Persons with Disabilities as:</p> <ul style="list-style-type: none"> • candidates for elective office; • party agents; • polling officials, and • media monitors, and local observers. 	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. No changes to the legal framework took place during the period under review to compel the authorities on inclusion as envisaged here.	
43	Participation and Representation (PWD)	Inclusivity of PWD in Planning of Programs	Persons with Disabilities should be directly and actively involved in any plans and programmes related to their active participation [in elections].	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. This notwithstanding, ZEC has reached out to disability rights CSOs to engage them on inclusion policies within its purview.	
44	Participation and Representation (PWD)	Accessibility of Public Buildings and Polling Stations	Public buildings should be made accessible to all citizens. The ZEC should ensure mechanisms are put in place to facilitate voting by people with disabilities including locating polling stations and registration centres in places that are easily accessible for persons with a physical disabilities.	ZEC continued to obtain data on Persons with Disability by capturing the information at voter registration to use it for planning purposes. There has been no legislation to ensure mainstreaming of disability issues, as it is beyond the remit of ZEC alone to address all relevant issues.	
45	Participation and Representation (Gender)	Compliance with SADC Protocol on Gender and Development	<i>[Zimbabwe should] develop strong legal mechanisms to encourage and support the adoption of women as candidates to ensure gender parity in political and decision-making positions in line with the SADC Protocol on Gender and Development.</i>	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. Both the Constitution and the SADC Protocol on Gender and Development enjoin the State to ensure gender parity. However, no changes to ensure this happens have taken place during the period under review.	
46	Participation and Representation (Gender)	Representation Quotas for Women	<i>The Electoral Act should include appropriate provisions that make it mandatory for parties to observe quotas for women candidates i.e. the quotas should be legally-binding and compliance enforced. Consideration should be given to the creation of women-only seats. The 60 seats could be contested as safe constituencies by women, similar to the situation that pertains to jurisdictions such as Bangladesh and Uganda.</i>	While the Constitution was amended to facilitate the extension of the period within which the 60 women MPs over and above the 210 Members of the National Assembly would be retained for a further 10 years, no amending legislation has been passed to compel political parties to observe gender parity provisions of the Constitution	
47	Participation and Representation (Gender)	Quotas in other elections	<i>Consideration should be given to extending the quota system to the Senate and local authorities.</i>	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed.	

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No.	Main Theme	Sub-Themes	EOM proposals and summarised recommendation	Analysis	Score
48	Participation and Representation (Gender)	SADC Protocol on Gender and Development	In line with the Constitution of Zimbabwe, and the SADC Protocol on Gender and Development of 2008 [Zimbabwe should] review the political and social environment and develop strong administrative mechanisms to encourage and support the adoption of women as candidates to achieve gender parity in positions of political leadership and all key decision-making positions and institutions.	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. The extension of the gender quota in the National Assembly, as well as the introduction of the 30% women's quota in local government elections, through a constitutional amendment, were reported on in the last report.	
49	Participation and Representation (Youth)	Quota for Youth	<i>[Zimbabwe should] give consideration [to introducing] a quota system for youth representatives (aged 18 to 35) to the Local Authority and National Assembly Elections, similar to other jurisdictions like Rwanda.</i>	Constitutional Amendment Number 2 of 2021 introduced a quota system for the youth in the National Assembly, as reported in the last reporting period.	
50	Participation and Representation (Youth)	Peaceful Participation of Youth	Noting the participation of young people in electoral and political violence, and/or their susceptibility to being used in such situations, the competent authorities, and organisations [should make] greater use of peace pledges by CSOs and youth organisations to encourage young people to shun political violence.	The Zimbabwe Electoral Commission introduced a youth engagement on participation in electoral processes which it is hoped may address some of the issues ¹¹ . Political parties need however to be roped in as they generate some of the conflicts that draw in the youth.	
51	Political Party Functioning	Political Party Act	<i>Zimbabwe should adopt a Political Party Act to regulate the activities of political parties.</i>	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. However, this is being discussed in public discourse	
52	Political Party Functioning	Political Party and Campaign Financing	<p><i>To promote transparency and accountability in political party financing in line with international conventions, the Political Parties (Finance) Act should be amended to include provisions:</i></p> <ul style="list-style-type: none"> • <i>To require a declaration of assets by political parties, candidates, and Members of Parliament;</i> • <i>To require reporting on donations received by political parties and candidates and other sources of funds and electoral expenditures before approval of nomination and shortly after the declaration of election results;</i> • <i>Setting ceilings on electoral expenditure by parties and candidates;</i> • <i>Requiring the auditing of political parties' and candidates' electoral accounts (sources and expenditures);</i> 	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed.	

