

# Election Watch | Zimbabwe

## June 2012

### 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.

The Electoral Institute for the Sustainability of Democracy in Africa presents a brief [overview](#) of Zimbabwe's electoral system on their website.

### SADC principles for conducting democratic elections:

|                                                               | Divergence/Obstructive Legislation                                                                                                                                                                          | Compliant                                                              |
|---------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| 2.1.1 Full participation of citizens in the political process | <ul style="list-style-type: none"> <li>• Citizenship of Zimbabwe Amendment Act, 2003;</li> <li>• Guardianship of Minors Act, 1961;</li> <li>• Broadcasting Services Act, 2001.</li> </ul>                   | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| 2.1.2 Freedom of association                                  | <ul style="list-style-type: none"> <li>• Public Order and Security Act, 2002, amended 2007;</li> <li>• Groups of youths have been recruited to force residents of Kuwandaza to Zanu PF meetings.</li> </ul> | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| 2.1.3 Political tolerance                                     | <ul style="list-style-type: none"> <li>• The Office of the President released a press statement urging all parties to cease violence and allow all groups to be represented peacefully.</li> </ul>          | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |

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| 2.1.4 Regular intervals for elections as provided by the respective National Constitutions                                                                                                             | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <input type="checkbox"/> Yes<br><input type="checkbox"/> No            |
| 2.1.5 Equal opportunity for all political parties to access the state media                                                                                                                            | <ul style="list-style-type: none"> <li>• Broadcasting Services Act, 2001;</li> <li>• Newly launched StarFM operates as outlet for Zanu PF propaganda.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| 2.1.6 Equal opportunity to exercise the right to vote and be voted for                                                                                                                                 | <ul style="list-style-type: none"> <li>• Citizenship of Zimbabwe Amendment Act, 2003;</li> <li>• Guardianship of Minors Act, 1961.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| 2.1.7 Independence of the Judiciary and impartiality of the electoral institutions                                                                                                                     | <ul style="list-style-type: none"> <li>• The Supreme Court reserved judgement against Mugabe, who was ordered in October 2011 to set election dates for three parliamentary seats. He has yet to do so, despite 29 open House and Senate seats;</li> <li>• After arrested members of Women and Men of Zimbabwe Arise (WOZA) were detained in filthy conditions for six days last year, they filed suit against the police. After an inspection of conditions, the Supreme Court moved to reserve judgement against the police for another six months;</li> <li>• Hundreds of people were denied access to the court proceedings against 29 MDC protesters charged with the killing of a Glen View police officer;</li> <li>• Four out of twelve MDC members (Leonard Dendera, Patson Murimoga, Paul Majarira and Jefias Moyowho) were arrested in January for "political violence," were acquitted. While in the custody of police, the arrestees (Barnabas Mwanaka, Taurai Nherera, Simbarashe Makaha, Muchineripi Muzengeza, Murambiwa Dzwenge and Kudakwashe Usai, as well as those acquitted) were brutally beaten, resulting in some stays in the hospital for broken arms and legs.</li> </ul> | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |
| 2.1.8 Voter education                                                                                                                                                                                  | <ul style="list-style-type: none"> <li>• 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.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> 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 | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <input type="checkbox"/> Yes<br><input type="checkbox"/> No            |

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| 2.1.10 Challenge of the election results as provided for in the law of the land | <ul style="list-style-type: none"> <li>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.</li> </ul> | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
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## Assessment of electoral processes

|                                                       | Divergence/Obstructive Legislation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Compliant                                                              |
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| Voter registration                                    | <ul style="list-style-type: none"> <li>Addressing the Zanu PF's women's league, Mugabe acknowledged reports that a senior Zanu PF official aligned to Emmerson Mnangagwa was clandestinely printing party cards which were distributed in Masvingo, Manicaland and the Midlands provinces during District Coordinating Committee elections;</li> <li>Citizenship of Zimbabwe Amendment Act, 2003;</li> <li>Guardianship of Minors Act, 1961.</li> </ul>                                                                                                                        | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| Freedom of choice                                     | <ul style="list-style-type: none"> <li>Access to Information and Protection of Privacy Act (AIPPA), 2002.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| Impediments to standing                               | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <input type="checkbox"/> Yes<br><input type="checkbox"/> No            |
| Boundary delimitations                                | <ul style="list-style-type: none"> <li>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;</li> <li>Disagreements between the MDC-T and Zanu PF over voter registration have stalled electoral reforms that the SADC has called for to be in place before the next elections.</li> </ul>                                                     | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| Use of public resources and political party financing | <ul style="list-style-type: none"> <li>Finance Minister Tendai Biti (MDC-T) stated that \$100million has been earmarked for the general election;</li> <li>Despite an overwhelmingly broke government, both Mugabe and Tsvangirai continue to travel extensively with large entourages, accruing great expenses, although Tsvangirai has denied claims that he travels with a 30 person entourage. Over the course of fiscal year 2011, Mugabe overspent his annual foreign travel budget by 133%, travelling with a 70 person entourage and he continues to do so.</li> </ul> | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| Code of conduct                                       | <ul style="list-style-type: none"> <li>The National Executive resolved that all MDC-T members and officials who were implicated in violence should be brought before the national disciplinary committee without regard to their status within the party;</li> <li>Parliament has neither implemented the "Code of Conduct", nor registered the financial interests of its Members.</li> </ul>                                                                                                                                                                                 | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |

## Assessment of electoral environment

|                                              | Divergence/Obstructive Legislation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Compliant                                                              |
|----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| Freedom from intimidation, fear and violence | <ul style="list-style-type: none"> <li>• Multiple reports have emerged of Mbare vendors who are unsupportive of Zanu PF have been physically removed from their stalls and/or assaulted;</li> <li>• Nine members of WOZA were arrested after gathering in protest of the slow-moving constitutional reforms. They were held in custody and denied food for nearly 24 hours. Members not in attendance have been interrogated inside their homes;</li> <li>• The Zimbabwe Peace Project (ZPP) has reported 409 recorded cases of abuses and violence during May; this is down from the 521 incidences witnessed during April;</li> <li>• Zanu PF negotiator and Justice Minister Patrick Chinamasa predicts a civil war ahead of elections. Others claim he is exaggerating and using fear tactics to intimidate voters;</li> <li>• Morgan Ncube, Matabeleland South MDC-T youth chairman, was arrested for calling Mugabe a “baboon” during a political assembly on 7 June.</li> </ul>                                                                                                                                                                                                                                                                                                                                                  | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| Media freedom and access to information      | <ul style="list-style-type: none"> <li>• State run Zimbabwe Broadcasting Company (ZBC), in an effort to collect unpaid fees from listeners and viewers, has dispatched officers to police roadblocks to stop and ask drivers for proof of their licenses. Many civilians have stopped paying and/or listening due to the overwhelming Zanu PF propaganda being aired on ZBC;</li> <li>• As government retains a strong hold over media operations, some Zimbabweans have begun tapping into international broadcasts, utilizing decoders and satellite dishes.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| Role of civil society                        | <ul style="list-style-type: none"> <li>• Zimbabwean civil society groups are increasingly getting involved in the campaign against political violence ahead of elections that many fear may be as bloody as the 2008 run-off vote;</li> <li>• Zimbabwe Human Rights NGO Forum executive director Abel Chikomo and National Constitutional Assembly chairman, Professor Lovemore Madhuku, called for the establishment of a UN human rights monitoring office in Zimbabwe following the death of a high ranking member of the MDC-T;</li> <li>• Anti-Mugabe group, The 21st Movement, organized demonstrations to take place at Zimbabwean and South African embassies across the globe;</li> <li>• Two members of the SADC, ambassadors David Katye from Tanzania and Colly Muunu from Zambia, have joined the Joint Monitoring and Implementation Committee (JOMIC). President Mugabe has been resisting their deployment to Zimbabwe, claiming it infringes on Zimbabwe's sovereignty;</li> <li>• Zimbabwe Lawyers for Human Rights (ZLHR) chairman Andrew Makoni has stated that “...what is happening is the creation of a police state... Wherever you go, whatever the activity might be, you must notify the police. More and more activities are being regulated by the police, whether it is political or private”;</li> </ul> | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |

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|                         | <ul style="list-style-type: none"> <li>• Seven MDC-T supporters were arrested for assaulting Victoria Falls mayor Nkosilathi Jiyane.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                        |
| Role of Security Sector | <ul style="list-style-type: none"> <li>• The Joint Operations Command (JOC) has demonstrated increasing involvement in pre-election affairs in an effort to influence the outcome in favour of Mugabe and Zanu PF. JOC has accused Finance Minister Biti of stealing \$20 million from IMF funds, despite proof that these allegations are false;</li> <li>• The JOC, in cooperation with the National Registration Office, has been accused of only registering voters who support Mugabe and Zanu PF;</li> <li>• More than 10,000 have been illegally hired by the army and police forces in efforts to bolster forces before upcoming elections; these forces are fearfully expected to join in coercive and violent practices during the election;</li> <li>• Zimbabwe police use tear gas against those gathered to support the MDC-T, as well as to protest the arrest of 29 people charged with the murder of a police officer.</li> </ul> | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |