
ZIMBABWE ELECTION SUPPORT NETWORK



REPORT ON THE 30 JULY 2018 HARMONISED ELECTION

Advance Copy



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Foreword

The Zimbabwe Election Support Network (ZESN) is pleased to publish the 2018 Harmonized Elections Report. The report reviews the local, regional, and international legislative frameworks governing and guiding democratic elections in relation to the 2018 elections. It presents both narrative and quantitative analyses of the observation of the 2018 harmonized elections.

It is important to note that ZESN observed all the processes in the electoral cycle from the Bio-metric Voter Registration (BVR) phase one to the mop-up exercise, the inspection of the voters' roll, the sitting of the Nomination Court, political rallies and campaigns, primary elections polling, Election Day, and the post-polling period.

The 2018 elections highlighted a positive shift in electoral processes with the upholding of fundamental freedoms such as the freedom of expression, press freedom and freedom of association showing some improvement from past election. The election also saw the participation of more than a hundred political parties and a number of female presidential candidates. In addition, more women registered to vote in 2018 than in the previous electoral cycles. Despite this, the actual number of women who were represented in Parliament fell by 2%. Only 26 women were elected in 2018 versus 29 who were elected in 2013.

Engagements with various stakeholders led to the production of civic and voter education materials which were distributed widely among the electorate through outreach programmes. People with Disabilities (PWDs), women, the youth, and the elderly were adequately represented and provided for in all the outreach programmes that ZESN conducted. This, in turn, could have contributed to the higher voter turnout.

The relevance of this report for further advocacy work and awareness-raising for inclusive and accessible elections cannot be underestimated. It will serve as a strategic tool for election stakeholders in promoting, monitoring, and evaluating democratic electoral processes in Zimbabwe.

This report outlines ZESN's observations, challenges, and lessons. ZESN remains cognisant of the reports produced by local, regional, and international observers and notes the recommendations put forward for improvement in policy making, accountability, freeness, and credibility of future elections in Zimbabwe.

ZESN condemns in the strongest terms the excessive use of force on unarmed protesters on the 1st of August 2018 resulting in the loss of at least six lives. ZESN urges the

government to bring to book those responsible and let justice take its course and may the souls of the departed rest in eternal peace.

Andrew Makoni

ZESN Chairman

Acronyms

ACDEG	African Charter on Elections, Democracy, and Governance
ACHPR	African Charter on Human and Peoples' Rights
AFIS	Automated Fingerprint Identification System
AIPPA	Access to Information and Protection of Privacy Act
APA	Alliance for the Peoples' Agenda
AU EOM	African Union Election Observation Mission
AU	African Union
BPRA	Bulawayo Progressive Residents' Association
BVR	Bio-metric Voters' Registration
CAMERA	Chitungwiza and Manyame Rural Residents Association
CEO	Chief Election Officer
CCJP	Catholic Commission for Justice and Peace
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CHITREST	Chitungwiza Residents Trust
CODE	Coalition of Democrats
COMESA	Common Market for Eastern and Southern Africa
CSOs	Civil Society Organisations
CSU	Counselling Services Unit
CVE	Civic and Voter Education
ECF-SADC	Electoral Commissions Forum of Southern African Development Community countries
EFZ	Evangelical Fellowship of Zimbabwe
EMB	Electoral Management Body
EOM	Elections Observation Mission
ERC	Election Resource Centre

ESN-SA	Election Support Network of Southern Africa
ESR	Election Situation Room
EU EOM	European Union Election Observation Mission
EU	European Union
FRELIMO	Mozambique Liberation Front
FVR	Final Voters' roll
GC	Gender Commission
GNDEM	Global Network of Domestic Election Monitors
GoZ	Government of Zimbabwe
IC	Inspection Centre
ICCPR	International Covenant on Civil and Political Rights
ID	Identification
IEC	Information, Education and Communication
IMBISA	Inter Regional Meeting of the Bishops of Southern Africa
IRI	International Republican Institute
JSC	Judicial Services Commission
LTOs	Long Term Observers
MDC-T	Movement for Democratic Change – Tsvangirai
MISA	Media Institute of Southern Africa
MP	Member of Parliament
MPLA	People's Movement for the Liberation of Angola
MPLC	Multi-party Liaison Committee
MURRA	Masvingo United Residents and Ratepayers Alliance
NANGO	National Association of Non-Governmental Organisations
NASCOH	National Association of Societies for the Care of the Handicapped
NAYO	National Association of Youth Organisations

NCC	National Council of Chiefs
NDI	National Democracy Institute
NGO	Non-Governmental Organisation
NPA	National Prosecuting Authority
NPF	National Patriotic Front
NPRC	National Peace and Reconciliation Commission
OAC	Observers Accreditation Committee
OAU	Organisation of African Unity
PAP	Pan African Parliament
POSA	Public Order and Security Act
POTRAZ	Postal and Telecommunications Regulatory Authority of Zimbabwe
PRC	Peoples Rainbow Coalition
PWDs	People with Disabilities
RGV	Registrar General of Voters
SADC EOM	Southern African Development Community Elections Observation Mission
SADC	Southern African Development Community
SADC-ESN	Southern African Development Community Election Support Network
SAPES Trust	Southern African Political Economy Series Trust
SBO	Sample Based Observation
SBOs	Sample Based Observers
SMS	Short Messaging Service
SPB	State Procurement Board
STOs	Short Term Observers
UDACIZA	Union for the Development of Apostolic Churches in Zimbabwe
UDHR	Universal Declaration of Human Rights
UMRRT	United Mutare Residents and Ratepayers Trust

UN	United Nations
USSD	Unstructured Supplementary Service Data
WCoZ	Women’s Coalition of Zimbabwe
YETT	Youth Empowerment and Transformation Trust
ZANU-PF	Zimbabwe African National Union-Patriotic Front
ZAPU	Zimbabwe African People’s Union
ZBA	Zimbabwe Broadcasting Authority
ZBC	Zimbabwe Broadcasting Corporation
ZCC	Zimbabwe Council of Churches
ZEC	Zimbabwe Electoral Commission
ZESN	Zimbabwe Election Support Network
ZHRC	Zimbabwe Human Rights Commission
ZIEOM	Zimbabwe International Election Observation Mission
ZIMSTAT	Zimbabwe National Statistics Agency
ZLHR	Zimbabwe Lawyers for Human Rights
ZMC	Zimbabwe Media Commission
ZPP	Zimbabwe Peace Project
ZRP	Zimbabwe Republic Police

1 EXECUTIVE SUMMARY

In terms of the Constitution and Electoral Laws of Zimbabwe, in the normal course of events, the country conducts harmonised elections every five years. Following the end of the five-year term of the government that was elected in 2013, Zimbabweans went to polls on 30 July 2018. This report presents ZESN's observations of each sector of the electoral cycle: the pre-election, the polling, and the post-election periods. The observations were gathered through the deployment of 7240 trained observers: 210 Long Term Observers (LTOs), who primarily focused on observing and reporting on the pre and post-election periods in all the country's 210 National Assembly constituencies from 18 May to 31 August 2018; 750 Sample Based Observers (SBOs) who observed at randomly selected polling stations on the Election Day; and 6280 Short Term Observers (STOs), at selected polling stations in every ward. The observers were provided with checklists designed to guide the collection of relevant data.

The 2018 harmonised were held in a relatively peaceful environment, a break from a past of violent and tension laden elections to which Zimbabweans had become accustomed. In general, human and political rights were respected more than in previous elections, including freedoms of speech, assembly, association, and the media. The election was also the first to feature a new presidential candidate since 1980 in the case of the Zimbabwe African Union Patriotic Front (ZANU-PF) and for the main opposition, the Movement for Democratic Change (as the MDC Alliance in this year's election) since 2002. Mugabe resigned in the midst of an impeachment process that followed a military intervention code named "Operation Restore Legacy" in November 2017 while Tsvangirai succumbed to cancer in February 2018. An unprecedented 23 candidates participated in the 2018 presidential race; 1648 candidates from 55 political parties and three political party coalitions vied for the 210 National Assembly seats; and 6796 candidates vied for the 1958 local government (councils) positions. However, the race was essentially between ZANU-PF and the MDC Alliance, which together, clearly would command the majority of votes.

Major changes also happened at the Zimbabwe Electoral Commission (ZEC) ahead of the election. Justice Rita Makarau resigned as Chairperson of the Commission eight months before the election, followed by then Chief Elections Officer, Constance Chigwamba three months later.

For the 2018 elections, the invitation of observers was extended to many, including previously excluded observer missions such as the European Union, National Democratic Institute (NDI), Commonwealth, and International Republican Institute (IRI).

The election was also preceded by amendments to the Electoral Act, in May 2018, which established the Electoral Court as a specialised division of the High Court and set out a new and detailed Electoral Code of Conduct for Political Parties, Candidates and other Stakeholders. In addition, the Act set a threshold of 10 % for the number of ballot papers that could be printed in excess of registered voters and specified clear timelines within which

petitions and appeals lodged with the Electoral Court should be heard. However, much was omitted in the piecemeal amendments, pointing to the need for comprehensive amendment of electoral law. Outstanding issues include, *inter alia*, the independence of ZEC, the right to vote, and procurement and printing of ballot papers.

The pre-election period also saw more visible and comprehensive Civic and Voter Education (CVE) initiatives, particularly by ZEC and Civil Society Organisations (CSOs). Commendably, there had been an amendment of the law to remove the requirement for the disclosure of sources of funding by CSOs and to reverse the requirement for funding for CVE to be channelled through ZEC.

A new voters' roll was used for the elections following the Bio-metric Voters' Registration (BVR) that was embraced for the first time in the electoral process in Zimbabwe. The BVR exercise was proclaimed, and commenced at District Centres, in September 2017. The exercise ran in four phases, from 10 October to 19 December 2017, before it was extended in a mop-up exercise between 10 January and 8 February 2018. Unfortunately, the BVR exercise was marked by misinformation and the intimidation of registrants by political actors who recorded serial numbers of registration slips under the pretext that they would be able to track voting preferences of individual voters. Despite challenges that include the proclamation of BVR dates before a voter education exercise to inform voters about the location of registration centres and the requirements needed for one to register under the BVR system; power challenges affecting the solar powered kits in a cloudy and rainy season; malfunctioning of kits, among others, the ZEC managed to register a total of 5 695 706 voters (79% of the eligible population), 3 073 190 of whom were women (54%) and 2 622 516 (46%) men.

An analysis of the final voters' roll revealed that the total number of registrants (5 695 706) was lower than both the 2012 census data and the Zimbabwe National Statistics Agency (ZIMSTAT) 2018 projections of the voting population (18 years and above), i.e. 6 805 455 and 7 224 128, respectively. However, the total number of registrants was higher than census data in ages 40-49 years and 60-69 years, though the difference is rather insignificant. On the Final Voters' roll (FVR), 3 201 447 registrants (roughly 54%) are female while 2 622 516 (46%) are male. The 30-34 years age group accounted for the largest total number of registrants at 781 227, followed by the 20-24 age group at 780 903 registrants. In all age groups, more women registered to vote than men. Also, there were more rural registrants than their urban counterparts, including for those aged 39 and below. While 68.2 % registered in rural areas, urban registrants accounted for 31.8% of the total registrants. The total number of urban registrants was lower than census data except for the 45-49 years age group. The audit of the voters' roll seemed to indicate that young adults in urban areas, in particular those aged 39 and below, were under-registered compared to older generations. In rural areas, the total number of registrants was higher than census data in the 35-49 and 55-69 years age categories. About 86.3% of voters added between the release of the 'provisional voters' roll' and the final voters' roll (10 159 out of 11 770) were from Mashonaland West and 8.3 % of sampled respondents in the voters' roll audit were not known at the addresses given on the voters' roll.

A “provisional voters’ roll” was available for inspection between 19 and 29 May 2018. The ZEC set up 10 807 Inspection Centres (ICs) and 2019 registration centres. While ZEC laudably introduced innovations to enable voters to easily inspect the roll, for example the Unstructured Supplementary Service Data (USSD), Short Messaging Service (SMS), and a web-based allocation, it was not possible for members of the public to scrutinize the roll. At the end of inspection, 4 770 405 people had checked their registration details, 694 030 physically went to the ICs, 819 935 used USSD *265#, and 3 256 440 verified through bulk SMSs sent out by ZEC. An exclusion list produced by ZEC had a total 11 018 registrants with the following breakdown: 5 326 deceased; 3 077 multiple registrations; and 2 615 people with incorrect identification numbers.

The Nomination Courts sat on 14 June 2018 to receive applications from nominees for presidential, National Assembly, and local authority elections. The nomination process was conducted in a peaceful environment and there were efforts to open on time and close late at most courts. However, despite having promised to do so, ZEC did not provide the voters’ roll before the sitting of the Nomination Courts, placing a question mark against the legality of the process. Furthermore, this affected some nominees who only realised on the day of the sitting of the courts that some of their statutorily required subscribers to their nominations did not appear to have lodged claims to register as voters. Some other nominees also had their applications rejected, either because their claims for registration could not be found or because of inconsistencies between the claimant’s details and the information held by ZEC that was being used on nomination day. In the case of aspiring councillors, some nominations were rejected as they had sought to contest the elections in wards different to those in which had sought registration.

CSOs played several roles around the electoral cycle. ZESN coordinated six clusters of CSOs that focused on Election Monitoring and Observation, CVE, Legal and Medical Services, Oversight and Advocacy, Media and Elections, and Conflict Management. Amongst the clusters’ interventions were activities relating to CVE; monitoring and observation of electoral processes and the political environment; early warning systems; advocacy initiatives on electoral reform and advocacy programmes targeting the electorate in particular women; and youth’s participation, among others. The work of CSOs was guided by the CSOs elections strategy produced in February 2017. Consequently, some reforms were instituted that include the removal of the requirement for an electoral officer to witness how a visually impaired person votes; a more comprehensive Electoral Code of Conduct for political parties, and abolishment of the use of voter registration certificates (registration slips) where a person’s name does not appear on a voters’ roll. Further, several CSOs conducted public and candidates debates around electoral issues including ZESN which conducted a series of debates named “Making Elections Make Sense”. ZESN also convened the Election Situation Room, bringing together a number of CSOs two months before the election, to enhance coordinated and effective information sharing on electoral processes. Thus the ESR was operative before, during, and after the election, monitoring the environment and ensuring rapid response to electoral issues by engaging the responsible institutions.

While the pre-election environment was relatively peaceful and non-violent, except for the outstanding explosion at a ZANU-PF rally at White City Sports Stadium in Bulawayo. Nevertheless, it was tainted by incidents of intimidation, mostly by alleged ZANU-PF supporters; abuse of State resources in campaigns by ZANU-PF; the partisan role of traditional leaders in favour of ZANU-PF; politicisation of food aid; hate speech by candidates and their supporters; and the destruction of rival's campaign material. Additionally, several contentious issues were raised ahead of the election, including concerns around ballot paper printing, design, storage, and transmission. Although ZEC invited stakeholders to witness ballot paper printing, the process failed to provide greater clarity as the observers were neither permitted to ask questions about the process nor come close to the printing press. Furthermore, ZEC failed to communicate effectively with stakeholders on key electoral processes such as postal voting.

The media demonstrated an improved understanding of electoral issues. However, there was evidence to suggest that the media was still polarised with regards to coverage of electoral issues, despite legal and ethical obligations aimed at ensuring impartiality and balanced coverage of campaigns, parties, and candidates. There was bias in favour of the incumbent while opposition and smaller parties, as well as women, got far less coverage. Over six weeks of the election period, ZANU-PF got 52% coverage while the MDC Alliance got 19%. Whereas Emmerson Mnangagwa got 57% coverage, Nelson Chamisa got 15%. ZANU-PF got 76% coverage in State-run newspapers and 48% on the Zimbabwe Broadcasting Corporation (ZBC), while the MDC Alliance got 17% and 6% respectively. Furthermore, while the pre-election environment witnessed no violations of rights for media personnel, seven cases were recorded after polling, between 1 and 3 August.

Zimbabwe is a state party to regional and international instruments that recognise the need for the removal of barriers to women participation in politics. These include the Universal Declaration of Human Rights (UDHR); the International Covenant on Civil and Political Rights (ICCPR); the Convention on Elimination of all forms of Discrimination against Women (CEDAW); and the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa. While Zimbabwe signed these frameworks, it has yet to ratify and domesticate them. The Constitution of Zimbabwe also provides for measures to ensure gender equality, including in terms of participation in electoral processes and representation in governance. However, the 2018 elections did not change the trend of the low representation of women in the electoral process. None of the contesting political parties was close to attaining 50/50 representation between male and female candidates. Even the main contesting parties; ZANU-PF and the MDC Alliance, did not achieve even 10 % women representation. In response to calls by women organisations, ZEC indicated that it was beyond its mandate to reject political party lists that did not ensure equality between sexes. The underrepresentation of women was further compounded by the toxic and misogynistic political environment leading to the election. It was not uncommon for women to be called derogatory names as they participated in the electoral processes and social media abuses targeted at women were rife. Not surprisingly, only 237 out of 1648 candidates for National Assembly elections were female and only four out of 23 presidential election candidates

were women. After the 2018 elections, the number of elected women National Assembly members fell by three (from 29 in 2013 to 26 in 2018) and Zimbabwe fell by 13 places (from 28 to 41) on the Inter-Parliamentary Union's 2018 Index. This trend is worrisome considering that the quota system that reserves 60 seats for women in Parliament is ending in 2023.

On the Election Day, due procedure was generally followed at the polling stations where ZESN had observers. The environment was peaceful. After polling, dispute arose, with the main opposition alleging collusion between ZANU-PF and the ZEC to rig the election and claiming victory in the election, prior to the announcement of the results by the Commission. Opposition supporters protested leading to the intervention of State security forces on 1 August 2018. Unfortunately, it resulted in the killing at least seven civilians, including some who were not part of the protesters, through the use of live ammunition. On 3 August, the ZEC announced the results declaring Emmerson Mnangagwa as the winner. The results fell within the projections of the ZESN Sample Based Observation (SBO), even after the later downward revision of the winner's votes by the Commission. The MDC Alliance lodged a court application with the Constitution Court challenging the presidential results but the application was dismissed with costs. An analysis of the results reveals that total valid votes for the parliamentary elections were 4,773,171 compared to 4,774,878 for the presidential election - a difference of 43,490 votes or 0.9%.

Post-election, the elected government of President Mnangagwa subsequently instituted a Commission of Inquiry currently receiving evidence on the matter that resulted in the death of civilians.

ZESN notes improvements which are in line with SADC, AU, and international guidelines for credible, free, and fair elections, but also missed opportunities which did not meet these standards. The report concludes that notable improvements in law and practice were witnessed during the electoral cycle for the 2018 harmonised elections, including the relatively peaceful campaign season, opening the electoral processes to observation by a wide range of observer missions, improved quality of voter education, and provision of adequate voting materials. ZEC engagement with stakeholders, though not adequate, was also an improvement when compared with the 2013 elections. However, the integrity of the 2018 harmonised elections was undermined by an uneven pre-election playing field. Some of the actions which marred the electoral process include widespread intimidation of registrants by political actors who claimed to be able to track individual voting preferences of registrants whose registration slip serial numbers they had recorded. In addition, the partisan role of some traditional leaders who openly engaged in partisan politics, the partisan distribution of food aid, the use of State resources in campaigns, and the biased reporting by the public media and ineffective stakeholder engagement by the Commission also marred the electoral processes. The effect of the foregoing was to skew the electoral playing field. In addition, transparency of the electoral process was compromised by the manner in which ballot papers procurement, design and printing and results management, which was not open to political party agents and election observers to track at different stages.

The outcome of the election showed that it was a heavily contested plebiscite, with the two major political parties securing the control of rural and urban constituencies respectively. The presidential election was even closer, with the two main protagonists separated by a very small margin. It is therefore imperative that the government invests in efforts that promote dialogue, national healing, and reconciliation, especially following the tragic deaths of protestors on the 1st of August 2018, as a result of the unwarranted use of excessive force by the security forces in a bid to break the protests. It is in light of this that the position taken by ZANU-PF to consider creating a constitutional office for the leader of the main opposition could be deemed a step towards inclusivity in governance. The report proffers a number of recommendations on key issues where reforms are required including, among others:

- *Government of Zimbabwe*: Need for a comprehensive review of Zimbabwe's electoral framework. An all-inclusive electoral reform committee should be set up to deliberate on political, administrative and legal reforms that are needed to enhance the credibility of Zimbabwe's electoral processes;
- *Parliament*: Comprehensively amend or wholesomely repeal the Electoral Act;
- *Government*: Ratify and domesticate international and regional frameworks that govern electoral processes;
- *Government*: Accord Parliament oversight over ZEC;
- *Parliament*: Enact legislation to specify timelines for the availing of the final voters' roll;
- *Parliament*: Enact legislation to provide for disclosure of sources and audits of the use of campaign financing;
- *Parliament*: Enact legislation to compel political parties to observe quotas for women;
- *ZEC*: Ensure transparency in ballot paper designing, printing, storage, and transmission;
- *ZEC*: Reinstate special voting;
- *ZEC and CSOs*: Voter education should emphasise on secrecy of the vote and counter misinformation by electoral stakeholders;
- *Government and ZEC*: Extend the right to vote to all citizens, including those imprisoned and in the diaspora;
- *Parliament, the ZRP, and ZHRC*: Add and enforce punitive measures to those who contravene the Electoral Code of Conduct;
- *ZEC*: Ensure transparency in results transmission where presidential results for each polling station are transmitted directly to the national results collation centre;
- *ZEC*: Consider total valid votes, and not total votes cast, in counting votes as well as avoiding errors that may necessitate the revision of announced results;
- *ZEC*: Enforce the law governing the conduct of the State-media around the election cycle to ensure equal coverage of different political parties;

- *Parliament, ZEC, the Zimbabwe Republic Police (ZRP), and the Zimbabwe Human Rights Commission (ZHRC)*: Put in place mechanisms to monitor and punish cases of hate speech and fake news on social media; and
- *ZEC*: Put in place mechanisms to facilitate easy voting of people with disabilities while safeguarding the secrecy of their vote.

2 ABOUT ZESN

ZESN was formed in 2000 and is currently a coalition of 36 Non-Governmental Organisations (NGOs). The major focus of the network is to promote democratic processes in general and free and fair elections in particular. ZESN is the Secretariat of the Southern Africa Development Community Election Support Network (SADC-ESN) and is a member of The Global Network of Domestic Election Monitors (GNDEM).

ZESN is independent in its findings and conclusions. The network's election observation missions are guided by the Constitution of Zimbabwe, electoral laws of the country, and a number of regional and international conventions and declarations to which Zimbabwe is signatory, such as the SADC Principles and Guidelines Governing Democratic Elections, the African Charter on Human and Peoples' Rights (ACHPR), The African Charter on Democracy, Elections and Governance (ACDEG), the International Covenant on Civil and Political Rights (ICCPR), and the Universal Declaration of Human Rights (UDHR).

In its work, ZESN is also guided by the Global Network of Domestic Election Monitors (GNDEM's) Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations and Code of Conduct for Nonpartisan Citizen Election Observers.

3 POLITICAL BACKGROUND

On 30 July 2018, Zimbabwe held its harmonized elections for the President, Members of Parliament (MPs) at the constituency level, and Councillors at ward level. An unprecedented 23 presidential candidates contested. In addition, 1648 candidates from 55 political parties and 3 political party coalitions participated in elections for National Assembly while 6796 candidates participated in the local government elections.

Despite the high number of independent candidates and parties that participated, the elections essentially appeared to be a race between ZANU-PF and the MDC Alliance as they were the most visible throughout the campaign season.

Another peculiarity of the 30 July 2018 election was the absence of former President Robert Mugabe and Morgan Tsvangirai who had been key protagonists in preceding elections. The former resigned before the completion of an impeachment process that had been initiated in the midst of a military intervention in November 2017, dubbed ‘Operation Restore Legacy’, while the latter succumbed to cancer on 14 February 2018. There were therefore new presidential candidates for both ZANU-PF and the MDC Alliance. The high voter turnout of 82.5 % could partly be attributed to the participation of new presidential candidates, the new voters’ registration process which required all voters to register afresh for the 2018 elections, and the relatively peaceful pre-electoral environment.

4 LEGAL FRAMEWORK

4.1 Universal and Regional Principles and Commitments

Zimbabwe is a member of the Southern Africa Development Community (SADC), African Union (AU) and United Nations (UN). As a member of these bodies, the country is bound by several instruments, by virtue of such membership or, where necessary, by virtue of voluntarily agreeing to be, bound by such human rights instruments. Key instruments include the Covenant on Civil and Political Rights, the African Charter on Human and Peoples’ Rights (ACHPR), and the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). It is universally acknowledged that the electoral system of a country must ensure the realisation of the right of every individual to participate in the government of their country. Participation in free, fair, and credible elections, as

articulated in various local, regional and international human rights instruments, advances this fundamental right.¹

These instruments have a number of provisions on the right of citizens to participate in the government of their country as well as other ancillary rights for the realisation of this fundamental right. Further, there are regional and sub-regional norms and standards that have been developed to elaborate on those provisions as they relate to elections. The African Union Declaration on the Principles Governing Democratic Elections (the “AU Declaration”) and the SADC Guidelines Governing Democratic Elections (the “SADC Principles”) are key examples closer to home. These guidelines and standards seek to ensure that citizens in Africa, and the SADC sub-region in particular, enjoy and realise their right to participate in electing their government and how they are governed.

4.2 The Constitution

The Constitution of Zimbabwe Amendment No. 20 made substantive amendments to the electoral process and provides for the electoral system and other ancillary issues that include guarantees of independence of ZEC and its mandate, delimitation of electoral boundaries, and the determination of election disputes relating to the presidential election. It is important to note that the 2013 Constitution also espouses key principles of the electoral system as peaceful, free and fair, based on adult universal suffrage, equality of votes, free from violence and other malpractices, and secrecy of the ballot.² The Constitution also ushered in changes in the conduct of voter registration and the management of the voters’ roll. The mandate of managing voter registration and the voters’ roll was shifted from the Registrar General to ZEC. Section 239 also mandates ZEC to register voters, compile the voters’ roll and registers, and to ensure the proper custody and maintenance of voters’ roll and registers. Schedule Four to the Constitution further stipulates the requirements for registration and the reasons for disqualification of a potential voter.

4.3 Electoral Act

The Zimbabwean Constitution and the Electoral Act govern electoral processes in Zimbabwe. As the Constitution is the supreme law of the land, and any law that is

¹ Article 13 of the African Charter on Human and Peoples’ Rights (ACHPR); Resolution adopted by the African Commission on Human and Peoples’ Rights during its 19th Session in C Heyns (ed) “Introduction to the African Commission’ *Human Rights Law in Africa* (2004) p 407; Part IV (2) of the OAU Declaration on the Principles Governing Democratic Elections (OAU Declaration); Article 21 of the ACHPR; Article 25 of the International Covenant on Civil and Political Rights (ICCPR); Article of 7 of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).

² Section ¹⁵⁵(1)(a-d) of the Constitution of Zimbabwe amendment (No 20).

inconsistent with it is void to the extent of the inconsistency. It therefore follows that the revision of several other statutes impacting on elections was inevitable. In 2014, 2015, 2017, and 2018, several legislative reforms to electoral laws and other related legal provisions were introduced by Parliament (through amendments to the Electoral Act and the introduction of a General Laws Amendment Act) and through Presidential Powers respectively, to advance political rights.³ The effectiveness and relevance of electoral reforms and their implementation in practice ahead of the 30 July 2018 elections must be measured against regional and sub-regional standards espoused in the AU Declaration and SADC Principles. There were no further reforms to other laws whose application impacts on the general ability of the citizens to participate in elections, such as the Public Order and Security Act (POSA), Access to Information and Protection of Privacy Act (AIPPA), Citizenship Act amongst other laws.