¹¹ For instance training of trainers workshops held in Harare and Kariba by ZEC with support from the UNDP were meant to target youth from across the political spectrum

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No.	Main Theme	Sub-Themes	EOM proposals and summarised recommendation	Analysis	Score
			<ul style="list-style-type: none"> • <i>Conferring an independent institution (possibly the ZEC) with the legal mandate to regulate and oversee electoral finance issues and undertake verification of the contestants' financial reports.</i> 		
53	Political Party Functioning	Legal Measures to Curb Misuse of State Resources in Election Campaigning (Change to Legislation)	<p><i>To guarantee free expression and a level playing field for election campaigning and to mitigate the 'advantages of incumbency', legislative measures should be introduced prohibiting the use of state resources, notably government-owned vehicles, property, and funds) for partisan purposes such as election campaigning by contestants and/or their supporters. The legislation should also be revised to:</i></p> <ul style="list-style-type: none"> • <i>Provide clear rules on the involvement of public officials in political activities;</i> • <i>Prohibit the distribution of food aid, agricultural inputs, and other social/welfare benefits during the campaign period in a politically partisan manner e.g. by conducting distribution during a campaign event or by a candidate or their supporters;</i> • <i>Establish effective and dissuasive sanctions for violation of the provisions, and</i> • <i>Confer the ZEC with the authority to enforce the provisions.</i> 	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. No law specifically provides for this, save the Constitution. There is a need for enforcement mechanisms through legislation.	
54	Political Party Functioning	Revision of Code of Conduct	<i>The Code of Conduct for Political Parties and Candidates and Other Stakeholders should contain provisions for the use of social media.</i>	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed.	
55	Political Party Functioning	Culture of Non-Violence	In the interest of peace and the aspirations of the citizenry, political parties and other electoral stakeholders should embrace principles of inclusivity, non-violence, and conflict sensitivity before, during, and after elections. Inclusivity partly implies that divisive politics should be done away with e.g. the politicization of identity.	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. The period leading to the 26 March 2022 by-elections was marred by incidents of political violence, most of it targeting supporters or perceived supporters of the newly formed opposition party, the CCC	
56	Political Party Functioning	Political Party Strengthening	<p>The strengthening of political parties should be supported with the objectives of enabling them to fulfill their roles as democratic institutions, through:</p> <ul style="list-style-type: none"> • Develop policy (particularly on service delivery issues); • Strengthen internal-party democracy; 	<p>The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. In the absence of a legal framework compelling political parties to attain certain standards, each political formation or party is at large on whether it adopts or creates structures and how they function. Internal party democracy issues remain a challenge in most parties.</p> <p>There is no law governing political parties in Zimbabwe.</p>	

