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## Election Watch | Zimbabwe

### August 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><li>• The MDC-T pushed for a Diaspora vote so that all Zimbabweans may participate in forthcoming elections. In the newly drafted Bill of Rights, Clause 4.24 (1) (a) and (b), it is mandated that, "...every citizen of Zimbabwe has the right to free, fair and regular elections for any elective public office established in terms of this constitution or any other law and to make political choices freely," leaving the issue of Diaspora voting undetermined, as arguably the phrase "every citizen of Zimbabwe," could include Zimbabweans abroad;</li></ul> | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |

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|                                                                                            | <ul style="list-style-type: none"> <li>• Prime Minister Morgan Tsvangirai said over the weekend of 25-26 August warned that tampering with the constitution by the ZANU PF could end in disastrous elections, and that instead the draft ought to be taken to the public.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                   |                                                                        |
| 2.1.2 Freedom of association                                                               | <ul style="list-style-type: none"> <li>• Public Order and Security Act, 2002, amended 2007;</li> <li>• Vendors have been bullied into refraining from selling newspapers including The Daily News, NewsDay, and The Zimbabwean, three independent political publications;</li> <li>• On 12 August, police in Mashonaland West banned forthcoming MDC-T weekend rallies, claiming they needed to be cleared by local chiefs. POSA does not allow the police to ban public events, it only requires that police be notified events;</li> <li>• Two MDC-T activists, Golden Nyika and Petros Makaza, were assaulted and kidnapped in Epworth.</li> </ul>  | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| 2.1.3 Political tolerance                                                                  | <ul style="list-style-type: none"> <li>• Two MDC-T officials, Shepherd Munetsi and Laison Katumba, were arrested in Harare for holding a meeting without the approval of local authorities;</li> <li>• 44 gay activists were arrested and physically assaulted on 11 August in Harare. Homosexuality is currently illegal in Zimbabwe;</li> <li>• Youth members of the MDC-T and MDC-N violently clashed in Chikomba on 18 August, leaving one person seriously injured.</li> </ul>                                                                                                                                                                    | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| 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> </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> <li>• An inspection of the current voters' roll revealed major discrepancies, particularly among employees of NGOs and activists. Many of these voters' names, addresses, or other information had been changed, which would make them ineligible to vote;</li> <li>• President Mugabe is expected to announce the dates of the by-elections during the week of 27 August. Some also suspect that Mugabe will soon announce the dates of the general election despite the constitutional stalemate.</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 ZANU PF during the week of 1 August was unable to come to agreement over the draft constitution. The negotiations were intended to find common ground on constitutional language sufficient to please Justice Minister Patrick Chinamasa;</li> <li>• Efforts by the Mail &amp; Guardian, a South African weekly, to access a report on the 2002 constitutional validity of the 2002 elections were frustrated by Judge Joseph Raulinga of the North Gauteng High Court in Pretoria;</li> </ul>                                                                                                            | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |

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|                                                                                                                                                                                                        | <ul style="list-style-type: none"> <li>• ZANU PF members are attempting to add to the constitution a law which would end the public and transparent process for judicial appointments, instead replacing it with a system of presidential appointments.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                        |
| 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> <li>• A guide to the draft constitution published by MDC-T has proven misleading and failed to accurately represent of the draft document. In reference to the section on land reform, for example, the guide says, 'The draft constitution allows full compensation for indigenous Zimbabweans or those people holding land under BIPPA agreements. For any other categories, the compensation is for improvements only.' The draft constitution itself, however, states that the government will pay only for improvements, and goes on to claim that, as the former colonial power, Great Britain must pay for the land.</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            |
| 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 |

## Assessment of electoral processes

|                    | Divergence/Obstructive Legislation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Compliant                                                              |
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| Voter registration | <ul style="list-style-type: none"> <li>• Citizenship of Zimbabwe Amendment Act, 2003;</li> <li>• Guardianship of Minors Act, 1961;</li> <li>• According to The Zimbabwean, the Government of National Unity has been keeping voter registration procedures quiet, even from many government officials and the Zimbabwe Electoral Commission, and the majority of the public has remained ignorant of how to register ahead of elections. The ZEC has yet to be given the electronic or hard copy of the voters' roll by Registrar General Tobaiwa Mudede, a long time ZANU PF supporter;</li> </ul> | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |

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|                                                       | <ul style="list-style-type: none"> <li>• MDC-T supportive teachers based in Chipinge were deleted from census reports. One anonymous teacher said, "I was told I could not take part in the census as I was a member of MDC. A ZANU PF supporter whom I know who works at the Chipinge district education offices told me I was not eligible since the programme had to benefit ZANU PF members".</li> </ul> |                                                                        |
| 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                                | N/A                                                                                                                                                                                                                                                                                                                                                                                                          | <input type="checkbox"/> Yes<br><input type="checkbox"/> No            |
| Use of public resources and political party financing | <ul style="list-style-type: none"> <li>• Many are concerned that the ZANU PF are raising domestic and international funds not only for the upcoming elections, but for means to carry out political violence similar to the violence seen during the 2008 elections.</li> </ul>                                                                                                                              | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| Code of conduct                                       | <ul style="list-style-type: none"> <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>• An unidentified speaker told a crowd of people in Chirumhanzu, "If MDC comes here and you, as a ZANU PF member, participated [in their meetings], I promise I will beat you";</li> <li>• At a large gathering held in Chihanga, a ZANU PF speaker demanded of those present to name members of the opposition party ;</li> <li>• On 5 August, a car full of people was made to drive into an army base in Mutare for vocally criticizing soldiers and their interference in the census. Once on the army base, each of the civilians were interrogated ;</li> <li>• MDC -T youth organizing secretary Collen Machikopa has gone into hiding after being attacked by ZANU PF members in his home in Chimanimani West;</li> <li>• ZANU PF youths in Mashonaland West have been intimidating and harassing villagers if they do not attend ZANU PF meetings.</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>• Foreign media outlets were forced to register with the Zimbabwe Media Commission (ZMC) after the ZMC threatened to ban all unregistered publications;</li> <li>• MDC-T secretary general Tendai Biti explained on 3 August that, under the new constitution, the general public will be granted the ability to demand state information in order to keep the national government accountable;</li> <li>• Distribution of newspapers including The Daily News, NewsDay, and The Zimbabwean, has been banned from the Bulawayo airport. Individuals are being searched for these publications in rural areas in Matabeleland;</li> </ul>                                                                                                                                                                                                                               | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |

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|                         | <ul style="list-style-type: none"> <li>• Zimbabwe's first privately controlled commercial radio station, Zi-FM, was launched on 15 August.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                        |
| Role of civil society   | <ul style="list-style-type: none"> <li>• Zimrights released a documentary called "Anti Violence Crusade," chronicling Mugabe and Tsvangirai's statements against violence in an effort to stave off future political violence;</li> <li>• Women and Men of Zimbabwe Arise (WOZA) criticized the MDC-T for making what they see as too many compromises in the draft constitution, warning the MDC that Mugabe is known for going back on his word, and that the country is still not free from the threat of political violence .</li> </ul>                                                                                                                                                                                                                                     | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| Role of Security Sector | <ul style="list-style-type: none"> <li>• A documentary by Zimrights called 'Anti Violence Crusade,' was approved for release only after complying with police enforced censorship;</li> <li>• Soldiers invaded census training centres, halting training procedures;</li> <li>• Police are attempting to prosecute Chesterfield Samba, director of Gays and Lesbians of Zimbabwe (GALZ), for distributing materials that supposedly promote homosexuality;</li> <li>• According to the Justice Ministry, police officers and soldiers have been recruited to prosecute cases across Zimbabwe. Of the 200 registered public prosecutors, 125 are from the Zimbabwe Republic Police, 6 are from the Zimbabwe Prison Service, and 5 are from the Zimbabwe National Army.</li> </ul> | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |