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## **Report on 2023 Harmonised Elections in Zimbabwe**

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## **Acronyms**

CSOs	Civil Society Organisations
CCC	Citizens Coalition for Change
DDC	District Development Coordinator
ERC	Elections Resource Centre
FAZ	Forever Associates Zimbabwe
ICCPR	International Covenant on Civil and Political Rights
MDC-T	Movement for Democratic Change- Tsvangirai
MOPA	Maintenance of Peace and Order Act
MPLC	Multi-Party Liaison Committees
NHRIs	National Human Rights Institutions
PDC	Provincial Development Coordinator
PVO	Private Voluntary Organisation
UDHR	Universal Declaration of Human Rights
UZA	United Zimbabwe Alliance
ZANU PF	Zimbabwe African National Union - Patriotic Front
ZBC	Zimbabwe Broadcasting Corporation
ZCC	Zimbabwe Council of Churches
ZEC	Zimbabwe Electoral Commission
ZESN	Zimbabwe Elections Support Network
ZHRC	Zimbabwe Human Rights Commission
ZHT	Zimbabwe Heritage Trust
ZRP	Zimbabwe Republic Police

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## **EXECUTIVE SUMMARY**

The Zimbabwe Human Rights Commission (ZHRC) monitored the human rights situation and observed the 2023 harmonized elections held on the 23<sup>rd</sup> and extended to the 24<sup>th</sup> of August 2023 in some parts of the country. The primary objective of the monitoring and observations by ZHRC was to ensure that the elections were conducted in accordance with national, regional and international standards and guidelines to contribute towards free, fair and credible elections.

This report presents ZHRC's findings on the human rights situation in the country before, during and after the elections. The report also reflects upon the policy, legal framework as well as regional and international standards relating to the electoral process, electoral environment, voter registration, the delimitation exercise, voter education, political party activities, media coverage and incidents of electoral malpractices. Furthermore, the monitoring and observation missions conducted by ZHRC assessed the participation of vulnerable and special interest groups (women, children, youth, elderly and persons with disabilities) in the electoral processes.

A total of eleven (11) candidates contested for the Presidency, only one (1) being a female candidate. However, the contest was mainly between the Zimbabwe African National Union - Patriotic Front (ZANU PF) and Citizens Coalition for Change (CCC) political parties. The elections were conducted after a nationwide delimitation exercise that was carried out by the Zimbabwe Electoral Commission (ZEC) the report of which was gazetted on the 20th of February 2023<sup>1</sup>. This process resulted in some changes to the boundaries of Constituencies and Wards, as well as changes in the number of Constituencies per Province.

ZHRC noted the involvement of Affiliate Groups during the 2023 Harmonised elections. These included Team Pachedu<sup>2</sup>, Forever Associates Zimbabwe

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<sup>1</sup> (SI 2023-014 Proclamation 1 of 2023)

<sup>2</sup> This is an online based Organisation.

(FAZ)<sup>3</sup> and the Zimbabwe Heritage Trust (ZHT)<sup>4</sup>, among others. It was evident throughout the whole electoral cycle that these Affiliate Organisations had significant influence in the electoral processes.

The media coverage for the 2023 elections was polarised. The public media (electronic and print) by and large, reported more in favour of the ruling party whilst the private media reported more favourably on opposition political party activities. There was evidence of more traffic on different social media platforms, and this had become an alternative major source of information for the electorate.

The environment preceding the 2023 Harmonised elections was generally peaceful and calm. Despite the foregoing, ZHRC continued to receive cases of violation of civil and political rights, including, intimidations, coercion and threats among others. Such incidents allegedly instilled fear in some of the electorate thereby infringing on the political rights guaranteed in the Constitution.

The pre-election period was also characterised by a number of court cases relating to the qualification of candidates contesting for different positions, including for presidency. The nomination fees for the Presidential and National Assembly and Local Authority positions were increased and were beyond the reach of some contestants, particularly women. It is believed that the high fees acted as a deterrent to chancers who would have jumped on board like they did in the previous election of 2028, where there were 23 Presidential Candidates.

In some Constituencies, the elections were characterised by logistical and technical glitches, such as late delivery of voting materials to polling stations. In order to adhere to the 12 hour voting period prescribed by the law, affected polling stations were allowed to compensate for lost time, caused by either late opening of polling stations or running out of ballot papers. As a result, voting extended into the following day, which was 24th of August 2023. These challenges inconvenienced some citizens and most likely affected their right to

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<sup>3</sup> FAZ is a private organisation campaigning for ZANU PF.

<sup>4</sup> It is a registered Trust Organisation

vote. Of concern was that some affected polling stations were mostly open during the night, making it difficult for vulnerable groups such as women and Persons with Disabilities (PWDs) to visit such polling stations and cast their vote.

ZHRC however, noted that most polling stations were accessible, and voting procedures were being adhered to earnestly by the polling officials. At most polling stations that opened at 7AM, the voting process was efficiently conducted and concluded, within the stipulated time. However, allegations of intimidation, organised voting, conflation of roles by some traditional leaders who doubled up as political agents; and practices of conducting exit poll surveys, might have compromised secrecy of the ballot.

The results of the polls were announced within the prescribed time. However, the credibility of the elections, processes and the outcome was disputed by some participating political parties such as CCC and United Zimbabwe Alliance (UZA). This resulted in tension in the country, and isolated incidences of violence being recorded.

Besides focusing on findings of the human rights situation, before, during and after the elections, the Report also proffers recommendations to various stakeholders involved in the electoral processes.

## 1. INTRODUCTION AND BACKGROUND

The Zimbabwe Human Rights Commission (ZHRC) is one of the five (5) Chapter 12 Independent Commissions established in terms of Section 232 of the Constitution of Zimbabwe. The objectives of Independent Commissions are to support and entrench human rights and democracy, protecting the sovereignty of the people, as well as securing the observance of democratic values and principles by the State and all institutions and agencies of Government, *inter alia*. Section 243 (1) (c) accords ZHRC the responsibility to monitor, assess and ensure observance of human rights and freedoms. This function applies to the assessment, monitoring and observance of human rights during elections in terms of the Constitution.<sup>5</sup> In addition, the Electoral Act [Chapter 2:13] and the Electoral Code of Conduct for Political Parties and Candidates, section 14 (d) also mandates the ZHRC and other Constitutional Commissions to assist in the reporting, documentation and referral of human rights violations in the electoral process.

Furthermore, ZHRC developed a Human Rights Elections Strategy (2022 – 2025) that has, as one of its goals, “*Strengthening the observance of human rights and compliance with human rights by duty bearers so as to contribute to a political environment that is conducive to peaceful, free, fair and credible elections*”. This involves monitoring and assessing the human rights situation, raising awareness on electoral rights and receiving and processing complaints throughout the electoral cycle.

In light of the above, the ZHRC monitored the pre-election period from May 2023 up to 22<sup>nd</sup> August 2023. It observed the election on the 23<sup>rd</sup> and 24<sup>th</sup> of August and thereafter monitored the post-election period. These processes were carried out to assess the conduciveness of the environment to conduct a free, fair, transparent and credible election.

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<sup>5</sup> Chapter 4, of the Constitution of Zimbabwe Amendment, (No. 20) Act 2013



In order to promote the right to vote as provided for in Section 67 of the Constitution, ZHRC conducted a multi-media electoral awareness campaign under the theme “**My Vote, My Right, My Country**” in the run up to the election.



*From Left- Figure 1: ZHRC Officers conducting public awareness engagements with the electorate*

*Figure 2: Some of the ZHRC Election Awareness Materials.*

A total of thirty-nine (39) monitoring outreaches were conducted to assess the pre-election human rights situation, while twenty (24) teams were deployed across the ten (10) Provinces to cover the period during and after the election. These processes covered the period May-October 2023.

## **2. LEGAL FRAMEWORK**

Below is a list of the legislative frameworks that guided the monitoring of the human rights situation and observation of the electoral processes by the ZHRC.

### **2.1. Constitution of Zimbabwe, 2013**

The Constitution is the supreme law<sup>6</sup> of the country, which includes provisions on political rights of every citizen, that is, the right to free, fair and regular elections<sup>7</sup>. Furthermore, it provides the roles, responsibilities and principles that institutions administering elections should adhere to<sup>8</sup>.

### **2.2. Electoral Act [Chapter 2:13]**

The Electoral Act governs electoral processes in Zimbabwe. It sets out rules and procedures which guide elections and the functions of the Zimbabwe Electoral Commission (ZEC). Section 14(d) of the Electoral Code of Conduct for Political Parties and Candidates, mandates the ZHRC and other Constitutional Commissions to assist in the reporting, documentation and referral of human rights violations in the electoral process.

### **2.3. SADC Principles and Guidelines Governing Democratic Elections, 2014 (revised in 2021)**

The Southern Africa Development Community (SADC) Principles and Guidelines provide that member States have an obligation to ensure the transparency and integrity of the entire electoral process. The Principles urge States to ensure that everyone enjoys fundamental human rights and freedoms during the electoral process. Furthermore, States should adhere to promoting and respecting the values of electoral justice which include integrity, impartiality, fairness; professionalism, efficiency and regularity of elections.

### **2.4. The Constitutive Act of the African Union (AU) (2002) (The Constitutive Act).**

Under the Constitutive Act of the AU, the African States have committed to promoting democratic principles and institutions, popular participation and good

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<sup>6</sup> Section 2(1).

<sup>7</sup> Section 67 of the Constitution.

<sup>8</sup> Chapter 7 of the Constitution.

governance. This also includes promoting and protecting human rights in accordance with the African Charter on Human and Peoples' Rights, and other relevant human rights instruments.

**2.5. The African Charter on Human and Peoples' Rights (ACHPR), 1987 and The African Charter on Democracy, Elections and Good Governance (ACDEG) 2007**

The ACHPR provides for the right to participate freely in government, either directly or through freely chosen representatives. The ACDEG promotes adherence, by each State party, to the universal values and principles of democracy and respect for human rights; promotes the holding of regular, free and fair elections to institutionalize legitimate authority of representative government as well as democratic change of government; promotes the establishment of the necessary conditions to foster citizen participation, transparency, access to information, freedom of the press, and accountability in the management of public affairs and promotes best practices in the management of elections for purposes of political stability and good governance.

**2.6. African Union Declaration on Principles Governing Democratic Elections in Africa (2002)**

The African Union Declaration on Principles Governing Democratic Elections in Africa (2002), provides that elections should be conducted freely and fairly, under democratic constitutions and in compliance with supportive legal instruments. Elections should be held at regular intervals as provided for in national Constitutions, by impartial, all-inclusive, competent and accountable electoral institutions staffed by well trained personnel and equipped with adequate resources.

**2.7. Universal Declaration of Human Rights (UDHR) (1948)**

Article 21(1) of the UDHR recognizes that "*everyone has the right to take part in the government of his country, directly or through freely chosen representatives*". Article 21(3) further provides that: "*The will of the people shall be the basis of the authority of government; this shall be expressed in periodic*

*and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures”.*

## **2.8. International Covenant on Civil and Political Rights (ICCPR) 1966**

The ICCPR recognizes the right of every citizen to take part in the conduct of public affairs, directly or through freely chosen representatives; and to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot. Ideally, this means that although the right to vote is not an absolute right and may be subjected to limitations, such limitations must be reasonable and should not result in any form of discrimination. The Covenant further underpins that civil and political rights are fundamental human rights applicable to every individual, including PWDs and other often marginalised groups.

## **2.9. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979**

CEDAW seeks to promote gender equality and non-discrimination in all spheres including in political representation and participation. The Convention avails women the opportunity to participate in political processes of their respective countries through voting and being voted for and further calls for the equal treatment of both men and women in such processes. Thus, gender cannot be a ground for discrimination in participation in political activities of a country. The right to non-discrimination and full inclusion in society encompasses the fundamental right for women to participate in political processes on the basis of equality with men.

## **2.10. Convention on the Rights of Persons with Disabilities (CRPD), 2006**

The CRPD explicitly extends political rights to PWDs; setting out that State Parties must guarantee PWDs the right to “effectively and fully participate” in political life on an “equal basis with others” and guarantee the “free expression” of their will as electors.

### 3. METHODOLOGY

The ZHRC developed its Human Rights Election Strategy, which formed the basis for its work relating to elections. ZHRC also utilised its internal guidelines and tools for pre- and post-election human rights monitoring and polling day observations. A total of sixty-three (63)<sup>9</sup> election monitoring and observation missions were conducted from May-September 2023.

The evidence that informed this report was collected through observation, interviews and focus group discussions using election monitoring tools that included checklists, interview guides and questionnaires. ZHRC also conducted engagement meetings with state and non-state stakeholders including ZEC, District Development Coordinators (DDCs), Zimbabwe Republic Police (ZRP) Officials, political parties and independent candidates, Traditional Leaders, CSOs and members of the public.



*Figure 3: The ZHRC Deputy Chairperson (second from left) leading the engagement with the Police in Matabeleland South Province.*

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<sup>9</sup> Thirty-nine (39) missions were conducted to assess the pre-election human rights situation, while twenty (24) teams were deployed across the ten (10) Provinces to cover the period during and after the elections.

Community Outreaches were also conducted to empower communities with information on electoral rights. ZHRC monitoring teams observed political rallies, received and investigated election related complaints, as well as attending Multi Party Liaison Committee meetings chaired by ZEC in accordance with Section 12 of the Fourth Schedule to the Electoral Act.

This report therefore outlines the findings made by ZHRC during the whole electoral cycle- being informed by its different data gathering approaches. The findings are divided into three categories namely Pre- Election Phase, Election Day and Post- Election Phase, in line with the participation of ZHRC throughout the electoral process.

## **4. PRE-ELECTION PERIOD**

### **Findings/ Major Highlights**

#### **4.1. The General Election Environment**

The general environment in the country during the pre-election period seemed peaceful and calm. In its observations and engagements with key stakeholders, the ZHRC noted some complaints of human rights violations such as alleged intimidation and threats, especially in rural areas and urban 'political hotspots'. The alleged involvement of FAZ and ZHT in the electoral processes such as compilation of names after voter registration, voter inspection and polling had a negative impact on the enjoyment of civil and political rights in communities. Equally worrying were the reports about partisan conduct of some stakeholders such as individual traditional leaders and individual Police officials.

#### **4.2. The Delimitation Exercise**

Section 161 of the constitution of Zimbabwe, 2013 states that boundaries of wards and constituencies should be evaluated, and re-drawn where necessary after a full census is taken every ten years. ZHRC noted that ZEC successfully completed the delimitation exercise, in which it was defining the electoral boundaries. ZHRC appreciated the consultative process that was carried out during the initial stages of the process. However, through engagements with the electorate, some ZEC officials and political parties, it was noted that the process was not clearly understood by the electorate especially in regards to people shifting their polling stations. Even with ZEC's efforts to deploy Officers to educate the public on the delimitation exercise throughout the country, the delimitation outcome, still remained unclear to many citizens.

#### **4.3. Freedom of Assembly and Association**

ZHRC noted that political party campaigns were being conducted by almost all the political parties around the country. The ZHRC observed political party rallies either online and physically. Ahead of the election day, the ZHRC had managed to observe some campaign rallies by ZANU PF, CCC, NCA, MDC T, and UZA. ZHRC noted that people exercised their freedom to assembly as

witnessed by the huge gatherings especially during the ZANU PF and CCC campaign rallies.

However, in some communities, there were allegations that some people were being forced by their community leaders and FAZ members to attend certain political rallies. These complaints were received from both rural and urban communities of the following areas: Bikita, Zaka, Chipinge, Buhera, Mangwe, Hopley, Chitungwiza, Mutoko, Hurungwe, Rushinga, Vungu, Umguza, Gokwe, Binga- amongst other communities.

Some political parties complained of selective application of the Maintenance of Peace and Order Act (MOPA)<sup>10</sup> by the Police. This selective application of MOPA resulted in these parties resorting to night and door to door campaigns but still people feared associating with them. For example, CCC complained that in Bindura<sup>11</sup> they were denied clearance to conduct campaign rallies , although the party insisted that their notifications conformed to the MOPA guidelines. Stakeholders reported cases of intimidation, violence<sup>12</sup>, and forced gatherings by some parties, often facilitated by FAZ and ZHT in areas like Chipinge, Harare South, Bikita West<sup>13</sup>, and Chiredzi West. Similar sentiments were echoed by some business communities who alleged that in some occasions, they were forced to close their businesses or donate goods<sup>14</sup> and services at political gatherings, a violation of Section 58<sup>15</sup> of the Constitution of Zimbabwe.

#### **4.4. Access to Information**

Section 160 (G) of the Electoral Act provides for access to public broadcasting media by contesting political parties during an election. Furthermore, Section

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<sup>10</sup> The Act sets out the procedures and requirements for holding public gatherings such as political party rallies.

<sup>11</sup> CCC had to do an urgent court application in Bindura. In Bikita a previously approved rally was cancelled

<sup>12</sup> As in the Glen View South case where CCC supporters were stoned resulting in the death of 1 supporter at a police cleared gathering and in Bikita South violence also ensued at a CCC rally when ZANU-PF supporters allegedly camped at a CCC cleared rally venue resulting in another aspiring candidate's cars being stoned.

<sup>13</sup> The electorate were allegedly assaulted by FAZ and Heritage personnel for not attending rallies at Mandadzaka Business Centre.

<sup>14</sup> Mutasa Central and Harare South.

<sup>15</sup> Section 58 provides for Freedom of assembly and association



60 (G) (2) requires the fair and balanced allocation of time between each political party and independent candidates. During the campaign period, political parties had some access to media. However, engaged stakeholders stated that access to public media was biased, with the ruling party receiving the majority of media coverage. It was further alleged that all the ruling party's star rallies were fully covered, aired on Zimbabwe Broadcasting Corporation Television (ZBC TV), and also re-aired on prime-time news while those for other political parties did not get similar coverage in public media. In few instances when coverage was done for other parties, they alleged that the coverage was in negative light. In response to the allegations, the ZBC, and other State media issued a press release and refuted the accusations of partisan media coverage.<sup>16</sup> The ZBC stated that it was not receiving cooperation from the other political parties, especially the CCC, to cover their political events. ZBC went on to give a schedule/outline of the events that were turned down by the opposition political party concerned.

Political parties also relied on private and social media platforms for their campaigns. ZHRC also noted that the online and social media platforms were widely used as mediums to campaign by political parties and sources of information by the electorate, especially the WhatsApp platform.

The ZHRC noted with concern the level of misinformation, disinformation and hate speech spread through social media platforms. In some instances citizens used social media to spread fake news about electoral processes, whilst others used it for hate speech against candidates including the Head of State. The online hate speech also transcended to online gender based violence against women candidates, who were attacked by social media users based on their sex. Even on the morning of the election day, flyers were posted on various social media platforms and around most urban polling stations, purportedly from the CCC, discouraging the electorate from voting. The CCC distanced itself from these flyers.

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<sup>16</sup>: The ZBC press statement was issued on the 26<sup>th</sup> of August 2023, titled: ZBC coverage of political parties during the 2023 harmonised elections.



*Figure 4: A flyer that was picked by ZHRC in Mabelreign, Harare Province, misinforming the electorate that the election had been rigged, and that they must not go and vote.*

#### **4.5. Voter Education**

The Electoral Act [Chapter 2:13] Section 40(B) mandates ZEC to conduct voter education while other actors can do the same with the permission and authorisation of ZEC under section 40 (C). The voter education conducted by ZEC and accredited organisations was commendable. During pre-election monitoring, the ZHRC came across ZEC Voter Educators across the country. Stakeholders also confirmed receiving adequate Voter Educators in their communities. However, the ZHRC received reports of some community leaders particularly traditional leaders in Mutoko areas who denied voter educators access to educate communities. ZHRC also noted that there was reduced participation of CSOs in conducting voters rights civic education during the 2023 elections, compared to previous electoral events.

#### **4.6. Participation of Civil Society Organisations**

The pre-election period saw less participation by CSOs in all provinces monitored, especially in offering civic education. CSOs engaged with by ZHRC stated that their participation was limited owing to issues raised in the Patriotic and PVO Bills, which heavily censored their work and that they risked being deregistered. ZEC officials across provinces also stated that they were concerned by the lack of CSOs participation in civic education on elections. ZEC officials indicated that CSOs would go a long way in covering more ground and reaching out to more people, and in turn contributing immensely to the work of ZEC.

Women's rights organisations engaged with ZHRC indicated that they had not received significant reports on victimisation of women. Their main concern was on limited participation of women in elected positions of authority. They also lamented that the political parties tended to overlook persons with disabilities in their party structures.

#### **4.7. Conduct of Political Parties**

During the campaign period, posters were a vital part of the campaign process. Candidate posters were displayed in different areas across all provinces. However, one of the most common complaints in all ten provinces was the pulling down and defacing of posters and campaign materials.



*Figure 5: ZHRC Officers at some defaced political party's campaign posters that were torn out, in Gutu South Constituency.*

These issues were, however, addressed by ZEC through the Multi-Party Liaison Committees (MPLCs), where political actors were encouraged to desist from this practice. ZHRC commends ZEC for convening MPLCs which is an alternative dispute resolution platform for political disputes. In addition, the ZRP received and investigated cases of defacing of posters leading to the arrest and prosecution of some offenders<sup>17</sup>.

Political tolerance was, to some extent, exercised by members of all political parties. However, some members of almost all political parties reported practices of intolerance by some parties. In many instances, political intolerance manifested in the form of denial of some political parties to engage in political activities, wearing of party regalia, and association with certain political figures.

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<sup>17</sup> J. Muonwa, 'CCC trio jailed for defacing Zanu PF campaign poster, head-butting opponent', New Zimbabwe, 10<sup>th</sup> August 2023. Accessed from <https://www.newzimbabwe.com/ccc-trio-jailed-for-defacing-zanu-pf-campaign-poster-head-butting-opponent/>;

A. Chiwanika, 'Shurugwi man fined US\$300 for defacing campaign posters' Masvingo Mirror, 26 August 2023. Accessed from <https://masvingomirror.com/shurugwi-man-fined-us300-for-defacing-campaign-posters/>

In Mutasa Central, Chimanimani East, and Bikita West constituencies, the MDC-T and NCA candidates complained that they were facing intimidation and intolerant behaviour from CCC supporters. In other areas, ZANU-PF expressed similar sentiments.

Vote buying during campaigns was also flagged by the electorate. Some political parties distributed goods such as seed packs, food and maize meal at their rallies as a way to influence voters to vote for them. This trend was recorded across all provinces. In resettlement areas, stakeholders and the electorate alleged that some politicians were taking advantage of the absence of land tenure documents to threaten electorate with eviction and revocation of offer letters in the event that they did not vote for them. The ZHRC established that this trend was common in various farming and mining communities as well as informal peri-urban settlements.

#### **4.8. The Nomination Court**

Statutory Instrument 144 of 2022 on Electoral Nomination of Candidates Fees Amendment, guided the fees structure for the Nomination Court. ZHRC noted that the Nomination Court sat on the prescribed date throughout the country. However, most candidates waited for the final day to file their nomination papers thereby running out of time and unnecessarily putting pressure on ZEC. The Commission noted that the gazetted nomination court fees were steep, with the National Assembly Court fee set at \$1000 USD and the Presidential fees at \$20,000 USD or ZWL equivalency. The set fees limited some aspirants from participating and exercising their constitutional rights set forth in Section 67 (3)(b)<sup>18</sup>.

#### **4.9. The Voters Roll**

While the voters roll inspection process started in May 2023, the voters roll was only released to political parties in July 2023, but it was allegedly not in searchable format.

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<sup>18</sup> The case of Linda Masarira, a presidential aspiring candidate.

ZHRC considers the analysis of the voters roll by political parties and other stakeholders to be of paramount importance in ensuring transparency in the administration of elections.

#### **4.10. Churches**

The religious sector plays a crucial role in the whole electoral cycle. Churches were used as platforms for mass voter education, human rights awareness as well as platforms for political party campaigns. ZHRC received reports that some churches were however directing their congregants to vote for particular political parties. ZHRC also noted that the church participated as accredited observers through organizations such as the Zimbabwe Council of Churches.

## 5. ELECTION DAY

### 5.1. Location and Structure of Polling Stations

ZHRC established that most polling stations were within the reach of communities and equally accessible. However, there were isolated cases where there was no clear and adequate signage to polling stations, and people would travel long distances to get to their polling stations. An example of such was recorded in some parts of Buhera South, Mutasa North, and Chimanimani in Manicaland Province, where the terrain was difficult to navigate for PWDs and elderly persons. ZHRC took note of some tent polling stations that were cramped on one site. For example, in Harare South, at the DDF open space there were more than ten (10) polling tents at one site. This made it difficult for people to locate their polling tent and for the police to manage crowds. It also made manoeuvring difficult resulting in some voters giving up on the whole process. ZHRC further noted that there was limited ventilation and lighting in most tent polling stations. Candles were being used to supplement lighting in tent stations, but this posed fire hazards.



*Figure 6: Image showing the electorate trying to read through their names at the Voters roll pasted on the walls at night, at Warren Park 6 Primary school in Harare.*

## **5.2. Welfare of Polling Officers**

The rights of polling officials at tent polling stations remained an issue of concern with limited potable water and ablution facilities.<sup>19</sup> Though mobile toilets were provided, in some areas, an average of 30 people (polling and security officers) were sharing a single toilet, and there was no gender-specific ablution facility. The non-availability of potable water posed health hazards for the polling officers.

In areas where voting was delayed, polling officers worked for more than 24 hours without breaks, including vote counting and tabulation. Some Presiding Officers interviewed in Harare Province, where the polling stations opened late due to unavailability of ballot papers complained of fatigue because they had been up since the previous night and they still had to comply with the 12-hour voting period.

## **5.3. Polling Day Procedures**

ZHRC noted that in Manicaland, Harare, Mashonaland East, and Bulawayo Provinces, some polling stations opened late due to the unavailability of ballot papers, specifically the local authority ballot paper. Nevertheless, all polling stations eventually opened and ran for 12 continuous hours, with some polling time spilling into the early hours of August 24, 2023. Through engagements with the electorate in Warren Park 6 and 9 primary school polling stations ZHRC established that the delays rendered the voting process tiresome, causing disenfranchisement of some voters who gave up due to frustration from the process. ZHRC also noted that the electorate were having challenges in clearly identifying the ballot paper colour codes for the different positions. This resulted in some ballot papers being misplaced into wrong ballot boxes. As for the polling stations that extended voting to the 24<sup>th</sup> of August, voters and Polling officers were complaining of fatigue, as they could not have some time to rest.

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<sup>19</sup> Mutengo Farm Tent Polling Station in Marondera West Constituency.





*Figure 7: Voters in Madziro Village Open space, Ward 6 Mutasa North waiting to cast their votes on the 24th of August 2023.*

Generally, the polling process went on smoothly. ZHRC took note that assisted voters were mostly assisted by their confidantes to cast their votes as provided for in the Electoral Act. The main reasons given for assisted voters were illiteracy, visual impairment and trembling of hands.

Vulnerable groups of people including pregnant women, persons with disabilities, the elderly and nursing mothers were given the first preference to cast their vote. This was evident in almost all provinces observed.

#### **5.4. Mixing up of Ballot papers**

ZHRC noted some incidences in which ballot papers were mixed up, in terms of the Constituency allocation. For example there was an incident where an Epworth ballot book for Local authority was found in Zengeza West Constituency and 47 ballot papers had already been used before the mistake was discovered and corrected.

### **5.3. Closure of Polling, Counting and Collation**

ZHRC noted that polling stations observed the 12 hour polling period and voters who were already in the queue by the closing time were all served. During the counting of results, political party agents were present at almost all polling stations observed. At polling stations observed, the V11 forms were shared with political party agents and also posted outside the polling stations. Those polling stations that delayed opening remained open throughout the night into the next day. Afterwards, all material and ballot boxes were transported to the ward collation centres for further collation.

### **5.4. Posting of results**

ZHRC observed that at most polling stations visited, V11 forms posted were signed by the political party agents present, the presiding officers and the recording officers. The political party agents were given a copy of the signed V11 forms, at the observed polling stations. Also noted were the stamps duly issued by the presiding officers to authenticate the V11s signed.

While all results were displayed soon after vote tabulation at most polling stations visited, there were some exceptions where procedures for posting the election results were not followed. For example, at Manda polling station in Bulilima District<sup>20</sup> and Marenga Business Centre in Buhera West<sup>21</sup> the Presidential and National Assembly results were not displayed at polling stations. Voters were advised to view the results at the Ward Collation Centres.

### **5.5. Conduct of stakeholders in and around polling stations**

#### **i. Zimbabwe Republic Police (ZRP)**

The Zimbabwe Republic Police (ZRP) were present at all polling stations visited and assisted when the ballot boxes were being sent to ward collation centres. ZRP offered security services for the polling officers in the polling stations and maintained order around the polling stations. Their presence played a pivotal role in maintenance of peace and order. The ZRP further assisted, in some

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<sup>20</sup> Matebeleland South Province

<sup>21</sup> Manicaland Province.

areas where complaints were raised, to disband the exit poll surveys set up by FAZ in different centres.

**ii. Forever Associates Zimbabwe**

FAZ set up what they labelled “Exit poll survey desks” around some polling stations. Names of people were recorded as they entered and exited the polling stations. The electorate considered it an act of intimidation. Occasionally, this caused confrontations between those conducting the ‘survey’ and some people who refused to cooperate.



*Figure 8: ZHRC Officers at a FAZ/ ZANU PF post poll survey desk in Mashonaland East Province.*

**iii. Observers**

Media, CSOs such as ERC, ZCC, ZESN as well as regional and international observer missions were visible in most stations observed by the ZHRC. These stakeholders played a crucial role in observing the electoral processes.

ZHRC took note of the arrest of thirty-nine CSO members from ZESN, ERC and Team Pachedu who were suspected of collating and tabulating election results for purposes of prematurely announcing election results.

## 5. POST ELECTION

### 5.1. General Environment

The post-election environment was noted to be generally peaceful. This information was corroborated through exit meetings with the ZRP, ZEC Officials, DDCs, politicians and discussions with the electorate. ZHRC took note of few cases of politically motivated violence against some political members and is following up on them. For instance, in Mashonaland East Province<sup>22</sup>, incidences of political violence, intimidation, threats to life and destruction of property<sup>23</sup> came to the attention of the Commission. A case in point is the violence against the CCC winning Member of Parliament for Goromonzi South Constituency, who was attacked twice, with his house being also attacked. The Commission is seized with this matter.



*Figure 9: CCC Winning Member of Parliament for Goromonzi South, lying on a hospital bed with a broken arm*

ZHRC received allegations of post polling intimidation where the electorate reported that meetings were being scheduled by some ruling party members and some individual traditional leaders as platforms to identify those who had voted for the opposition and 'deal with them'<sup>24</sup>.

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<sup>22</sup> Goromonzi South and Mutoko.

<sup>23</sup> Goromonzi South CCC, MP elect.

<sup>24</sup> These reports were reported in Mutoko District.

## 5.2. General Responses to Election Results

ZEC announced the National Assembly results as they were received. Furthermore, ZEC announced the Presidential results on the 26<sup>th</sup> of August 2023, two days ahead of the deadline. There was acceptance of the outcome by some of the contesting political parties, except for the CCC, that rejected the process and the outcome in the Press Conferences. UZA also made a post-election statement, highlighting that the process was flawed. The Post election monitoring that was carried out by ZHRC a month later established that there was general calmness amongst the electorate and in communities.

However, ZHRC recorded an incident of violence during the monitoring of the human rights situation and observation of the Ward 33 Makoni South Run-Off by election that was held on the 2<sup>nd</sup> of October 2023. Upon declaration of results at the St Jude's Ward Commander Centre and with the ZANU PF candidate being declared the winner, violence erupted. It is alleged that around 2100hours, CCC members violently attacked Zanu-PF supporters using different objects and using insults. The following day, ZHRC visited the victims at Rusape District Hospital where they received medical treatment. The Commission ascertained that a total of 9 ruling party supporters were injured including bruises, swollen legs and hands amongst others. ZHRC further engaged the Zimbabwe Republic Police who indicated that the matter was under investigations. ZHRC will make further follow up with police regarding progress on the issue.



Figure 10: A collage of images showing the injuries suffered by the Zanu-PF supporters that the ZHRC interacted with at Rusape Hospital.

## **6. CONCLUSION**

The 2023 Harmonised elections were conducted in line with the law starting with the Proclamation, Nomination Court, Polling and Announcement of results. ZHRC commends ZEC for conducting voter education exercise across the country which made the electorate appreciate the voting process. The ZHRC notes that despite the logistical challenges that included delay in the delivery of ballot papers, voters roll and other election material, voting went on for a prescribed 12 hour period allowing people to exercise their right to vote.

## **7. RECOMMENDATIONS**

### **7.1. Zimbabwe Electoral Commission**

- i. To strengthen the administration and logistical aspects of election management. This includes supplying enough ballots and other materials on time and providing adequate lighting as well as selecting accessible venues and stations
- ii. To release timeously the voters roll in a readable and analysable manner.
- iii. To pro-actively communicate any developments affecting the election processes so as to allay the concerns of the electorate, political parties and other stakeholders.
- iv. To improve colour distinction of ballot papers and signage of polling stations.
- v. To adequately educate voters on the changes brought about by the delimitation process.
- vi. To effectively attend to the welfare of the Polling Officers.

### **7.2. Zimbabwe Republic Police**

- i. To enforce the Electoral Code of Conduct for Political Parties, Candidates and other Stakeholders to deal with electoral malpractices.
- ii. To enforce the electoral laws in terms of the Constitution and desist from selective application of the law.
- iii. To decentralise and speed up the investigations of all cases of politically motivated violence.

### **7.3. Political parties**

- i. To refrain from intimidating the electorate throughout the electoral process.
- ii. To ensure that aspiring candidates file their nomination papers on time, and avoid submission of documents on the last day thereby putting pressure on the elections management body.
- iii. To exercise political maturity and tolerance at all time.
- iv. To adhere to the Electoral Code of Conduct for Political Parties, Candidates and other Stakeholders.

- v. To respect and uphold the fundamental human rights and freedoms of the electorate.

#### **7.4. Traditional Leaders**

- i. To act in accordance with the Constitution and the Laws of the country.
- ii. To desist from being active members of any political party or in any way participate in partisan politics.
- iii. To stop furthering the interests of any political party or cause.
- iv. To refrain from violating fundamental rights and freedoms of the electorate.
- v. To treat all persons fairly and equally.

#### **7.5. Political Parties' Affiliates Groups**

- i. To stop infringing on people's civil and political rights.
- ii. To be guided by provisions of the law and Constitution in their conduct and activities.