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No.	Main Theme	Sub-Themes	EOM proposals and summarised recommendation	Analysis	Score
			<ul style="list-style-type: none"> • Broaden their knowledge of electoral rules and political rights; • Campaign effectively for public office; • Engage with constituents, and • Participate effectively in governance processes including fulfilling their legislative and oversight roles in parliament; 		
57	Political Party Functioning	Measures to Facilitate Women's Participation	<p>[Political parties should endeavor to] create an environment in which women can participate equally in the electoral process, including as candidates, without fear of intimidation and harassment. This includes:</p> <ul style="list-style-type: none"> • The greater acceptance and promotion of female candidates in all aspects of governance. • Aspiring mainstream women in the party hierarchy and facilitating their recruitment, training, and support as candidates for elected office. • Adopting and implementing special measures, such as voluntary quotas, to achieve gender balance within their decision-making structures and processes. • Improving internal democratic structures and rules governing the selection of leaders and candidates, including the conduct of party primaries. • Devoting resources to women candidates e.g. through the establishment of special funds. • Establish an intra-party referral system that allows women to report cases of violence within political parties to the police and law courts, without fear of reprisals. • Establishing a mechanism such that political parties are held accountable for the pledges they make in support of female participation in political processes. 	<p>The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. Political parties have not therefore been compelled to implement constitutional values on gender parity, an issue some of them treated as discretionary. The current legal framework does not hold political parties accountable for their failure to attain gender parity. Institutionalising gender parity is a discretionary rather than mandatory matter for political parties</p>	
58	Political Party Functioning	Primary Elections	<p>Political parties should be required by law to conduct primary elections to select candidates. Political parties should have voters' rolls for primary elections. For transparency purposes, political parties could invite external observers to observe their primary elections</p>	<p>The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. Political parties are not compelled by law to conduct primary elections. The processes by which members are selected or elected to represent political parties in elections vary, with some of the methods being perceived as undemocratic. For example, in some instances, the media carried stories of candidates being</p>	

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No.	Main Theme	Sub-Themes	EOM proposals and summarised recommendation	Analysis	Score
				imposed by higher levels of the political parties when locals had held primaries to determine electoral candidates.	
59	Political Party Functioning	Accessibility of Political Parties to Persons with Disabilities (PWDs)	Political parties should make their structures more inclusive for Persons with Disabilities. Particular attention should be paid to women with disabilities, who suffer multiple discrimination.	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. Political parties use their discretion to create systems embracing PWDs. There is no political parties' law in Zimbabwe.	
60	Political Party Functioning	Party Agents	The capacity of political parties to institutionalize processes for monitoring elections should be built to enable them to deploy agents comprehensively to observe key electoral processes. Political parties should ensure the effective recruitment and training of their agents and emphasize the development of mechanisms for the conduct of effective parallel vote tabulations and the party agents' role in obtaining copies of tally sheets following the completion of the counting process at polling stations.	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. Political parties in receipt of public resources may have the resources to build their capacity in this regard. No evidence is at hand to suggest that political parties have been working during the period under review to enhance their capacity as party agents. There is no political parties' law in Zimbabwe.	
61	Fundamental Freedoms	Ratify ACDEG (Change to Legislation)	<i>Ratify and domesticate international legal frameworks that relate to electoral processes, for example, The African Charter on Democracy, Elections, and Governance (ACDEG)</i>	Zimbabwe has since signed and ratified ACDE. However, the Constitution requires domestication before it can become enforceable.	
62	Fundamental Freedoms	Amendment of POSA and AIPPA (Change to Legislation)	<i>Repeal provisions of laws that impede freedoms (expression, assembly, media freedoms, and access to information) protected by the Constitution, such as those contained in the Access to Information and Protection of Privacy Act (AIPPA) and the Public Order and Security Act (POSA). Specifically, the POSA should be amended to guarantee that if it is invoked it must be ensured that legitimate political freedoms are not denied and that powers afforded to security forces are limited to reasonable and proportionate measures respecting human rights.</i>	As was reported during the last period that both POSA and AIPPA were repealed. The repeal of these Acts was noted as positive. However, the legal framework remains restrictive of fundamental freedoms protected by the Constitution and negatively impacts political processes. Indeed critics state that MOPA is in some respects worse than the statutes it replaced.	
63	Fundamental Freedoms	Penalties for 'Hate Speech' (Change to Legislation)	<i>The Electoral Act should be amended to include penalties for any candidate that engages in 'hate speech' in its many forms.</i>	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed.	
64	Fundamental Freedoms	Strengthening Independence of Independent Commissions	<i>Independent Commissions should be strengthened, especially the National Peace and Reconciliation Commission (NPRC) and the Zimbabwe Human Rights Commission (ZHRC) to effectively execute their respective roles in electoral matters and to free them from supervision by the Executive.</i>	No legal changes positively impacting on the independence of the two commissions took place during the period under review. The Commissions have demonstrated the will and resolve to discharge their mandate, issuing reports that sometimes raised the ire of the Executive, particularly the Zimbabwe Human Rights Commission. As a result of the work of the Commissions, the Executive have had to launch programmes to serve	

