



Election Watch | Zimbabwe

August 2011

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	• A report by Research and Advocacy Unit revealed that 52% of women in Zimbabwe stated they were victims of political violence in form of rape, beating and violent sexual assault as a result of their vote • Section 39B of the EAB provides that a voter will be removed from the roll if he/she been absent from his/her constituency for a period of 12 months. This provision risks disenfranchising a significant proportion of legitimate registered voters living outside their constituencies • Citizenship of Zimbabwe Amendment Act, 2003 • Guardianship of Minors Act, 1961 • Broadcasting Services Act, 2001	☐ Yes ☒ No

2.1.2 Freedom of association	• MDC-T MP for Zaka West, Festus Dumbu, and the party's Triangle ward 28 party secretary, Tawanda Chiriga Imbayago, were detained for three hours for organising a funeral procession. The two were charged under the Public Order and Security Act (POSA) for leading the funeral procession for a daughter of a party member • War veteran Jabulani Sibanda has been allegedly forcing villagers in Masvingo's rural areas to attend rallies and, threatening to victimize anyone who does not vote for Robert Mugabe in elections • Public Order and Security Act, 2002, amended 2007	☐ Yes ☒ No
2.1.3 Political tolerance	• Suspected Zanu PF supporters and soldiers allegedly set fire to two houses belonging to MDC-T Hurungwe district organising secretary Edmore Chinanzvavana • Prison officials are continuing to defy a court order to provide medical attention to seven MDC activists and two women detained at Chikurubi Maximum Security Prison. Among those in urgent need of medical attention are Tungamirai Madzokera, Yvonne Musarurwa and Rebecca Mafukeni • The Director of the Community Tolerance for Reconciliation and Development (COTRAD), Gamuchirai Mukura, revealed that over 500 victims of the 2008 political violence are still missing, and it is feared the figure could pass 1,000 in the ongoing search for the victims. COTRAD says some of the missing people were abducted by Zanu PF militias • Suspected Zanu PF supporters defaced the MDC-T Chimanimani district offices, ahead of the Chimanimani Arts festival • A report by the Zimbabwe Peace Project revealed that despite a significant decline in incidents of politically motivated human rights violations during the month of July (down to 910 from 1014 in June), political tensions and intolerance have remained very high with Midlands Province having the highest number of politically motivated human rights violations • Six MDC youths were attacked by Zanu PF supporters while two MDC female supporters were stripped naked for allegedly wearing their party regalia at Heroes day celebrations at Bhasera business centre in Masvingo province • Maxwell Ncube, the director of elections for the MDC-N in Zhombe, Midlands province was found murdered near his home	☐ 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	• The Broadcasting Services Act (BSA) remains repressive and imposes content requirements that interfere with media independence---the compulsory 75% quota for local content; the allocation of an hour of broadcasting space per week to government and the stipulations on airing of political and electoral matters limit political parties' equal access to the media • Broadcasting Services Act, 2001	☐ Yes ☒ No
2.1.6 Equal opportunity to exercise the right to vote and be voted for	• President Robert Mugabe appealed for peace and tolerance at the burial of former army commander Solomon Mujuru and said people must be free to choose leaders of their choice during elections • Enoch Porusingaziwi, a senior Zanu PF official in Chipinge, has been accused of threatening the people with under-development if they voted for the opposition • Deputy Labour and Social Welfare minister Tracy Mutinhiri was suspended from Zanu PF after she was found guilty of working against the party by voting for the "wrong candidate" in an election where a secret ballot was used to elect a speaker of parliament • 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	• Officials on the Committee on Justice, Legal and Constitutional Affairs say they will hold national public hearings on the Electoral Amendment Bill	☒ Yes ☐ No
2.1.8 Voter education	N/A	☐ 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	• The MDC welcomes the decision of the Heads of State of SADC for reaffirming the terms of the communiqué on Zimbabwe made in June 2011 calling for the full implementation of the Global Political Agreement (GPA) and the adoption of a clear roadmap before holding of a free and fair election in Zimbabwe • SADC has ruled that no polls can be held before a new constitution is in place • An Institute for a Democratic Alternative for Zimbabwe (IDAZIM) opinion poll revealed that 53 percent of Zimbabweans believe that prevailing conditions would not allow a free and fair election • The MDC-T youth assembly has resolved to disrupt any election called by President Robert Mugabe before the implementation of an election roadmap to guarantee free and fair polls	☐ Yes ☒ No
2.1.10 Challenge of the election results as provided for in the law of the land	• The courts have had limited successes but are subject to executive interference	☐ Yes ☒ No

Assessment of electoral processes:

