



**Zimbabwe Election
Support Network**

Promoting Democratic
Elections In Zimbabwe



ZESN

PRE-ELECTION REPORT ONE

2023

1. Executive Summary

With an estimated three (3) months before the holding of harmonised elections in Zimbabwe, the country is already in election mode with evident electioneering from political parties and other stakeholders. Zimbabwe's main political parties have already started preparing for the elections as shown by how they are mobilising citizens to register to vote and have started holding rallies and campaign activities.

Although many preparations have been made for the elections, there is still much that needs to be improved for the environment to ensure peaceful, transparent and credible elections. Zimbabwe has an unfortunate history of contested electoral outcomes. This is because the legal, administrative and political frameworks still have gaps that need to be attended to in order to ensure the discharge of democratic elections. Some of the issues that still need to be attended to include the need to enhance the Independence of the Zimbabwe Electoral Commission (ZEC), and other independent commissions connected to the electoral cycle, ensuring the full participation of women, the youth and persons with disability in the electoral process, as voters and candidates as well as the need to review the legal provisions around voter registration and the voters' roll.

Another contentious issue is on the Delimitation Report which was settled through the Courts. Although improvements have been noted in the provisions for civic and voter education, there are still some deficiencies that need to be addressed. On the legal framework, the Electoral Amendment Bill that was first gazetted on the 18th of November 2022 if passed without taking into consideration issues raised by other stakeholders will be very inadequate. It only addresses a few nominal issues and leaves out a host of substantive electoral reforms that stakeholders have been calling for. In addition to that, very little of the recommendations from the Election Observer Missions that were made after the 2018 elections has been implemented. Other areas in need of reform include the need to tighten the provisions on the role of Traditional Leaders vis-à-vis the electoral process, tightening provisions on results management to enhance transparency and reduce suspicion and results contestation, Streamlining the election dispute mechanisms, reviewing the provisions regulating the media reportage of electoral processes, enhancing electoral administration through clearer legal provisions and electoral practice; and domesticating regional and international instruments to which Zimbabwe is party.

This update gives an overview of the status of some of the critical election related issues ahead of the 2023 Harmonised elections.

2. The Legal Framework

(a) Holding of elections

Section 158 (1) of the Constitution provides that general elections must be held so that polling takes place not more than 30 days before the expiry of the five-year term of office upon the swearing in of the President and or Parliament. The last plebiscite was held on 30 July 2018 and President Emmerson Mnangagwa was sworn in on 26 August. Both the President and Parliament's five year term will end on 26 August 2023. What this entails is that; polling must not be more or less than 30 days before term expiry, thus elections must be held between 26 July and

August 26 2023. However, taking into consideration the newly delimited boundaries, elections can only be held after 20 August but Zimbabwe's harmonised elections cannot be delayed beyond August 26. Section 161 (2) provides that if a general election is held less than six (6) months after a delimitation, the old constituency and ward boundaries must be used for the election. The final delimitation report was gazetted on 20 February 2023, thus the six months rule will only come into effect on 20 August 2023.

(b) Private Voluntary Organizations Amendment Bill

The Private Voluntary Bill aims at making Zimbabwe comply with the Financial Action Task Force (FATF) recommendation number 8. Recommendation 8 is of particular interest to NGOs, as it requires regulators of Non-Profit Organizations (NPOs) to review the laws and legislations so that non Profit Organisations (NPOs) cannot be abused by terrorist organizations. However, when drafting the amendment of the PVO bill the government took an opportunity to insert provisions, which have far-reaching consequences that give the government wide powers to interfere with civil society organizations. The Bill was passed in Parliament and awaits the Presidential assent.

If the law is adopted, it would provide the government with wide powers to interfere in civil society organizations' governance and activities. Firstly, Private Voluntary Organizations (PVOs) will need the permission of the government to effect any material change to the organization such as management and funding. Furthermore, the government would have the power to label any PVO as "high risk" or "vulnerable" to terrorism abuse, as a result registration of the organization will be revoked. The Bill also includes criminal liability of the management of the organizations for failure to comply with the law including imprisonment. Finally, the Bill contains provisions that allow for the banning of civil society organizations from "engaging in political activities", a broad and vague concept that could include legitimate human rights activities.

(c) The Electoral Amendment Bill

The gazetted Bill seeks to amend the Electoral Act [Chapter 2:13] proposes the removal of the driver's license as proof of identity for electoral purposes; seeks to disqualify previously convicted persons from contesting in elections and provides a timeframe (21 days) when a candidate may withdraw from contesting in a National Assembly or local authority elections. The Bill also provides for the incorporation of the youth quota in the National Assembly and the women's quota in local authorities which are both products of the Constitution of Zimbabwe Amendment (No. 2) Act, 2019. The bill has since stalled in parliament it had its second reading on the 2nd of February 2023, on the same day the Portfolio Committee on Justice, Legal and Parliamentary Affairs presented its report on the bill which covered public consultations and recommendations. Notably the Committee recommended the consideration of the ZESN & CSOs Comprehensive Draft Electoral Amendment.

Examples of some of the gaps in the Bill include the following:

The Constitution in 281 (2) specifically states that Traditional Leaders must not act in a partisan manner or further interest of any political party. However, the law is not clear on the role of traditional leaders in elections and electoral processes. There has been allegations of traditional leaders acting in a partisan manner.

The provisions regulating the media reportage of electoral processes should also be reviewed. There is need for provisions, which set out measures aimed at preventing the abuse to the right to access public broadcasting services. The law should prescribe the manner in which political advertising may be carried out in the media.

Equality 50 / 50 constitutional provision not yet put into practice, must be implemented, even political parties, avoid practices that prevent women participation. Reduction in nomination fees. Punitive measures practice, a must for hate speech. Safe space for women that are violence free. Inclusion of Persons with Disabilities (PWDs) within the women and youth quotas.

(d) Maintenance of Peace and Order Act

The Government of Zimbabwe enacted the Maintenance of Peace and Order (MOPO). MOPO seeks to repeal and replace the Public Order and Security Act [Chapter 11:17] (POSA). POSA was enacted in 2002 when the Movement for Democratic Change (MDC) party was seemingly dominating the political space and it presented a unique challenge to ZANU PF's hegemonic ascendancy of Zimbabwean politics. POSA was the pinnacle for State sanctioned repression. Members of the opposition and civil society became targets of a broad scheme to restrict the capacity to coalesce, organize and engage in mass action. The repeal of the POSA was a great democratic move, however it was replaced by the MOPO which mirrors it.

Most provisions of the MOPO mirror that of POSA. It reconstitutes the conflation of public demonstrations and public meetings in the name of public gatherings. Public meetings and demonstrations will still be subject to police notification seven days ahead of a public demonstration and five days ahead of the public meeting. The failure to give notice of a gathering is an offence with sentence of a level 12 fine or imprisonment for a year or both. The Law increases the scope of government powers whilst restricting the exercise of fundamental freedoms. The powers to prohibit public gatherings must be reposed in the courts as the arbiters of constitutionally permissible derogations. The gatherings which are exempt from the application of the MOPO are those held for purposes which are not political. Meetings discussing matters of public interest are specifically within the law's scope. This is contrary to the political rights in section 67 of the Constitution. The constitution permits peaceful political activity to challenge, influence or support any political or whatever cause.

The law has been used to violate the right to freedom of expression, right to assembly and political rights. On 14 January 2022, Zimbabwean police allegedly physically assaulted members of CCC and ultimately arrested 25 individuals while they were attending a private meeting in Budiriro, Harare, they were charged with violating the MOPO as they did not give notice to the police for their meeting. Moreover, it has made it difficult for civil society Organizations to plan events such as a voter education gathering as they require clearance from the police on top of Zimbabwe Electoral Commission (ZEC) accreditation. In theory it's just a notification to the police however on practice the police delay or refuse clearing public gatherings. As we head towards the elections there are fears amongst the opposition parties that the MOPO will be a weapon used by the government and will interfere with campaign rallies and gatherings.

(e) The Criminal Law Code Amendment Bill – ‘The Patriot Bill’

The gazette was on 23 December 2022. The Parliamentary Legal Committee issued a non-adverse report after it is reading and there were public hearings on the bill from the 20th to the 24th of April 2023. The bill is nicknamed the Patriotic bill because it creates a new crime of wilfully injuring the sovereignty and national interest of Zimbabwe. The crime will be committed by a citizen or permanent resident of Zimbabwe who takes an active part in a meeting involving or convened by an agent of a foreign government, if the citizen or resident knows or has reason to believe that the object of the meeting is:

- i. to consider or plan armed intervention in Zimbabwe by the foreign government, or
- ii. to subvert or overthrow the constitutional Zimbabwean government, or
- iii. To consider, implement or extend sanctions or a trade boycott against Zimbabwe, or against an individual or official if the sanctions or boycott affect a substantial section of the people of Zimbabwe.

The penalties for the crime differ according to the object of the meeting:

- i. if the object of the meeting is to consider or plan armed intervention, the penalty for participating in it is the same as for treason, namely the death sentence or imprisonment for life,
- ii. if the object of the meeting is to subvert or overthrow the government, the penalty for participating in it is the same as for subverting constitutional government, namely imprisonment for up to 20 years, and
- iii. If the meeting is about sanctions or a trade boycott, the penalty for participating in it is a fine of up to Z\$200 000 or imprisonment for up to 10 years or both. And in addition, if the crime is committed in aggravating circumstances (i.e., if sanctions were implemented as a result of the meeting or if a non-binding advisory was issued with the same effect as sanctions, or if the convicted person made a false statement during the meeting) and if the prosecutor so requests, the court may impose any of the following penalties:

The effect of this that citizens are not able to speak freely against the ills of the government of Zimbabwe. *Fadzayi Mahere*, Constitutional lawyer and Citizen Coalition for Change spokesperson attended the Geneva Summit for Human Rights and Democracy. At the summit, Mahere narrated her ordeal at the hands of the President Emmerson Mnangagwa’s administration. She also highlighted the treatment of political opponents, prisoners, abuse of state institutions and judicial capture. Immediately after the speech various media published articles condemning her speech and urging that the Patriotic Bill be fast tracked so that perpetrators like Mahere are punished. Even Opposition political party LEAD president MS Linda Masarira said Patriotic Bill must be expedited to deal with people such as Mahere.

(f) Access to Information

The Constitution of Zimbabwe in Section 61 (a) guarantees the freedom to freedom to seek, receive and communicate ideas and other information. Section 62 of the constitution prescribes

that ‘Every Zimbabwean citizen or permanent resident, including juristic persons and the Zimbabwean media, has the right of access to any information held by the State or by any institution or agency of government at every level, in so far as the information is required in the interests of public accountability’. Despite the right to access to information being guaranteed by the constitution, the government and its institution continuously deny Zimbabweans information. For example, in 2022 Zimbabwe conducted a population census. The population census influences socio- economic and political rights. Most importantly it was used in the 2023 delimitation exercise which demarcated electoral boundaries crucial to the 2023 election. The census report was never made public, when civil society organizations requested the report, the request was never honoured. Civil society Organizations blindly commented on the delimitation report produced by the government as they did not have the population data. As a result, the government is not accountable for any errors that were made in the census report vis-a-vis delimitation as the report was never availed to the public.