4.4 Electoral System

Chapter 1, Section 3 (2) (b) of the Constitution states the principles of good governance, which bind the State and all institutions and agencies of government at every level, include-

- (b) an electoral system based on:
 - I. universal adult suffrage and equality of votes;
 - II. free, fair and regular elections; and
 - III. adequate representation of the electorate

The Constitution, Section 156 (a), provides that whatever voting method is used, should be simple, accurate, verifiable, secure, and transparent.

Zimbabwe uses a mixed system of voting. The first-past-the-post system is used for the election of councillors and National Assembly representatives, where the candidate with a simple majority wins the seat. An additional 60 seats are reserved for women in the National Assembly using a proportional representation system based on the ratio of voters for the National Assembly.

For the presidential election, Zimbabwe uses the majoritarian or two-round voting system. This means that the winner must garner 50% + 1 of the votes to avoid a second round or a run-off. If no candidate gets the required 50%+ 1 vote there is a second round of voting.

Zimbabwe uses Proportional Representation for the 60 senatorial seats. Political parties submit closed lists to ZEC and, in order to promote gender parity, females and males

³ The 2013 Constitution recognises political rights of every Zimbabwean to vote and be voted into office in section 67.

alternate on the “zebra lists”, with a woman always at the top of each of the lists for the ten provinces.

4.5 Code of Conduct

A more comprehensive Code of Conduct for Political Parties, Candidates and other Stakeholders was added to the Electoral Act. If implemented, it will create a culture of mutual respect and tolerance amongst political parties. This was a welcome development as the code clearly stipulates the way political parties, candidates, agents, and their supporters should conduct themselves. It also covers issues such as politically-motivated violence, assault and intimidation, which had been inadequately dealt in previous election cycles. The code also addresses issues of hate language; damage and defacing of campaign material; the coercion of voters to participate in political parties’ activities, and calls on political players to respect the role of the media and women in elections. It contains a sanctions mechanism through the resolution of disputes within Multiparty Liaison Committees, the sanctions in the Electoral Act including fines, imprisonment, fines, as well as disqualification from voting or filling a public office.

Thus the Code of Conduct is comprehensive in dealing with electoral issues that had plagued the Zimbabwean electoral cycle in previous elections. The Code of Conduct also outlines the duty of political parties, the ZEC and other stakeholders to collaborate with law enforcement and judicial authorities, including the ZRP, the NPA, and the Courts, in preventing and sanctioning offenses in the electoral process and these are great strides in ensuring respect for the rule of law during elections.

However, the provisions of the Code were not followed by several political parties. This led to numerous court cases being filed before the election wherein the applicants were violating some provisions of the Electoral Act. In some of these cases, the applicants alleged intimidation of their supporters and vote buying, amongst other electoral malpractices. However, several of the application were dismissed as the litigants did not have adequate evidence some notable examples include *Nyamadzawo v Chiweshe EC 12/18*. Some of the orders sought by applicants were granted as was the case with *Mangondo v Kariwo and 2 Ors EC13/18*.

4.6 Electoral Court Establishment

The Electoral Court is established in Section 161 of the Electoral Act. It has jurisdiction to hear appeals, applications and petitions in terms of the Electoral Act. On 28 May 2018, an Electoral Amendment Act was passed and it brought some changes and clarity on some of the court procedures. For instance, Section 121 makes it clear that the Electoral Court is a

division of the High Court and judges of the Electoral Court are appointed and drawn from the judges of the High Court. In keeping with the Constitution, the Electoral Amendment Act also calls for gender parity in the assessors for the Electoral Court.

It is notable that ahead of the 2018 elections, the securities of costs required by petitioners who file cases at the Electoral Court division of the High Court were reduced. These costs are paid to the court as security in the event that a litigant is not successful. The costs were reduced from ten thousand United States dollars (\$10,000) per Election Petition to two thousand (\$2000.00) for National Assembly challenges, five hundred (\$500.00) for local authority. In the past, the high security costs had naturally limited the number of petitions that could be pursued, and seemed to be a deterrent to would-be petitioners to challenge the results. At least 20 petitions were filed after the 2018 elections, challenging election of members of the National Assembly in some constituencies such as Murewa South, Chikomba Central, Mutare Central, amongst other constituencies. Most of the cases are still ongoing and have to be heard within six months of filing as required by the Electoral Act.

4.7 Presidential Petition

The law provides for an aggrieved party in a presidential election to challenge the results before the courts. Section 93 of the Constitution gives jurisdiction to the Constitutional Court to deal with such a challenge. The petition or application must be filed with the Constitutional Court within seven days after the date of the declaration of the results of the election. Section 93(3) of the Constitution directs the Constitutional Court to hear and determine a petition or application within 14 days after it has been lodged. This was the case in the 2018 election where, in the *Chamisa v Mnangagwa and Others CC 42/18 Case*, the aggrieved candidate lodged a case with the Constitutional court seeking to overturn the declaration made by ZEC. The case also raised issues of lodging a petition within the prescribed timelines. However, the petition was dismissed with costs by the Constitutional Court after full arguments were made. The reasons for the dismissal are yet to be made available, although the judges pointed out some issues that had not be adequately addressed by the petitioner including the failure to provide evidence to show that they had indeed won the popular vote as they alleged.

4.8 Legislative Developments

As noted earlier, the elections were preceded by some legislative amendments. Notable changes to the Electoral Act that had been passed by May 2018 include the removal of the requirement for an electoral officer to witness how a visually impaired person votes, the

establishment of the Electoral Court as a specialised division of the High Court, and introducing a new and detailed Electoral Code of Conduct for Political Parties, Candidates and other Stakeholders. Importantly, the Act criminalised threatening statements by intimidators that they can discover how a voter casts his or her ballot, an important initiative in light of the noting of serial numbers by perpetrators as a means to intimidate the electorate.

4.9 Some Legislative Gaps – Electoral Reform

Despite the amendment of the Electoral Act, numerous gaps still exist which point to the need for further reform, if not an entire revamping of electoral law. Independence of ZEC is also impacted on by the nature of relationship with its parent Ministry and funding arrangements. The Minister of Justice continues to have power to veto any regulations made by ZEC, seriously compromising its independence.⁴ ZEC also lacks total financial autonomy. Any donations or grants, whether from local or foreign donors, have to be approved by the Minister of Justice.⁵ This is despite the fact that the Minister is also a candidate and interested party in the elections. Attempts to challenge the veto powers of the Minister in regulation making in the case of *Mavedzenge v Minister of Justice, Legal and Parliamentary Affairs and 2 OrsCCZ05/18* were not successful as the court ruled that the role of the Minister did not undermine ZEC independence. There is also the logistics committee which is composed of different government departments.

The procurement and printing of ballot papers remains shrouded in secrecy and there were no provisions directing the separation of election residue to enable petitioners to obtain a recount for a specified election. Another notable omission is the absence of a framework to guide the operations and accreditation of LTOs. The amendments did not deal with issues such as the right of the diaspora to vote and the rights of the visually impaired to vote in secret. Attempts to challenge the lack of implementation of the Constitutional provisions advancing the rights of these groups at the Constitutional Court were unsuccessful.

On voter education, the Electoral Act provides that voter education must be funded solely by local contributions or donations. Foreign funding for voter education must be channeled through ZEC for onward allocation. It would have been ideal if this provision had been repealed before the election as it is not justifiable in a democratic society where freedoms of association, expression, etc are upheld. What is more absurd is that ZEC is not obliged to set up a proper structure for the management of these funds.

⁴ See section 192(6) of the Electoral Act.

⁵ Section 12(1)(e) of the Electoral Act.

Other issues not covered by reforms of the Electoral Act include the qualifications of the Chief Elections Officer (CEO) despite the sweeping powers that he has in managing affairs, supervising and controlling activities relating to a national process.⁶ The CEO is also the accounting officer. This position is untenable as there are no checks and balances at the senior management level to ensure that funds are not misappropriated or misallocated. Finance and programming have to be separate to ensure sound management of ZEC and instill confidence in stakeholders.

The Electoral Act categorically states that Chairpersons of the public service, health service board, or any other responsible authorities of any statutory body or council, shall second such persons in the employment of the State to be staff members of ZEC during elections.⁷ This pool of persons who can be seconded to ZEC continues to be the preserve of civil servants and employees of local authorities.⁸ It remains exclusionary although the SADC Principles call for it to be inclusive.⁹ Concerns about the impartiality which Zimbabwe has to ensure according to the Organisation of African Unity (OAU) Guidelines¹⁰ and SADC Principles¹¹ remain. As in past elections, the fact that new recruits to the public service have had to undergo training under a National Youth Service programme that is heavily politicized remained a concern.

Additionally, the Act still provides that Commissioners, staff, and agents are prohibited from divulging any confidential information gained through the course and scope of their employment with ZEC.¹² This provision may be invoked by those aimed at discouraging Commissioners and staff members from disclosing irregularities in electoral processes or misconduct on the part of ZEC.

4.10 De-Duplication

The Electoral Act stipulates that de-duplication of the voters' roll ensures that the voters' roll is clean. However, the stipulation that no notice has to be given for the de-duplication process is contrary to the tenets of administrative justice as a voter should have the opportunity to make representations before his/her name is removed from the roll, and not after. Though there is an option of appealing to a designated magistrate of the province,

⁶ Section 9(2)(b&c) of the Electoral Act.

⁷ Section 10(1) of the Electoral Act.

⁸ Section 17(1) of the Electoral Act, as amended.

⁹ Principle 7.3 of the SADC Principles.

¹⁰ Part III(c) of the OAU Guidelines.

¹¹ Principle 7.3 of the SADC Principles.

¹² Section 11(2)(g) of the Electoral Act.

depending on timing, it may be too late to get a voter's enlisted back on the voters' roll as was evidenced in the 2018 harmonised elections.

4.11 Registering of Voters

With regards to the registration of voters, the Electoral Act requires the responsible Minister of Justice to obtain the approval of ZEC and consult the former Registrar General of Voters (RGV) before making regulations. The Minister must also get approval from ZEC and consult the former RGV on how to deal with confidential information that the former RGV has, or how to resolve any discrepancies between the records of the former RGV and those of the Commission and mandatory automatic and electronic voter registration. This provision maintains the role of the Minister in the introduction of regulations on voter registration, sharing of information, etc. The Minister and the former RGV should have no role in the management of elections. What would be sensible and in accordance with the law, is to give the law-making powers, in terms of regulations and rules, to ZEC itself as the only constitutionally mandated body to conduct elections. The anomalous nature of this provision, particularly in its reference to an individual rather than the office he occupies, is further highlighted by the fact that the “former RGV” (there is only one) has since been retired from the civil service.

4.12 Election Timetable

There is no provision for ZEC to provide an election timetable ahead of any election. The law should provide for the timeline within which ZEC must provide its timetable for an election, with relevant information such as the date, by when the timetable must be gazetted, and the cut-off date by which the voters' roll must be provided, etc.

4.13 Delimitation

The Act also does not elaborate on the delimitation process. There is need to provide clear procedures and timelines to dispute the delimitation process through the Electoral Court. Also, there should be stakeholder consultation on delimitation and the process needs to comply with international standards such as equal voting strength, representativeness, and community of interest. In view of the existing gaps in electoral law, there is need for the ZEC to convene all-inclusive Electoral Reforms working group that could dialogue on the reforms that are required to strengthen the integrity of electoral processes. The working group could include all Chapter 12 institutions, Parliament, political parties, CSOs, and eminent persons.

5 ELECTION ADMINISTRATION

5.1 Structure, Composition and Appointment

The ZEC is one of five independent commissions supporting democracy provided for in Chapter 12 of the Constitution. Section 238 of the Constitution provides for the establishment and composition of the ZEC. The ZEC, like other commissions, should be independent and Sections 10A and 11 of the Electoral Act (Chapter 2:13) contain provisions guaranteeing the independence of the Commission and that provide for the impartiality and professionalism of Commissioners and staff and agents of the Commission.

The Commission consists of a Chairperson who is appointed by the President, after consultation with the Judicial Service Commission (JSC) and the Committee on Standing Rules and Orders. The Chairperson must be a judge, former judge, or due for appointment as a judge. The Commission also consists of eight other members appointed by the President from a list of not less than 12 nominees submitted by the Committee on Standing Rules and Orders. Members of the Commission must be Zimbabwean citizens who are appointed on the basis of merit, that is, experience, integrity, and competence. Members of the Commission are appointed for a six-year term and may be re-appointed for a further term, but may not be appointed after serving for a period that amounts to 12 years. The Commissioners, except the Chairperson and Deputy Chairperson, work on a temporary basis and are full-time during the election period, where they are allocated provinces to manage.

5.2 Appointment of new ZEC Chairperson

In December 2017, the former Chairperson for the ZEC, Justice Rita Makarau, resigned. Her resignation came at a critical time during the BVR exercise and eight months before the harmonised elections. Prior her resignation, Justice Makarau was also Secretary of the JSC, which some believed was unconstitutional and a conflict of interest with her position at ZEC. Justice Priscilla Chigumba was appointed on the 31 January 2018, as the ZEC Chairperson.

5.3 Structure of the Secretariat

The Secretariat is headed by the Chief Elections Officer (CEO) who is the administrative and technical head of the Secretariat and directly reports to the Commission. The CEO is the accounting officer. Specifically, the Secretariat consists of three divisions namely: Administration and Finance, Operations, and Inspectorate Divisions¹³. The ZEC also has 10 provincial and 63 District Offices. In preparation for the elections, ZEC established 210 Constituency and 1958 Ward Offices.

¹³<https://www.zec.org.zw/pages/departments>

On the 1 March 2018, Constance Chigwamba, former CEO resigned from ZEC. Her departure from the ZEC came hardly 3 months after Justice Makarau resigned, five months before the harmonised elections, and at a time when ZEC needed to implement the crucial BVR process. Utoile Silaigwana, the then Deputy CEO (operations), was appointed the acting CEO.

5.4 Functions of the ZEC

The functions of ZEC as provided by the Constitution and elaborated in the Electoral Act include undertaking, promoting research, developing expertise on use of technology and promoting cooperation with government, civil society and political parties.¹⁴ ZEC also has to provide the public with information on registration of voters; delimitation of wards, location or boundaries; availability of voters' roll and inspection of the roll; details of political parties and candidates participating; and voting and electoral processes.¹⁵ The Commission also has to recommend to Parliament appropriate ways to provide public financing for political parties.¹⁶ In respect of some of its functions, ZEC undertook the full mandate and authority as provided by the law. There was engagement by ZEC with stakeholders including with Civil Society Organisations (CSOs). However, civil society, which, in turn, kept the public informed (although not satisfactorily) about some of the processes, was, itself, not satisfied with the quality of engagement with ZEC.

5.5 Independence of ZEC

Legal provisions guaranteeing ZEC's independence seem inadequate. There appears to be several gaps that allow for executive interference in the operations of the commission. For instance, the Sixth Schedule to the Electoral Act gives the President the power to unilaterally set the terms and conditions of Commissioners. Although a report on findings of a tribunal set up to remove a Commissioner must be placed before Parliament, Parliament does not have any input in the final decision.

In addition, Section 7 of the Electoral Act permits ZEC to use its discretion to adopt and adapt procedures that promote efficiency and independence. This must be qualified for such discretion to guarantee transparency as stipulated in section of 239(a) of the Constitution. In practice, it appears as if this role resides in the Ministry of Justice which makes the regulations after considering input from the Commission.

¹⁴ Section 5(a-c) of the Electoral Act.

¹⁵ Section 5(d)(i-vii) of the Electoral Act.

¹⁶ Section 5(e) of the Electoral Act.

The Observers Accreditation Committee (OAC) is widely perceived as exerting undue influence on the ZEC. Stakeholder sentiments are that observers will only be invited to observe electoral process when none of the members has raised an objection¹⁷.

Ballot papers design, printing, and distribution is provided for under Section 52A of the Electoral Act. The ZEC is required under Section 52A (2) to provide, without delay, information to all political parties and candidates contesting an election, and to all observers—

- a. where and by whom the ballot papers for the election have been or are being printed;
- b. the total number of ballot papers that have been printed for the election; and
- c. The number of ballot papers that have been distributed to each polling station.

The ZEC contracted Fidelity Printers for the printing of Presidential and National Assembly ballots and Printflow to print local council ballot papers. The selection process of the two companies raised concerns as it was not done through an open tender process. In essence, it eroded stakeholder confidence in this process. The ZEC printed 6 150 950 Presidential, 6 150 950 National Assembly, and 5 036 250 local authority ballot papers¹⁸. In keeping with international best practice, ZEC only printed, for contingency purposes, additional ballot papers that constituted 8 % of the total number of papers needed for the 2018 harmonized elections.

The design, printing, and distribution of ballot papers, on the other hand, became a contentious issue during the pre-election period with the MDC Alliance at one point threatening to boycott the elections. In response to sustained pressure from electoral stakeholders, ZEC invited political parties, the media, and observers to tour the printing facilities and witness a demonstration of how ballot papers would be printed. However, efforts by the ZEC to improve transparency in this area failed as stakeholders were not permitted to ask questions and were unable to see clearly as they observed the process from a distance of about 20 meters from the printing machines. The ZEC, therefore, missed an opportunity to address myths, fears, and misconceptions that stakeholders had at the time regarding the ballot paper design, printing and distribution.

Stakeholders, including ZESN, expressed concern over the design and layout of the Presidential ballot paper which did not conform to provisions of the Electoral Regulations of

¹⁷See <http://www.zesn.org.zw/wp-content/_protected/publications/publication_308.pdf>

¹⁸<http://www.sundaymail.co.zw/zec-reveals-ballot-paper-stats/>

2005 and Section 57(a)(1) of the Electoral Act, which states that candidates should appear in one column in alphabetical order. The design was split into two columns, of 14 and nine candidates each, and ZEC indicated that this was done on the advice of the printers. The design of the ballot paper raised concerns as some stakeholders thought that it was intended to give the incumbent an unfair advantage. In designing the Presidential ballot paper, ZEC should have adhered to the 2005 regulations which prescribe the Form V.10 as the design for the ballot paper. The ZEC did not consult political parties over the design of the presidential ballots, raising issues of credibility, trust, and partiality. Concern was also raised as to procedures for security of ballot papers, their storage, and distribution.

5.6 Observers in the 2018 Harmonized Elections

The Electoral Act, Section 40G to 40K provides for the accreditation of observers. The first Schedule to the Electoral Act provides for a Code of Conduct for Political Parties, Candidates and Observers. Whilst domestic observers apply for accreditation to ZEC, regional and international observers are invited by the Ministry of Foreign Affairs. President Mnangagwa extended invitations to 46 countries, 15 organizations, and 2 eminent persons¹⁹. European Union and Commonwealth observers were invited for the first time since 2002. Other observer missions included the AU Election Observer Mission, Common Market for Eastern and Southern Africa (COMESA), SADC Election Observer Mission, SADC PF, Electoral Support Network of Southern Africa (ESN –SA), Zimbabwe International Election Observer Mission (ZIEOM)- a joint (National Democratic institute/International Republican Institute (NDI/IRI) observer mission, the Carter Centre Technical Team, the Non-Aligned Movement, the Pan African Parliament (PAP), observers from liberation movements namely the Mozambique Liberation Front (FRELIMO), Chama Cha Mapinduzi (Tanzania), the African National Congress (ANC), the People's Movement for the Liberation of Angola (MPLA), Angola and observers from India, China, Russia, Turkey, Brazil, Ecuador, and other countries.

Domestic and citizen observers included ZESN, the National Association of Non-governmental Organisations (NANGO), the Catholic Commission for Justice and Peace (CCJP), Zimbabwe Lawyers for Human Rights (ZLHR), the Zimbabwe Council of Churches (ZCC), and the Union for the Development of Apostolic Churches in Zimbabwe (UDACIZA), among others. The Zimbabwe Human Rights Commission (ZHRC) deployed 23 teams from 23 July to 6 August 2018 to observe the 2018 elections²⁰.

¹⁹<https://news.pindula.co.zw/2018/04/09/list-of-election-observers-to-be-invited-by-govt-for-2018-elections/>

²⁰<http://kubatana.net/2018/07/25/zimbabwe-human-rights-commission-zhrc-deploys-election-monitors-countrywide/>

5.7 Observers' Accreditation

Applications for accreditation are submitted to ZEC and are approved by the OAC. On the OAC sits the Chairperson of the Commission; Deputy Chairperson; three Commissioners; a nominee from the President's Office and Cabinet; a nominee from the Ministry of Foreign Affairs; a nominee from the Ministry responsible for immigration; and a nominee from the Ministry of Women's Affairs. The OAC has been criticized for lacking independence as it is dominated by representatives from the Executive.

For purposes of the 2018 elections, the OAC was established on the 10 June 2018, the accreditation of observers ran for 50 days, from 10 June to the 30 July 2018. Applications for accreditation closed four days before the Election Day in accordance with the Electoral Law²¹. Accreditation centres were published on 13 June 2018 and were decentralized to 10 provincial centres. The ZEC reduced accreditation fees for accredited BVR observers from US \$10 to US\$2. This was after advocacy interventions from ZESN and other CSOs to reduce the accreditation fees for observers.

The accreditation fees for different types of observers were pegged as follows: US\$10 for local observers; US\$20 for observers from the continent of Africa; US\$50 for observers from foreign Embassies in Zimbabwe; US\$100 for observers from any country outside Africa; US\$50 for Zimbabwean media practitioners accredited with the Zimbabwe Media Commission (ZMC) and working in Zimbabwe for foreign media houses; US\$10 for Zimbabwean local media practitioners accredited with the ZMC; US\$20 for media practitioners from the continent of Africa. African Union and SADC EOMs were exempted from paying accreditation fees.

While ZESN recognises and commends the effort of Commission in accrediting domestic observer groups which empowered CSOs to execute their functions as established in the guidelines, as such contributing to transparency and overall acceptance of the elections, the Network was concerned with the costs and process of accreditation. Domestic observers were required to pay ten United States dollars (\$10) each for accreditation fees and to physically present themselves at the ZEC provincial accreditation centres for the process. Transport and, in some instances, accommodation costs were incurred making the costs for the accreditation exorbitant thus stifling efforts to comprehensively deploy domestic observers at all polling stations. There is need for ZEC to review the administrative and

²¹ Section 40 (1) of the Electoral Act states that; An application for accreditation as an observer must be made no later than the fourth day before the first day of polling fixed in a proclamation made under section 38(1)(a), (b) or (c) for the election of the President, constituency members of the National Assembly or councillors.

financial hurdles that impeded the accreditation of observers. Perhaps the OAC should be decentralised or the requirement for observers to physically present themselves at accreditation centres could be removed.

5.8 Postal Voting

According to Section 72 of the Electoral Act, postal voting is a process where a voter who is based outside the country on government business, or their spouse or a person on duty as a member of a disciplined force or an electoral officer, is unable to vote at a polling station in the constituency and requests to vote earlier. The postal voting procedure as set out in the Act states that anyone who requires to vote by post would apply to the ZEC and, once approved, the Commission would post the ballot papers to the said person who would vote in secret and post the ballot papers back to ZEC.

Over 7 200 people, the majority of them diplomats, applied for postal voting in the July 30 elections²². Suspensions arose during the postal voting process as widespread allegations were made that police officers were required to vote in front of their superiors and in what appeared as a polling station within the cantonment areas. Bulawayo was cited as one of the provinces where such incidents were reported by observers from ZESN and other CSOs. ZEC had not indicated, on its electoral calendar, the specific dates when postal voting would be conducted.

6 VOTER REGISTRATION

In accordance with Section 36A of the Electoral Act Chapter 2:13, the President, on advice of the Commission, 'may at any time proclaim in the Gazette an order that there shall be a new registration of voters'. Hence, on 9 September 2017 the then President, Robert Gabriel Mugabe, proclaimed that BVR would start on 14 September of 2017.²³ The ZEC went further to issue Statutory Instrument 85 of 2017 'Electoral (Voter Registration) Regulations' to set out the voter registration regulations and procedure. The BVR was used to enrol people on the voters' roll for the first time in Zimbabwe. It was also the first time that ZEC conducted the voter registration, having assumed this role from the Registrar General. Furthermore, a polling station based voting system was used for the first time in harmonised elections.

²² <https://www.herald.co.zw/7-200-apply-for-postal-voting/>

²³ ZESN Biometric Voter Registration Observation Report Available at: <http://www.zesn.org.zw/wp-content/uploads/2015/10/ZESN-BVR-Observation-Report.pdf>

6.1 Qualifications for Registration

According to Schedule 4 to the Constitution, a person may register as a voter if they are 18 years or over and a Zimbabwean citizen. The Constitution allows for additional requirements to be added by electoral law but these must be consistent with Section 67 of the Constitution which guarantees every citizen the right to participate in electoral processes.

According to Section 23 of the Electoral Act, for a person to be registered as a voter in a constituency, they must be resident in that constituency unless they intend to run as an MP for a constituency in which they are not resident. The Act further states that the Commission may prescribe documents that shall constitute proof of residence. In line with the Act, Section 5 of the regulations set out the documents that would suffice as proof of address.

While the ZEC tried to be extensive in stating what constitutes proof of residence, it was still argued that this requirement was prejudicial to some who were unable to attain any of the said documents. Many raised the issue that it was cumbersome and discouraged some from registering to vote.²⁴ In urban areas, the registration processes was negatively affected by the shortage of affidavits and commissioner of oaths. Traditional leaders were the primary source of letters that supported registrants' proof of residence in rural areas.

6.2 The Right to Vote

Article 21 of the Universal Declaration of Human Rights (UDHR) states that:

- Everyone has the right to take part in the government of his country, directly or through freely chosen representatives;
- Everyone has the right to equal access to public service in his country;
- The will of the people shall be the basis of the authority of government; this will 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.

Article 25 of the International Covenant on Civil and Political Rights (ICCPR) provides that every citizen shall have the right and the opportunity without unreasonable restrictions:

- 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, guaranteeing the free expression of the will of the electorate.

²⁴ Available <https://www.herald.co.zw/residents-say-no-to-proof-of-residence-for-bvr/>

African Governments, through the African Union’s Declaration on the Principles Governing Democratic Elections in Africa, commit to establish, where none exist, appropriate institutions to resolve issues such as code of conduct, citizenship, residency, age requirements for eligible voters, compilation of voters registers, etc.

Section 67 (3) (a) of the Constitution of Zimbabwe provides for every Zimbabwean citizen who is of or over eighteen years old the right to vote in all elections and referendums and to do so in secret.

6.3 Non- Compliance with Right to Vote

The Government of Zimbabwe (GoZ) has signed international and regional treaties, for example the ICCPR and the ACHPR. The Constitution also guarantees the right to vote. Nevertheless, not all Zimbabweans enjoy that right. The Electoral Act (Chapter 2:13) does not have provisions that extend the right to vote to all eligible Zimbabweans. For instance, prisoners do not enjoy the right to vote as mechanisms have not been put in place to ensure that they register and vote. In addition, in the case *Gabriel Shumba and Others v Ministry of Justice, Legal and Parliamentary Affairs and Others*, the Constitutional Court, ruled that the Zimbabwean diaspora cannot vote from outside the country²⁵. This was after the ZEC had ruled out diaspora voting and indicated that non- resident citizens would have to travel home to register and then cast their vote.