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No.	Main Theme	Sub-Themes	EOM proposals and summarised recommendation	Analysis	Score
				communities affected by the post-independence conflict in Matabeleland to help them access primary documents such as identity cards and birth certificates.	
65	Electoral Justice	Judicial Appointments	<i>To address any perceptions of partiality, consideration should be given to amending the Constitution to stipulate appointments of the judiciary and its funding are free from political influence.</i>	As was reported during the last reporting period, the constitutional amendments that took place in 2021 will likely harm the independence of the judiciary and therefore perceptions of partiality and impartiality of the same.	
66	Electoral Justice	Harmonisation of Laws	<i>Align the Electoral Act Applications, Appeals, and Petition Rules of 1995 with the provisions of the Electoral Act.</i>	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed.	
67	Electoral Justice	The mechanism for Administrative Complaints	<i>To enable voters to seek the protection of their rights, and per regional and international conventions on citizens' right to an effective remedy, the Electoral Act should establish, within ZEC, a mechanism to receive and adjudicate administrative complaints beyond voter registration issues.</i>	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed.	
68	Electoral Justice	Legal Standing to File Complaints	<i>The legal framework should permit, under reasonable conditions, provisions allowing citizens and civil society organisations to file petitions against the results of the elections.</i>	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed.	
69	Electoral Justice	Timeframe for Adjudicating Pre-election Complaints and Appeals	<i>For pre-election disputes (complaints and appeals) to be resolved expeditiously and well in advance of election day, the legal framework should establish reasonable and appropriate time limits for court hearings, concluding proceedings, and determination of pre-election applications filed at the High and the Electoral Courts.</i>	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. Changes in workload going to the High Court arising from the Judicial Laws Amendment Bill (Number 3/2022, currently before Parliament) may reduce its workload and possibly impact its capacity to clear cases.	
70	Electoral Justice	Timeframe for Adjudicating Post-election Complaints and Appeals	<i>The law should set a timeframe for the finalization of [post-election] petitions filed with the court on electoral issues, particularly for the National Assembly and local government elections.</i>	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed.	
71	Electoral Justice	Timeframe for Issuing Judgments	<i>The legal framework should set a reasonable timeframe that compels the Judiciary to avail full judgments on election-related court cases.</i>	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed.	
72	Electoral Justice	Funding of Judiciary, Training	In order to ensure expeditious treatment of disputes, adequate funding of judicial and non-judicial dispute resolution mechanisms should be assured, notably for judicial training on elections, including for the Judicial College as foreseen by law.	The intervention of development partners such as the European Union in resourcing judicial training and infrastructural development has seen improvements in access to justice.	

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No.	Main Theme	Sub-Themes	EOM proposals and summarised recommendation	Analysis	Score
73	Electoral Justice	Management of Caseloads, Recourses	Judicial caseloads related to elections should be managed appropriately, and appropriate use of available recourses should be proactively promoted.	The Judicial Laws Amendment Bill Number 3/2022 pending before Parliament at the time of reporting may affect caseload management in the High Court through review of provisions on review and scrutiny. This may in turn impact the electoral courts. The impact will only be felt once the Bill comes into law.	
74	Electoral Justice	Independence of the Judiciary	Foster an independent judiciary that endeavours to adjudicate fairly and justly through due process of law. To combat perceptions of political bias, the judiciary should implement reforms in line with the 2002 Bangalore Principles.	Perceptions of political bias may subsist based on constitutional amendments reported on in the last reporting period, there has been no other legal changes to remove those perceptions.	
75	Electoral Justice	Alternative EDR Mechanism	Other electoral dispute resolution mechanisms should be put in place to ensure peaceful resolution of election-related disputes throughout the electoral cycle, including dealing with cases of post-election retribution, such as strengthening the MPLC by giving a legal basis (See recommendation No 5).	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. Multiparty Liaison Committees and other mechanisms should operate beyond the election period.	
76	Accountability (Election Offences)	Traditional Leaders and Civil Servants	<i>Constitutional and legislative provisions requiring the political neutrality of (i) traditional leaders and (ii) civil servants should be enforced. To this end, effective legal mechanisms should be established to sanction partisan behaviour by traditional leaders and civil servants including fines and potentially the loss of traditional leader status. Similar legislation should be adopted to penalise civil servants that engage in politically partisan activity.</i>	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. While the Constitution is clear, there is a need for enforcement mechanisms. In practice, there are numerous cases of breaches.	
77	Accountability	Legal Enforceability of Code of Conduct	<i>To support a more level playing field for political aspirants and an environment where citizens are free to vote without undue influence or coercion, and enhance accountability, legislation should include provision for punitive measures for those who contravene the Code of Conduct for Political Parties and Candidates and ensure enforcement.</i>	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed.	
78	Accountability	Monitoring and Prosecution of Offences	[The competent authorities should] put in place a system to monitor electoral malpractice and ensure that they are investigated promptly, thoroughly, and effectively, and where appropriate prosecuted, including as regards traditional leaders and civil servants.	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. Social media was awash with stories of time-framed donations that seemed to amount to vote to buy in the run-up to the March 2022 by-elections. The legal framework must enjoin ZEC to investigate these matters and make determinations if the culture of vote buying is to be addressed.	
79	Accountability	Prosecution for Political Violence and Coercion	Security and law enforcement authorities should avoid the use of live ammunition in controlling civic expressions. Prosecute perpetrators of violence and other forms of	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. As indicated above, the run-up to the March 2022 by-elections	

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No.	Main Theme	Sub-Themes	EOM proposals and summarised recommendation	Analysis	Score
			political coercion. This includes the individuals responsible for the August 1 shootings of protesters. The chief of police should be required to report on the steps taken to ensure that full investigations are conducted in response to complaints of politically motivated violence, threats, and acts of retribution.	saw numerous and deadly incidents of political violence. There is little to suggest that the policing culture has undergone <u>substantial radical</u> changes from previous electoral cycles.	
80	Accountability	Independent Complaints Mechanism (Security services)	Activate the provisions for an Independent Complaints Mechanism as enshrined in the Constitution to allow citizens to have a pathway for recourse if affected by unprofessional conduct of the security services.	A Bill to implement <u>Section</u> 210 of the Constitution on an independent complaints mechanism lapsed in the Third Session of Parliament. It has since been revived in the Fourth Session.	
81	Suffrage	Homebound, Hospitalised, and Imprisoned Voters	<i>Legal provisions related to the constitutional right to vote (including postal voting for homebound voters and those in hospitals and penitential institutions) should be aligned with the Constitution.</i>	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed.	
82	Suffrage	Voting by Diaspora	<i>Given that the Constitution stipulates that all Zimbabweans have the right to vote, The Electoral Act should incorporate provisions for voting by eligible Zimbabweans in the diaspora.</i>	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. The Government's position on this has been that it will create an uneven playing field as ruling party officials are under travel and other sanctions in some of the countries with large populations of Zimbabweans, such as the United Kingdom	
83	Suffrage	Age to Stand for Elective Office	<i>[The authorities should] consider setting the age to stand for office at Local Authority, National Assembly, and Senate Elections as the same as the age to vote (18 years), similar to other Southern African countries.</i>	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed.	
84	Suffrage	Special Voting Facility	<i>'Special voting' should be re-instated to ensure that those unable to [attend the polling station where they are registered] on election day are not disenfranchised.</i>	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed.	
85	Polling	Timeframe to Announce Election Results (Change to Legislation)	<i>Consideration should be given to the amendment of the Electoral Act to align it with the Constitution, by requiring the declaration of the results of the Presidential Election without undue delay.</i>	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed.	
86	Polling	Measures to Prevent Misuse of Assisted Voting Facility	<i>The legislation should prohibit the misuse of assisted voting and specify penalties for abuse of the assisted voting facility.</i>	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. Complaints of abuse of the facility have been reported.	
87	Polling	Training	To ensure greater consistency in the application of electoral procedures, the ZEC should strengthen the training of polling officials by lengthening its duration.	It is understood that ZEC has produced manuals for use by its officials. While training of officials is undertaken, resource availability impacts on duration.	