Another case in point is the issue of the voter’s roll, according to Section 21 (3) of the Electoral Act, the Commission has a mandate to provide a person who requests the voter’s roll within reasonable time upon payment of a prescribed fee, either in printed or electronic form. In August 2022 ZEC refused to release the consolidated national voter’s roll. CCC legislator Allan Markham took ZEC to Court in October 2022 for failing to provide the voter’s roll in electronic format upon request. In March 2023, the High Court rejected the bid by Markham to compel ZEC to release the voter’s roll in electronic format arguing it would compromise the security of the database. The question remains whether the limitation of the right to access of information by the Court is justifiable.

3. Implementation of Observer Mission Recommendations from 2018

Soon after the 2018 Harmonised elections in Zimbabwe, the Zimbabwe Election Support Network (ZESN) has been tracking the implementation of the recommendations made by observer missions to the elections. ZESN prepared a compendium which lists all election-related recommendations made by election observer groups that issued reports or statements on the 2018 Zimbabwean Harmonised Elections. The main purpose of the compendium is to facilitate consideration of the recommendations by the Zimbabwean authorities and organisations, including the Government, the Parliament, the Zimbabwe Election Commission and other Independent Commissions, Political Parties, Civil Society Organisations, oversight and regulatory bodies and the media, by making them available in a single document. Based on this Compendium, ZESN then produced a tracking tool to track the implementation of these recommendations. This tool is premised on an Access based database. The 223 recommendations were rationalised to 115 for the purpose of tracking. Implementation indicators have been fed into the database and the application adopts a coding system where no is 0, Yes Partial is 1 and Yes Full is 2. The percentage of completion is based on computation of the codes.

ZESN developed proposed timelines for the implementation of reforms and the timelines were used for the purposes of tracking. The application works by categorising the recommendations in four major themes, that is legislative, Regulations, Policy and Implementation. ZESN analysis of the implementation of these recommendations reveals that only a few administrative issues have been attended to and that there are still glaring gaps on the substantive recommendations made.

Implemented and Outstanding reforms

The Government implemented some electoral reforms which include: The ratification of the African Charter on Democracy, Governance and Elections (ACDEG); the amendment of the Census and Statistics Act to push forward the population census to pave way for the delimitation of electoral boundaries, the amendment of the Constitution which saw the introduction of the Youth Quota in the National Assembly and the extension of the Women's Quota by a further ten years in the National Assembly. On administrative issues implemented: ZEC now informs registrations who would have been removed from the voter's roll by publishing names in the government gazette. Another positive change noted is that the ZEC is now cleaning the voter's roll continuously and voters roll inspection is now being done both physically and electronically as recommended by the observer missions. The Electoral Management body now reviews and updates voter education manual before elections, and the posting of voters roll outside each polling station is now a reality in Zimbabwean elections.

Some of the outstanding reforms are: The need to create a conducive electoral environment that will see the effective participation of citizens without fear; availing of the Voter's Roll; the implementation of the 50/50 mechanism as provided for in the Constitution; clear outlines on the Women and Youth Quotas; the need for tactile ballot papers to ensure secrecy of the vote; the inclusion of young people in Provincial Councils; a review of the accreditation fees and opening up the space to allow long term observation by domestic observers; the need to ensure there are punitive measures are put in place to address the violence that affects women's participation in politics and elections and the setting up of the Integrity and Ethics Committee to deal with the misdemeanors of Traditional Leaders in elections.

4. Delimitation

The Delimitation of election boundaries is one of the key roles that the Zimbabwe Electoral Commission (ZEC) is constitutionally mandated with and this process has been ongoing since June 2021. On the 26th of December 2022, the Commission submitted a Preliminary Delimitation Report to President Emmerson Mnangagwa who then summoned the Parliament of Zimbabwe to sit on the 6th of January 2023 to conduct special business relating to the Preliminary Delimitation Report. On the 6th, the Speaker of Parliament of Zimbabwe announced a 13 member Parliamentary Ad Hoc Committee for the purposes of analysing the Report. The Committee analysed the Report and submitted it to the two Houses of the Parliament- that is the National Assembly and the Senate-who adopted the position of the Committee and forwarded it to the President.

The delimitation of election boundaries is one of the key roles that the Zimbabwe Electoral Commission (ZEC) is constitutionally mandated with and this process has been ongoing since June 2022. On the 26th of December 2022, the Commission submitted a Preliminary Delimitation Report to President Emmerson Mnangagwa who then summoned the Parliament of Zimbabwe to sit on the 6th of January 2023 to conduct special business relating to the Preliminary Delimitation Report. On the 6th, the Speaker of Parliament of Zimbabwe announced a 13 member Parliamentary Ad Hoc Committee for the purposes of analysing the Report. The Committee analysed the Report and submitted it to the two houses of Parliament - that is the National

Assembly and Senate - who adopted the position of the Committee and forwarded it to the President.

On the 19th of January, in line with Section 161 (8), the President referred the report back to the Zimbabwe Electoral Commission (ZEC) on the basis that the Commission do consider issues raised by the Parliament. Upon receipt of the report and the recommendations, Section 161 (9) of the Constitution directs the Commission to give further consideration to the matter or issue concerned. Section 161 (9) states that;

‘Where a preliminary delimitation report has been referred back to it under subsection (8), the Zimbabwe Electoral Commission must give further consideration to the matter or issue concerned, but the Commission’s decision on it is final.’

In line with this provision, the Commission was expected to give consideration to Parliament of Zimbabwe’s concerns whilst retaining the constitutional finality on the Report.