	Divergence/Obstructive Legislation	Compliant
Voter registration	- The Zimbabwe Electoral Commission (ZEC) has admitted that the voters' roll is a shambles, but the commission says it needs US\$20 million to embark on a new voter registration drive - Citizenship of Zimbabwe Amendment Act, 2003 - Guardianship of Minors Act, 1961	☐ Yes ☒ No
Freedom of choice	- Mavurawa Chitsvare, a security guard revealed that militants led by a local Zanu PF chairman identified as Mapako from the neighbouring Mafala village in Mashonaland central province forced workers at Mimosa Platinum Mine to buy the Zanu PF party's membership cards at extortionate prices - Access to Information and Protection of Privacy Act (AIPPA), 2002	☐ Yes ☒ No
Impediments to standing	Zimbabwe's Justice Minister Patrick Chinamasa stated the country could be forced to revert to the old constitution to hold elections due later this year, effectively ignoring Constitutional Amendment	☐ Yes ☒ No
Boundary delimitations	Ward-based voting poses risks for disenfranchisement. If a person's name is not on the ward voters' roll and they do not have a registration certificate, they cannot vote. This is where violence and confiscation of voters' registration certificates and identity documents becomes a key instrument of disenfranchisement. Second, the current Electoral Act prohibits a person from voting in a polling station outside the ward in which they are registered. If a person is outside their ward, they are disenfranchised unless they qualify for postal voting	☐ Yes ☒ No
Use of public resources and political party financing	The President's office is delaying efforts to gazette the Public Finance Management Act that will monitor and audit the finances of government departments, the Minister of Finance Tendai Biti has said	☐ Yes ☒ No
Code of conduct	Zimbabwe Lawyers for Human Rights has accused the Zimbabwe Republic Police and Office of the Attorney General of making what the civic group called "selective arrests" of the perpetrators of political violence, favouring Zanu PF	☒ Yes ☐ No

Assessment of electoral environment:

	Divergence/Obstructive Legislation	Compliant
Freedom from intimidation, fear and violence	• Prime Minister Morgan Tsvangirai challenged President Robert Mugabe to follow through his call for peace by ensuring that elements in his Zanu PF party stop their acts of violence in the country • Villagers in Makoni North in Manicaland province are being forced to contribute money and food for a graduation ceremony of Zanu PF militia members. The militia is being trained at Sherenje Secondary School • At least 32 MDC-T supporters have not returned to their homes in Chimanimani District, four months after they were forced out by Zanu PF youth militia and war veterans. MDC's Manicaland provincial spokesperson and MP for Makoni South, Pishai Muchauraya feared that the victims might be permanently displaced • MDC-T's Gift Chimankire, the MP for Southerton and deputy Mines Minister, stated that Zanu PF supporters attacked MDC-T youth chairman in Mbare's 11th ward, Ayaya Kassim, by splashing hot oil in his face and badly disfiguring him. Ayaya Kassim, was visiting other activists in order to organise meetings	☐ Yes ☒ No
Media freedom and access to information	• There is concern on the silence surrounding the processing of applications for the two commercial radio broadcasters by the Broadcasting Authority of Zimbabwe (BAZ) advertised on 26 May 2011 • The Voluntary Media Council of Zimbabwe expressed grave concern over the Zimbabwe Republic Police's intimidation of the media following the questioning of the Editor of the Zimbabwe Independent, Constantine Chimakure and Senior Political Reporter, Wongai Zhangazha • Broadcasting Services Act, 2001	☐ Yes ☒ No
Role of civil society	• At the opening of an NGO Expo in Harare, civic groups united in calling for security sector reform and a roadmap to "sustainable peace" • Zimbabwean civic groups in Luanda strongly criticized resolutions that were made by the SADC Organ Troika for not proposing any solutions for Zimbabwe's electoral roadmap • Joshua Sacco, the Zanu PF Secretary for External Affairs in the Party's league, has ordered NGOs operating in Chimanimani to stop distributing food aid in the absence of Zanu PF • Aides of one preacher, Prophet Emmanuel Makandiwa of United Family International Church in Harare revealed that top Zanu PF officials and cabinet ministers had become regular visitors to his house and offices in an attempt to pressure him into campaigning for Mugabe and Zanu PF • Non-Governmental Organisations Bill, 2004 (not yet signed into law) • Private and Voluntary Organisations Act, 2007	☒ Yes ☐ No

Role of the security sector	• During the live broadcast of Solomon Murujuru's burial, Benjamin Mabenge, a retired senior army officer threatened unspecified action against Morgan Tsvangirai and others calling for reform of Zimbabwe's security sector • The MDC stated a democratic transition cannot be achieved through free and fair elections if the military, the police and other security services continue to meddle in the process • President Robert Mugabe hailed the Zimbabwe Defense Forces as professional and regarded the calls for security sector reforms as unacceptable • Harare-based Research and Advocacy Unit released a report which showed that the security sector is still actively being used by Zanu PF to torture and oppress women in order to keep them out of the political process • Amnesty International is calling for the United Nations to send in a special team to look into the human rights abuses carried out by Zimbabwe's security sector. The move is contained in the findings of a report Amnesty will present to the UN for its October 2011 periodic review of Zimbabwe	☐ Yes ☒ No
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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.