6.4 Compliance with the Right to Vote

Previously, people referred to as “aliens” (people of foreign descent) did not have the right to vote, ie prior to the 2018 elections. However in a High Court ruling in November 2017, all people born in Zimbabwe and who were holders of identity cards written “alien” were granted the right to be registered and to vote, provided they had proof that one of their parents was born in Southern Africa.²⁶

Justice Munangati-Manongwa allowed them to participate in elections on specific terms and conditions which were outlined as follows:

Any person born in Zimbabwe who is of or over 18 years, with an identification card endorsed “Alien” and a birth certificate showing that such person was born in Zimbabwe, and at least one of the parents of such person was born in Zimbabwe or from the SADC region, with proof that he or she was ordinarily resident in Zimbabwe on the relevant publication date in 2013, is entitled to be registered by the first respondent (ZEC) to vote

²⁵<https://www.thezimbabwemail.com/law-crime/constitutional-court-rules-that-zimbabweans-based-in-the-diaspora-cannot-vote-unless-they-return/>

²⁶<https://www.herald.co.zw/aliens-can-vote-rules-high-court/>

without any impediment or additional requirement other than requirements relating to all people.

The third applicant (Ms Kachingwe), together with any class of persons in similar predicament, be and are hereby entitled to be, forthwith, registered as voters by the first respondent in the BVR exercise upon production of the identification card endorsed “Alien”, coupled with a birth certificate showing that they were born in Zimbabwe to parents from the SADC region or one of whom is a Zimbabwean and proof of residence.²⁷

Most of these people referred to as ‘aliens’ did not, however, manage to vote as they did not possess the long birth certificate, a necessary requirement for them to register.

6.5 Biometric Voter Registration (BVR)

Following Zimbabwe’s adoption of the BVR, ZEC awarded the tender to supply BVR kits to Chinese Company, Laxton Group Limited. The tender was awarded after weeks of bid assessments and site validation tests after which a recommendation was made to the State Procurement Board (SPB). In addition to the kits, ZEC also procured an Automated Fingerprint Identification System (AFIS) from a firm called IPSIDY.

Biometric Voter Registration Phases

Registration under the BVR process commenced on 18 September 2017, four days later from the day then President Mugabe had proclaimed as the starting date. Through Statutory Instrument 117 of 2017, in terms of Section 2 of the Presidential Powers (Temporary Measures) Act, amendments were belatedly effected to Sections 24, 25, and 36 of the Electoral Act.

ZESN deployed a total of 2012 static and roving observers to observe at select centres across the country. Registration was initially done, starting in September, at 63 District Centres across the country before it was extended to all wards, in phases, starting from 10 October 2017.

The BRV “blitz” commenced on 10 October 2018 and ended on 19 December 2017. However, at the conclusion of the fourth phase of the BVR, the apparent need for an extension of this process was evident in that ZEC had only been able to enrol 65 % of the targeted voting

²⁷Ibid

population²⁸. An analysis of the registration figures at the end of the four phases indicated that Harare and Bulawayo had recorded the lowest percentages of registered voters, which were 54.5 % and 50 % respectively. The Midlands province, on the other hand, had 77.3 % of its target, signifying the highest registration rates at the end of phase 4 of the BVR exercise.

Factors that impacted negatively on registration outcomes included that the proclamation of BVR dates was not preceded by voter education to inform voters about the location of registration centres and the requirements needed for one to register under the BVR system. Consequently, registrants only got to know of the requirements at the point of registration resulting in some being turned away without registering.

In addition the registration dates were affected by the BVR kits procurement challenges which led to the revision of the commencement of voter registration exercises. This in turn has a knock on effect on preparation of subsequent electoral processes such as inspection of the voters' roll and preparation of the voter register.

Other challenges that were encountered during the BVR process included: logistical issues with accreditation which resulted in delays in the delivery of observers' accreditation lists to provincial ZEC offices; missing accreditation lists; high costs of accreditation; malfunctioning of the solar-powered kits during the rainy season; the proof of residence requirement; the absence of Commissioners of Oaths at some centres; prospective registrants bringing inappropriate identification documents such as a driver's licence; registration centres running out of the VR1 and VR9 forms and the print roll for registration slips; and the changing of officially announced registration centres for the phased registration process without notification.

6.6 Mop-Up Voter Registration Exercise

In response to widespread calls for an extension of the registration process, ZEC conducted a mop-up voter registration exercise from 10 January to 8 February 2018.

Simultaneously, ZEC also introduced mobile registration centres, to make registration centres more accessible to citizens who still wanted to register. Unfortunately these efforts were hindered by the fact that the mobile registration centres were not publicised and, in many instances, not located in the areas that had been identified as high traffic centres

²⁸ According to statistics released by ZEC a total of 4,727,376 people were registered during the 72 day long exercise representing 65% of the 7,224,128 million projected by ZESN in 2017. See <<http://www.zesn.org.zw/wp-content/uploads/2018/01/ZESN-2018-Population-Projections-for-Zimbabweans-Aged-18.pdf>>

during the phased BVR blitz. In addition, widespread misinformation and intimidation of registrants were reported throughout the four phases and mop-up of the BVR exercise. Intimidatory tactics employed by some political contestants include the recording of registrants' registration slips' serial numbers with a warning that their political party would be able to track individual voting preferences on Election Day.

6.7 Inspection of the Voters' Roll

Section 17 of the Electoral Act states that: "Voter registration shall be conducted on a continuous basis so as to keep the voters' roll up to date". This means that voter registration should happen throughout the electoral cycle. Once the roll has been compiled, Section 21 of the Act stipulates that the voters' roll is a public document and open to inspection by the public, free of charge during ordinary office hours and the Commission shall, within a reasonable period, provide any person who requests the roll and pays the prescribed fee, with a copy of the voters' roll, including a consolidated roll.²⁹

The Commission is obliged to provide every political party that intends to contest the election, and any accredited observer who requested the voters' roll after paying the prescribed fee. The Act also stipulates that, within a reasonable time after nomination, the Commission shall provide every candidate with one copy of the roll in electronic form for the election for which the candidate is nominated or, upon payment of the prescription fee, a candidate shall receive a printed copy of the voters' roll for the election for which the candidate has been nominated. The Act also adds that, where a voters' roll is in electronic form, it should be in a format that can be searched and analysed but should be in a form that does not allow it to be altered.

The inspection of the "provisional voters' roll"³⁰ was conducted from 19 to 29 May 2018. ZEC had a budget of US\$18 million to cover all logistical and administrative costs, such as transport, materials, allowances, and other costs associated with the inspection process. The ZEC set up 10 807 Inspection Centres (ICs) and 2019 registration centres. To ease the burden on the ICs, ZEC created varied platforms to facilitate rapid inspection of the voters' roll in the set timeframe, namely Unstructured Supplementary Service Data (USSD), Short Message Services (SMS), and a web-based platform. By the time of inspection, 5.4 million had registered. At the end of inspection, 4 770 405 had checked their registration details: 694 030 physically went to the ICs, 819 935 used USSD *265#, and 3 256 440 verified through

²⁹ Section 21 of the Electoral Act.

³⁰ The term provisional voters' roll was widely used even though the term is non-existent in the electoral law.

bulk SMSs sent out by the ZEC³¹. An exclusion list produced by ZEC had a total 11 018 registrants, with the following breakdown: 5 326 deceased, 3 077 multiple registrations and 2 615 with incorrect ID numbers.

ZESN observed the inspection of the provisional voters' roll by deploying 210 LTOs. The LTOs observed inspection at 693 ICs. The law clearly stipulates that the voters' roll is a public document and open to inspection by the public. However, during the inspection period ZESN observers noted that:

The voters' roll was not posted for inspection outside ICs and people could only check their names by handing their identity documents to the inspection staff. The impact of this was that voters could not check for friends or family or provide objections to the Inspection Centre staff. This public scrutiny of the roll is important for removal of ineligible voters by reason of multiple registration, death or non-residence. Apart from the fact that the voters' roll was not displayed for public inspection, the major problem witnessed was shortage of some of the materials required to make changes or add new registrants to the voters' roll. Observers encountered ICs where the Voter Registration Data Correction Form (VR 1) and Transfer Form (VR 3) were missing 15% of the ICs where ZESN deployed observers. This was high especially at the beginning of the inspection period.³²

ZEC did not have regulations for the inspection process and hence procedures were not uniformly applied by officials. Of the centres visited by ZESN LTOs, 18% were inaccessible for Persons with Disabilities (PWDs). LTOs also observed that political party agents were largely absent at most ICs.

6.8 De-duplication Process

The Electoral Act states, in Section 32, that the Commission shall ensure that no person is registered as a voter more than once on the voters' roll for any one polling station. However, in the event that 'the Commission is satisfied that a voter is registered more than once on the voters' roll for any polling station, the Commission shall remove the duplicate or multiple names of the voter so that the name of that voter appears only once, and on the appropriate polling station voters' roll.'³³

³¹ <https://www.zimbabwesituation.com/news/2018-polls-4-8m-inspect-voters-roll/>

³² <http://www.zesn.org.zw/wp-content/uploads/2015/10/ZESN-Report-on-the-Inspection.pdf>

³³ Section 32 of the Electoral Act 2:13

The Act further states that no notice is required to be given of the Commission's action before or after removing any duplicate or multiple names of any voter. Section 35 states that if a voter is aggrieved by the removal of their name during the process of compiling the voters' roll, they can appeal against the decision to a designated magistrate in their province. While the aforementioned provisions are welcome, the stipulation that 'no notice has to be given' is contrary to the tenets of administrative justice as a voter should have the opportunity to make representations before his/her name is removed from the roll, and not after. Though there is an option of appealing to a designated magistrate of the province, this process is rather cumbersome and the aggrieved party is unlikely to get redress in time to get their name enlisted back on the voters' roll.³⁴

Deceased persons, those who had registered more than once, and entries with incorrect ID numbers were included on an exclusion list produced by ZEC. Since ZEC is under no obligation to inform registrants that their names have been removed from the voters' roll, as many as 5 692 persons on the exclusion list could have been disenfranchised without their knowledge as, on Election Day, their names appeared on the exclusion list rather than the voters' roll.

The de-duplication process was shrouded in secrecy. Despite repeated requests, ZEC did not provide feedback to stakeholders on the results of the de-duplication process. As a result, there was no certainty that the AFIS system had been run against every single voter entry to clearly identify and eliminate duplicates despite a specific request to ZEC to remove doubts that had arisen in this regard. In the interests of the constitutional requirement of transparency, ZEC should have availed the logs from the AFIS scan for inspection. ZEC's claim that it had unique bio-metric data for each entry on the roll thus carried no weight and public confidence in the integrity of the roll was significantly reduced. ZEC also took no action against those who had registered twice or outside their constituencies of residence, undermining the deterrent effect intended by the Act in making these violations of electoral law an offence.

6.9 Voters' Roll

Section 239 (d) (e) of the Constitution provides that ZEC must compile voters' rolls and registers and ensure the proper custody and maintenance of the voters' rolls and registers. The Electoral Act provides that ZEC shall keep and maintain, in printed and electronic form, a voters' roll for each polling station.

³⁴ Analysis of the Electoral Amendment act of 28 may 2018 and Outstanding Reforms ahead of the 30 July 2018 elections'

Section 21 of the Electoral Act also provides for ZEC to make provision of the voters' roll to stakeholders. More specifically the clauses state that;

(4) Within a reasonable period of time after the calling of an election, the Commission shall provide, on payment of the prescribed fee, to every political party that intends to contest the election, and to any accredited observer who requests it, one copy of every voters' roll to be used in the election, either in printed or in electronic form as the party or observer may request.

(6) *Within a reasonable period of time after nomination day in an election, the Commission shall provide—*

- a. free of charge, to every nominated candidate, one copy in electronic form of the voters' roll to be used in the election for which the candidate has been nominated; and
- b. at the request of any nominated candidate, and on payment of the prescribed fee, one copy in printed form of the voters' roll to be used in the election for which the candidate has been nominated.

(7) Where a voters' roll is provided in electronic form in terms of subsection (3), (4), or (6) its format shall be such as allows its contents to be searched and analysed.

Table6.1 below indicates voter registration statistics by gender and province.

Table 6.1: Voter Registration Statistics by Gender and Province

Province	Female	Male	Total
Bulawayo Metropolitan	138,238	120,329	258,567
Harare Metropolitan	457,350	443,378	900,728
Manicaland	415,116	318,254	733,370
Mashonaland Central	279,912	252,072	531,984
Mashonaland East	343,784	289,626	633,410
Mashonaland West	331,564	323,569	655,133
Masvingo	356,533	260,679	617,212
Matabeleland North	190,069	149,066	339,135
Matabeleland South	150,449	113,736	264,185
Midlands	410,175	351,807	761,982
NATIONAL TOTAL	3,073,190	2,622,516	5,695,706

Source: ZEC

7 ANALYSIS OF THE FINAL VOTERS' ROLL

All fields in the voters' roll (voter name, ID number, sex, date of birth, voter's address, polling station code, polling station name up to province) were filed. Generally, the registered voter population of 5695706 is lower than both the 18+ 2012 census population (6805455) and 2018 18+ projections (7224128) (see section on 'Comparison of the FVR with ZimStats Census Data and Projections'). Of the total adult population of registrants contained in the FVR, roughly 54% (3073190) are women and 46% (2622516) are men.

7.1 Distribution of Registered Voters by Age

There were differences in the number of voters within different age groups. Roughly 56% (3201447) of the population of registered voters were 39 years and below. More than a thousand registrants (1141) or 0.02% were aged 100 and above. The age group with the highest number of voters was 30-34years (781 227), followed by 20-24 (780 903) in second place. The others were 35-39 and 25-29 in that order. Table 7.1 below illustrates the ages and sex of the registered voters range from 18 to 118 years.

Table 7.1: Distribution of Registered Voters by Age and Sex

	Female	Male	Total	% total
18 – 19	69704	72897	142601	2.5%
20 – 24	398939	381964	780903	13.7%
25 – 29	393074	337651	730725	12.8%
30 – 34	423707	357520	781227	13.7%
35 – 39	407611	358380	765991	13.4%
40 – 44	327657	303288	630945	11.1%
45 – 49	253408	245329	498737	8.8%
50 – 54	166162	137687	303849	5.3%
55 – 59	178138	106997	285135	5.0%
60 – 64	157276	106150	263426	4.6%
65 – 69	115720	78285	194005	3.4%
70 – 74	78048	54276	132324	2.3%
75 – 79	50941	39703	90644	1.6%
80 – 84	26645	22562	49207	0.9%
85 – 89	17667	13889	31556	0.6%
90 – 94	5073	3839	8912	0.2%
95 – 99	2636	1742	4378	0.1%
100	376	158	534	0.0%

101	57	35	92	0.0%
102	83	39	122	0.0%
103	51	19	70	0.0%
104	62	23	85	0.0%
105	22	13	35	0.0%
106	29	16	45	0.0%
107	15	10	25	0.0%
108	33	13	46	0.0%
109	13	5	18	0.0%
110	12	6	18	0.0%
111	3	3	6	0.0%
112	4	3	7	0.0%
113	7	4	11	0.0%
114	4	3	7	0.0%
115	3	1	4	0.0%
116	3	1	4	0.0%
117	7	2	9	0.0%
118	-	3	3	0.0%
Total	3073190	2622516	5695706	100.0%

In all age groups, more women than men were registered voters. There were three oldest voters in the final voters' roll who were aged 118 years and were found in Manicaland, Mashonaland West, and Masvingo. Apart from the age variable, ZESN also considered how the registered voters were distributed according to urban/rural locations. The results of the analysis showed that most of the registered voters (68%) reside in rural Zimbabwe compared to 32% who stay in urban areas (see table 7.2 below).

Table 7.2: Distribution of Registered Voters by Urban/Rural location

Age group	Urban	Rural	Total	% total registrants	
				Urban	Rural
18 – 19	57820	131616	189436	1.0%	2.3%
20 – 24	273695	508152	781847	4.8%	8.9%
25 – 29	274778	455226	730004	4.8%	8.0%
30 – 34	287564	499649	787213	5.0%	8.8%
35 – 39	263590	487131	750721	4.6%	8.6%
40 – 44	205933	421973	627906	3.6%	7.4%

45 – 49	156413	330825	487238	2.7%	5.8%
50 – 54	95629	200459	296088	1.7%	3.5%
55 – 59	71047	216191	287238	1.2%	3.8%
60 – 64	56512	202693	259205	1.0%	3.6%
65 – 69	33125	156716	189841	0.6%	2.8%
70 – 74	17771	109850	127621	0.3%	1.9%
75 – 79	10131	79868	89999	0.2%	1.4%
80 – 84	4801	42006	46807	0.1%	0.7%
85 – 89	2104	28848	30952	0.0%	0.5%
90 – 94	497	7790	8287	0.0%	0.1%
95 – 99	144	4167	4311	0.0%	0.1%
100 – 104	19	742	761	0.0%	0.0%
105 – 109	3	168	171	0.0%	0.0%
110+	2	58	60	0.0%	0.0%
Total	1811578	3884128	5695706	31.8%	68.2%

When the number of registered voters is viewed by urban/rural location, the analysis showed that the majority of registrants (68.2%) are rural residents while only three in 10 (31.8%) stay in urban areas.

Across all age bands, the FVR showed that more registered voters came from rural than urban areas. For the younger generations (39 years and below) this urban-rural difference in proportions of registered voters was even bigger.

7.2 Duplicates Cases in the Final Voters’ Roll

To identify duplicates, ZESN’s analysis focused mainly on the voter’s national identity number (ID). The analysis pointed to suspicious cases with different permutations: 65536 voters with duplicate names; 4862 voters with duplicate names and date of births; 7416 voters with duplicate names and address; and 2 voters with the same name, date of birth, and address.

7.3 Comparison of the Final Voters’ roll with ZIMSTAT Census Data and Projections

Generally, the FVR population of registrants was lower than census data, but the difference was not statistically significant ($t = 1.177, p > 0.01$). Table 7.3 below is a comparison of the eligible versus actual registered voters.

Table 7.3: A Summary of Eligible versus Actual Registered Voters

Gender	FVR	Projected Census (2018)	Difference	% Difference
Men	2622516	3349462	-726946	-21.70
Women	3073190	3874665	-801475	-20.69
Total	5695706	7224128	-1528421	-21.16

Overall, 21% of the projected population did not register to vote.

Urban Registrants against Census Populations

When ZESN examined the population of urban registrants, it found out that the FVR Urban population was generally lower than census data except for adult Zimbabweans aged 45-49 years.

Figure 7.1 below shows the numbers of urban registrants and the census populations

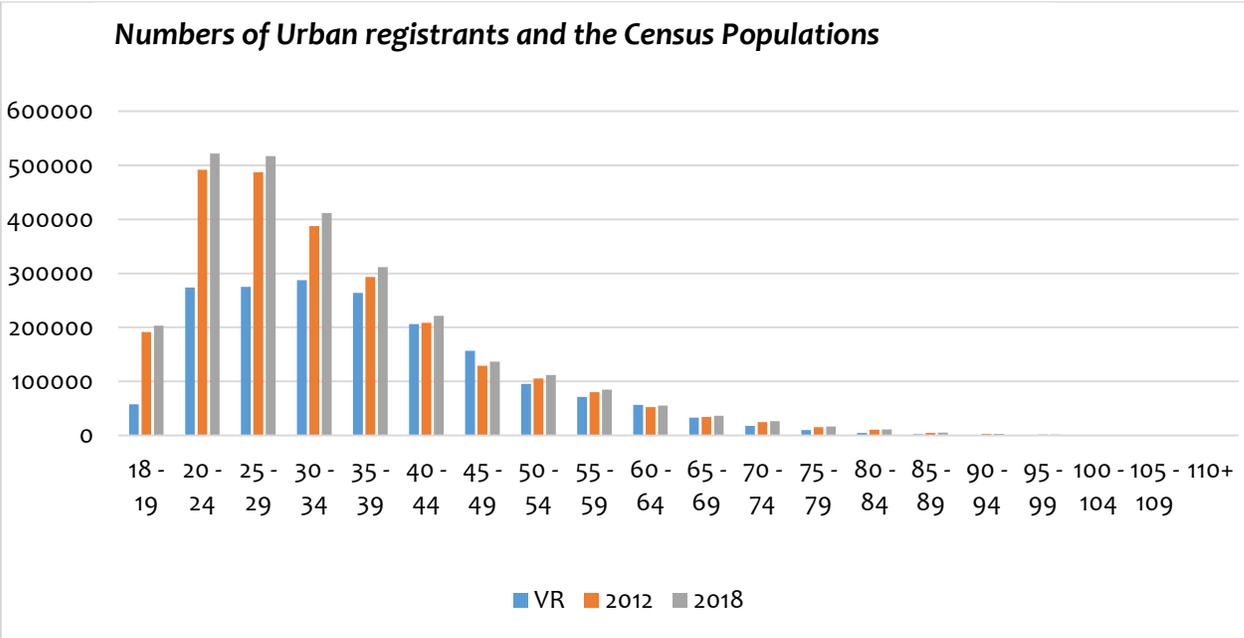


Figure 7.1: Numbers of Urban registrants and the Census Populations

As shown in the graph above, the results seemed to suggest that young adults, especially those 39 and below living in urban areas, were under-registered when compared to those 40 and above.

Rural Registrants against Census Populations

In rural Zimbabwe, the number of registered voters was higher than census data in the 35-49 years and 55-69 years age categories. Figure 7.2 below shows the numbers of rural registrants and census populations.

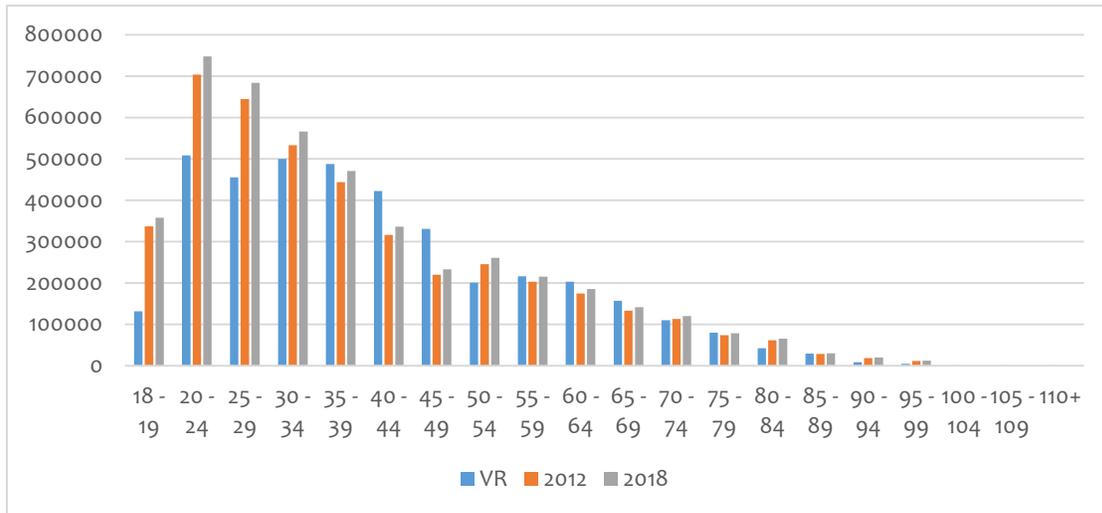


Figure 7.2: Numbers of Rural Registrants and Census Populations

Registration rates for urban areas and younger registrants continue to lag behind those of rural areas and older registrants for the 2018 FVR – though not as much as for the 2013 PVR. The registration rate in rural areas was 83% compared to 72% in urban areas – for the 2013 PVR, the rural registration rate was 97% and the urban registration rate was 66%. While the ZEC allocated additional BVR kits to rural areas that led to high registration rates for rural and older voters, the ZEC did not, despite requests, make similar efforts to ensure higher registration rates for urban and young voters. This disparity undermined the inclusiveness of the VR process.

Zimbabwe Population Comparison

The final voters’ roll population of registrants was lower than both the baseline census data and the 2018 projections of the adult population. Figure 7.3 below compares the FVR population with census data for 2012 and 2018.

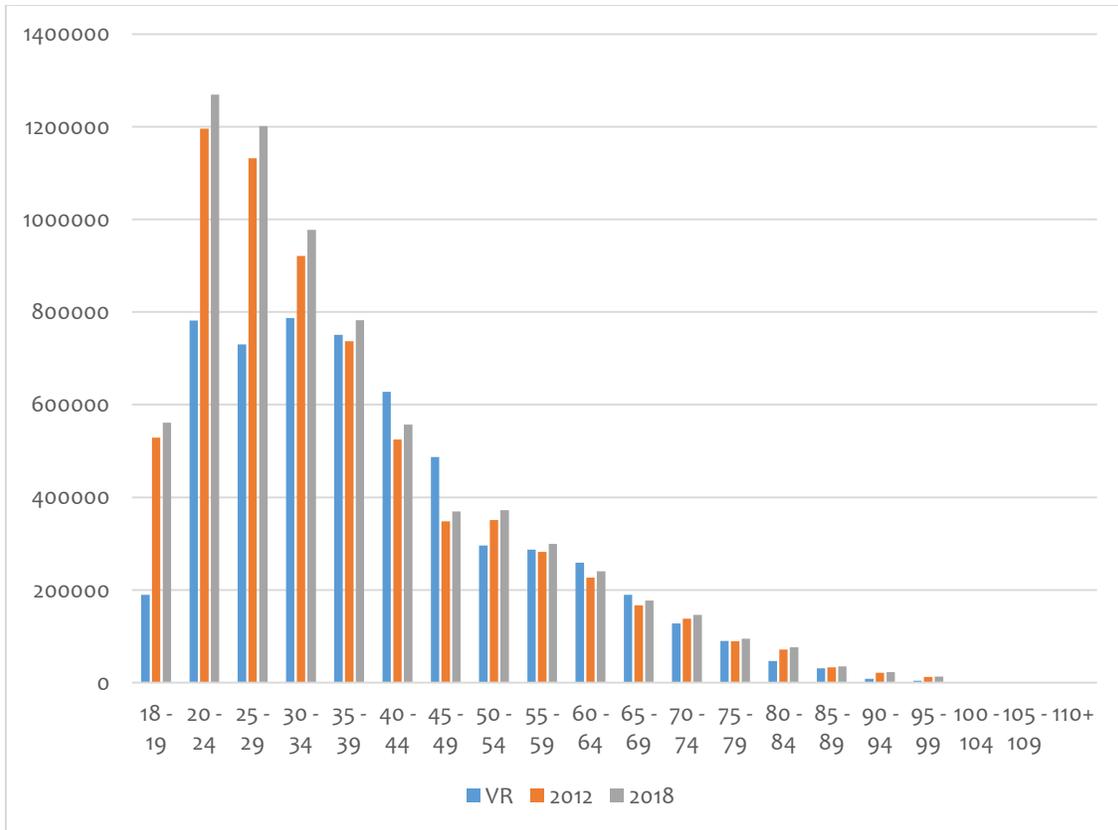


Figure 7.3 A Comparison of the Final Voters’ Roll Population with Census Data for 2012 and 2018.

The overall picture presented in the figure above is that the FVR population of registrants was lower than both the baseline census data and the 2018 projections of the adult population. However, the FVR population was higher than census data in ages 40-49 years then 60-69 years. This difference, however, was not large enough to have any impact on the overall picture.

Comparison of the Final Voters’ Roll with the Preliminary Voters’ Roll

The ZEC produced two voters’ rolls for the 2018 harmonized elections; the preliminary voters’ roll (PVR) released on 18 June 2018 and the final voters’ roll used on Election Day. Table 7.4 below shows the distribution of voters by province on the preliminary and the final voters’ rolls.

Table 7.4: Distribution of Voters by Province (PVR versus FVR)

Province	Preliminary voters' roll		Voters' roll final		Difference	
	Number of voters	% of Voters	Number of voters	% of Voters	Number of voters	% increase
Bulawayo	258690	4.55	258567	4.54	-123	-0.05
Harare	900300	15.84	900728	15.81	428	0.05
Manicaland	733293	12.90	733370	12.88	77	0.01
Mashonaland Central	531864	9.36	531984	9.34	120	0.02
Mashonaland East	633126	11.14	633410	11.12	284	0.04
Mashonaland West	644974	11.35	655133	11.50	10159	1.58
Masvingo	617204	10.86	617212	10.84	8	0.00
Matebeleland North	338851	5.96	339135	5.95	284	0.08
Midlands	761474	13.40	761982	13.38	508	0.07
Matebeleland South	264160	4.65	264185	4.64	25	0.01
Total	5683936	100.00	5695706	100.00	11770	0.21

Table 7.4 above compares the provincial totals for both the preliminary voters' roll and the final voters' roll as published by ZEC. As can be seen from the table, the registered voters increased marginally (0.21%) from 5 683 936 in the PVR to 5 695 706 in the FVR. However, when ZESN checked how this marginal increase played out across by province, it realized that about 86.3% (10159 out of total of 11770) of those that were added to the final registers are in Mashonaland West provinces. The analysis also shows that 123 (-0.05%) voters were

removed from Bulawayo province. Marginal increases were observed across all other provinces with the least positive variance in Masvingo where there was an increase of only 8 (0.001%) registrants. The marginal variances recorded between the FVR and the PVR of less 5% margin of error implies FVR quality was nearly the same as the PVR released on the 18th of June 2018.

Across all the 10 provinces in the country, and for both the final voters' roll and the provisional voters' roll, more women than men registered to vote. The final voters' roll for Bulawayo showed that 65 women and 58 men had been removed from the PVR. Combined, this gave a total of 1123 removed, as earlier observed. Masvingo Province results showed an increase in the number of females in the final voters' roll from 356512 to 356533 while the males showed a decrease from 260692 to 260679 registrants. Table 7.5 below compares registered voters on the PVR and the FVR by province and sex.

Table 7.5: Distribution of Voters by Province and Sex (FVR versus PVR).

	Final voters' roll						Preliminary voters' roll					
	Males	Males (%)	Females	Females (%)	Total	Total (%)	Males	Males (%)	Females	Females (%)	Total	Total %
Bulawayo	120329	46.54	138238	53.46	258567	4.54	120387	46.54	138303	53.46	258690	4.55
Harare	443378	49.22	457350	50.78	900728	15.81	443178	49.23	457122	50.77	900300	15.84
Manicaland	318254	43.40	415116	56.60	733370	12.88	318219	43.40	415074	56.60	733293	12.90
Mashonaland central	252072	47.38	279912	52.62	531984	9.34	252021	47.38	279843	52.62	531864	9.36
Mashonaland East	289626	45.72	343784	54.28	633410	11.12	289475	45.72	343651	54.28	633126	11.14
Mashonaland West	323569	49.39	331564	50.61	655133	11.50	318184	49.33	326790	50.67	644974	11.35
Masvingo	260679	42.23	356533	57.77	617212	10.84	260692	42.24	356512	57.76	617204	10.86
Matebeleland North	149066	43.95	190069	56.05	339135	5.95	148948	43.96	189903	56.04	338851	5.96

Midlands	351807	46.17	410175	53.83	761982	13.38	351586	46.17	409888	53.83	761474	13.40
Matebeleland South	113736	43.05	150449	56.95	264185	4.64	113734	43.05	150426	56.95	264160	4.65
Total	2622516	46.04	3073190	53.96	5695706	100.00	2616424	46.03	3067512	53.97	5683936	100

From field tests conducted, ZESN noted that there was a high level of consistency in entering data of registrants on the voters' roll. However, ZESN could not locate 8.3% of the sampled respondents because they were not known at given address from the voters' roll. ZESN would encourage ZEC to post voters' roll outside ICs to allow for further cleaning as citizens can identify non-residents, the deceased and multiple entries.

The voters' roll which was availed by the ZEC after nomination was not the roll to be used in the elections, as stipulated by the Act. Stakeholders continued to raise concerns with the ZEC concerning the quality and, availing of the voters' roll. The ZEC availed what it called the final voters' roll on the 25 July 2018 but there is considerable uncertainty that this was the roll that was used on Election Day.

8 VOTER EDUCATION

Voter education in Zimbabwe is provided for in the Constitution and the Electoral Act. Section 239 (h) of the Constitution provides for ZEC to conduct and supervise voter education. Part IXA of the Electoral Act defines voter education as any course or programme of instruction on electoral law and procedure aimed at voters generally, thus limiting the definition to what is more properly regarded as voter information rather than education. Section 40B (1) (b) of the Electoral Act also provides that ZEC must ensure that the voter education provided by others is adequate, accurate, and unbiased. Furthermore, section 40B (3) provides that ZEC "may permit any person to assist it in providing voter education." ZEC is required by the law to start a programme of voter education within a week of the proclamation of election dates.

ZEC accredited 79 organisations to conduct voter education for voter registration. The accreditation was also to cover the election period. Voter education initiatives by CSOs were more visible in 2018 when compared with previous electoral cycles. This is partly attributed to the relaxation of some of the stringent requirements that CSOs needed to meet before permission was granted by the Commission to conduct voter education. The legal framework for voter education was amended to repeal the requirement to disclose sources

of funding to ZEC, and the need to channel foreign funding through ZEC by organisations that intended to conduct voter education.

Commendably, the voter education conducted by various electoral stakeholders was more visible and more comprehensive than in previous elections cycle. There were also deliberate efforts to convey voter education messages in local languages as well as targeting specific groups such as women, the youth, and People with Disabilities (PWDs). ZESN and its CSOs partners conducted vibrant voter education campaigns and information dissemination to the electorate using methodologies such as road shows, use of popular artists, video skits, door to door campaigns, billboards, pitching information kiosks at public places such as churches and shopping centres, radio and television (TV) programmes, print media adverts and social media. These methodologies contributed to increased access to CVE by various categories of voters.

8.1 ZEC Voter Education

ZEC voter education for the 2018 harmonised election was informed by a ZEC 5 year Voter Education Strategy developed in March 2016. The strategy was premised on the importance of using a multi-media, a multi-sectoral approach and the importance of making it continuous as opposed to previous years where it was done periodically. Hence, ZEC provided early accreditation to over 79 organisations to complement its efforts. Prior to the 2018 elections, ZEC organised workshops to develop voter education materials and messages, and invited input into the process from CSOs such as ZESN, Women's Coalition of Zimbabwe (WCoZ), the National Association of Youth Organisations (NAYO), the Youth Empowerment and Transformation Trust (YETT), the National Association of Societies for the Care of the Handicapped (NASCOH), and the Election Resource Centre (ERC). This resulted in the creation of innovative voter mobilization strategies that were used by the Commission.

ZEC used a plethora of strategies for its voter education campaign and this included the deployment of four mobile voter educators per ward nationwide, roadshows, door to door, radio and TV programmes, radio adverts, jingles, newspaper adverts and print and dissemination of pamphlets, flyers and posters, t/shirts, caps, hats bags and billboards with voter education messaging. In terms of messaging, ZEC focused mainly on providing information on the nature of BVR, the requirements for registration as a voter, inspection of the voters' roll and voter information on voting, voting processes, assisted voters, voters' rights, the polling station set up and locations and peace and secrecy of the vote, dates and times of key electoral processes. ZEC also focused on mobilising women, the youth, and marginalised groups such as PWDS.

As compared to previous elections, ZEC conducted a robust voter education campaign though there were challenges of limited Information, Education and Communication materials in some places especially in other local languages.

In addition, CSOs coordinated by ZESN developed a voter education strategy that aimed to increase turnout for the BVR process and voter turnout on Election Day, targeting mainly the youth, women, and PWDs. ZESN also produced a CVE Manual and other materials such fliers, posters, as t/shirts, hats, caps, and mugs were shared with other CSOs conducting voter education. The manual was the principal tool that guided the CVE planning and content, emphasising the principles of accuracy, non-partisanship and inclusivity. The manual focused on messaging that relates to citizens' civic and political rights, political participation, secrecy of the vote, de-mystification of the BVR process, and elections.

CSOs ran several campaigns, for example, the “VIP” – Vote in Peace by ZESN, Zimbabwe Council of Churches (ZCC) campaign “I Pray I Vote”, while the voter education theme of youth organisations, YETT and NAYO was “Ballot Buddies and the Leave no Youth Behind” respectively. Through the #IprayIvotecampaign, the ZCC also conducted the Ecumenical Elections Covenant, which it took to represent what the citizens hoped and prayed for.

ZEC and CSO voter education efforts are some of the key factors that contributed to a comparatively high turnout for both the voter registration process and the harmonised election.

On a less positive note, ZEC did not act expeditiously to denounce and take action against those who were collecting serial numbers from voter registration certificates. This demand had, and was clearly, designed to have an Intimidatory effect on voters, particularly the rural folk and those in remote parts of the country.

9 POLITICAL PARTIES

Zimbabwe's legal framework does not require political parties to register. Hence towards every general election there is a sudden surge in the number of political parties that emerge with the intention of contesting the elections. Before the Nomination Court sat on 14 June 2018, there were reports of the existence of as many as 133 political parties that wanted to contest the 2018 harmonised election. The number however dropped to 55 after the sitting of the Nomination Courts as some parties did not submit candidates for consideration by the Nomination Court.

9.1 Political Parties Primary Elections

Of the 55 political parties that participated in the elections, only ZANU-PF held primary elections throughout the country. The MDC Alliance, on the other hand, relied on a hybrid

process where meetings were convened for the alliance's members to reach consensus on who would represent the alliance in the various parliamentary constituencies and local council wards. For the most part, primary elections were held whenever interested candidates failed to reach consensus. In other instances, aggrieved party members chose to stand as independent candidates. As for the less dominant political parties, the candidate selection processes were unclear, with reports that the leadership of those parties made arbitrary decisions on who would represent their respective parties.

Generally, observation of candidate selection processes and primary elections for political parties remains a challenge for observers as parties view this process as an internal process which is closed to outsiders. The situation is compounded by the fact that ZEC is not involved in any way in the primary election for political parties. The ZESN mobile teams therefore observed ZANU-PF primaries from a distance.

The general political environment during the period when ZANU-PF held its primary elections was generally calm. However, voting started late in some constituencies such as Norton where voting had not commenced by noon owing to absence of ballot papers.

In other instances, the publicized venues were not used, leading to some confusion as to the location of the polling stations. Initially, the party notified their members that public venues would be used. However, on the actual polling day, most of the venues were located in private places such as homes of party members and district offices of the party, making it difficult for observers to access them.³⁵

9.2 Nomination Court Proceedings

The Nomination Court sat on 14 June 2018 to receive papers from nominees for the 2018 local authority, National Assembly, and presidential elections. ZESN deployed Long Term Observers (LTOs) to observe the Nomination Court proceedings in a total of 116 Nomination Courts including ward level, National Assembly and the presidential Nomination Courts across all 10 provinces.

Of the nomination centres where ZESN observed, 82% opened on time and had started receiving nomination papers by 1030 hours. On average, the courts handled between 20 and 140 applications. Only 33% of the courts completed verification of nomination papers by 1700 hours while the majority were still checking nomination documents until very late in the evening. For instance, in Mutare nominees were able to submit their papers after 1900 hours while the Nomination Courts for Matabeleland South (Magistrates Court in Gwanda),

³⁵ZESN's Report on the Nomination Court can be accessed on <<http://www.zesn.org.zw/wp-content/uploads/2018/07/ZESN-Report-on-the-Nomination-Court-Observations.pdf>>

Mashonaland West (Chinhoyi Civil Court), completed the process the following day at 02.00 am.

Unsuccessful Nomination Applications

ZESN observers reported instances where some nominees could not successfully submit their nomination applications. On average, at least two applications were rejected at each Nomination Court for reasons that included the following:

Incorrect and incomplete documentation

Incorrect and incomplete documentation was identified as one the most common reason for unsuccessful nominations, as illustrated in Figure 1. LTOs noted that in some cases, the Nomination Courts had an extremely strict interpretation of the legal requirements and would not accept copies of the birth certificate, or a passport in place of a national ID card. This was notably the case at Makoni Rural District Council in Rusape under Makoni West constituency in Manicaland Province where one nominee did not have an original birth certificate while another wanted to use a valid passport in place of a birth certificate. In Bulilima East, Matabeleland South Province, at the local Registrar General's Offices, one nominee did not have a long birth certificate and could not alternatively use the short version of the same document. Regrettably, nominees could have easily circumvented these challenges had they submitted their papers prior to the day of the sitting of the Nomination Court, as permitted by law.

Issues with the Voters' Roll

A prospective candidate for Ward 4 in Harare West had his nomination papers rejected because his name was not found as a claimant for registration on the voters' roll, despite the fact that he was in possession of his registration slip that indicated that he was a registered voter. Similarly, a prospective candidate for Insiza Rural District Council in Matabeleland South was rejected because the serial number on his voter registration slip was said to be similar to someone else's on the voters' roll.

These incidents, though few, are a direct consequence of the voters' roll not being available to political parties well before the Courts sat, in contravention of the Electoral Act³⁶. Hence the law needs to provide a specific timeframe when the final voters' roll must be availed to the political contestants before the sitting of the Nomination Court.

Prospective Candidates Seeking to Contest in Wards where they were not Registered

³⁶ Section 21 (3) of the Electoral Act [Chapter 2:13]

ZESN received reports of instances where prospective candidates for the local authority elections were rejected on the basis that they were registered to vote in wards different to the ones they wished to contest. This may be a pointer to the inadequacies in voter education for nomination prior to the commencement of the process.

Presence of Political Party Agents

In three quarters of the Nomination Courts where ZESN observed the process, political party agents and other observers were present. The MDC Alliance and ZANU-PF deployed agents most comprehensively across the country, followed by the People’s Rainbow Coalition (PRC). Figure 9.1 below depicts the presence of party agents by political party.

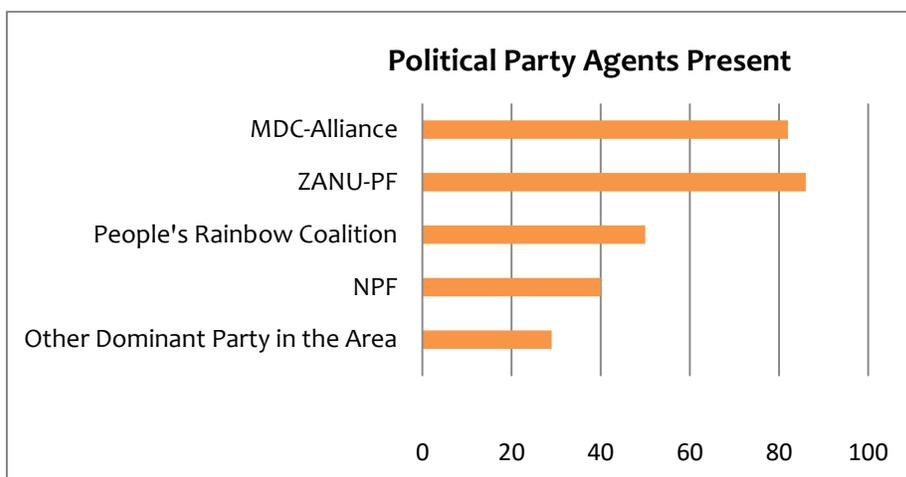


Fig 9.1: Presence of Party Agents at Nomination Courts by Political Party

Presidential Candidates

A record 23 candidates contested the 2018 presidential election. Only four of the 23 candidates are female. The number of Presidential candidates has significantly increased as compared to previous elections. In 2008, there were four candidates while in 2013 there were five. All Presidential candidates for the 2008 and 2013 elections were male. Figure 9.1 below shows a list of the presidential election candidates for the 2018 elections.

Table 9.1: A lists of Candidates for the 2018 Presidential Election

	Name of Candidate	Political Party	Sex
1.	Busha Josepht Makamba	FreeZim Congress	M
2.	Chamisa Nelson	MDC Alliance	M
3.	Chiguvare Tonderai	People Progressive Party	M

	Johannes		
4.	Chikanga Eceristo Washington	Rebuild Zimbabwe	M
5.	Dzapasi Melbah	1980 Freedom Movement Zimbabwe	F
6.	Gava Mapfumo Peter	United Democratic Front	M
7.	Hlabangana Kwanele	Republicans Party of Zimbabwe	M
8.	Hove Mhambi Divine	National Alliance of Patriotic and Democratic Republicans	M
9.	Kasiyamhuru Blessing	Zimbabwe Partnership for Prosperity	M
10.	Khupe Thokazani	Movement for Democratic Change T	F
11.	Madhuku Lovemore	National Constitutional Assembly	M
12.	Mangoma Elton Steers	Coalition of Democrats	M
13.	Manyika Noah Ngoni	Build Zimbabwe Alliance	M
14.	Mariyacha Violet	United Democratic Movement	F
15.	Mnangagwa Emmerson Dambudzo	ZANU PF	M
16.	Moyo Nkosana	Alliance for People's Agenda	M
17.	Mteki Bryn	Independent	M
18.	Mugadza William Tawonezvi	Bethel Christian Party	M
19.	Mujuru Joice Teurairopa	People's Rainbow Coalition	F
20.	Munyanduri Tendai Peter	New Patriotic Front	M
21.	Mutinhiri Ambrose	National Patriotic Front	M
22.	Shumba Daniel	United Democratic Alliance	M
23.	Wilson Harry Peter	Democratic Opposition Party	M

Female candidates featured for the first time as electoral contestants in Zimbabwean presidential elections, representing 17% of the candidates. Table 9.2 below shows the list of presidential candidates for the last two harmonized elections, before the 2018 elections.

Table 9.2: Presidential Candidates for the 2008 and 2013 Harmonised Elections

Election Year	Presidential Candidate Name	Political Party	Sex
2008	Robert Mugabe	ZANU-PF	M
	Morgan Tsvangirai	MDC-T	M
	Simba Makoni	Mavambo	M
	Langton	Independent	M

	Towungana		
2013	Robert Mugabe	ZANU-PF	M
	Morgan Tsvangirai	MDC-T	M
	Welshman Ncube	MDC	M
	Dumiso Dabengwa	ZAPU	M
	Kisinyoti Mukwazhe	Zimbabwe Development Party	M

Analysis of the outcomes of the National Assembly Nomination Court

An analysis of the Nomination Court results indicated that, of all the contesting political parties, only ZANU-PF managed to field candidates for all the 210 National Assembly seats.³⁷ On the other hand the MDC Alliance failed to field candidates in four constituencies namely Mbare, Hurungwe East, Chiredzi West and Insiza North. The PRC sought to contest in 74% of the constituencies, failing to field candidates in 54 constituencies. The Thokozani Khupe led MDC-T contested in 52% of the 210 seats, having forgone fielding candidates in 101 constituencies. In some cases, the contesting political parties had more than one candidate seeking election on the party ticket (twin-candidature) in the same constituency. The MDC Alliance had the highest number of double candidates, with two candidates in constituencies such as Mazowe North, Mazowe South, Mazowe West, Muzarabani North, Goromonzi West, Bikita East, Gutu Central, Gutu North, Gutu West, Masvingo South, and Zaka West. Table 9.3 below shows the number of candidates fielded by each of the major parties.

Table 9.3: Candidates Fielded by the Main Political Parties

Political party	Number of candidates fielded in the 210 constituencies	Total number of candidates	Number of constituencies with more than one candidate	Number of constituencies where parties did not field candidates
ZANU-PF	210	211	1	0

³⁷Statistics relating to candidates are based on the Government Gazette listing the Nomination Court results for the National Assembly Direct Election published on the 22 June 2018. The report does not factor in changes that happened thereafter such as the withdrawal of some candidates.

MDC Alliance	206	220	14	4
PRC	156	157	1	54
MDC-T	109	110	1	101
NPF	94	95	1	116
CODE	43	44	1	167
ZAPU	36	37	1	174

Figure 9.2 below shows the numbers of candidates for National Assembly elections by Province.

Source: <http://www.zec.gov.zw>

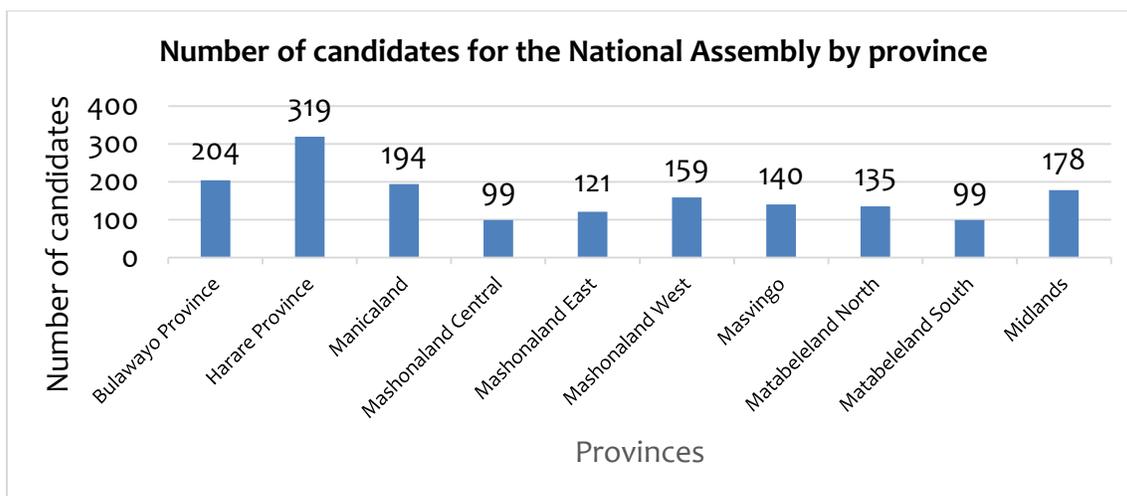


Figure 9.2 Numbers of Candidates for National Assembly Elections by Province

Unopposed Local Authority Wards

Of the 1958 local authority wards in Zimbabwe, 90 were unopposed³⁸ for the 2018 harmonised elections of which 84 have only ZANU-PF candidates while the MDC Alliance fielded 6 candidates for the remainder of the unopposed wards. The lists of unopposed wards were provided in the detailed ZESN report on the Nomination Court.

³⁸<http://www.zec.gov.zw/election-notice-board/nomination-court/file/496-results-of-nomination-courts-for-local-authorities>

10 PRE-ELECTION ENVIRONMENT AND ELECTION CAMPAIGNS

10.1 Pre-Election Environment

A proper understanding of elections proceeds from the conceptualization of the electoral process as constituting a cycle; elections are not an event. The electoral cycle comprises of the pre-election, election, and the post-election periods. The import of the foregoing is that the quality of an election is a function of several factors including developments that precede and transcend the Election Day. ZESN therefore closely tracked processes and developments in the pre-2018 election period. Accordingly, ZESN LTOs who observed from 18 May to 30 August 2018 were mandated to observe and report on key electoral processes in the period leading to the election, including preparations by the ZEC; voter education campaigns; Nomination Court proceedings; inspection of the voters' roll; campaign rallies and meetings as well as other activities of political parties; and the training of the ZEC polling officials. The LTOs would also meet with key stakeholders, including political parties and voters, in their respective constituencies.

The election date was proclaimed by President Mnangagwa and published in Statutory Instrument 83 of 2018 in an extraordinary government gazette on 30 May 2018. The President also set 8 September 2018 as the date for a presidential election run-off in the event that it would be required.

Generally, and in comparative terms, freedoms of assembly; association; speech; and the media, among others, were enjoyed more in the pre-2018 election environment than in previous elections. In respect of the political environment, it is worth noting from the onset that the pre-election environment in the run-up to the 30 July 2018 election was relatively peaceful. Previous elections were characterised by incidents of open conflicts and sometimes election-related violent encounters. Efforts made by political parties to promote peace in the electoral process are laudable. For instance, at the national level, and for the first time in the history of elections in Zimbabwe, political party leaders committed to a peaceful campaign by signing a peace pledge on 26 June 2018, although the leaders of the two major parties, President Emmerson Mnangagwa and Nelson Chamisa, were represented by officials from their parties. Furthermore, political parties organised joint peace marches in some constituencies around the country, for example in Zvishavane and Gokwe Central constituencies.

ZESN also observed that the campaign space was more open than before as evidenced by campaign rallies that were held, virtually unhindered, including in areas where opposition political parties would historically not hold rallies. Also, demonstrations were allowed to proceed without attracting backlash from the State ahead of the elections.

Critical for a free and fair electoral context is a pre-election environment that is devoid of irregularities and malpractices. In respect of this, the Constitution of Zimbabwe guarantees freedoms that include association and speech, inter alia, that must be upheld in the electoral process.³⁹ However, while, as already noted, the pre-30 July 2018 election environment was relatively peaceful, it was marred by some irregularities that subsequently brought into question the freeness, fairness, and credibility of the election.

ZESN observed a number of anomalies including intimidation and harassment particularly by suspected ZANU-PF supporters; forced attendances of rallies; people being stopped from attending rallies; disruption of campaign rallies; hate speech; the misuse of government resources such as vehicles by the incumbent; traditional leaders who discharged their roles on a partisan basis; vote buying; unequal access to the publicly controlled media; people being not free to speak about politics or wear party regalia; destruction of rivals campaign materials; and bias in the public media. The uneven playing field was exacerbated by the absence of legislation that effectively regulates the use of political parties' campaign finances. In instances where the conduct of electoral stakeholders was provided for in the Electoral Act, there was an apparent lack of political will to enforce the law. A notable case of is that of the president of the National Council of Chiefs (NCC) Fortune Charumbira who was taken to court for encouraging other Chief to support ZANU PF's 2018 election campaigns. The Court order directing Chief Charumbira to issue an apology within seven days was disregarded with impunity.

To make the playing field for electoral contestants even, there is need for enactment of appropriate legislation that can regulate campaign finance by political parties. The legislation should provide for audits, disclosure of sources, and limits as to how much money electoral contestants and political parties can spend during campaigns.

While there were a few cases of overt violence, there was significant intimidation in the pre-election environment. In terms of Section 133A of the Electoral Act Chapter 2:13 as amended up to 28 May 2018, acts that constitute intimidation, or attempts at intimidation, include achieving or attempting to achieve an objective through inflicting or threatening to inflict bodily injury upon a person; causing or threatening to cause unlawful damage to a person's property; withholding or threatening to withhold from a person any assistance or benefit to which that person is legally entitled; persuading or attempting to persuade another person that he or she can or will be able to discover for whom that other person cast his or her vote in an election; and illegally doing or threatening to do anything to the disadvantage of a

³⁹ Section 58 of Constitution provides for freedom of assembly while section 61 provides for freedom of the media.

person for such purposes. In the run-up to the Election Day, threats were made by ZANU-PF supporters that there would be retribution for those who would not vote for the party's presidential candidate. There were also incidents of the withholding of food aid to those who were known or perceived to be non-supporters of ZANU-PF.

In terms of Section 133B, subsection (d) of the Electoral Act, it is unlawful to compel or attempt to compel a person or persons generally to attend or participate in any political meeting, march, demonstration or other political event. In the run up to the 30 July election, ZESN received a few reports of some opposition supporters being forced to attend ZANU-PF political party rallies and others who were stopped from attending rallies for their parties by supporters of the ZANU-PF party in Zengeza West and Chikanga-Dangamvura constituencies. Further, on 18 July 2018, suspected ZANU-PF youths reportedly stormed an MDC Alliance rally in Caledonia and indiscriminately assaulted attendees in a matter that was reported at the Mabvuku Police Station. Also, in two reported incidents, one in Bindura, rally attendees were not at liberty to leave ZANU-PF rallies in progress.

It is also unlawful to use hate language against other electoral stakeholders. Paragraph 6 of the Fourth Schedule to the Electoral Act Chapter 2:13 prohibits the use of hate language which incites violence towards any individual or group including in speeches, songs, and slogans by any political party or any of its members and supporters, a candidate or any of his or her supporters. In spite of this, some candidates and their supporters used hate language in their campaigns ahead of the election. For example, MDC Alliance supporters scolded the ZANU-PF's top leadership and the party as they sang their campaign songs along Nerupiri Chikomo road on 10 July in Gutu South Ward 30.

For a fair electoral contest, the playing field should be even for all contestants. It is often the case that some perquisites come along with State incumbency thereby skewing the playing field. In campaigning for the election, ZANU-PF unfairly benefitted from the misuse of government resources such as vehicles, helicopters, and State media. The party also enjoyed the privilege to use government venues that other parties were not allowed to use. For instance, in Gokwe Nembudziya the MDC Alliance had to resort to holding party primaries at a homestead after being denied the use of public grounds. However, ZESN LTOs could not establish if ZANU-PF paid for the use of these venues.

ZANU-PF also benefited from the partisan role of traditional leaders against the key principle of non-partisanship governing the institution of traditional leadership. For instance, at a meeting held after an MDC Alliance rally in the area, on 15 July 2018 in Chipinge Central Ward 6, a kraal head, who is a war veteran, interrogated and threatened supporters of the opposition formation. In the company of the kraal head were the councillor for the Ward and a known ZANU-PF activist. The residents were further warned that torture camps had

already been setup and that they would be evicted from the area if the opposition won the election in the area.

There were also cases of vote buying that increased towards the election and implicated contesting parties, particularly ZANU-PF and the MDC Alliance. In the reported cases, the electorate would be given seed and fertiliser; food aid; groceries; airtime; and money. In some cases, contesting candidates would fund barbeques for the electorate.

In terms of Section 160G of the Electoral Act, all contestants in an election are entitled to equal access to the publicly funded media. While in relative terms, the media was opened up more ahead of the 2018 elections than in any other election before, the ruling party received disproportionately more coverage and the opposition would suffer negative coverage in some instances. This is elaborated in the section on media and elections in this report.

Section 152 of the Electoral Act makes it an offence to deface or remove any billboard, placard or poster published, posted or displayed by a political party or candidate contesting the election from the date on which an election is called until its result is displayed. However, in the run-up to the election, many political parties and candidates were victims of the defacing of campaign posters. Most of the reports received by ZESN implicated the MDC Alliance and ZANU-PF supporters.

Despite the noted malpractices, no meaningful action was taken by political parties as required by Section 133G(b) of the Electoral Act which obliges an office bearer of a political party to take effective steps to discipline all members of the party who engage in politically-motivated violence or who commit any electoral malpractice before, during, or after the election period.

In light of the foregoing, there is compelling need for the enforcement of sections 5 and 6 of the Electoral Code of Conduct for Political Parties and Candidates and other Stakeholders that prohibits the intimidation and the use of hate language, amongst other violations, and for all responsible actors to act on matters that fall within their purview.

10.2 Election Campaigns

Political parties started campaigning well before the official opening of the election and campaign period by proclamation of the election date. The campaign period was officially opened with the proclamation of the election date by the President. But for all intents and purposes, the Presidential Youth Interface rallies held by former President Robert Mugabe in 2017 were part of ZANU-PF's campaign for the 2018 election. In January 2018, the MDC Alliance convened a rally in Epworth where speakers talked about unity amongst the

opposition parties and alliances with a view to forming one strong grand coalition to dislodge ZANU-PF. ZANU-PF went on to launch its 2018 Election Manifesto on 4 May while the MDC Alliance launched on 7 June 2018. In the manifestoes, both parties focused on pressing socio-economic issues and infrastructure development.

Although there were numerous political parties that contested in the elections, ZANU-PF and the MDC Alliance and, to an extent, the PRC and MDC-T were outstanding in terms of the visibility of their campaigns. In general, political parties campaigned more in rural than urban areas.

In their campaigns, political parties and candidates used various methods as they sought to endear themselves to the electorate, namely, rallies; meetings; door-to-door campaigns; roadshows; billboards; banners; posters; fliers; t-shirts; caps; wristbands; women's wrappers (*mazambia*); food items; farming inputs; barbeques; buying beer and airtime for the electorate; and the sponsoring of sporting or cultural events.

The two main contending parties, ZANU-PF and the MDC Alliance, held bumper rallies in different parts of the country ahead of the election. ZANU-PF had many more billboards for its presidential candidate compared with the MDC Alliance. Commonly used by contending parties were posters on unpaid sites and fliers.

In an attempt to solicit votes, ZANU-PF sent text messages to the electorate pleading with them to vote for its presidential and National Assembly candidates, whose names and cell phone numbers were specified. Figure 10.1 below shows an example of the messages sent to the electorate.

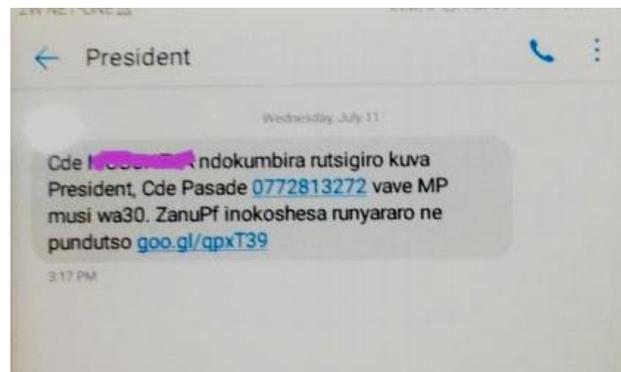


Figure 10.1: An example of the SMSes that were being sent to registered voters by ZANU-PF

These messages engendered controversy, with the main opposition, the MDC Alliance in particular, alleging collusion between the ZEC and ZANU-PF, arguing that the former had

provided the latter with the contact numbers of the voters. ZEC formally denied these allegations, dismissing them as baseless.

Political parties and candidates violated the law by campaigning beyond the prescribed period. The law provides for a ‘cooling-off period’ within which it is prohibited for political parties and candidates to campaign.⁴⁰ Some political parties and candidates did not comply with the notice issued by the ZEC advising all political parties and candidates contesting in the Harmonised Elections to cease campaigning at midnight on 28 July in accordance with paragraph 7 of the Fourth Schedule to the Electoral Act [Chapter 2:13]. A day before the election, some candidates were still campaigning. This was reported for a number of parties and candidates, for example the PRC candidate for council elections in Mt Pleasant and both ZANU-PF and the MDC Alliance in Gutu South constituency. During this period the former president of Zimbabwe appeared at a press conference where he declared his preferred presidential candidate for the 2018 presidential race. On the other hand the presidential candidates for both ZANU-PF and MDC-Alliance also followed suit with their own press statements. All three statements were widely regarded as violations of ‘cooling off period’.

10.3 Funding of Political Parties

To the extent that it determines the degree to which parties effectively execute their activities, including mounting meaningful campaigns, political party funding is a key issue in the electoral process. In general, and in Zimbabwe in particular, the source of and criterion for political party funding have been contentious issues. For Zimbabwe, the law sets a threshold of representation in parliament as the basis for political party eligibility to receive public funding.⁴¹ Further, foreign funding of political parties is prohibited in terms of Section 6 of the Political Parties Finance Act. In this context, it is parties that are eligible for public funding that should be expected to be financially privileged and fitter. Of the political parties in Zimbabwe, it is only ZANU-PF and the MDC-T that qualified for public funding. Over the years, ZANU-PF has been accused of further unfairly benefiting from the tax payers money in a situation of State-party conflation and/or by virtue of being the incumbent.⁴²

Judging by the material used for campaigning by political parties, ZANU-PF was financially more advantaged. The MDC Alliance experienced funding challenges as confirmed at one point by the MDC-T Secretary General Douglas Mwonzora.⁴³

⁴⁰The “cooling-off period” is a period when campaigning is disallowed and election advertising must not be published or displayed. In Zimbabwe it is 48 hours before polling.

⁴¹ By law (the Political Parties Finance Act) any political party that garners at least 5% of the vote in the previous election is eligible to receive public fees

⁴² Masunungure 2006: Regulation of Political Parties Zimbabwe: Registration, Finance And Other Support

⁴³DailyNews 30 January 2018

In line with the Political Parties Finance Act, ZANU-PF received its share amounting to US\$6 126 633,17 while the MDC-T got US\$1 873 663,83. A court case is still to be concluded on who was entitled to get the US\$ 1.8 million following the split of the MDC-T leading to the formation of the Thokozani Khupe-led MDC-T.

In a context where there is no legal requirement to disclose the source of party funding, and no auditing and accountability requirements, it is difficult to determine other sources of party funding, apart from Treasury, or to determine the amount, and the use to which the funds are put. Political parties are not even required by law to account for the public funds availed to them.⁴⁴

11 CIVIL SOCIETY PARTICIPATION IN THE 2018 HARMONIZED ELECTIONS

The existence and participation of various vibrant and divergent CSOs in the electoral process of a country is critical in the enhancement and realisation of democracy. The roles of CSOs may include carrying out CVE activities, oversight role on electoral processes, advocacy for electoral reforms, peace building initiatives, capacity building, human rights monitoring, and general support to the EMB, amongst others. All these efforts were aimed at enhancing the credibility and transparency of the electoral processes.

Zimbabwe boasts of diverse local, regional and international civil society groups comprising women, youth, PWDs, emerging social groups, community based and faith-based organisations among others. In relation to the 2018 harmonized elections, ZESN coordinated six clusters of CSOs working on elections, democracy and governance in Zimbabwe. The clusters focused on the following programmatic areas; Election Monitoring and Observation, CVE, Legal and Medical Services, Oversight and Advocacy, Media and Elections, and Conflict Management. The clusters managed to undertake various interventions such as CVE; monitoring and observation of electoral processes and the political environment; early warning systems; advocacy initiatives on electoral reform and advocacy programmes targeting the electorate in particular women; and youth's participation, among others.

The major interventions were around peace building and citizen engagement, including CVE; promoting governmental accountability and transparency in governance processes through oversight and advocacy initiatives. These CSOs' interventions were informed by the CSOs Collaborative Elections Strategy that was developed in February 2017 by CSOs implementing governance and democracy interventions in Zimbabwe through their respective clusters.

⁴⁴Masunungure 2006: Regulation of Political Parties Zimbabwe: Registration, Finance And Other Support

The strategy enabled the refinement of CSOs interventions to include consensus and collaborative⁴⁵ initiatives on advocacy for electoral reforms. These occasioned key advocacy documents, namely the ‘10 Point Plan’ and the ‘5 Key Asks’⁴⁶. Notable successes achieved by CSOs include the semi-independence of the ZEC as evidenced by bringing the budget into conformity with the constitution and providing ZEC with a budget independent of the Ministry of Justice, as had been the case in the past, and other administrative reforms. The other reforms include, as mentioned earlier, the removal of the requirement for an electoral officer to witness how a visually impaired person votes and the establishment of the Electoral Court as a specialized division of the High Court- also required by the constitution, among others. Furthermore, a new and detailed Electoral Code of Conduct for political parties, which now criminalizes threatening statements by intimidators was enacted. There was also the abolishment of the use of voter registration certificates (registration slips) for voting when a person’s name does not appear on a voters’ roll and the revocation of the Section 40F of the Electoral Act which required all foreign contributions for the purpose of voter education to be channelled through ZEC.

The invitation for international observers was extended to include previously banned observer missions such as the European Union, National Democratic Institute (NDI), Commonwealth and International Republican Institute (IRI).

Furthermore, several CSOs conducted public and candidates debates or forum that sought to educate the electorate about candidates’ manifestos. ZESN conducted a series of debates dubbed, “Making Elections Make Sense”, while SAPES Trust and other CSOs engaged with policy makers on various issues pertaining to elections. At the community level, other CSOs, particularly Residents Associations such as United Mutare Residents and Ratepayers Trust (UMRRT), Masvingo United Residents and Ratepayers Alliance(MURRA), Chitungwiza Residents Trust (CHITREST) now Chitungwiza and Manyame Rural Residents Association(CAMERA), and Bulawayo Progressive Residents Association (BPRA), engaged local authority candidates and presented citizens manifestos and expectations to aspiring candidates, YETT engaged first time voters, and the ERC conducted a number of radio programmes.

Observation and monitoring of electoral processes play an important role in safeguarding election integrity. There are a number of CSOs that monitor, document, and report on election issues to promote transparency, accountability and strengthen the democratic process. In the 2018 harmonised elections, CSOs such as the Zimbabwe Peace Project (ZPP),

⁴⁵ <http://www.zesn.org.zw/wp-content/uploads/2015/10/ANALYSIS-OF-THE-ELECTORAL-AMENDMENT-ACT-OF-28-MAY-2018.pdf>

⁴⁶ <http://www.zesn.org.zw/wp-content/uploads/2015/10/The-Key-Asks.pdf>

Heal Zimbabwe Trust, Counselling Services Unit (CSU), NGO Forum, Habakkuk in partnership with Masakheneni Trust, and others deployed long term monitors to monitor the political environment before and after the elections.

CSOs were also actively involved in the promotion of peace and in denouncing violence ahead of the elections. For example, the Union for Development of the Apostolic Churches in Zimbabwe (UDACIZA) created Peace Committees which encouraged church leaders to conduct sermons of peace in supporting the Zimbabwean peace process. The Peace Committees cut across provinces so as to cover a greater part of the nation. They also established youth committees for the youth to target issues around promotion of peace. In an effort to mitigate political violence, the ZCC established what are known as “monitoring personnel”. The monitoring personnel were deployed in areas with a known history of violence and also polling stations in respective constituencies to report and quickly detect centres that needed immediate intervention. The umbrella body, Evangelical Fellowship of Zimbabwe (EFZ) came up with a discourse of ‘thinking theology’ project and established a radio dialogue slot to engage the nation at large on the best possible means to combat election violence. The radio platform paved way for engagement with the youth, religious institutions or leaders of various congregations on the discussion forum on prevention of electoral violence. These, among other efforts, contributed to creating a more peaceful environment for the 2018 elections.

The ZEC further accredited domestic observer groups to observe the Election Day processes on 30 July 2018. CSOs participated in all aspects of the electoral process of the 2018 elections with the presence of domestic observers in over half of the polling stations on Election Day. The list included ZESN which deployed 7 240 observers, the CCJP and the Inter-regional Meeting of Bishops of Southern Africa (IMBISA) that deployed 700 observers, the ZCC which deployed 300 observers who observed in Harare and surrounding areas, and NANGO which deployed 364 local observers to cover the various sampled polling stations and others.

11.1 CSOs Election Situation Room

In spite of the funding challenges to comprehensively deploy observers in these elections, two months before the harmonised elections, the CSOs working on elections established the Election Situation Room (ESR) project. The main objective of the ESR was to enhance coordinated and effective information sharing of electoral processes to promote free, fair, and credible electoral processes in Zimbabwe.

Members of the CSOs were strategically identified from the broader Zimbabwean civil society landscape. ZESN was the convener of this project. The project enhanced monitoring of the political environment and rapid response to and advocacy around challenges during the pre-election, Election Day and post-election periods of the 2018 harmonised elections.

Through this initiative, CSOs working on elections, governance and human rights issues were able to work together, coordinate their efforts and collect, share and disseminate information on different aspects of the electoral cycle enabling near real time redress of electoral malpractices and disputes by the relevant government institutions and broader community. This also helped avoid incoherence, duplication and ensuring that CSOs spoke with one voice. In escalating incidents presented to the ESR, the project efficaciously engaged with the ZEC, Zimbabwe Human Rights Commission (ZHRC), Zimbabwe Republic Police (ZRP), Gender Commission (GC), and National Peace and Reconciliation Commission (NPRC). CSOs that have worked in partnership with ZEC, ZHRC, GC, and NPRC were able to leverage on those relationships to amplify near real time redress in the ESR.

Through the ESR project, the foundation for collaborative practice was built, albeit with a few challenges such as confidence in sharing information amongst key stakeholders⁴⁷. The ESR was identified by citizens as an objective platform that shared credible information with citizens through short messaging (SMS), toll-free numbers call centre, print, and radio and social media avenues. Furthermore, the ESR was known as a medium that escalated election-related information to stakeholders and provided near real time redress. Several successes were recorded which included enhancing capabilities to work collaboratively, collectively, and inclusively in peer-like settings amongst CSOs working around the electoral cycle⁴⁸. Incidents brought to the attention of the ESR, such as poor lighting in polling stations and citizens being unable to locate their polling station had a near real time address on Election Day. Citizens who reported matters around pulling down of candidates' posters and intimidation via the call centre were empowered to make official reports to the ZRP. The ESR became a primary source of information to citizens, commissions, observer missions, and concerned stakeholders⁴⁹.

There was a strong commitment from civil society to participate actively in the 2018 harmonized elections as reflected in the plethora of interventions that were undertaken, which reflects broad national ownership of the electoral processes. The diversity of organizations profiled a positive sign for ensuring inclusive participation – especially with regards to women, the youth, and PWDs' participation in electoral processes.

12 MEDIA AND ELECTIONS

Media freedom is fundamental in promoting the civil and political rights and liberties enshrined in the Constitution of Zimbabwe. The media, in all its forms, play a complex and

⁴⁷ www.zimelectionssituationroom.org

⁴⁸ <https://www.dailynews.co.zw/articles/2018/07/27/csos-publicise-findings-on-political-environment>

⁴⁹ <https://www.dailynews.co.zw/articles/2018/07/29/election-results-to-be-posted-outside-polling-stations>

critical role in electoral process, providing information to voters and a platform to political parties and candidates. Moreover, the media serves as a watchdog during the electoral cycle⁵⁰

Zimbabwe is a state party to regional instruments that recognise the need for equitable, fair, and balanced media coverage for political parties and candidates. The African Charter on Democracy, Governance, and Elections in Chapter 7 Article 17(3) states that member states should ensure fair and equitable access by contesting parties and candidates to state-controlled media during elections. While it is commendable that the GoZ has signed it, there is need to ratify and domesticate the Charter.

The SADC Electoral guidelines, under Section 2.1.5, require members states to ensure “Equal opportunity for all political parties to access the state media” while Section 160J of the Electoral Act requires all media outlets both print and electronic to ensure that “all political parties and candidates are treated equitably in the news media, in regard to the extent, timing and prominence of the coverage accorded to them...” However, of concern is the fact that election coverage for the 30 July harmonised election was largely focused and skewed on the two main political parties.

Media coverage of elections in Zimbabwe has been highly polarised since the emergence of a strong opposition in the early 2000s. The polarisation and bias along political party lines is despite the legal and ethical obligations for the media to be impartial and balanced in covering election campaigns, political parties, and election candidates.

Overall, the level of understanding, scrutiny and coverage of electoral issues reflects an improved understanding of electoral issues by the media. For the 2018 harmonised elections, there were notable improvements in election coverage with both public and private media availing platforms for political debates and discussions. However, an analysis of the content of the current affairs programmes on radio and television, as well as reportage on election campaigns and rallies in the print media, showed that biases and polarisation persisted in the 2018 election.

12.1 Legal Framework governing the conduct of actors in the media industry

The Constitution of Zimbabwe provides for freedom of expression and freedom of the media in Section 61, and this right extends to all media; both private and publicly owned. The Constitution however places a special mandate on State-owned media to be free to determine editorial content, be impartial, and provide fair opportunity for the presentation of divergent views and dissenting opinions. This distinction between the private and public

⁵⁰ This section was contributed by the Media Monitors, a ZESN member

media, and their responsibilities, is important in reflecting on the role each media plays in political and election reporting.

Electoral Act (Chapter 2:13)

Section 160E–K of the Electoral Act sets out the parameters of the media’s coverage of elections. Specifically, the Act provides for:

- Access to broadcast media;
- Political advertising in print and broadcast media;
- Conduct of news media in an election; and
- Monitoring of the news media during elections, which is a responsibility of the ZEC.

Statutory Instrument 33 of 2008

The ZEC (Media Coverage of Elections) Regulations 2008 (SI 33 of 2008), sets regulations on:

- Election programmes to be broadcast;
- Equal allocation of airtime especially on the public broadcaster;
- Election adverts;
- The media’s conduct in an election; and
- An appeal mechanism for aggrieved parties.

12.2 Media Environment

The period leading up to the elections was relatively peaceful with no major incidences recorded from proclamation on 30 May to voting on 30 July 2018. However, the post-voting period saw several violations against the media reported. A total of seven violations against media personnel were recorded between 01 and 03 August 2018.⁵¹ Table 12.1 below shows the cases.

Table 12.1: Violations against the Media

Media personnel	Perpetrator	Details
Journalists	Army	Journalists ordered to switch off equipment during riots on 1 August

⁵¹ Media Monitors Election coverage report

Yeshiel Panchia -European Pressphoto Agency (EPA)	Army	Panchia told MISA Zimbabwe the soldier whipped him as he tried to render assistance to a man wounded during riots
Idah Mhetu – New Zimbabwe	Army	Whipped by a soldier while covering riots on 1 August
Journalists	Riot police	Journalists temporarily barred from accessing a MDC Alliance Press conference at Bronte Hotel, Harare
Daniel Chigundu – OpenParlyZw	Protesters	Hit with a stone on the head during riots
Joseph Coterill – Financial Times	Army, Police	Soldier pointed a gun at him during riots and was assaulted by riot police at a MDC Alliance press conference
Tinotenda Samkange – Newsday	Army	Detained for 3 hours by the military for taking pictures during a military “operation” in Kuwadzana, Harare

Source: Media Monitors Election coverage report

12.3 Electoral Coverage

The coverage of political parties by the media was largely biased towards the incumbent, and unfair to the opposition, smaller political parties, and women. A total of 49 political parties were covered by the media in the period from proclamation to Election Day.

The two main political parties, ZANU-PF and the MDC Alliance, received the bulk of the coverage in the six weeks of the election period; ZANU-PF received 52% of the coverage and the MDC Alliance received 19% of the coverage. The remaining 47 parties appeared in 22% of the coverage.

The coverage of presidential candidates was heavily biased towards the incumbent, Emmerson Mnangagwa, who received 57% of coverage in all media, followed by Nelson Chamisa of the MDC Alliance with 15% coverage. Nkosana Moyo of the Alliance for the Peoples Agenda (APA) had the third highest coverage with 5%. The remaining 20 candidates shared the remaining 23%. Figure 12.1 below compares media coverage for different political parties.

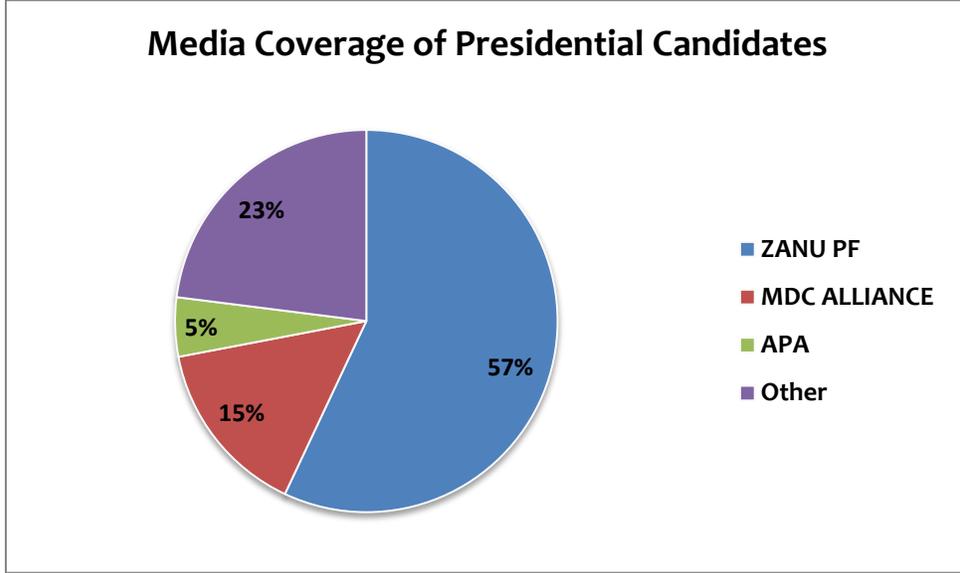


Figure 12.1: Media Coverage of Different Political Parties

The performance of the State-owned media showed a heavy bias in support of ZANU-PF. The party received 76% of coverage in state-run newspapers and 48% on the Zimbabwe Broadcasting Corporation (ZBC). The MDC Alliance, in comparison, received 17% of coverage in State-run newspapers and just 6% on ZBC.

Throughout the election campaign period, there was an overwhelming predominance of ZANU-PF adverts on all radio stations and on Zimbabwe Television (ZTV). ZANU-PF accounted for 93% of advertising space on ZBC stations.

There was emotive coverage noted on the two main parties, ZANU-PF and MDC Alliance. ZANU-PF received mostly positive coverage in the government-controlled media where MDC Alliance received more negative coverage than the other parties.

Overall, there was under representation of women in election coverage, with a paltry 11% of coverage in the monitored media on women while coverage for men accounted for 89%. Figure 12.2 below compares media coverage between men and women.

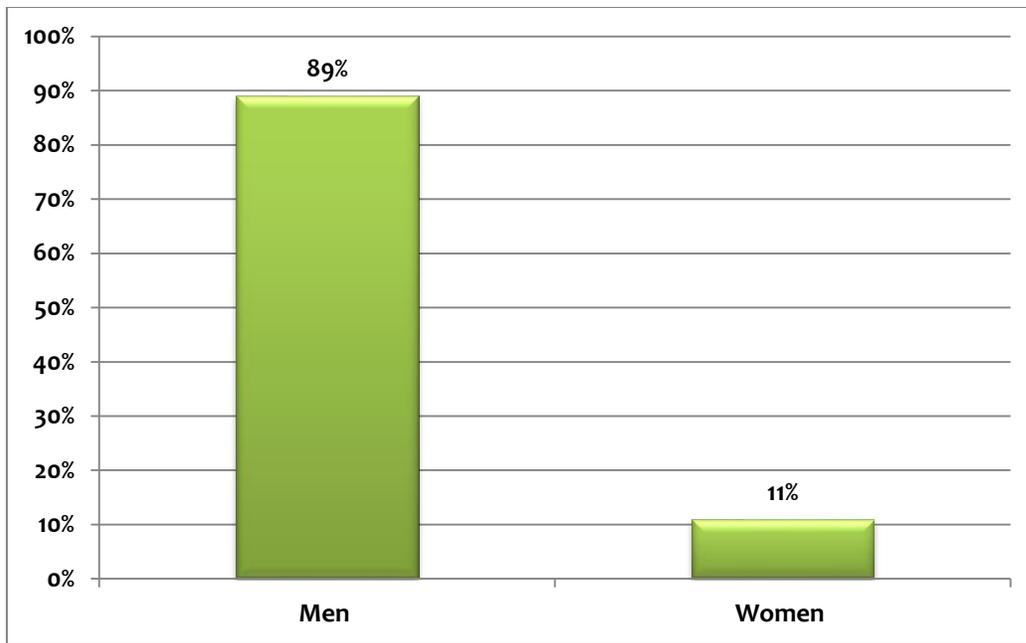


Figure 12.2: Media Coverage between Men and Women.

12.4 Online Media

The internet played a significant role in the 2018 elections. According to the Postal and Telecommunications Regulatory Authority of Zimbabwe (POTRAZ), internet penetration in Zimbabwe stood at 50.8%⁵² in the first quarter of 2018, while mobile phone penetration stood at 102.7%. The internet was used by different groups within the election, significantly by political parties for campaign purposes and CSOs for voter information and mobilisation. The two main political parties, ZANU-PF and MDC Alliance, deployed the use of “online armies” to take on the opposing party and canvass for support, especially among the urban youths. Online debates on politics were also prevalent and reached a wide segment of those with access to the Internet.

Key trends on social media during the election period showed high levels of engagement on social media by citizens on election-related matters. Disputes around the administration of the election, such as the accuracy, completeness, and currency of the 2018 voters’ roll, printing of ballot papers; and postal voting, among others were discussed. Live feeds provided real time information on election-related events in a manner that the mainstream media did not. Events streamed live by different organisations included ZEC election updates, including announcement of results; interviews with various political players; press conferences and statements by election observer missions; and press conferences by various CSOs that included the ESR.

⁵²<https://www.eyetrodigital.com/2018/03/21/zimbabwe-records-50-8-internet-penetration-2017/>

A key observation on election-related engagement online by key influencers showed high levels of negative sentiment expressed on social media centres around the credibility of the electoral process.

Although social media provided an alternative source of information about the election, there was an unprecedented increase in fake news and hate speech. Worryingly, a significant proportion of the hate speech was targeted at women in leadership positions at the ZEC, diplomats, and CSOs. The absence of adequate mechanisms to monitor and curb hate speech and fake news on social media was noted to be a major concern during this election.

13 WOMEN AND ELECTIONS

Analysis of Gender representation

Zimbabwe is a state party to regional and International instruments that recognize the need for, and the removal of, all barriers to women's participation in politics. These include the 1948 Universal Declaration of Human Rights (UDHR) which recognises the holding of political office as a right for all. Various other instruments such as the International Covenant on Civil and Political Rights (ICCPR); the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW); and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women, all reiterate the importance of affording women political positions and mandate state parties to eliminate all barriers that prevent women from actively participating in the political sphere. In particular, Article 9 of Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa states that 'State Parties shall take specific positive action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures to ensure that:

- a. women participate without any discrimination in all elections;
- b. women are represented equally at all levels with men in all electoral processes...?.

However, although Zimbabwe has ratified these frameworks, they have not been domesticated into the country's laws.

At the national level, the Constitution of Zimbabwe mandates the State to promote gender balance in all spheres of life. Section 17 states that the 'The State must promote full gender balance in Zimbabwean society'. Also, women are guaranteed the same rights as men in terms of Section 56 of the Constitution, to equal treatment, including enjoying equal

opportunities in political, economic, cultural, and social spheres. Although the Electoral Act has been amended to include gender mainstreaming and gender equality in electoral processes, it is not explicit on how this should be done to ensure women are equally represented in political spheres. Even though women's groups have been calling for ZEC to reject political party lists which do not have 50 % representation, ZEC made it clear that this was beyond its mandate.

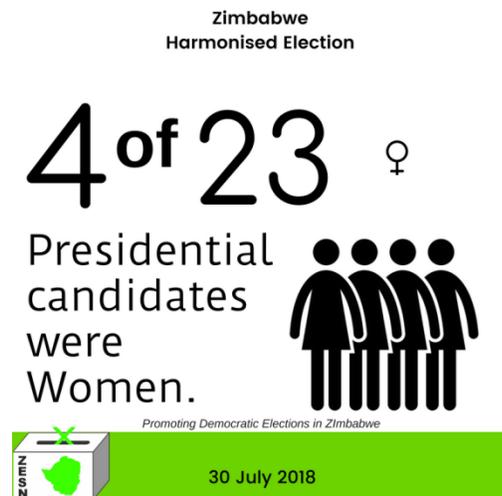


Figure 13.1: Women candidates in the 2018 Presidential Elections

The continuing low representation of women in political parties points to the lack of compliance with the Constitution and international conventions. For the 2018 harmonised elections, none of the contesting political parties attained 50-50 representation between males and females for the National Assembly elections. Rather, 91% and 90% of the candidates for the major contending parties, namely ZANU-PF and the MDC Alliance respectively, were male.

As illustrated in 13.2 below, the two major parties have fielded less than 10% female candidates as their contestants. Recording a relatively high figure is the Thokozani Khupe led MDC-T with 20% of its candidates being female.

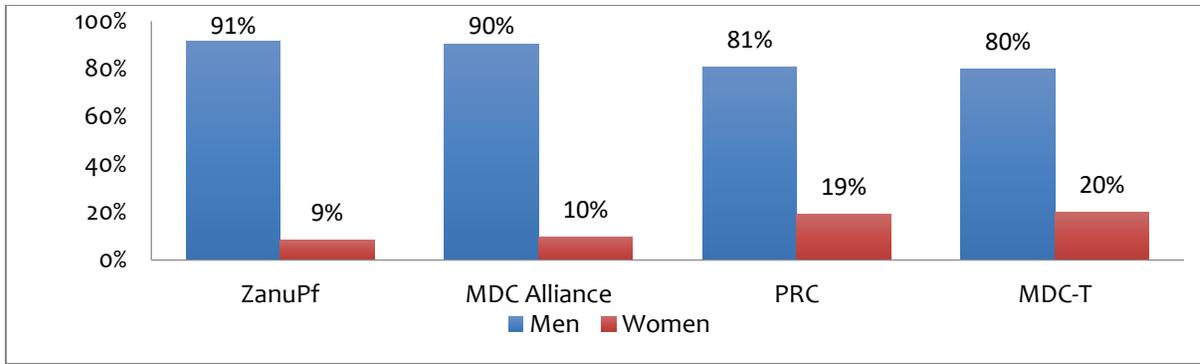


Fig 13.2: Comparison between Male and Female Candidates by Political Party for the 2018 Elections

As illustrated in the bar graph⁵³ below, there were very few female National Assembly candidates: 1648 candidates contested and, of those, only 237 were female. Only 14% of women managed to contest in the election. Of those who contested, only 26 were elected versus 29 women who were elected in 2013. This means that there has been a 2% decrease in the number of women elected in 2018.⁵⁴

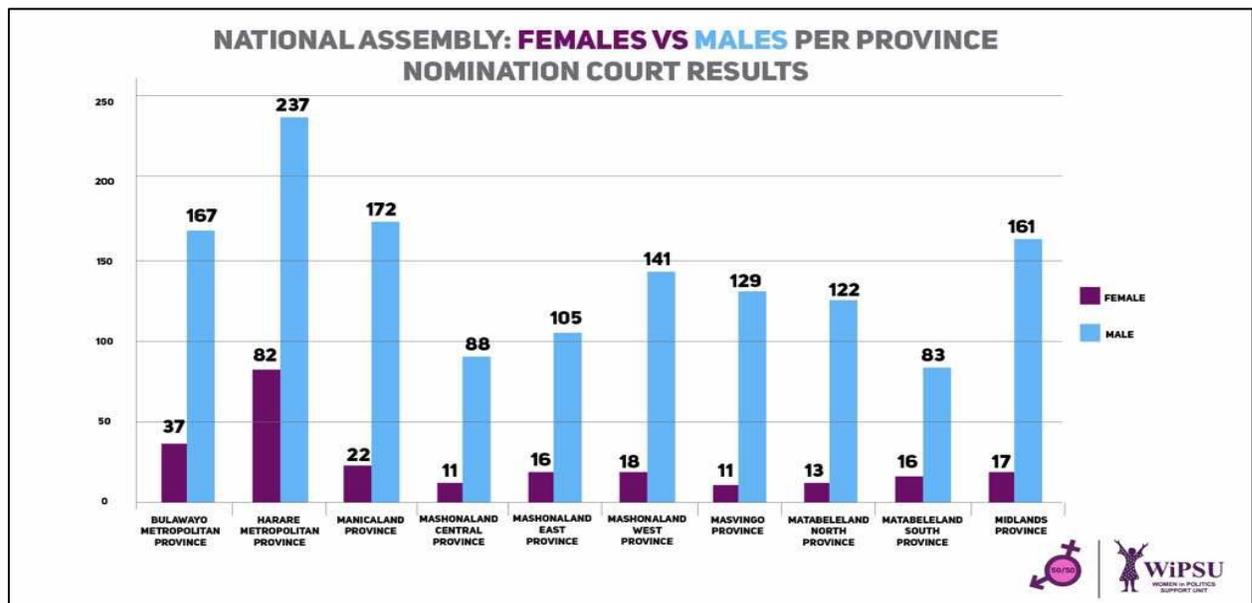


Figure 13.3: Male and Female National Assembly Candidates by Province

Source: WiPSU

⁵³ Photo credit to Women in Politics Support Unit www.wipsu.co.zw

⁵⁴ This is according to Women in Politics Support Unit www.wipsu.co.zw

From the above graphs, it is clear that the number of women who contest as candidates in political parties remains significantly low as compared to their male counterparts. This shows that the barriers that existed in preventing women from participating in politics still exist and, if not dealt with, the trend may continue or even worsen.

In the run up to the elections, ZESN observed that the political environment was toxic and misogynistic, making it very difficult for female candidates and female commissioners to participate without being called derogatory names. Female candidates suffered a lot of abuse and name calling especially on social media. For example, an aspiring female councillor was mocked before party primary elections simply because she is a single mother. In some wards, aspiring female councillors were labelled illiterate and old, thus supposedly not fit for the office of council. Personal and scandalous allegations were levelled against female candidates and commissioners.

The 2018 female representation is worrying. The situation is exacerbated by the fact that legal provisions that guarantee quotas for women in parliament will end in 2023. Parliament could have 10-15% female representation if nothing drastic is done to improve women's participation and remove all barriers that prohibit women from participating effectively.

After the 2018 harmonised elections Zimbabwe's ranking on the Inter-Parliamentary Union's index of Women in Parliament fell by 13 places. In 2013 Zimbabwe was ranked number 28 of the countries that have the highest percentage of women in Parliament while, in 2018, the ranking fell to number 41.

14 PERSONS WITH DISABILITIES

International law provides for the respect and protection of PWDs. In 2013, Zimbabwe became party to the Convention on the Rights of PWDs. It binds State parties take measures to ensure:

- a. Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;
- b. Non-discrimination;
- c. Full and effective participation and inclusion in society;
- d. Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- e. Equality of opportunity;
- f. Accessibility;
- g. Equality between men and women;⁵⁵

⁵⁵ Article 3 of the Convention on the Rights of Persons with Disabilities

The Convention, in Article 29, emphasizes that State parties must take measures to ensure PWDs participate in political and public life and to enjoy them on an equal basis with others, and shall undertake to ensure that PWDs can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for PWDs to vote and be elected, inter alia, by:

- Ensuring that voting procedures, facilities, and materials are appropriate, accessible and easy to understand and use;
- Protecting the right of PWDs to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;
- Guaranteeing the free expression of the will of PWDs as electors and, to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;

(b) Promote actively an environment in which PWDs can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs...

Section 155(2)(b) of the Constitution of Zimbabwe states that the State must take all appropriate measures to “ensure that every citizen who is eligible to vote in an election or referendum has an opportunity to cast a vote and must facilitate voting by PWDs or special needs...”

Section 59 of the Electoral Act provides for illiterate or physically handicapped persons to bring a confidante to help them vote. Although the law makes such a provision, it does not conform to the Convention on the Rights of Persons with Disabilities, which endeavours to provide independence to PWDs. The Disabled Persons Act of 1992, which is the prevailing legislation, is silent on the issue of voting rights of PWDs.

In the case of *Abraham Mateta and ZEC & Others*, the applicant wanted ZEC to make provision for the printing of ballot papers in braille or provide tactile voting devices and to add the necessary electoral law to give effect to the right of visually impaired. The applicant argued that the absence of legislative measures allowing the visually impaired to vote by secret ballot is a violation of Section 67 (3) of the Constitution. However, the court dismissed the case on the basis that ZEC would put in place other measures to allow blind people to vote.

The court also stated that Braille was impractical as levels of braille literacy are low amongst those with visual impairments.

While the Electoral Act makes provision for assisted voting, it is clear from the Mateta case that more can be done to ensure PWDs can vote in secret. For instance the electoral law should have made provisions for the declaration of any disability upon registration; this would have greatly assisted ZEC in the provision of requisite logistics for PWDs.

15 ELECTION DAY AND POST-ELECTION PERIOD

A) Election Day

Election Day Observation Methodology

Following the invitation of the ZEC, ZESN deployed 7240 Short Term Observers (STOs) to observe the 2018 harmonised elections which were held on 30 July 2018. ZESN STOs were deployed in each of the country's 1958 wards, and at different results collation centres (Ward and Constituency Collation Centres) and at the ZEC Provincial and National Command Centres. In addition, ZESN deployed 420 mobile observers who served a dual role of observing the environment around polling stations and providing relevant support to STOs. ZESN also deployed observers to 750 randomly sampled polling stations throughout the country.

Voter turnout on Election Day in most parts of the country was recorded to be high. According to ZEC, the final turnout for the 2018 harmonised elections was 82.5% nationwide. Prior to the election, ZEC had indicated that under the polling station-based voting system, each polling station would have a threshold of 1,000 voters leading to the creation of extra polling stations where the numbers exceeded the threshold. The challenge was that the Commission did not adequately publicize the mechanisms in place to divide voters into the extra polling stations. This meant that there was a possibility of voters who were not aware of the extra polling stations turning up at the wrong polling stations on the Election Day.

On Election Day, there were rampant reports on social media questioning the quality of the indelible marker ink that was being used to mark voters, with some suggesting that the ink could be easily erased using Colgate and acetone. However, these claims were not substantiated and proved to be untrue as voting proceeded.

Opening and set up of the Polling Stations

On the Election Day, the majority of the ZESN general observation observers were permitted to observe at their respective polling stations. The observers arrived at the polling stations at 6.00am. In all these polling stations, ZEC electoral officers were found present ready for the set-up of the polling station.

Opening Time

According to ZEC the official opening time for the polling station is at 7am. At most of the polling stations where ZESN had observers, the polling stations opened on time, or by 7.15am, with only a few opening between 7.16am and 8.00 am, 8.00am and 9.00am, and by 9.00am. All the polling stations in Mashonaland Central province and Masvingo province were open by 7.15am while Midlands almost all centres had opened by 7.15am. Figure 15.1 shows the percentages, by province, at the polling stations where ZESN had observers, that had opened by 7.15am.

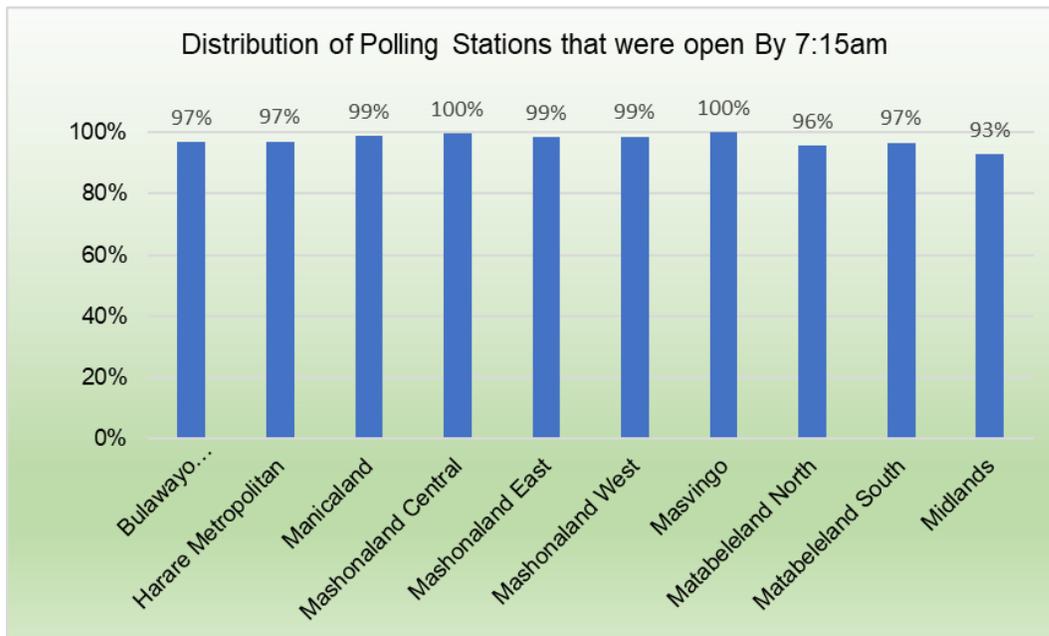


Fig 15.1: Percentages of polling stations, by province, at polling stations where ZESN had observers, that had opened by 7.15am.

Essential Voting Materials

Of the centres that were open by 9:00 am, where ZESN had observers, 100% had essential voting material such as official ZEC stamp for stamping the ballot papers, indelible ink for marking the voters' fingers, and had the bio-metric voters' registers with voters' photographs.

Polling Station Set Up

At 99% of the polling stations where ZESN had observers, polling booths were set up in such a manner that voters could mark their ballot papers in secret, and the polling stations were easily accessible to PWDs at 93% of the polling stations. This is shown in figure 15.2 below.

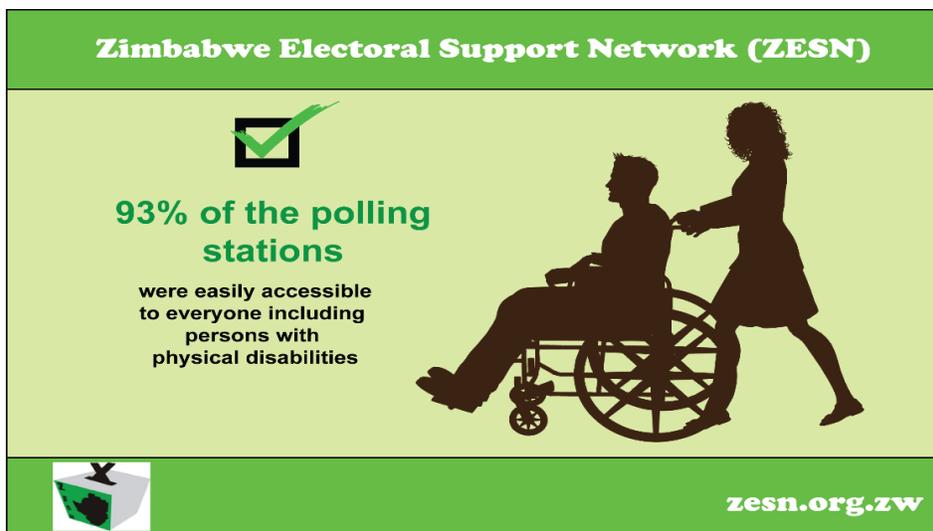


Figure 15.2: At 93% of Polling Stations where ZESN had Observers, Polling Stations were Accessible to PWDs

At all (100%) the polling stations where ZESN had observers, the ballot boxes were shown to be empty before the voting started.

Electoral Officers

At 24% of polling stations where ZESN had observers, the numbers of polling officials ranged from eight to 10. In addition, 36% of the polling stations had either three or four women as electoral officials. There were six female officials at 16% of the polling stations where ZESN had observers and seven female officials at 14% of the polling stations.

There were female presiding officers, at 39% of the polling stations where ZESN had observers. The highest percentage of women presiding officers was in Bulawayo Metropolitan Province (67%), while the least was in Masvingo Province and Mashonaland Central Province each (31%).

Figure 15.3 below shows the percentages of presiding officers, by gender, at polling stations where ZESN had observers.

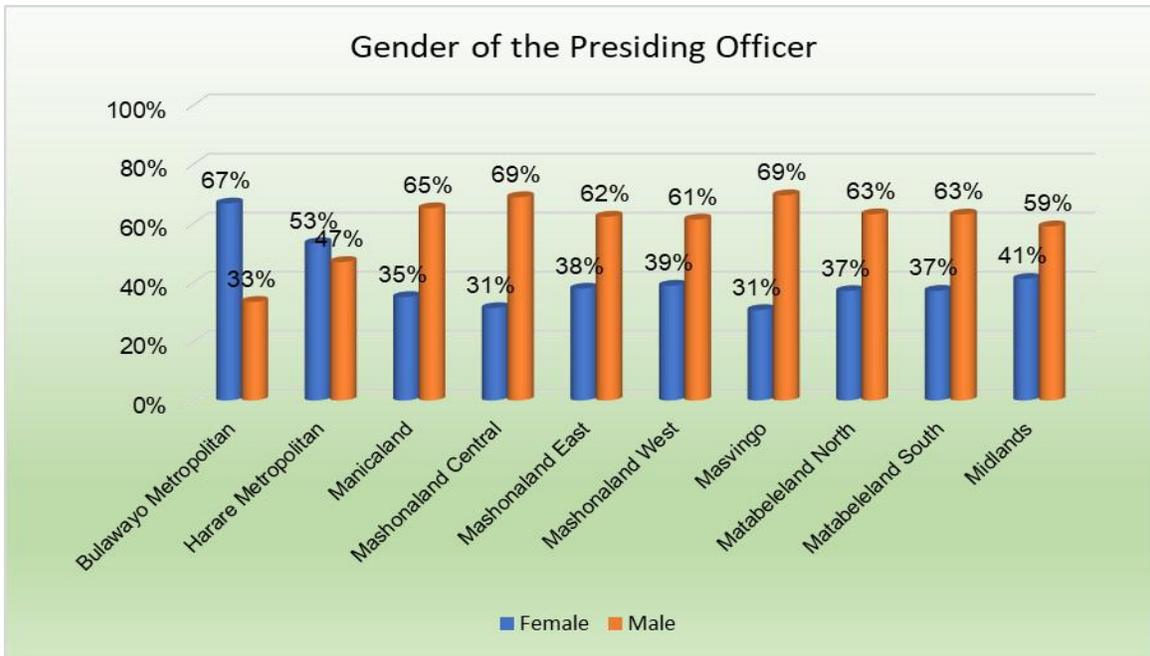


Figure 15.3: Percentages of Presiding Officers, by Gender, at Polling Stations where ZESN had Observers

Party Agents

In 97% of the polling stations where ZESN had observers, there was an MDC Alliance party agent present during the opening and set up of the polling stations. In addition, ZANU PF party agents were present at 99% of the polling stations. Furthermore, agents for the People Rainbow Coalition were present in 59% of the polling stations while agents for other parties apart from the three were recorded at 75% of the polling stations. Figure 15.4 below shows the presence of agents by political party at polling stations where ZESN had observers.



Figure 15.4: Presence of Agents by Political Party at Polling Stations where ZESN had Observers

MDC Alliance had agents at 100% of the polling stations where ZESN observed in Bulawayo Metropolitan province and Harare Metropolitan province. ZANU PF had agents at 100% of polling stations in Harare Metropolitan province, Manicaland province, Mashonaland East province, Masvingo province and Midlands province where ZESN had observers. The PRC had the highest concentration of agents in Bulawayo Metropolitan province with other parties having at least agent in Bulawayo metropolitan province. Figure 15.5 below shows the distribution of the presence of political party agents by province.

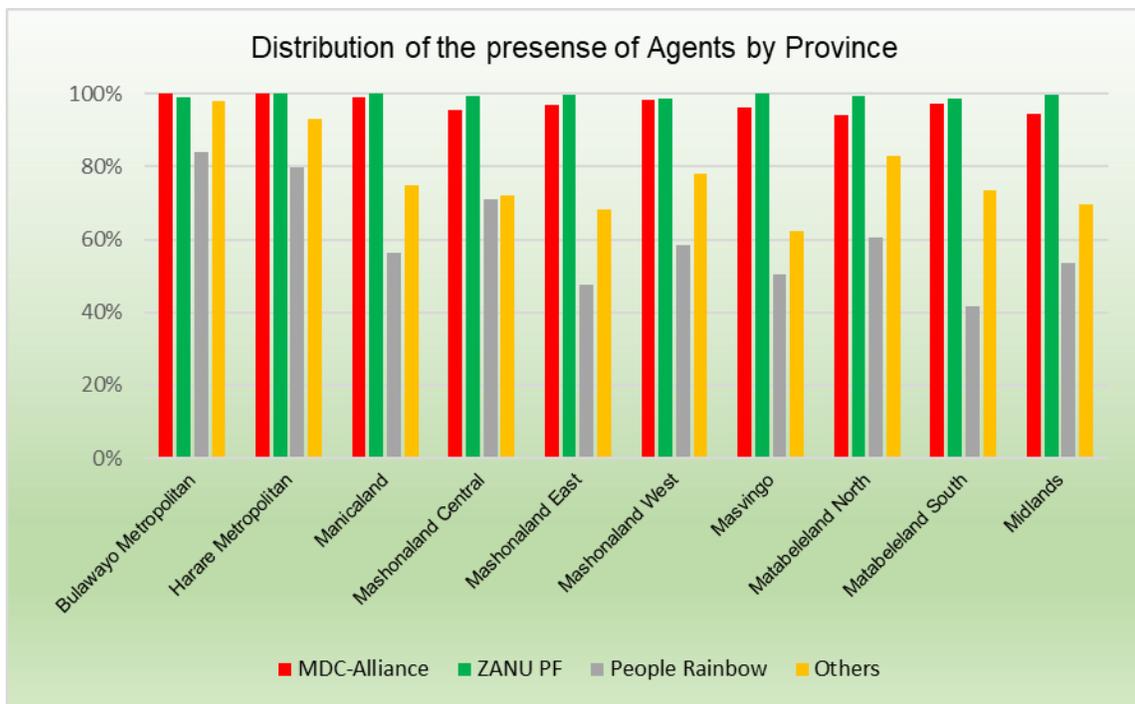


Figure 15.5: Distribution of the Presence of Agents by Province

Voting Process

The following data shows how the voting process unfolded:

In 100% of the polling stations where ZESN had observers, voters’ fingers were checked for indelible ink before being permitted to vote; voters’ names were checked against the voters’ roll before being permitted to vote; ballot papers were stamped with the ZEC stamp before being issued to voters; all voters had the finger marked with indelible ink before being issued with the ballot papers; and no one who already had ink on the finger was allowed to

vote. At 95% of the stations where ZESN had observers, no one was allowed to vote without having their voting identification documents checked.

At 41% of the polling stations where ZESN had observers, between one and five people were turned away and not allowed to vote. This was occasioned by cases such as lack of identification document and also the incidents where the voters turned up at the wrong polling stations. At 38% of polling stations where ZESN had observers, between six and 25 people were turned away while in 10%, more than 25 people were turned away. Figure 15.6 below shows the percentages of voters who were turned away.