On the 3rd of February 2023, State media reported that the President had received a revised version of the Delimitation Report which he was expected - in line with the Section 161 (10) and Section 161 (11) of Constitution, to publish within a fourteen (14) day period. As such it was anticipated that the final Delimitation Report would be gazetted on the 20th of February. However the final delimitation report gazetted on the 20th of February stated that the President had received the ZEC’s final Delimitation Report on the 17th of February, 2023. The Final Delimitation Report was therefore gazetted in an extraordinary Government Gazette on the 20th of February 2023 as Proclamation 1 of 2023 (Statutory Instrument 14 of 2023) sets out the Boundaries of Zimbabwe for the purposes of the forthcoming 2023 elections and any subsequent elections that may be conducted in the next ten years.

ZESN raised concerns that ZEC had used the Preliminary Census Report. The concerns emanated from the fact that since the preliminary census report is inconclusive, it could probably not lead to the results that reflect reality, thereby distorting representativeness. However, it is understood that by the time the Commission commenced and completed the delimitation exercise, the Zimbabwe National Statics Agency (Zim Stats) had not issued the final Population Census Report. Going into the future, there is need to ensure that Census is concluded in order for ZEC to hold the delimitation exercise guided by the final census reports, not the preliminary reports, which are yet to be validated.

Delimitation Report Court Challenge

20 March 2023, the Constitutional Court chaired by Chief Justice Luke Malaba rejected a bid by political activist Tonderai Chidawa to nullify the delimitation exercise which set out new electoral boundaries of the wards, House of Assembly and Senate to be used in the 2023 and any future elections. Chidawa argued that the process was flawed because the tenets of the Constitution were not met in particular Section 119 which empowers Parliament to investigate how independent Commissions on their operations.

On 14 March 2023, MDC-T leader Senator Douglas Mwonzora approached the Constitutional Court to compel the Zimbabwe Electoral Commission (ZEC) to re-do the delimitation exercise and to stop President Emmerson Mnangagwa from proclaiming 2023 election dates. Mwonzora cited

ZEC and President Mnangangwa as first and second respondent to the matter. Below are his Heads of Argument presented at the ConCourt;

“Applicants seek the leave for direct access to the constitutional court in an application they seek to declaratur to declare the delimitation report, prepared by the first respondent and gazetted by the second respondent on 20 February 2023, null and void on grounds that it does not comply with the requirements of S161 of the constitution of Zimbabwe; and “Consequential relief for the first respondent to conduct a proper delimitation exercise and produce a delimitation exercise report that conforms to requirements of S161 of the Constitution of Zimbabwe; and ”Further consequential for the second respondent not to proclaim the dates of general elections before the first respondent submits a report that complies with the requirements of S161 of the constitution of Zimbabwe,” read the chamber application.

On 8 May 2023, after a full bench hearing led by Chief Justice Luke Malaba, the Constitutional Court dismissed Mwonzora’s case on the basis that it lacked jurisdiction. (Newsdayⁱ).

Following the dismissal of both Chidawa and Mwonzora’s Constitutional Court applications to nullify the ZEC Delimitation report, Zimbabwe harmonised polls will go ahead as scheduled and will be conducted under the newly delimited boundaries.

Mwonzora vows to launch another bid

After hitting the Constitutional hurdle, Mwonzora vows to launch another bid to nullify the delimitation report

“We have prepared our papers and today we are filing our application before the High Court seeking the same relief. We argue that a declaration must be made that the delimitation report is invalid, ZEC must be ordered to redo and that the proclamation must, by the President, follow receipt of a correct delimitation report”ⁱⁱ

5. Voter Registration

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

(a) Voter Registration Blitz for the Boundary Delimitation Exercise

In the year 2022, the ZEC conducted a voter registration blitz ahead of the boundary delimitation exercise. The voter registration blitz was conducted in 2 phases, from 1 to 28 February and 11 to 30 April 2022. A combined **194 625** new registrants were recorded in both phases, bringing the total cumulative figure of all registered voters as at 30 May 2022, including those who had registered in between phases to 5 795 547.

The first phase of the mobile voter registration exercise which ran from 01 to 28 February 2022 resulted in 83 402 new registrants being captured while 111 223 entries were recorded during the second phase which ran from 11 to 30 April 2022.

The Commission deployed 210 voter registration teams to cater for the 210 constituencies, in addition to the 63 districts and 10 provincial static centres. Each phase covered 2,713 centres.

A number of challenges were encountered during this blitz. Heavy rains that were experienced during the first phase of the Blitz leading of flooding of low-lying areas in parts of Beitbridge, Chipinge, Chikombedzi, Muzarabani and Mudzi. This inclement weather put a strain on the BVR Kits' solar charging systems, as well as impeded movement of people and the ZEC teams that were deployed to the affected areas.

(b) Final Voter Registration Blitz

From 12 -21 March 2023 ZEC conducted a biometric voter registration Blitz. The ZEC conducted voter information campaigns to raise awareness of the key electoral process to the electorate and eligible voters. ZEC raised visibility of the process using traditional media in the form of radio and daily newspapers; they also held stakeholder meetings in advance of the blitz to guarantee that people were conversant with what the process entailed. However, the ZEC did not extend an invitation to stakeholders that wanted to observe this Blitz. It is reported that ZEC registered over 450,000 during this Blitz which the ZEC announced to be the final one ahead of the 2023 Harmonised Elections.¹ The ZEC published details of where the registration sites would be on which days on its website– generally 3 days in each constituency.

Challenges that were encountered during this blitz included:

- Some BVR kits malfunctioned owing to inclement weather. This challenge was so prevalent that ZEC issued a statement².
- Stationery at some of the centers ran out, thus some registrants did not get the registration slip that is printed after the registration process³.
- There were organizations whose observers seemed to have been granted access to some registration centers. These organizations are known by the name Forever Associate Zimbabwe (FAZ) and Heritage apart from their names little else is known about them by members of the public.

Extension of the BVR Blitz

The blitz was derailed marginally by some of the mobile teams who experienced difficulties in grasping and understanding how to operate the Biometric Voter Registration (BVR) equipment, coupled with malfunctioning of some kits. This prompted ZEC to extend the blitz from March 21-26. Despite the fact that ZESN did not observe the voter registration blitz, ZESN commends ZEC for undertaking the registration blitz to enable eligible voters who have not been able to travel to ZEC District and Provincial offices as new voters or transfer their vote to new polling stations, wards or constituencies in the area of residence.

¹ <https://www.sundaymail.co.zw/450-000-register-to-vote-in-final-blitz>

² <https://twitter.com/ZECzim/status/1635570141285982209/photo/1>

³ <https://twitter.com/ZECzim/status/1637822590143045633/photo/1>

6. Civic and Voter Education

Generally, the Zimbabwe Electoral Commission has been forthcoming. It has allowed civil society organizations to conduct civic voter education without any hurdles. The Commission has been present at Zimbabwe Election Support Network's voter education events with BVR kits and even after the voter registration blitz was ended.

Organisations that have been accredited by ZEC to conduct voter education having been doing so countrywide, in particular before and during the final BVR blitz a lot of CSOs, Community Based Organisations (CBOs), Faith Based Organisations (FBOs), youth, women and Persons with Disabilities (PwDs) employed various methods to educate and inform communities on BVR. These included radio programmes to reach communities of interest and geographically marginalized communities; community town hall meetings; distribution of IEC materials (posters and fliers); promotional campaign materials in the form of caps, hats and t-shirts inscribed **register to vote**; jingles were flighted on radio and social media platforms such as YouTube, Facebook, WhatsApp and Twitter.

Conversely, despite being accredited ZESN was prevented from conducting roadshows as part of voter education activities in Mashonaland Central Province in Mvurwi, Muzarabani and Rushinga in March 2023 by the Zimbabwe Republic Police citing security challenges given that the events were clashing with Independence Day Celebrations preparations.

Of concern is the recent change in voter education accreditation. Previously the Zimbabwe Electoral Commission would accredit voter educator organization and the accreditation would be for a lifetime, and it has been changed to yearly accreditation. The commission on 12 May 2023 advertised for accreditation to conduct voter education and the deadline to apply was 19 May 2023. The requirements for applications were many, some violated one's privacy such as residential addresses. Moreover, the time provided was very short to satisfy the requirements.

The Zimbabwe Electoral Commission issued a statement on 11 May 2023 calling on CSOs, PVOs and FBOs to submit applications for accreditation to conduct voter education. Organisations that had been previously accredited were advised to submit new applications. The eligibility requirements are premised on being a citizen of Zimbabwe or permanent residence. This requirement is extended to Trustees of the organisation wishing to conduct voter education. In addition, the organisation must disclose the sources of funding.

7. Voter's Roll Inspection

ZEC announced that it will avail the Voter's Roll to be used for the 2023 elections to the public for inspection by voters who registered before 28 April 2023 from 27 to 31 May 2023.

8. Media Update

In January 2023, the Editor-in-Chief of Alpha Media Holdings was ousted after the Deputy Chief Secretary in the Office of the President and Cabinet revealed that he was on government's payroll as a public relations officer at the Local Government Ministry.

On 10 March 2023, the Zimbabwe Media Commission launched an Elections Reporting and Peace Journalism Manual to address issues of commissariat journalism, mis, dis and mal-information as

well toxic online media. The manual is in response to calls made by EOMs in 2018 who implored government to standardize election reporting because the media fell short of informing and educating citizens on elections in sync with laws on elections. The manual is grounded in the ZEC Act and will be used to monitor compliance of the media to laws, promote freedom of expression and access to the media as well as freedom of the media.

On 12 April 2023, the SADC Electoral Advisory Council Pre-election Assessment Mission meets Media Organisations to get insights of the media's role in the electoral process, if the media houses were State owned or privately owned, media's opinion on the general level of the Electoral Commission preparedness to conduct elections, media's view regarding security environment in the context of the forthcoming elections, any areas where acts of political violence have been detected, measures in place to avoid dissemination of fake news in elections, specific policy or law that governs the coverage of election process, political parties and candidates. More so, SEAC wanted to find out the legislated quotas on coverage of different political parties and candidates, who governs the media's conduct during the election period and ascertain if journalists are free to move around covering political events.

On 5 May 2023-Government banned a media conference on journalism, political tolerance and phobias at the University of Zimbabwe after some high-profile delegates tore into the ruling ZANU-PF's rule and political repression.

On the 19th of May 2023, Information, Publicity and Broadcasting Services Deputy Minister Kindness Paradza highlighted that the Dual media accreditation would soon go. He said Journalists accredited by the Zimbabwe Media Commission will be allowed to freely cover elections without having to be re-accredited by the Zimbabwe Electoral Commission (ZEC) if the Electoral Amendment Bill is passed by Parliament.ⁱⁱⁱ

On 19 May 2023, the Zimbabwe Broadcasting Corporation (ZBC) received service vehicles ahead of the polls. Information, Publicity and Broadcasting Services Minister Monica Mutsvangwa said as elections draw closer, they looked forward to seeing the best coverage from the national broadcaster from all corners of the country. Minister Mutsvangwa implored the country's media fraternity to work towards propagating issues of national interest.^{iv}

She said the media was a critical partner in image building, engagement and re-engagement.

"Workers whose needs are well provided for, deliver better. And we expect nothing less for employees at ZBC.

"As elections draw closer, we look forward to seeing the best ever coverage from the national broadcaster from all corners of the country," said Minister Mutsvangwa.