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No.	Main Theme	Sub-Themes	EOM proposals and summarised recommendation	Analysis	Score
88	Polling	Polling Station Identification	To mitigate frustration, and high voter rejection rates caused by confusion among voters as to their correct polling station, the ZEC should adopt measures to ensure that voters can easily and quickly identify, queue, and vote at the correct polling or sub-polling station. To this end, the ZEC should post the voter roll specific to each polling and sub-polling station in an accessible location, including outside of the polling station on Election Day. Where extra polling stations are added towards an election, ZEC should widely publicize them.	It was observed that during the 26 March 2022 by-elections the voters' roll was posted outside each polling station on Election Day. However, there is still a need to improve on polling station identification. Stakeholders were critical of the use of small fonts in signage by ZEC.	
89	Polling	Maximum No. of Voters per Polling Stations	The ZEC should consider measures to increase efficiency in the casting of ballots by further reducing the maximum permitted number of voters per polling station.	Some jurisdictions provide by law the maximum number of voters per polling station or stream. ZEC incorporated this for the 2018 elections ¹² .	
90	Polling	Polling Station Infrastructure	The ZEC should seek, where possible, to ensure that the infrastructure at places designated as Polling Stations meets minimum requirements including the need for lighting in temporary structures.	In the absence of a regulatory provision, this remains within the ambit of administrative action and discretion. It also depends on infrastructure that lies beyond the control of ZEC.	
91	Polling	Conformity of Ballot Design with Legal Framework	Ensure ballot design and production is consistent with the legal and regulatory framework. To avoid any perception that any candidate has been advantaged by the design of the ballot, the ZEC should ensure that ballot design complies with the legal requirement that the names of presidential candidates are arranged alphabetically and the regulatory requirement that the candidates' names appear in a single column.	The legal framework may need to give more explicit instructions to ensure that discretion is limited. Some jurisdictions provide for use of the alphabet, while others provide for the drawing of lots in a lottery approach on this matter. This removes the scope for discretion and perceptions.	
92	Polling	Consultation on Ballot Design	The ballot design and any changes to the ballot design should be done transparently, e.g. by ensuring consultation with contestants and stakeholders.	There has not been legal reform for this to happen. While this is largely an administrative reform, ZEC has always insisted that it is guided by the law.	
93	Polling	Ballot Papers Printed in Colour	To enhance the clarity of ballot papers, ZEC may consider printing the ballot papers in colour. As was the case with the Biometric Voters Roll.	ZEC has advised that it is under no obligation to print ballot papers in colour ¹³ . In the absence of a regulatory instruction, ZEC may lawfully use its discretion on the matter.	
94	Polling	Security of Ballot Papers	The security of the ballot from printing, and distribution to Polling Stations and on Election Day should be reviewed and clearly announced for future elections e.g. in a ZEC	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed.	

¹² <chrome-extension://efaidnbmninnibpcjpcglclefindmkaj/https://www.zec.org.zw/final/files/2018%20Polling%20Stations%20with%20voter%20population.pdf> (Accessed 2 September 2022)

¹³ <https://www.sundaymail.co.zw/new-zec-not-obliged-to-print-ballot-papers-in-colour> (Accessed 25 July 2022)

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No.	Main Theme	Sub-Themes	EOM proposals and summarised recommendation	Analysis	Score
			Regulation. The ZEC Regulation should allow for the meaningful observation by contestants and accredited election observers of the ballot printing, storage, and distribution processes.		
95	Polling	Assisted Voting	To ensure consistency in the application of procedures, while maintaining the dignity and the secrecy of their vote, the ZEC should review the Regulations and elaborately detailed procedures (in the ZEC Election Manual) for assisted voting to lessen the scope for abuse and enhance secrecy during voting. The ZEC can also consider other measures to reduce the number of assisted voters', including comprehensive voter education, the use of braille ballot papers for the visually impaired, and more vigilance in determining who can be assisted.	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. It is hoped that endeavours by ZEC to include the use of braille for the 2022 Delimitation exercise voters roll issues may be extended to actual voting. There have been concerns about the abuse of assisted voting in some quarters.	
96	Polling	Voting by those on Official Duty	Clarify and publicize the process for voting for those on official duty on Election Day. The ZEC should ensure that the process for voting, before or on Election Day, by individuals required to be on official duty (i.e. police, election workers, diplomats, and other government officials) are clearly outlined, including publicizing timelines and processes for requesting and completing postal ballots.	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed.	
97	Polling	Postal Voting Procedures	The procedures for casting and counting postal votes should be reviewed to guarantee the voters' free choice, the secrecy of the vote, and ensure efficiency.	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed.	
98	Polling	Valid Votes vs Total Votes	The ZEC should consider total valid votes cast rather than total votes cast in the counting of election votes and avoid errors that may necessitate the revision of announced results.	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. This issue requires administrative intervention.	
99	Polling	Counting Procedures	The ZEC [should] consider introducing measures aimed at streamlining the counting, collation, and tabulation process to reduce redundancy and minimise human errors, without compromising the integrity and accuracy of the process. For example, to avoid human errors caused by fatigue the ZEC should consider deploying its officials in shifts, whereby the presiding officer and polling officials hand over the counting process to a counting officer and counting staff. The ZEC should also consider reducing the currently required volume of paperwork.	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed.	

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No.	Main Theme	Sub-Themes	EOM proposals and summarised recommendation	Analysis	Score
100	Polling	Transparency of Results	Any changes to results (required as a result of mathematical or other clear errors) should be made in the presence of observers and party agents.	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. There is a need for legislative intervention to address the issue of errors, with clear guidelines for ZEC. Further, in the event of errors, there must be a provision for judicial review through review or some other remedy.	
101	Polling	Procedures for Transmission, Tabulation, and Announcement of Results	<p>The ZEC should adopt and publicize transparent procedures for the transmission, tabulation, and announcement of results, e.g. in the form of a Regulation and elaborating detailed procedures in the Election Manual. The Regulations should, among other things:</p> <ul style="list-style-type: none"> • Afford the contesting political parties and accredited election observers the right to observe all stages of the results tabulation process; • Require the ZEC to verify the provisional results in real-time and release results in a timely fashion; • <i>Require the prompt posting on the ZEC's website of polling station-level results for all elections, including the publication of V11 and V23a/b forms for presidential elections, and</i> • Require data, disaggregated by demographic variables to be posted on the ZEC website. 	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed.	
102	Polling	Results Management System (Technology)	The ZEC should review the mode of transmission of election results to ensure transparency and speed up the release of election results and thereby enhancing confidence in the accuracy of the processing of election results. To this end, the ZEC should invest in an electronic results transmission system that can transmit results from each polling station directly to the national results collations centre in real time.	<p>The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed.</p> <p>It is acknowledged though that problems with power outages and network glitches exist, and bedevil many areas of Zimbabwe.</p>	
103	Media	Harmonise Legislation with Constitution	<i>To adequately safeguard freedom of expression, the current media legislation and regulations should be harmonised with the Constitution.</i>	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. However, this notwithstanding, the advent of social media has affected the capacity of the Executive to constrain freedom of expression, as the media space has been opened up by social media platforms beyond their control.	
104	Media	Strengthen Legislation to Ensure Balanced (fair) Coverage	<i>The legal framework governing media coverage of elections (notably the Electoral Act and Broadcasting Service Act) should be strengthened to achieve fair, balanced and responsible reporting by the media, especially the public</i>	The legal framework that prevailed during the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be	

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			<i>media in practice and fully implemented. The public broadcaster should ensure fair and balanced coverage of all contestants, as well as the different geographical regions in the country. To this end, the ZEC's legal obligation to ensure that political parties, candidates, broadcasters, print publishers, and journalists observe the provisions of Part XXIB of the Electoral Act should be strengthened by conferring the ZEC and/or the Zimbabwe Media Commission (ZMC) with the authority to enforce the legal provisions i.e. to adopt measures that compel broadcasters, print publishers and journalists to comply with their legal obligations.</i>	reviewed. The ZEC Media Regulations of 2008 ¹⁴ have not been reviewed to make them more effective against media vices such as partisan reportage and the promotion of hate speech	
10 5	Media	Independence of BAZ	<i>The Broadcasting Authority of Zimbabwe (BAZ) should be transformed into a truly independent institution that effectively and impartially regulates public, private, and community broadcasters.</i>	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed.	
10 6	Media	Reform of ZBC	<i>ZBC should be reformed into a truly independent public service broadcaster.</i>	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. Section 61(4) of the Constitution envisages editorial independence of the ZBC, which is inconceivable under the current legal and historical context.	
10 7	Media	Ensuring Fair and Balanced Coverage on ZBC	The public broadcaster must abide by their legal obligation to be impartial and provide equitable treatment to all political parties and candidates, as well as the different geographical regions in the country	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. The public broadcaster has struggled to live up to the values of the 2013 Constitution. There are instances however where they have made attempts at the inclusion of diversity, within the constraints of the legal, historical and political context.	
10 8	Media	Media Monitoring	The ZECs should develop a strategy to ensure that all contestants are afforded balanced media coverage and establish an appropriate framework for monitoring the media. To this end, the ZEC's capacity to monitor the media during election periods should be strengthened and the ZEC should be provided with the resources necessary for carrying out this activity.	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. The ZEC Media Monitoring Committee still requires an effective regulatory framework that is capable of holding media houses for transgressions. The current one has proved itself ineffective.	
10 9	Media	Requirement to Publish	The ZEC's media monitoring reports should be public documents and distributed widely.	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. The 2008 Regulations have not been reviewed to enhance the	

¹⁴ Zimbabwe Electoral Commission (Coverage of Elections) Regulations, S.I. 33 of 2008 are still in force

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No.	Main Theme	Sub-Themes	EOM proposals and summarised recommendation	Analysis	Score
				capacity of ZEC to punish errant behaviour among media houses.	
110	Media	Combatting Hate Speech	The media should desist from perpetuating hate speech and fake news. ZMC should establish a system to monitor 'hate speech' and fake news on social media around the electoral cycle.	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. Polarisation in the media remains and has escalated the toxicity of local politics.	
111	Media	Liberalisation of Media Licensing Framework	The competent governing authorities should liberalize the licensing framework for the electronic media sector (radio and television stations), especially licenses for community radio stations issued by the Broadcasting Authority of Zimbabwe (BAZ).	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists, save for changes reported in 2021. New players have come on board in the sector, the majority of them being linked to public entities. Diversity remains a challenge yet to be addressed.	
112	Media	Journalist Training	The competent authorities and development community should support the development of Zimbabwean journalists' and editors' capacity and professionalism to conduct investigative journalism and provide objective reporting.	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. Development partners, ZEC, and the Media Commission have been engaging the media intending to enhance its capacity for objective reportage.	
	Media	Establishment of Self-regulatory Body	Media outlets should establish an independent, self-regulatory authority to set out standards and codes of behaviour for their organisations. The self-regulatory authority should also operate independently of the ZMC.	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. A self-regulating body would require legislative review, which has not happened in the period under review.	
114	Election Observation	Timeframe to Publish Reports	Election observation mission reports should be published timeously, at least within three months after an election, and should be made public.	The legal framework governing the 2018 Harmonised Elections processes on this subject still subsists. It is yet to be reviewed. EOMs reports publication timeframe varies from one mission to the other and is beyond the control of ZEC. However, most EOMs tend to publish their reports within a reasonable timeframe.	
115	Election Observation	Monitoring Implementation of Recommendations	Election observer missions should closely monitor the implementation of recommendations to ensure that they are effected before the next elections.	ZESN, among other civil society organisations, has been tracking the implementation of reforms and recommendations. The ZESN Tracking Report, published biannually is part of that effort. The EU visit, reported herein, which culminated in a press statement cited in this report, also reflects on efforts at monitoring progress by Zimbabwe on electoral reform.	

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