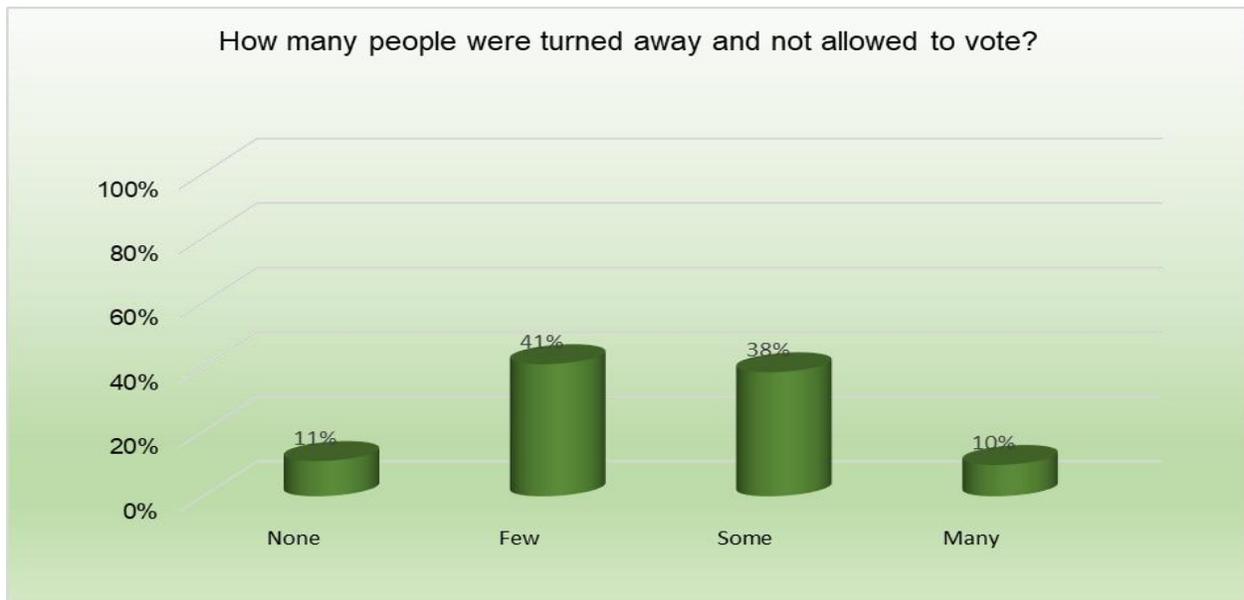


Figure 15.6: Voters who were turned away

Mashonaland Central province recorded the highest number of stations (16%) that did not have any voters turned away while Bulawayo Metropolitan (24%) had most centres with people turned away. Matabeleland South Province (60%) had most of the centres with the least people turned away, while Bulawayo Metropolitan province had the highest number (52%) of polling stations where people were turned away.

In only 6% of the polling stations where ZESN had observers, no one was assisted to vote while, in 3% of the polling stations, no woman was assisted to vote. In addition, 34% of the stations recorded between 1-5 people being assisted to vote. At 43% of the polling stations, some (between six and 25) people were assisted to vote while in 32% of the centres many were assisted.

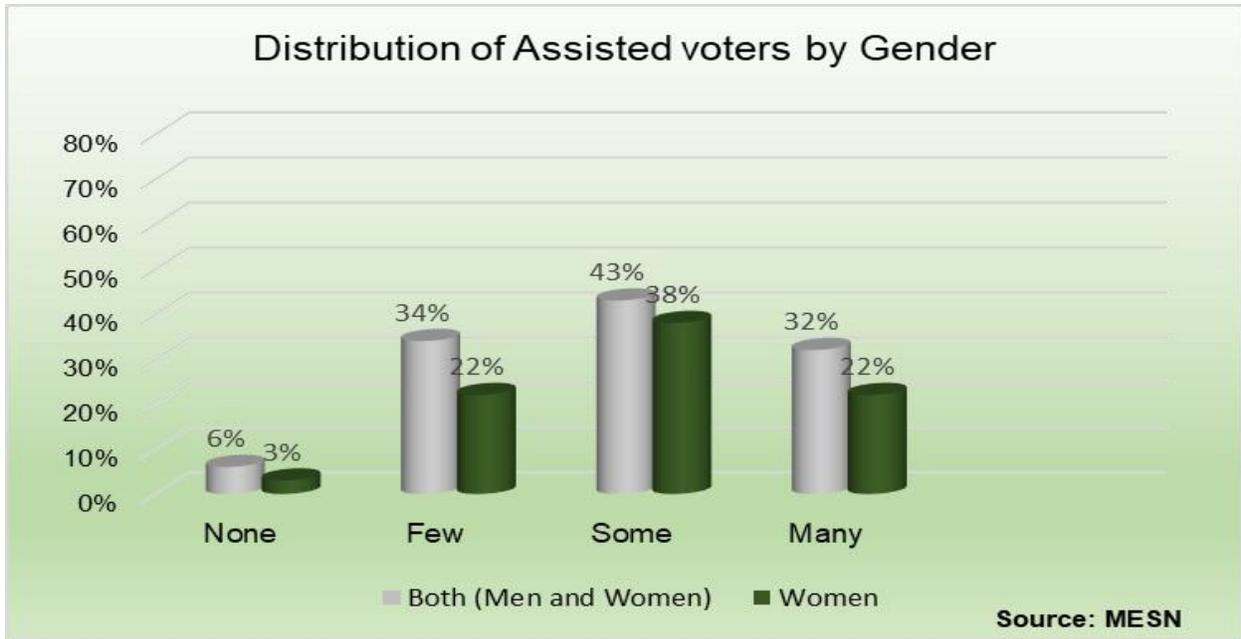


Figure 15.7: Distribution of Assisted Voters by Sex

As shown in figure 15.7 below, the majority of those assisted to vote were women.

Figure 15.8 below shows the distribution of assisted voters by province.

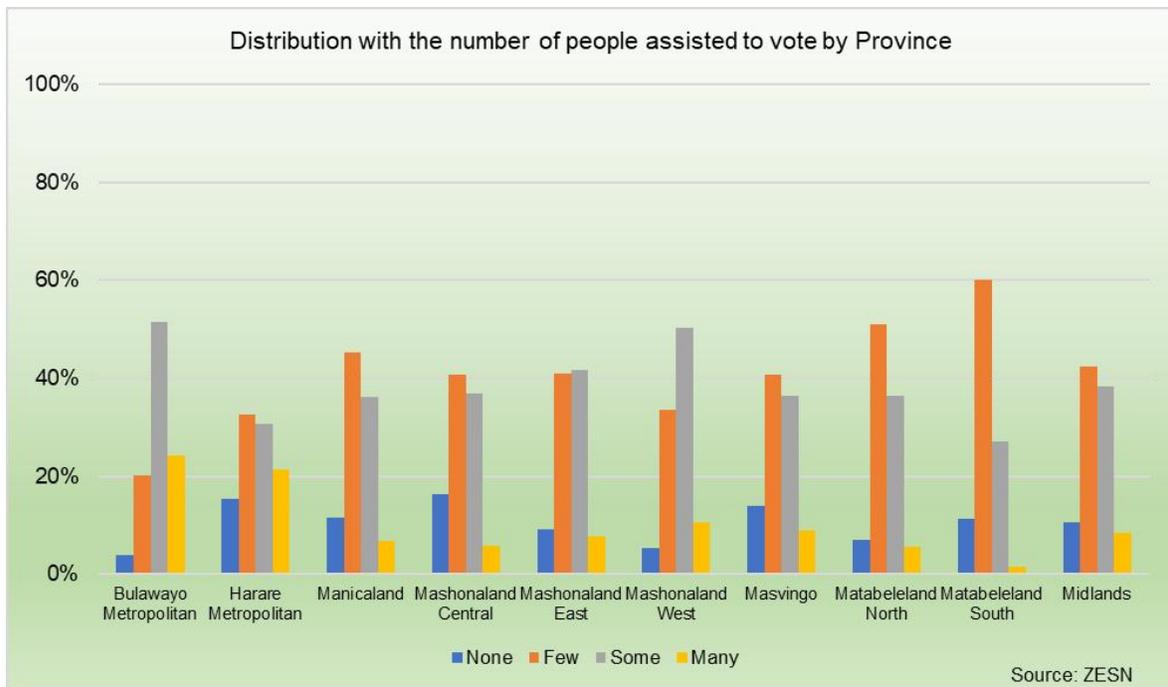


Figure 15.8: Distribution of Assisted Voters by Province

Counting: According to the law, counting of ballots must be conducted immediately after closing processes at the polling station, and in the presence of election agents, candidates and observers. ZESN observers were permitted to observe counting at polling stations where they were stationed.

At 93% of the sampled polling stations, all party agents present were given a copy of the presidential results form. At most polling stations, the presidential results were posted immediately after counting finished. However, ZESN observed that presidential results were posted less frequently for Bulawayo and Matabeleland North province than other provinces.

Tabulation and Announcement of Results: For the 2018 harmonised elections, presidential results were transmitted directly from district command centres to the National Results Centre. In previous elections, results were transmitted through the ward, constituency, district, and provincial command centres before being sent to the National Results Centre. This results transmission system was developed to enable expeditious announcement of results within the five-day period stipulated by the law.

As parliamentary election results were being announced, the MDC Alliance expressed concern over the delays by ZEC in announcing the presidential election results and alleged that they had unearthed manipulation and rigging⁵⁶. The party held a press conference on 31 July to voice its concerns over delays to announce the presidential election results and claimed that they had won the presidential election. The claims of victory by the MDC Alliance were countered by ZANU-PF which, through the official Twitter handle of President Mnangagwa, indicated that they had also convincingly won the presidential election thus setting the stage for a disputed electoral outcome.

The results of the 210 constituencies showed that ZANU-PF had won 144 seats representing 68.57% of total seats; the MDC Alliance secured 64 seats representing 30.47% while the National Patriotic Front and independent candidate Temba Mliswa got a single seat each. Table 15.1 below shows the results for the National Assembly elections as announced by ZEC.

Table 15.1: National Assembly Results

Party	Number of Seats won in 2018	% of seats (2018)	Number of seats won in 2013	Comparison with 2013 (change in seats)

⁵⁶<https://www.timeslive.co.za/news/africa/2018-07-31-tense-count-as-mdc-claim-election-victory-in-zimbabwe/>

ZANU-PF	144	68.57%	160	-16
MDC Alliance	64	30.47%	49	+15
Independent	1	0.48%	1	-
National Patriotic Front	1	0.48%	N/A	+1
Total	210	100%	210	

Source: ZEC

Compared to the 2013 election, ZANU-PF lost sixteen seats while the MDC Alliance gained fifteen. Table 15.2 below compares the number of seats held by ZANU-PF and MDC in 2013 and 2018.

Table 15.2: National Assembly Seats by Province: 2013-2018 Comparison

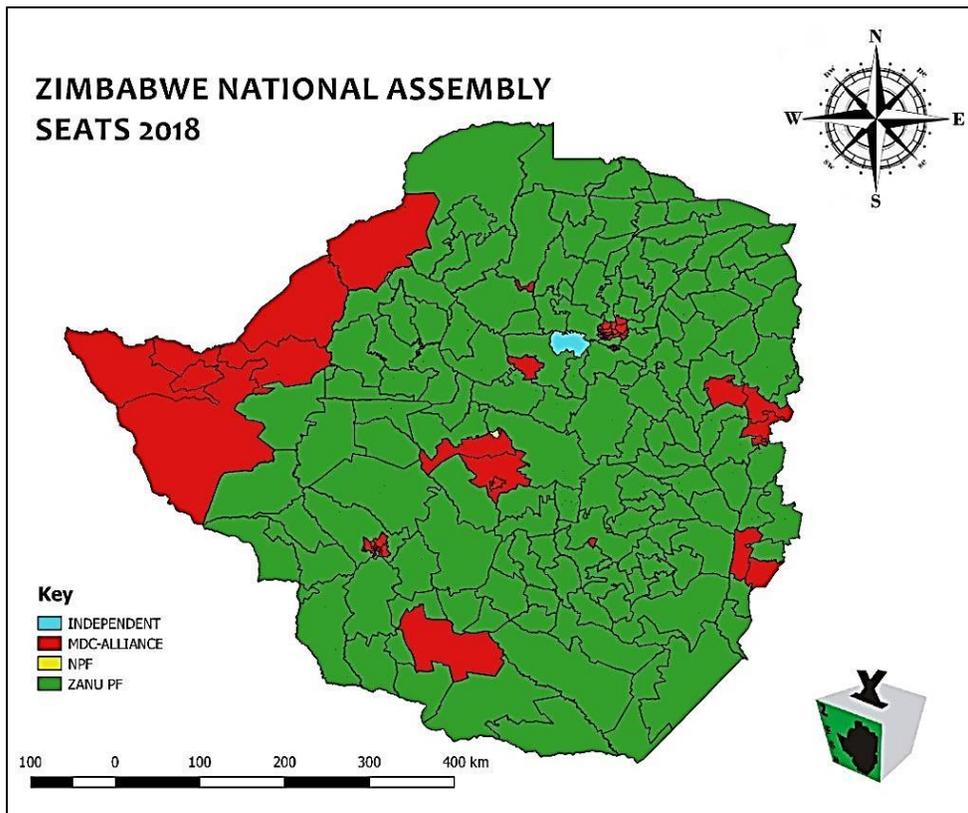
Province	2013				2018			
	ZANU PF	MDC T	MDC N	Independent	ZANU PF	MDC Alliance	National Patriotic Front	Independent
Harare	6	23	0	0	1	28	0	0
Bulawayo	0	12	0	0	1	11	0	0
Mash West	21	1	0	0	17	4	0	1
Mash East	22	0	0	1	21	2	0	0
Mash Central	18	0	0	0	18	0	0	0
Midlands	25	3	0	0	22	5	1	0
Manicaland	22	4	0	0	19	7	0	0
Masvingo	26	0	0	0	25	1	0	0
Matebelele and North	7	6	0	0	8	5	0	0

Matebelelel and South	13	0	0	0		12	1	0	0
Total	160	49	0	1		144	64	1	1

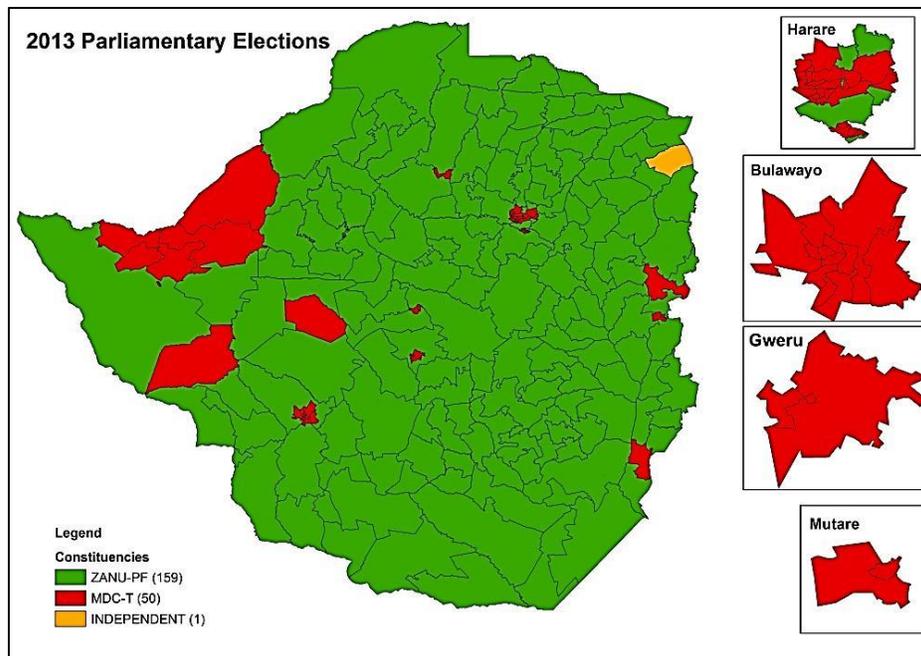
Source: ZEC

The MDC Alliance, however, could probably have performed much better in the parliamentary elections given that there are 11 constituencies in which the Alliance fielded two candidates and in three of those constituencies the two MDC Alliance candidates together received the most votes. Had the MDC Alliance fielded only one candidate, the party would probably have won (Bulawayo South, Goromonzi West, and Harare South).

Figures 15.9 And 15.10 below show the distribution of National Assembly seats after the 2018 and 2013 elections.



Figures 15.9: Distribution of National Assembly Seats after the 2018 Elections



Figures 15.10: Distribution of National Assembly Seats after the 2013 Elections

The maps above represent the number of parliamentary seats won by political party in the 2018 and 2013 Harmonised elections respectively.

Presidential Results

ZEC announced that President Emmerson Mnangagwa had won the election with 50.8% of the vote and MDC Alliance leader Nelson Chamisa came second with 44.3% of the vote. The MDC Alliance quickly rejected the results citing rigging, manipulation of V11 forms and systematic efforts to tamper with the presidential vote.

The allegations of the manipulation of presidential election results were followed by a court application to the Constitutional Court by the MDC Alliance which sought to set aside the results as announced by ZEC. Subsequently, the ZEC revised the margin of votes received by President Mnangagwa from 50.8% to 50.67% noting that there were some errors and double counting in some constituencies.

Errors in Presidential Election Results

The ZEC Presidential Results for the 10,984 polling stations had some errors albeit marginal to the extent of not affecting the outcome. An analysis of the results for the parliamentary elections and the presidential elections does not show significant discrepancies between the two. There were 4,773,171 total valid votes for the parliamentary elections compared to 4,774,878 for the presidential election - a difference of 43,490 votes or 0.9%. Overall, Nelson

Chamisa received 508,458 more votes in the presidential election than MDC Alliance did in the parliamentary elections while Mnangagwa received 22,682 fewer votes in the presidential election than ZANU-PF did in the parliamentary elections. In those constituencies where the number of votes in the presidential election was significantly higher than the parliamentary election (2% or more), Chamisa received 18,224 more votes than Mnangagwa.

There are six sets of two polling stations with identical results which suggest that the results for at least one (or possibly both) polling stations are incorrect which affects the results totals. Table 15.3 below shows polling stations with identical results:

Table 15.3: Polling Stations with Identical Results

Polling Stations with Identical Results in ZEC Presidential Results by Polling Station					
Province	Constituency	Local Authority	Code	Nelson Chamisa	Emmerson Mnangagwa
Harare	Harare South	Harare Municipality Ward 1	6301HRE0113 B	563	220
Harare	Harare South	Harare Municipality Ward 1	6301HRE0113 D	563	220
Mash Central	Guruve North	Guruve RDC Ward 6	7100GVE0602 A	210	321
Mash Central	Guruve North	Guruve RDC Ward 6	7100GVE0603 A	210	321
Masvingo	Zaka West	Zaka RDC Ward 22	8300ZKA2203	92	160
Masvingo	Zaka West	Zaka RDC Ward 23	8300ZKA2303	92	160
Masvingo	Zaka West	Zaka RDC Ward 22	8300ZKA2204	100	163
Masvingo	Zaka West	Zaka RDC Ward 23	8300ZKA2304	100	163

Masvingo	Zaka West	Zaka RDC Ward 22	8300ZKA2201	139	160
Masvingo	Zaka West	Zaka RDC Ward 23	8300ZKA2301	139	160
Masvingo	Zaka West	Zaka RDC Ward 22	8300ZKA2202	116	352
Masvingo	Zaka West	Zaka RDC Ward 23	8300ZKA2302	116	352
Total Affected				2,440	2,752

Proportional Representation

The proportional representation system was first introduced in the 2013 harmonised elections. Six senators are elected for each of the 10 provinces based on the proportion of seats that each party would have garnered in the National Assembly election in that province. Table 15.4 below shows the number of proportional representation seats per each party:

Table 15.4: Table 15.4: Number of Proportional Representation Seats per Each Party

PROVINCE		No. OF SEATS	POLITICAL PARTIES			TOTAL
			MDC-ALLIANCE	MDC-T	ZANU PF	
1	Bulawayo	6	3	1	2	6
2	Harare	6	4	0	2	6
3	Manicaland	6	3	0	3	6
4	Mashonaland Central	6	1	0	5	6
5	Mashonaland East	6	2	0	4	6
6	Mashonaland West	6	2	0	4	6
7	Masvingo	6	2	0	4	6
8	Matabeleland	6	3	0	3	6

	North					
9	Matabeleland South	6	2	0	4	6
10	Midlands	6	2	0	4	6
	Total	60	24	1	35	60

Source: ZEC

National Chiefs 'Council Election

In accordance with Section 37 of the Traditional Leaders Act [Chapter 2:13], ZEC conducted the Chief's election on 11 July 2018 and 35 chiefs were elected into the National Chiefs' Council. Table 15.5 below shows Chiefs who were elected into the Senate.

Table 15.5: Chiefs Elected into Senate

PROVINCE	FULL NAME	CHIEFTAINSHIP
Manicaland	Shepherd Chengeta Gundu	Makumbe
	Annias Mapungwana	Mapungwana
Mashonaland Central	Nyabvunzi Clemence	Nembire
	Chigwadzara Chinhenza	Matsiwo
Mashonaland East	Bungu Witness M.	Chikwaka
	Chikukwa Langton	Nechombo
Mashonaland West	Pasipamire Peter	Ngezi
	Mbasera Abel	Chundu
Masvingo	Chauke Felani	Chitanga
	Bwawanda Ranganai	Nhema
Matabeleland North	Nkatazo Siatabwa	Siansali
	Mandlakazulu Khumalo	Mathupula
Matabeleland South	Ndiweni Vuyani	Nyangozonke

	Sindalizwe Dube	Masendu
Midlands	Mkwanzani Zama Nthua	Ngungumbane
	Ntabeni Milton	Ntabeni
PRESIDENT OF CHIEFS AND VICE		
President of Chiefs	Fortune Z. Charumbira	Charumbira
Deputy President of Chiefs	Mtshane Lucas Khumalo	Mtshane

Source: ZEC

16 ZESN'S SAMPLE BASED OBSERVATION RESULTS

As part of its comprehensive effort to observe the 2018 harmonised elections, ZESN trained and deployed over 7,200 observers to every ward, constituency, district and province of the country. Out of these, 750 were sample-based observers. The SBO is an advanced Election Day observation methodology which allows ZESN to independently verify of the presidential results as announced by the ZEC and confidently comment on the voting and results tabulation processes. SBOs have contributed to systematic election observation efforts around the world and in 12 countries in Africa such as Cote d'Ivoire (2016), Malawi (2009 and 2014), Zambia (2008, 2011, 2015 and 2016), Ghana (2008, 2012 and 2016), Uganda (2011), and Nigeria (2011, 2012 and 2015). In all cases the SBO accurately projected the vote tabulation outcomes including presidential results.

SBO observers were deployed to a weighted nationally representative sample of polling stations throughout the country. This random sample was representative in terms of the geography of the country, the distribution of polling stations, and the distribution of registered voters across Zimbabwe. SBO observers witnessed the entire voting and counting process at sampled polling stations and recorded the official results as announced by the polling officials. By 12 noon, 31 July, ZESN had received reports from all 750 sampled polling stations and had verified and analysed their data. Therefore, this report is based on a 100% response rate.

Table 16.1: ZESN SBO Estimates and ZEC Official Results for the 2018 Presidential Election

Presidential Candidate	SBO Estimate	Margin of Error	SBO Estimated Range	ZEC Announced Official Results (3 August)
Nelson Chamisa (MDC Alliance)	45.8%	+/- 2.0%	43.8% to 47.8%	44.3%
Emmerson Mnangagwa (ZANU-PF)	50.7%	+/- 2.0%	48.7% to 52.7%	50.8%
All Other 21 Candidates	3.5%	+/- 0.2%	3.3% to 3.7%	
Rejected Ballots	1.4%	+/- 0.1	1.3 % to 1.5 %	

Source: ZESN SBO Press Statement

17 POST-ELECTION ENVIRONMENT

The post-election environment was marred by protests in Harare by opposition supporters who alleged manipulation of presidential election results. The heavy-handed response by the security forces, whereby the citizens and protesters were indiscriminately assaulted was widely condemned by both domestic and international observers and the media, in particular the shooting that led to the death of civilians, including some who were reportedly not part of the protestors. In the days that followed, there were reports of unofficial curfews and a crackdown targeted at residents of some high-density suburbs of Harare, such as Dzivarasekwa, Budiro, and Kuwadzana. Reports of political retribution targeted at opposition political agents especially in the rural areas were also received.

There were also cases of the withdrawal of food aid in what has been perceived as retaliatory acts. ZESN LTOs also made efforts to verify social media reports of human rights abuses in their constituencies. Intimidation was reported in 19% of constituencies, although reported incidents dropped to some extent in the last week of August.

In Maware village, Makonde constituency ward 9 in Mashonaland West province, there were threats of a follow up exercise by the ruling party to determine who voted for the MDC Alliance.

In light of the forgoing, it is imperative for the ZHRC and the NPRC to investigate these allegations of human rights violations and bring the perpetrators of electoral related violence to book.

Commission of Inquiry-August 1, 2018

Following sustained calls for investigations into the killings and assault on protesters on 1 August, 2018 by local, regional, and international observers, president Mnangagwa set up a Commission of Inquiry on 29 August, 2018. The Commission is led by the former South African President, Kgalema Motlanthe. Other regional and international members include Mr Rodney Dixon QC, former Commonwealth Secretary General, Chief Emeka Anyaoku of Nigeria, Chief of Defence Forces of the Tanzania People's Defence Forces, General (Retired) Davis Mwamunyange. In addition, three locals namely; constitutional lawyer Professor Lovemore Madhuku, University of Zimbabwe lecturer Professor Charity Manyeruke, and former President of the Law Society of Zimbabwe, Mrs Vimbai Nyemba, are part of the team. Some stakeholders questioned the selection criteria for the local Commissioners arguing that they were aligned to the ruling party thus inhibiting their ability to objectively carry out an independent inquiry. An additional concern highlighted is that there are existing institutions namely the ZHRC and the NPRC whose mandates are similar to the Terms of References of the Commission of Inquiry that could have been engaged to conduct the inquiry.

18 RESULTS

Full results of the 2018 Harmonised elections can be found on this link https://www.zec.org.zw/pages/election_results2018#.

Table 18.1 below is a summary of the distribution of National Assembly (direct election) seats won by political parties.

Table 18.1: Distribution of National Assembly Constituencies (Direct Election) by Political Parties

Party/ Independent	Number of Seats
Independent	1
MDC-Alliance	63
ZANU PF	145

Source: ZEC

As the table shows, ZANU PF has a two-thirds majority (145) seats, 69%.

The Women's Quota seats distribution by political party is indicated in table 18.2 below.

Table 18.2: Women's Quota Seats by Political Party

Political Party	Number of Seats
MDC Alliance	24
MDC-T	1
ZANU-PF	35
Total	60

Source: ZEC

As the table shows, ZANU-PF has 35 seats, MDC Alliance 24, and MDC-T 1 seat.

The distribution of the number of seats in the National Assembly by sex is depicted in figure 18.1 below.

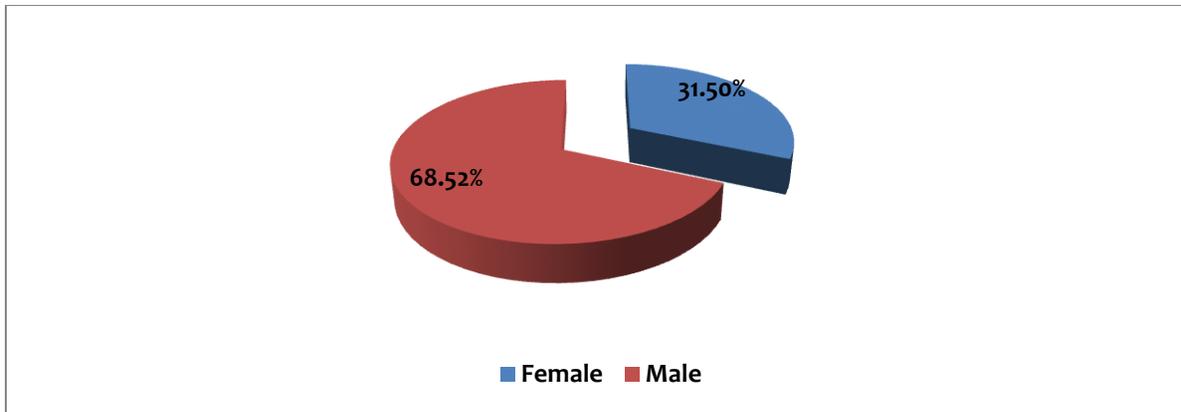


Figure 18.1: Number of Seats in the National Assembly by sex

SENATE

In the Senate, 35 seats (44%) are occupied by females and 45(56%) are occupied by males⁵⁷. Table 18.3 below shows the distribution of the number of seats amongst political parties, chiefs, and Senators to represent PWDs. ZANU PF occupies 35 seats, MDC-Alliance has 24, MDC-T has one seat, Chiefs have 18 seats, and Senators to represent PWDs have two seats.