"The transformation of Zimbabwe into an empowered and prosperous upper-middle-income society by 2030 hinges largely on a responsible and objective media that puts the national interest above everything else."

ZESN has observed that online media have become increasingly popular in communication and politicians use it to engage directly with the people they represent, to solicit votes, de-campaign other candidates; proliferate hate speech, mis, dis and mal-inform netizens as well as cyberbully

others. Of concern is the violence against women in politics with Misogyny proving to be the biggest challenge as male politicians denigrate women's efforts through spewing sexist comments.

9. Zimbabwe's Socio-Economic Political Analysis

The harsh socio-economic conditions continue prevailing unabated in Zimbabwe with the prices of basic commodities, goods, services and health delivery beyond the reach of many. These conditions were worsened by profiteering retailers who continued to price basic commodities using an exchange rate between the United States Dollar (USD) which was higher than the current prevailing bank and black-market rates. In January, Zimbabwe's annual inflation rate stood at 229.8% and in May at 666%.

(a) Suspension of Import Duty on Basic Commodities

The rising prices of basic commodities and the continued depreciation of the Zimbabwe Dollar has led to some shortages and prices beyond the reach of many consumers. In response to this, the Minister of Finance on 11 May 2023 gazetted Statutory Instrument 98 of 2022, titled Customs & Excise (Suspension) (Amendment), Regulation 2022 No, (260).⁴

(b) Arrears Clearance and Debt Resolution Process

Government Matrix

In December 2022, the Zimbabwean government established a Structured Dialogue Platform with all creditors and development partners, to institutionalize structured dialogue on economic and governance reforms to underpin the arrears clearance and debt resolution process. The Matrix is centered on enhancing justice delivery, public sector transparency and accountability, combating corruption and promoting human rights. It also covers electoral reforms, national unity, peace, and reconciliation.

Under Electoral reforms, the strategy seeks to

1. Implement the following essential and accepted electoral reforms from,
 - (a) Reports of 2018 Election Observer Missions
 - (b) The Zimbabwe Electoral Commission (ZEC)
 - (c) Political Actors Dialogue (POLAD)
2. Strengthen and capacitate electoral institutions to deliver on their mandate.

The matrix's targets and outcomes are;

- Enhanced Freedom of Assembly and Association
- Enhanced Political Pluralism
- Democratic Elections conducted regularly
- Civil Society Activities promoted

The outcome indicators are as follows;

⁴ <https://www.herald.co.zw/suspension-of-duty-on-basic-goods-excites-consumers/>

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Rule of Law index

The Process indicators are;

- Number of electoral laws passed and implemented
- Free and peaceful electoral process
- Fair and credible election processes

Zimbabwe's total consolidated debt stands at \$17.5 billion. Debt owed to international creditors stands at \$14.04 billion, while domestic debt stands at \$3.4 billion. Debt owed to bilateral creditors is estimated at \$5.75 billion, while debt to multilateral creditors is estimated at \$2.5 billion. The country is in arrears for servicing its debt, with arrears to multilateral development banks, including the African Development Bank, the World Bank, and the European Investment Bank.

In February, March and May 2023, dialogue meetings were held with stakeholders to discuss issues of reforms. Officially opening the 4th Structured Dialogue Meeting on 15 May 2023, President Mnangangwa in his speech highlighted that government has put in place mechanisms to guarantee peaceful, free, fair and credible elections and that international observers will be invited through appropriate channels. The implementation of electoral reforms as part of the government matrix is essential for improving and consolidating the quality of democracy, elections and governance and will serve as a litmus test on government's commitment to conduct free, fair and peaceful elections.

(c) Political Developments

On the political side, ZESN has observed events that impede free, fair and credible elections such as vote buying, hate speech, violation of freedoms of information and access to information as well as the weaponization of the law. Incidents of impromptu incarceration of opposition leaders and supporters and some being released on bail have been noted. The criminal justice system has created a platform to silence or punish political dissent or holding of divergent views which erodes the value and essence of the criminal justice system and diminishes public confidence and trust in the justice system.

In Budiriro Constituency, the Zimbabwe Republic Police (ZRP) reportedly disbanded a CCC party meeting and arrested 25 people on accusations of breaching Maintenance of Peace and Order Act (MOPA) regulations. Among the arrested were Members of Parliament Mkoba Constituency Amos Chibaya and Costa Machingauta, Member of Parliament for Budiriro. On the flipside, the trial for former Cabinet Minister Prisca Mupfumira and ex-Ministry of Public Service and Social Welfare Permanent Secretary Ngoni Masoka has been continued till July 28. The Harare Magistrates Court has set today for the start of Mupfumira and Masoka's trial. Following the promotion of the former Chief Magistrate, now Justice Mr. Munamoto Mutevedzi, to the role of a Judge, the trial was suspended in 2021. After that, the case was declared a de novo, and it was restarted.

In May 2023, Former Minister of Public Service, Labour and Social Welfare, Petronella Kagonye was freed from jail after serving an effective 16 months after she converted laptops donated by

the Postal and Regulatory Authority of Zimbabwe (POTRAZ) to personal use during her tenure. The laptops were meant for an e-Learning project put in place to support rural schools by providing vulnerable school children with computers. She was sentenced to three years in jail before 12 months of her sentence were suspended on condition of good behaviour and a further eight months on condition that she restitutes POTRAZ US\$10,000 leaving an effective 16 months jail term. The seemingly selective application of the law in bail hearings and selective trials poses a serious threat to democracy.

(d) Primary Elections

Both ZANU-PF and CCC conducted their candidate selection for primary elections which fall short on the tenets of democracy because of candidate imposition, rerun after preferred bigwigs fell by the side which may lead to voter apathy since the end results did not reflect the voters' preferences.

