



Election Watch | Zimbabwe

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MEASURING THE ZIMBABWEAN ELECTORAL ENVIRONMENT ACCORDING TO THE SADC GUIDELINES GOVERNING DEMOCRATIC ELECTIONS

On the 17th of August 2004, the Southern African Development Community (SADC) leaders adopted the "[SADC Principles and Guidelines Governing Democratic Elections](#)." As a member of SADC, Zimbabwe was a signatory to these benchmark principles, and therefore it is entirely fitting that Zimbabwe's performance in relation to the future elections be measured against these principles and guidelines.

Electoral Institute for the Sustainability of Democracy in Africa's brief [overview](#) of Zimbabwe's electoral system.

SADC principles for conducting democratic elections:

	Divergence/Obstructive Legislation	Compliant
2.1.1 Full participation of citizens in the political process	• Zimbabwe's Parliament completed a cycle of public hearings on the Electoral Amendment Bill. Zanu PF remains opposed to a Diaspora vote • The MDC-T national executive council threatened to boycott next year's elections if Zanu PF unilaterally calls for the poll without fulfilment of all conditions stipulated in the 2008 Global Political Agreement (GPA) • Citizenship of Zimbabwe Amendment Act, 2003 • Guardianship of Minors Act, 1961 • Broadcasting Services Act, 2001	☐ Yes ☒ No

2.1.2 Freedom of association	• Police disrupted MDC-T rallies in Matabeleland North despite a court order that the meetings could go ahead. Information from MDC-T officials indicated that more than 30 anti-riot police officers ordered the cancellation of rallies in Lupane and Binga • Amos Chibaya (MDC-T) says Zanu PF has adopted a strategy of using state apparatus to silence him from advocating for President Robert Mugabe to leave office. Chibaya was arrested after he had gone to Gweru police station to report a case in which Zanu PF supporters had run riot and damaged his vehicle few kilometres from the city • At the UN Universal Periodical Review on Human Rights meeting in Geneva, Zimbabwean Justice Minister Patrick Chinamasa stated that the Public Order and Security Act (POSA) and the Access to Information and Protection of Privacy Act were justified pieces of legislation. Chinamasa posited there will be no reform to either piece of legislation • Public Order and Security Act, 2002, amended 2007	☐ Yes ☒ No
2.1.3 Political tolerance	• Villagers in Tsholotsho District in Matabeleland North fled their homes because armed war veterans led by Jabulani Sibanda made threats to kill supporters of the MDC-T • Zimbabwean police sealed the Harare offices of MDC-T, firing tear gas into the building and at bystanders in central Harare • MDC-T's Youth Assembly organising secretary, Phineas Chikadaya, is in hospital after he was attacked in Budiro, Mashonaland East • A local MDC-T official in Glendale village, Jacob Gwature said five youth members were arrested on charges of chanting anti-Mugabe and undermining President Robert Mugabe's authority in Mashonaland Central province. • Soldiers and war veterans led by a senior army officer only identified as Chiganza, with the support of Zanu PF youth militia, are using a yellow CAM twin cab vehicle to intimidate villagers suspected of being MDC supporters in Makoni district, Manicaland • Teddy Chipere, the MDC-T Manicaland provincial secretary for Mines and Natural Resources, is recovering at home after he was badly beaten by soldiers	☐ Yes ☒ No
2.1.4 Regular intervals for elections as provided by the respective National Constitutions	N/A	☐ Yes ☐ No
2.1.5 Equal opportunity for all political parties to access the state media	• Villagers in Ruwangwe village, Manicaland Province say they have opted to subscribe to foreign media, blasting the Zimbabwe Broadcasting Corporation (ZBC) for continuing to operate as a mouthpiece of Zanu PF • Broadcasting Services Act, 2001	☐ Yes ☒ No

2.1.6 Equal opportunity to exercise the right to vote and be voted for	• The Zimbabwe National Army (ZNA) has embarked on an “input donation” scheme across the country warning people not to vote against President Robert Mugabe. The exercise is being bankrolled by the army charity programme run by ZNA Commander Lieutenant Phillip Sibanda • Citizenship of Zimbabwe Amendment Act, 2003 • Guardianship of Minors Act, 1961	☐ Yes ☒ No
2.1.7 Independence of the Judiciary and impartiality of the electoral institutions	• Irene Petras of Lawyers for Human Rights has called on government to adopt a hybrid electoral system, reform institutions that play a role in elections, develop, implement an Electoral Code of Conduct that is legally enforceable in order to promote free and fair elections and establish a permanent independent Electoral Court to preside over all electoral matters • Members of the public have called on Registrar-General Tobaiwa Mudede to be stripped of powers to oversee production of the voters’ roll and leave the preparation of the voters’ role to an independent ZEC. They made their submissions during a public hearing on the contentious Electoral Act Amendment Bill in parliament	☐ Yes ☒ No
2.1.8 Voter education	• The language used in the Electoral Amendment Bill gives the Electoral Commission the discretion to decide on the inclusion of other players in the provision of voter education. This may make the partisan electoral commission exclude other stakeholders in providing voter education • The EAB requires that all foreign funding (described as “foreign contribution or donation”) for the purposes of voter education must only be made to the Commission. This restrictive funding clause has the potential to cause delays in voter education activities	☐ Yes ☒ No
2.1.9 Acceptance and respect of the election results by political parties proclaimed to have been free and fair by the competent National Electoral Authorities in accordance with the law of the land	• Commonwealth Secretary General Kamallesh Sharma stated Zimbabwe will be readmitted into the 54-member group only after restoring “genuine” democracy and holding transparent elections • Zimbabwe Electoral Commissioner, Professor Geoff Feltoe, has vowed to declare the winner of the next presidential election within five days. Feltoe said ZEC would not be intimidated by anyone	☒ Yes ☐ No
2.1.10 Challenge of the election results as provided for in the law of the land	• Where there is a tie in the run-off election, the EAB requires that the election of the President can be decided by an electoral college of MPs in Parliament. This provision usurps people’s power to determine who is to occupy the highest office in the country and gives this power to a few MPs	☒ Yes ☐ No

Assessment of electoral processes:

	Divergence/Obstructive Legislation	Compliant
Voter registration	- The ZEC has urged Zimbabweans who have dead relatives on the voters' roll to assist in removing them by reporting them to the Registrar General's Office. ZEC's Deputy Chairperson, Joyce Kazembe said the dead will remain on the voters' roll because the Registrar General has no legal authority to remove anyone until somebody comes with an affidavit acknowledging a deceased person - Citizenship of Zimbabwe Amendment Act, 2003 - Guardianship of Minors Act, 1961	☐ Yes ☒ No
Freedom of choice	- Villagers in Hurungwe, Mashonaland West said they are under pressure to buy Zanu PF party cards if they are to benefit from the inputs scheme yet to be implemented by Government for communal farmers. John Chundu, a war veteran and former soldier, said those who do not have party cards will not get anything - Villagers in Nyanga North constituency, Manicaland said they were being intimidated by war veterans and militia to support Zanu PF candidates and blamed the police for being partisan and unprofessional - Access to Information and Protection of Privacy Act (AIPPA), 2002	☐ Yes ☒ No
Impediments to standing	N/A	☐ Yes ☐ No
Boundary delimitations	Election Resource Center Director, Tawanda Chimhini, said language in the Electoral Amendment Bill that requires voters to cast ballots only where they are registered - and not at any polling station in a ward as currently - would leave rural voters vulnerable to intimidation	☐ Yes ☒ No
Use of public resources and political party financing	N/A	☐ Yes ☐ No
Code of conduct	To enable conditions for free and fair elections, the International Bar Association's Human Rights Institute (IBAHRI) report recommended that a code of conduct for judges and magistrates be introduced and the Judicial Service Commission be independent and empowered to discipline judges and magistrates for misconduct.	☒ Yes ☐ No

Assessment of electoral environment:

	Divergence/Obstructive Legislation	Compliant
Freedom from intimidation, fear and violence	• Three MDC-T supporters were admitted to a private clinic in Harare while ten other MDC-T supporters were injured after they were attacked in the capital by the violent Mbare-based Chipangano gang • The war veterans and Zanu PF activists led by Micah Jerera assaulted MDC-T youth executive members and locals attending a party meeting at Garahwa Business centre, in Manicaland. Two executive members, Nyasha Madhodha and Forget Hlomani, were arrested and detained at Chisumbanje Police Station	☐ Yes ☒ No
Media freedom and access to information	• Njabulo Ncube, the president of the Media Institute of Southern Africa (MISA)-Zimbabwe, has appealed to the media, politicians and Zimbabwean citizens to desist from abusing the right to freedom of expression and media freedom as evidenced by some of the personal vilifications and vile name-calling, manifest in the opinion-editorial pages of both private and public newspapers • The International Press Institute (IPI) has called on Zimbabwe's coalition government to scrap tough press laws that continue to hinder journalists from carrying out their work, particularly the Access to Information and Protection of Privacy Act • New research from the Zimbabwe All Media Products Survey (ZAMPS) revealed that State controlled Zimbabwe Television Corporation (ZBC) is being shunned by over 60% of the television owning public, who are instead predominantly watching free to air regional and international channels via satellite • President Robert Mugabe and his two principals in the inclusive government have agreed to the reconstitution of the Broadcasting Authority of Zimbabwe (BAZ) in order to end the state broadcaster's monopoly on the airwaves. Prime Minister Morgan Tsvangirai revealed that they had directed the Minister of Information to reconstitute the board. • Broadcasting Services Act, 2001	☐ Yes ☒ No
Role of civil society	• A group of seventeen leading human rights groups have co-signed a protest letter over the imprisonment and intimidation of Women of Zimbabwe Arise (WOZA's) leaders, Jenni Williams and Magodonga Mahlangu. The pair were released from Mlondolozhi Prison on bail, 13 days after their arrest and detention on 'kidnapping' and 'theft' charges • Non-Governmental Organisations Bill, 2004 (not yet signed into law) • Private and Voluntary Organisations Act, 2007	☒ Yes ☐ No
Role of the security sector	• Zimbabwean National Army Commander General Philip Valerio Sibanda has called on the military to remain on high alert to defend the country, urging the army not to accept a regime change in Zimbabwe	☐ Yes ☒ No

Reports by various civil society organisations

This list is neither comprehensive nor exhaustive.

Idasa

[The Politics of Land in Zimbabwe](#)

[SADC and Zimbabwe: Can They Guarantee a Free and Fair Election?](#)

Sokwanele

[Inclusive Government Watch](#)

South African Institute of Race Relations

[Preventing Electoral Fraud in Zimbabwe](#)

Relevant documents

(available on Idasa's website [here](#))

Constitution of Zimbabwe

Electoral Act

Principal Changes to Third Draft of Electoral Amendment Bill, 2010

Electoral Commission Act

Electoral Regulations

Referendums Act

Electoral Commission (Media Coverage of Elections) Regulations

Note:

SITO has replaced its monthly GNU Watch with this publication to monitor Zimbabwe's progress toward inevitable elections.