Table 18.3: Distribution of Seats in Senate

	Number of Seats	%
ZANU PF	35	44%
MDC Alliance	24	30%
MDC-T	1	1%
Chiefs	18	23%
Senators Representing PWDs	2	3%
Total	80	100%

Source: ZEC

⁵⁷Source: Zimbabwe Electoral Commission: www.zec.org.zw

19 RECOMMENDATIONS

Having observed the entire electoral cycle for the 2018 harmonised elections, and noting the existing gaps in electoral law and practice, ZESN makes the following recommendations for consideration by different electoral stakeholders.

Table 19.1: ZESN Recommendations

Recommendation		Purpose	Targeted Institutions
1. Legal Framework			
1.1	Need for a comprehensive review of Zimbabwe’s electoral framework. An all-inclusive electoral reform committee should be set up to deliberate on political, administrative and legal reforms that are needed to enhance the credibility of Zimbabwe’s electoral processes	To create credible framework for elections which incorporate the diversity of interests from different electoral stakeholders including women, youth and PWDs.	The Government of Zimbabwe Parliament Independent Commissions supporting democracy Political Parties Civil Society Organizations
1.2	Ratify and domesticate international legal frameworks that relate to electoral processes, for example The African Charter on Democracy, Elections and Governance (ACDEG)	To enhance alignment of the electoral legislation with the continental standards.	The Government of Zimbabwe
1.3	Institute comprehensive and timeous electoral law reform that addresses existing flaws, gaps and/or inadequacies in the administration conduct of elections.	To fully align electoral laws with the Constitution	Parliament of Zimbabwe
1.4	Add and enforce punitive measures for those who contravene the electoral Code of Conduct.	To provide legal basis for prosecuting those who	Zimbabwe Electoral Commission

		offend the electoral code of conduct	
1.5	Strengthen independence of the Chapter 12 Institutions and remove all forms of executive interference.	To increase stakeholders confidence in the Commissions	The Government of Zimbabwe
1.6	Institute mechanisms in the electoral laws that ensure that the right to vote is extended to all citizens including those imprisoned and in the diaspora.	To fully align electoral laws with the Constitution	Parliament of Zimbabwe The Zimbabwe Electoral Commission
2. Voter Registration and Voters' roll			
2.1	Amend the electoral law to instruct the ZEC to inform registrants who are removed from the roll.	To fully align electoral laws with the Constitution	Parliament of Zimbabwe The Zimbabwe Electoral Commission
2.2	Notify persons that are put on the exclusion list and provide a less cumbersome provisions for redress	To provide effective remedy to the category of voters who are put on the exclusion list.	Parliament of Zimbabwe The Zimbabwe Electoral Commission
2.3	Amend the electoral law to ensure that it provides a specific timeframe for the final voters' roll to be availed to the political contestants.	To enhance transparency in electoral processes. To ensure that the	Parliament of Zimbabwe

		voters' roll is given to political parties before the sitting of the nomination court.	
2.4	Facilitate ease of registration in urban areas in view of lowest registration statistics in Harare and Bulawayo in particular and urban areas in general compared to rural areas.	To make registration rates in urban areas more consistent with official population projections.	The Zimbabwe Electoral Commission
2.5	Provide copies of the polling station voters' roll to party agents at the polling stations.	To enhance transparency in electoral process	The Zimbabwe Electoral Commission
2.6	Invest in procurement of integrated systems that allow for one gadget to be used for multiple purposes such as enrolling voters, voter verification on election day and transmission of results.	To enhance the efficiency of voter registration and results transmission processes.	The Zimbabwe Electoral Commission
2.7	The results of the de-duplication process need to be publicized.	To enhance transparency in the process of the compilation of the voters' roll.	The Zimbabwe Electoral Commission
2.8	ZEC to focus on continuous voter registration and cleaning of the voters' roll	To improve the effectiveness of the voters' registration process and the quality of the voters' roll.	The Zimbabwe Electoral Commission
3. Delimitation			
3.1	There is need to rationalize constituencies that are too big and those that are too small.	To ensure that Electoral district boundaries are	The Zimbabwe Electoral

		drawn so that districts are relatively equal in population.	Commission.
3.2	There should be stakeholder consultation on delimitation and the process needs to comply with international standards of equal voting strength, representativeness, and community of interest.		The Zimbabwe Electoral Commission
4. Election Administration			
4.1	Ensure transparency in ballot paper designing and printing by engaging with electoral stakeholders.	To increase confidence in electoral processes.	The Zimbabwe Electoral Commission
4.2	Ensure that postal voting adheres to the principles of free choice and secrecy of the vote.	To ensure right to vote in secret is not compromised.	The Zimbabwe Electoral Commission
4.3	Special vote should be re-instated to ensure that those unable to vote on election day are not disenfranchised.	To ensure secrecy of the vote.	Parliament of Zimbabwe The Zimbabwe Electoral Commission
4.4	Facilitate easier accreditation process by removing the requirement for accreditation fees to be paid as well as the requirement for observers to physical present themselves at accreditation centers.	To simplify the observer accreditation process.	The Zimbabwe Electoral Commission
4.5	Where extra polling stations are added towards an election, ZEC should widely publicize them.	To enhance transparency in the electoral process.	The Zimbabwe Electoral Commission
4.6	Election administration should conform to open data principles. ZEC needs to establish an effective communication strategy.	To enhance transparency in the electoral process.	The Zimbabwe Electoral Commission
4.7	ZEC should publish audit reports on expenditure on elections	To ensure transparency	The Zimbabwe

	administration.	in elections administration.	Electoral Commission.
5. Voter Education			
5.1	Voter education should be linked to the secrecy of the ballot and other misinformation by electoral stakeholders.	To enhance effectiveness of electoral education initiatives.	The Zimbabwe Electoral Commission Accredited Civil Society Organizations
5.2	Voter education should be provided on a continuous basis and expand reach to institutions of higher learning and secondary schools and to target first-time voters	To inculcate a culture of citizen participation in electoral processes.	The Zimbabwe Electoral Commission
	Voter education should deliberately emphasise the importance of other elections, apart from the presidential election, particularly local government elections.	To increase the informed participation of the electorate in often underappreciated but critical elections.	The Zimbabwe Electoral Commission, political parties, and Civil Society Organisations.
6. Political Parties, Campaigns, Regulation of campaign finance			
6.1	Political parties should comprehensively deploy agents to observe key electoral processes.	To enhance transparency of electoral processes	Political Parties
6.2	There is need for regulation of political parties.	To enhance intra-party democracy, importantly during the primary elections.	Parliament The Zimbabwe Electoral

			Commission
6.3	Enforce the Traditional Leaders Act and Constitutional provisions on neutrality of traditional leaders.	To make the political playing field more even.	The Zimbabwe Human Rights Commission (ZHRC)
6.4	The law should provide for disclosure and audits of parties sources and use of campaign funding.	To make the political playing field more even.	The Zimbabwe Electoral Commission
6.5	Make Multi-Party Liaison Committees a permanent feature in Zimbabwe's electoral processes.	To strengthen alternative dispute resolution mechanisms.	The Zimbabwe Electoral Commission Political Parties
6.6			
7. Women			
7.1	Institute appropriate provisions in electoral law that makes it mandatory for parties to observe quotas' for women.	To ensure adherence to constitutional provisions for gender parity in all spheres of life.	Government of Zimbabwe Zimbabwe Gender Commission Political Parties
7.2	Ensure that there is gender parity in all key decision making positions and institutions.	To ensure adherence to Constitutional provisions on gender representation.	Government of Zimbabwe Parliament of Zimbabwe Political parties
7.3	Political parties should be accountable for the pledges they make in support of female participation in political processes.	To ensure adherence to constitutional provisions	Political Parties

		for gender parity in all spheres of life.	
7.4	Support the strengthening of political parties to enable them to effectively campaign for public office and when in parliament to effectively play their legislative and over oversight roles.	To support the creation of a competitive multiparty system	Parliament Independent Commissions in Support of Democracy
8. Youth			
8.1	There is need to involve youth as candidates and in decision making.		Political Parties
9. Election Day and Election Results			
9.1	Need for a more transparent results transmission system where presidential results from each polling station are transmitted directly to the nation results collations center	To enhance confidence in the tallying process	The Zimbabwe Electoral Commission
9.2	Changes to results should be made in the presence of observers and party agents.	To enhance confidence in the tallying process	The Zimbabwe Electoral Commission
9.3	ZEC should consider total valid votes cast rather than total votes cast in the counting of election votes and avoid errors that may necessitate the revision of announced results.	To enhance confidence in the tallying process	The Zimbabwe Electoral Commission
9.4	ZEC should invest in a results transmission system that can transmit results in real-time.	To enhance confidence in the tallying process	The Zimbabwe Electoral Commission
9.5	ZEC should pursue an open data policy that includes the prompt displaying of election results forms at polling stations, for each polling station, disaggregated by demographic variables and post those forms on its website.	To enhance confidence in the tallying process	The Zimbabwe Electoral Commission
10. Election Dispute Resolution			

10.1	Other electoral dispute resolution mechanisms should be put in place to ensure peaceful resolution of election-related disputes throughout the electoral cycle, including dealing with cases of post-election retribution.	To provide effective remedy to electoral stakeholders whose rights are violated?	The Zimbabwe Electoral Commission
10.2	Independent Commissions should be strengthened, especially the National Peace and Reconciliation Commission (NPRC) and the Zimbabwe Human Rights Commission (ZHRC) to effectively execute their respective roles in electoral matters.	To provide effective remedy to electoral stakeholders whose rights are violated.	The Government of Zimbabwe
10.3	The law should set a timeframe for the finalization of petitions filed with the court on electoral issues, particularly for the National Assembly and local government elections.	To ensure that there is timely resolution to electoral challenges.	Parliament of Zimbabwe.
10.4	The law should set a timeframe that compels the Judiciary to promptly avail full judgements on electoral court cases.	To enable electoral stakeholders to fully comprehend the court processes and reasons for the judgements.	Parliament of Zimbabwe.
11. Media and Elections			
11.1	Enforce legal provisions of the existing laws that regulate the conduct of state owned media.	To ensure political parties and candidates receive, equal and balanced coverage by state owned media outlets.	The Government Zimbabwe Electoral Commission and Zimbabwe Media Commission.
11.2	Zimbabwe Broadcasting Authority should be transformed into a truly independent institution that effectively and impartially regulates public, private and community broadcasters.	To ensure political parties and candidates receive, equal and balanced coverage by state owned media	The Government Zimbabwe Electoral Commission and Zimbabwe Media Commission.

		outlets.	
11.3	ZEC should ensure timely media monitoring in future elections and set up adequate mechanisms to ensure compliance with provisions that promote fair, equitable and balanced coverage of political players.	To ensure political parties and candidates receive, equal and balanced coverage by state owned media outlets.	Zimbabwe Electoral Commission
11.4	There is need to put in place mechanisms of monitoring hate speech and fake news on social media around the electoral cycle.	To support the improvement of the electoral playing field.	The Government Zimbabwe Electoral Commission and Zimbabwe Media Commission.
11.5	The ZEC media monitoring report should be shared widely	To promote fair and balanced reporting on elections.	Zimbabwe Electoral Commission and Zimbabwe Media Commission.
12. People with Disabilities			
12.1	The ZEC should ensure mechanisms are put in place to facilitate voting by people with disabilities and to do so in secrecy.	To ensure secrecy of the vote	Zimbabwe Electoral Commission
12.2	Public buildings should be made accessible to all citizens.	To ensure that citizens with disabilities are able to access buildings where various electoral processes are conducted	The Government
13. Election Observation Mission Reports			
12.3	Election observation mission reports should be published timeously, at least within three months after an election and should be made public.	To promote transparency and build confidence in	SADC, the AU, and COMESA

		stakeholders, particularly citizens.	
12.4	Election observer missions should closely monitor implementation of recommendations to ensure that they are effected before the next elections.	To ensure compliance with regional and international standards and best practice.	Election observer missions

20 CONCLUSION

Notable improvements in law and practice were witnessed during the electoral cycle for the 2018 harmonised elections, including the relatively peaceful campaign season, improved quality of voter education, and provision of voting materials. ZEC engagement with stakeholders, though not adequate, was also an improvement when compared with the 2013 elections. However, the integrity of the 2018 harmonised elections was undermined by an uneven pre-election playing field. Some of the actions which marred the electoral process include widespread intimidation of registrants by political actors who claimed to be able to track individual voting preferences of registrants whose registration slip serial numbers they had recorded. In addition, the partisan role of some traditional leaders who openly engaged in partisan politics, the partisan distribution of food aid, the use of state resources in campaigns, biased reporting by the public media, and the rather ineffective stakeholder engagement by the Commission also marred the electoral processes. The effect of the foregoing was to skew the electoral playing field.

Furthermore, transparency of the electoral process was compromised by the manner in which ZEC managed ballot papers procurement, design and printing and packaging, transmission and announcement of results. These critical processes were largely not open to political party agents and election observers, making it difficult for stakeholders to measure ZEC's compliance with provisions of the Constitution, the Electoral Act and Regional and International Standards.

The outcome of the election showed that it was a heavily contested plebiscite, with the two major political parties securing the control of rural and urban constituencies respectively. The presidential election was even closer, with the two main protagonists separated by a very small margin. Resultantly, the ruling party is controlling most of the rural constituencies, while the main opposition political party controls most of urban constituencies, creating a deeply divided nation. It is therefore imperative that the government invests in efforts that promote national healing and reconciliation, especially following the tragic deaths of

protestors on 1 August 2018, as a result of the unwarranted use of excessive force by the security forces in a bid to break the protests.

At the end of this report we summarise the findings and recommendations of the International Election Observer Missions (IEOMs) who were accredited to observe the elections, as captured in the IOMs' Preliminary Post Election Statements shared on the 1 and 2 August 2018 for ease of reference.

ANNEX 1

INTERNATIONAL ELECTION OBSERVATION

Prior to the holding of the 2018 harmonized elections, the Zimbabwean government welcomed various regional and international observer missions whom they accredited to observe the pre-election, Election Day and post-election processes. This was one of the indications of an improved political space. More than 46 countries and 15 International organizations were invited to observe this year's elections.

The Southern Africa Development Community- Parliamentary Forum (SADC PF), African Union (AU), European Union (EU), International Republican Institute and National Democratic Institute (IRI/NDI), Common Market for Eastern and Southern Africa (COMESA), the Commonwealth, the Electoral Commissions Forum of SADC countries (ECF-SADC), Election Support Network of Southern Africa (ESN-SA), the Council of Elders, The Carter Center, ZCC and the CCJP are among the observer groups which were monitoring the election process. They also issued preliminary statements on pre-election and Election Day as well as immediate post-election statements.

The various observer missions noted that the 2018 elections were peaceful and well administered, however the ZEC fell short in ensuring women political participation in the electoral processes. ZESN was applauded by the various observer missions for conducting an independent voters' roll audit.

The observer missions highlighted that some of the issues that were brought to the fore by the opposition parties are a result of residual mistrust for ZEC emanating from the previous elections. They concurred that there were delays in the release of the Voters' Roll, lack of pro-active communications strategy as well as lack of transparency in the procurement, printing and layout of ballot papers. The table below shows the key observations and recommendations by the observer missions:

Summary of International Election Observer Missions' (EOMs) Preliminary Statements

Governing and Guiding principles for the EOM	Key issues raised	Recommendations
Southern African Development Community Elections Observation Mission		
Clause on civil and political rights	<p>There has been a remarkable improvement in the exercise and protection of civil and human rights compared to 2008</p> <p>Pre-election and Voting processes were in line with key legal and constitutional provisions and SADC Principles and Guidelines Governing Democratic Elections</p>	
Electoral Commissions Forum of Southern African Development Community Countries		
Principles for Election Management, Monitoring and Observation (PEMMO)	<p>Welcomed gender mainstreaming in the appointment of the ZEC Chairperson and Deputy</p> <p>Noted political tolerance among party supporters</p> <p>Applauded the provision of adjustable polling booths to cater for the people with disabilities</p>	Suggested the broadening of the narrow scope of postal voting to accommodate Zimbabweans living in the Diaspora

SADC Parliamentary Forum Elections Observation Mission		
<p>SADC Principles governing the conduct of democratic elections</p>	<p>ZEC prepared adequately for the elections and all logistical arrangements were done in accordance with the electoral timetable</p> <p>ZEC was commended for the collaborative approach to voter education whereby ZEC accredited a significant number of CSOs to conduct voter education</p> <p>ZRP granted authority to all political parties to hold public assemblies including rallies and demonstrations in peace</p> <p>Higher voter turnout at most polling stations</p> <p>Fundamental human rights were unhindered during the campaign period and on Election Day.</p> <p>Zimbabwe Republic Police played an important role in providing security to the electorate without interfering with the voting process</p> <p>Noted that ZESN carried out an independent voters' roll audit</p>	<p>There is need to promulgate a law to govern the registration and operations of political parties in Zimbabwe</p> <p>There is need to standardize timelines for the verification of ballot papers</p> <p>There is need to improve lighting in temporary structures being used as polling stations</p> <p>ZEC urged to engage stakeholders and take a cue from other SADC countries regards the design, printing, storage and transportation of ballot papers</p> <p>There is need to strengthen the legal framework governing electoral media coverage in order to enhance fair, balanced and responsible reporting by the media, in particular the public media</p>
African Union Election Observation Mission		
<p>AU Guidelines for African Union Electoral Obse</p>	<p>ZEC carried out all electoral processes on time.</p> <p>All parties exercised their rights but however.</p> <p>Low threshold requirement for registration of political</p>	<p>ZEC was urged to be transparent and speedily in their results announcement processes</p>

<p>rvation and Monitoring Missions</p> <p>AU Charter on Democracy, Elections and Governance</p>	<p>parties and candidates to contest the elections.</p> <p>BVR, high involvement of Civil Society Organisations in voter education, election monitoring</p> <p>Welcomed the presence of party agents on majority of polling stations as positives for the elections</p>	
Common Market for Eastern and Southern Africa		
<p>COMESA Election Observation Guidelines and Code of Conduct 2013.</p>	<p>ZEC managed to effectively conduct elections despite challenges raised</p> <p>Political campaigns were peaceful in comparison with previous elections</p> <p>ZEC was commended for the collaboration it made with accredited CSOs in voter-education which helped increase voter turnout</p> <p>BVR limited multiple registrations</p> <p>Local regional and international observers had full access to all polling stations</p> <p>Management of the voting process was strengthened by polling station specific voting</p>	<p>ZEC was urged to reduce the number of voters per polling station to increase efficiency in casting of ballots</p> <p>There is need for ZEC to print ballot papers in colour as a way of enhancing clarity of ballot papers</p> <p>ZEC was urged to include the Diaspora in the voting process in line with the Zimbabwe Constitution which stipulates that all Zimbabweans have the right to vote</p>
Election Support Network of Southern Africa		
<p>SADC</p>	<p>Citizens conducted themselves peacefully during the pre-election period.</p>	<p>The media should report factual news and assist in promoting a peaceful environment</p>

<p>Principles governing the conduct of democratic elections</p> <p>PEMMO</p>	<p>Noted with sadness, the death of people when the army shot protesting civilians.</p> <p>Political parties should ensure that their supporters are peaceful.</p> <p>The observer mission appreciated the high level of women participation as polling staff</p> <p>There was poor lighting in the voting booths at some polling stations.</p>	<p>Assisted voting rules need to be applied procedurally so as not to violate the secrecy of the vote</p> <p>A review of the results management specifically reducing the number of forms that should be completed.</p>
<p>International Republican Institute/National Democracy Institute</p>		
<p>Declaration of Principles for International Election Observation</p> <p>SADC Principles governing the conduct of democratic elections</p> <p>AU Charter on</p>	<p>The layout of polling stations appeared to safeguard voting secrecy.</p> <p>Though few, cases of violence and harassment demonstrated the need for all stakeholders to work diligently to honour the people’s will through and beyond elections</p> <p>Noted with concern the June 23 Grenade attack in Bulawayo which killed 2 people and injured 49</p> <p>The ZEC failed to tabulate and publicly avail the presidential election results expeditiously.</p> <p>Traditional and social media coverage of women candidates focused on superficial attributes like appearance.</p>	<p>All political parties should marshal the will and demonstrate concerted efforts to unify the country.</p> <p>The Judiciary should fulfil its constitutional obligations by being impartial when addressing electoral challenges and provide timely redress for complaints that are lodged.</p> <p>The Police and the military should exercise restraint and ensure that the election process produces a peaceful outcome.</p> <p>Zimbabweans should weigh the Constitutional Court ruling in light of the overall electoral process to determine the credibility if the election.</p>

<p>Democracy, Elections and Governance</p>	<p>The practice to demand voter registration slips from voters in the pre-election period undermined confidence in the secrecy of the vote.</p> <p>There was repression against opposition leaders.</p> <p>Zimbabwe has not yet demonstrated that it has established a tolerant and democratic culture.</p>	
<p>European Union Election Observation Mission</p>		
<p>Declaration of Principles for International Election observation</p>	<p>Noted the improved political climate</p> <p>Fundamental freedoms such as movement, assembly, and speech were respected during the campaign period.</p> <p>The playing political field was uneven</p> <p>There was the abuse of state resources by the ruling party during election campaigns.</p> <p>The State media was biased towards ZANU-PF.</p> <p>The Electoral Act empowers the ZEC to monitor the media and identify cases of violations</p> <p>The ZEC published a simplified electoral calendar, full list of polling stations, list of nominees and list of constituency elections officers.</p> <p>The ZEC availed the election officers' manual to stakeholders.</p> <p>There was intimidation against opposition leaders and</p>	<p>The rule of law should be upheld in the investigation of violence and vandalism.</p> <p>Further administrative reform measures should be instituted to help improve persons with disabilities' access to a secret ballot.</p> <p>All electoral stakeholders should adhere to the peace pledge.</p> <p>Government should respect the rights of the Zimbabwean people as enshrined in the Constitution.</p> <p>Government should ensure that the Zimbabwe Defence Forces act with restraint in full respect of international human rights norms and their constitutional role.</p>

	supporters.	
Carter Centre		
Declaration of Principles for International Election Observation Code of Conduct for International Election Observers	Observer missions were concerned about post-election tensions. Observer missions condemned violence that erupted after the announcement of poll results	Political actors should demonstrate responsible leadership. Government was urged to be exemplary and refrain from inflammatory rhetoric which could incite further violence
Commonwealth		
Revised Commonwealth Guidelines for the Conduct of Election Observation Code of Conduct for International	Expressed profound sadness at the outbreak of violence by the opposition supporters Condemned the excessive use of force by the security forces Elections were conducted in the context of some positive reforms Noted the multiple barriers to women's political representation	Progress achieved could be undermined if party supporters do not remain peaceful and tolerant

Election Observers		
Zimbabwe Council of Churches		
SADC Principles Governing the Conduct of Democratic Elections	Zimbabweans need to seek peaceful and legal redress to electoral disputes as well as exercise restraint. Aggrieved parties should promote peace amongst their supporters. There was an uneven playing field which favoured the incumbents. The ZEC is not independent. The ZEC should urgently release polling station-level results on its website to ensure transparency and accountability.	ZANU-PF should consider and prioritize a formal constitutional recognition for the leader of the main opposition consistent with practices in other developed democracies.
International Election Observation Missions (IEOMs)		
All Guiding Principles for the Respective Observer Missions	Concern over the outbreaks of post-election violence on 1 August. (IEOMs) : (The SADC SEOM, the African Union COMESA, SADC-ECF, SADC-PF, Commonwealth Observer Group, European Union, The Carter Centre and NDI/IRI)	ZANU-PF and MDC Alliance, civil society, faith based organizations and other stakeholders should safeguard the integrity of the political and electoral processes.
Areas of Convergence		
<ul style="list-style-type: none"> • There is national polarization across political, tribal, gender, class, and other distinctions; • The people of Zimbabwe should be patient as they wait for the official results from the ZEC; • The ZEC should liaise with political parties to verify the results; • ZEC should engage with stakeholders after elections to address issues related to the voter register and ballot paper 		

printing;

- Results transmission from the polling station to the national results centre should be reviewed to enhance the release of election results;
- The onus is on the people of Zimbabwe to ultimately determine the credibility of their elections;
- Many polling stations lacked sufficient facilities such as ramps for disabled voters;
- Zimbabweans should demand that government and political leaders honour their will by delivering on ensuring peace and personal security;
- Political contestants and non-partisan observer groups should independently verify the results released by the ZEC;
- Zimbabweans should rely on peaceful expression and avoid acts or threats of retribution against political rivals following the Con-court ruling;
- The country's political leaders should honour voters' aspirations of reconciliation and inclusive and responsive governance;
- Digital media was more open than traditional media but focused excessively on personalities than pertinent electoral issues;
- ZEC should be independent from government so that it exercises power in addressing media violations brought to its attention;
- There were delays in adjudication and several controversial judgments passed brought the independence of the judiciary to question;
- ZEC, BAZ and ZMC fulfilled their mandate to monitor the media;
- Opposition members were targeted by members of the Zimbabwe security forces;
- Further reform to the Electoral Act is required;
- There were delays in the release of the voters' roll;
- The ZEC lacked transparency in its processes;
- The ZEC lacks a proactive communication strategy over concerns raised by political parties;
- The ZEC was implored to engage stakeholders on streamlining the counting process so that it is less tedious;
- The ZEC should engage all stakeholders to reform certain electoral laws during the post-election period;
- Most of the political parties do not have deliberate policies to promote the inclusion of women as candidates as per the

SADC Protocol on Gender and Development;

- The observer missions commended the provision in the law for 60 quota seats for women in the National Assembly and the zebra system for Senatorial seats whereby the first candidate should be a woman;
- Multi-liaison parties are not fully utilized by the political parties given the recorded number of cases of inter and intra-party violence;
- Despite an improvements and the amendment of the Electoral Act and other pieces of the legislation, the legal framework governing of the elections is still not properly aligned to the 2013 constitution;
- ZEC failed to implement some of the AUEOM recommendations, for example, to ensure pluralistic media;
- The high accreditation fees charged violates Article 12(3) of 2007 African Charter on Democracy, Elections and Governance;
- Residual mistrust from previous cycles affected the ZEC's operations;
- There was a proliferation of political parties due to absence of the law governing their establishment, registration, and operation;
- The missions noted that there was violence during primary elections;
- The missions raised concerns over expressions of violence targeted at female political candidates;
- The missions applauded the presence of Red Cross Society to provide assistance when needed;
- The observer missions noted that there was transparency during the voting process and the counting of votes;
- The high observer accreditation fees charged deterred observer groups from deploying observers comprehensively across Zimbabwe;
- Zimbabweans should exercise their political rights peacefully;
- All parties should respect the rule of law;
- The observer missions did not witness any instances of politically motivated violence; and
- The observer missions noted that the Media Monitoring Committee was not effective.