ZANU-PF held its primary elections on 25 and 26 March 2023 in which 31 bigwigs lost in the plebiscite. This led to the reversal of ZANU-PF primary election winners and imposition of losing candidates to maintain the status quo. In Chipinge South, Robert Nyemudzo won the primary election with 4733 votes. However, days later, he was disqualified and Enock Porusingazi, who polled 1585 votes was declared the winner. This subverts the will of the people at intra-party level. Makoni West, Jenfan Muswere was imposed as the parliamentary candidate. The Politburo met on the 30th of March, reportedly to 'take stock of' the primary elections. President Emmerson Mnangagwa ordered a rerun of ZANU PF primary elections in areas where violence was recorded. There was however, scepticism that the move was meant to salvage the careers of the president's allies who had lost in the by-elections. The reruns were held on the 15th of April and most of the people who had lost the initial election, lost again. On May 6, ZANU-PF held elections reruns in 24 local authority wards and the process ended the party's candidate selection process ahead of the 2023 polls.

On 5 April, CCC nominated parliamentary and local council candidates for 2023 elections. The nomination process was not completed on the 5th and carried forward to the 10th. CCC candidate selection procedure has four stages and nomination is the first stage. Nomination of candidates and the whole procedure will be superseded by a selected Citizens Independent Selection Panel (CISP) released on the 4th of April. Critics state that CCC candidate selection procedure is a gimmick for imposition and likely going to cause more confusion, frustration and disgruntlement among its supporters. Reports of alleged of vote-buying ahead of the nomination process surfaced as Joana Mamombe dished out food hampers in her Harare West constituency. Defending this gesture, Joanna argued it was an appreciation to volunteers for mobilizing citizens to register during the ZEC 12-26 March voter registration blitz. It is important to note that intolerance was witnessed in Goromonzi where ZANU-PF stopped CCC candidate selection process and declared that the area is a no go area for opposition⁵.

The Movement for Democratic Change (MDC-T) and other parties are yet to conduct their candidate selection processes ahead of the 2023 plebiscite.

⁵ NewZimbabwe.com, 8 April 2023

(e) Incidences of Political Violence

Reports of violence in Chegutu preceded ZANU-PF primary elections as alleged scuffles resulted in injuries of ZANU-PF activists⁶. In Masvingo Ward 2, violence was recorded⁷ and all incidences, are scenarios that can characterize the 2023 harmonised elections if party supporters and candidates do not foster peace. In Manicaland, Chimanimani East at Ngangu shopping centre, election related violence took place during ZANU-PF polling process⁸.

(f) ZEC Independence under spotlight

ZEC continues to be prejudiced in executing its duties. It remains a captured institution, and allegedly conducts voter registration at ZANU-PF rally leading the public to question its independence.⁹ ZEC closed the Biometric Voter Registration Blitz on March 26 and announced that voter registration would only happen at its 68 district registration centres and 10 provincial centres across the country. Ambassador Christopher Mutsvangwa confirmed to the Standard in an interview that the ruling party coaxed ZEC and the Registrar General's office to conduct private registration process in various areas¹⁰.

(g) Role of Traditional Leaders in elections

On the 20th of April, ZANU-PF Second Secretary Kembo Mohadi at the official opening of a refurbished hospital in Mubaira, Mhondoro, in Mashonaland West alluded to how ZANU-PF is using traditional leaders to ensure a ZANU-PF win in the 2023 elections. Traditional leaders are now playing political roles contravening their constitutional mandate provided in Sections 15, 281, 282 and 285. They are not obliged to further interests of any political party or violate the fundamental freedom and rights of any person. In his speech, Mohadi urged traditional leaders to gather their subjects at polling stations on voting day and ensure that they vote for ZANU-PF.¹¹

(h) Government Perspective on NGOs

On 18 April, President Mnangagwa accused NGOs of sowing seeds of hate and discontent ahead of the general elections. The relentless attacks on NGOs continues to close democratic civic space and silence critics of the government. Furthermore, the operating context is not conducive for CSOs to operate and conduct voter education freely. Mashonaland Central remains very hard to penetrate. In Centenary, Guruve and Muzarabani, police refused to clear meetings organized by CSOs who wanted to conduct voter education and distribute information and educational materials. ZESN has tried countless times to have meetings cleared in the above mentioned areas.

(i) Pork Barrel Politics

⁶ <https://www.newzimbabwe.com/zanu-pf-primaries-violence-rival-claims-nduna-wants-him-dead-offers-honda-fit-vehicle-for-his-head-mp-denies-the-allegations/>

⁷ <https://www.facebook.com/NehandaRadio/posts/violence-erupts-at-zanu-pf-masvingo-ward-2-primaries-sister-to-one-of-the-contes/10152947249790156/>

⁸ Verified LTO report March 2023

⁹ <https://www.youtube.com/watch?v=HTt3XqQGmy4>

¹⁰ Zimeye April 23, 2023

¹¹ <https://twitter.com/HStvNews/status/1649136764961923073>

The President unveiled the Title Deeds and Settlement Regularization Programme and distributed title deeds to over 200 people in Epworth.

On 15 March 2023, The President also availed 20 of 28 Isuzu double cab trucks to newly-installed Traditional Leaders as part of government programme to ensure mobility of 291 Chiefs in Zimbabwe. In as much as government is trying to enhance the integrity and mobility challenges Chiefs have in their areas of jurisdiction, the act can be seen as vote buying given the fact that in his speech, President Mnangagwa alluded that the government will ensure chiefs get access to electricity, water, good roads and vehicles every five years to enable them to execute their duties of uniting people, instilling and preserving cultural values through following up on those in rural area and towns who are troublesome and put them to order so that he can rest assured of leading the united and peaceful nation. These sentiments suggest that Chiefs are being rewarded close to the elections. This creates an incentive for politics of patronage.

(j) ZANU-PF identifying and electing candidates under 30% women's quota

On the 11th of May 2023 ZANU-PF issued a circular, instructing all provinces to start the process of identifying and electing suitable candidates under the 30% women's quota in Local Authorities. Successful candidates will be submitted to the Commissariat Department by the 26th of May 2023.

(k) War Vets disgruntled ahead of the elections

Gibson Mashingaidze, the chairperson of Veterans of the Liberation Struggle said war vets are tired of being used and do not get rewarded for their work in elections. *"There is a slogan that says the party commands the government, why does the party not command civil servants to look into our affairs"* Bona Mugabe's properties as listed following her divorce have also sparked disgruntlement among some sections of the war veterans groups.¹² An audio uploaded on YouTube reflects on the levels of disgruntlement by War Vets.

(l) Recall of Kadoma Councillors

Kadoma Mayor, Action Nyamukondiwa and three other MCD-T councillors have been recalled after they were expelled from the opposition party. Nyamukondiwa was the councillor for Ward 9 while the 3, namely Michael Mvura, Edson Muzira and Nigel Rozario were councillors for Wards 3, 4 and 15 respectively. In a letter addressed to Mr Malvern Dondo, Kadoma Town clerk, Minister of Local Govt and Public Works July Moyo said the expelled councillors' positions were now vacant.¹³

(m) Candidate Nomination Fees

The Ministry of Justice, Legal and Parliamentary Affairs Zimbabwe Electoral Commission and the Zimbabwe Electoral Commission promulgated Statutory Instrument (S.I) 144 of 2022 on the nomination fees for aspiring candidates. Under S.I 144 of 2022, aspiring Presidential contestants are required to pay US\$20 000 up from US\$1,000.00; Members of Parliament US\$1,000 from US\$50.00 while Senate and local authorities US\$100.

¹² <https://www.youtube.com/watch?v=g-H1UyRc8gY>

¹³ <https://www.herald.co.zw/kadoma-mayor-councillors-recalled/>

ZESN is cognisant of the dictates of Section 192 of the Electoral Act Chapter 2:13 which stipulates that the Zimbabwe Electoral Commission can make regulations it deems necessary, with the approval of the Minister of Justice, Legal and Parliamentary Affairs. However, the steep increase in nomination fees has a bearing on participatory democracy in particular, electoral participation especially for Special Interests Groups such as women, youths and people with disabilities.

While accreditation fees for domestic/citizen observers remain on USD10.00, over the years ZESN has been advocating for a waiver on domestic observers to support election observation by ordinary citizens. Election observation is the bedrock of democracy and is key in assessing whether the electoral process was conducted in accordance with the laws of the country; to assess whether the country's electoral framework conforms with international/regional principles, norms, standards, and best practices; provides an impartial and accurate appraisal of the electoral environment; provides recommendations for improving electoral processes; promotes confidence in electoral processes; fosters respect for the outcomes of genuine democratic elections and promotes of openness and transparency among others.

On 24 May 2023, 7 CSOs petitioned ZEC to waive candidate nomination fees to enhance political participation by all, in particular marginalized groups in Zimbabwe.

(n) Invitation of International Observers to the 2023 polls

On the 15th of May, President Mnangagwa told a High Level Debt Resolution Forum on Zimbabwe Arrears Clearance and Debt Resolution Process that international observers will be invited through the relevant channels and at the appropriate time in accordance with the laws of Zimbabwe to observe the 2023 harmonized elections.

(o) Election Observation pre-assessment

With a few months left before the holding of the 2023 harmonised plebiscite, ZESN has noted the coming in of regional observers upon the invitation by government. On 14 April 2023 ZESN Board and Secretariat met with SADC Election Advisory Council. The meeting was one of the various consultations with key stakeholders that SEAC was conducting during its pre-election assessment mission. SEAC was keen to get ZESN's perceptions on the political and security context in Zimbabwe; ZEC's readiness to conduct 2023 polls; challenges the organisation identifies with respect to the 2023 general elections along with the pertinent issues that the organisation would like the Council to note.

On 26 May 2023, the Electoral Commissions Forum of SADC countries pre-election assessment mission met with ZESN. The objectives of the meeting were to ascertain ZESN's preparedness for the 2023 harmonized elections and how ZEC is managing the electoral process. ECF-SADC highlighted that ZEC acknowledges ZESN as one of the key stakeholders they are working with on elections.

Issues discussed include 2018 observations; the need to have free, fair, credible and violent free elections; the pre-electoral environment, delimitation process; nomination and accreditation fees; electoral reforms, debt arrears engagement; PVO bill; Electoral Amendment bill; social media threats; media reportage; voter's roll; PVT and the need for ZEC to come up with a communication strategy.

The information gathered from the discussion would be relayed to ZEC to assist them where it's weak and improve on that and appraise them on things they are doing well so that they continue doing well.

Conclusion

As the 2023 Harmonised elections beckons, Zimbabwe's political environment remains largely peaceful with sporadic human rights abuses being recorded. ZESN continues to call upon the government of Zimbabwe to institute electoral reforms as recommended by the Election Observer Missions from the 2018 elections, as well as those contained in the ZESN/CSOs Draft Comprehensive Electoral Amendment Bill. This will go a long way in promoting a more conducive environment for the Harmonised Elections. The implementation of electoral reforms as part of the Governance Reforms Matrix is essential for improving and consolidating the quality of democracy, elections and governance and will serve as a litmus test on government's commitment to conduct free, fair and peaceful elections.

iii <https://www.newsreportzim.com/2023/05/20/dual-media-accreditation-to-go/>

iv <https://zimetro.co.zw/zbc-gets-cars-ahead-of-polls/>