

COMMISSIONS WATCH

ZIMBABWE HUMAN RIGHTS COMMISSION

[6th August 2018]

Zimbabwe Human Rights Commission (ZHRC) Preliminary Election Monitoring Report: 23 – 31 July 2018



INTRODUCTION

Zimbabwe Human Rights Commission (ZHRC), is mandated to protect, promote and enforce human rights in Zimbabwe. Section 243(1) (c) confers the responsibility on the Commission to monitor, assess and ensure observance of human rights and freedoms. This function is inclusive of the right to free and fair elections as provided for in the Constitution and the Electoral Act, (Chap 2:13). In light of this mandate, the ZHRC has been monitoring all electoral processes to contribute to the promotion of an environment conducive to conducting of free, fair, transparent and credible elections. The Commission deployed a total of 23 teams spread across the 10 Provinces of Zimbabwe. The monitors were able to collect information which forms part of this preliminary report. Apart from monitoring the political situation, the ZHRC teams earned out their functions of complaints handling and investigation, as well as human rights education and promotion as provided for in section 243 of the Constitution of Zimbabwe.

METHODOLOGY

This report is based on the information received from the monitors deployed across the country and from complaints received.

ZHRC FINDINGS

Overall the environment was peaceful compared to previous electoral periods in the country. However, the ZHRC monitors found that in some provinces the pre-election environment was marred by a number of electoral malpractices which included the following;

THREATS AND INTIMIDATION

A number of cases of threats and intimidation were received from 10 Provinces in contravention of section 133B(c) of the Electoral Act [Chapter 2:13]. By 29 July 2018, a total of 31 cases had been received by the ZHRC of voters being compelled to vote for a particular party by those in places of authority such as Chiefs and Headman. The situation was especially worrisome in Mashonaland East Province which received reports of intimidation and threats in most of the 16 constituencies in violation of the right to freedom of expression as stated in section 61 of the Constitution, and to freedom of assembly, association and choice as provided for in section 58 of the Constitution. It was further noted that the greatest number of threats and intimidation arose from the social media which threats were of great concern because of their insidious nature.

PARTISAN FOOD DISTRIBUTION

The ZHRC before the election, carried out investigations on partisan food distribution and made recommendations to the relevant stakeholders. The same trend continued in a number of constituencies with the ZHRC receiving reports and observing partisan distribution of Presidential Input program in 9 constituencies. Some of the constituencies where ZHRC witnessed partisan distribution of food were at Munyoro business centre, Chikomba East, Ward 23 in Macheke, Murehwa South constituency, Hwedza South, Masvingo North (Zaka North West and Central, Ward 32); Matebeleland North (Tshino Ward 6, and 3) Matebeleland South (Sigola, Siphezini and Esigodini in Umzingwane Constituency), Gokwe Central Constituency, in Ndlalambi, Ward 20, where mostly rice was being distributed at ZANU PE gatherings at the exclusion of the general needy public.

CAMPAIGN RALLIES AND USE OF HATE SPEECH

The ZHRC attended rallies called by the different political parties across all the 10 provinces. These were generally held peacefully with a few cases of electoral malpractices. The ZHRC however, noted that in some instances, the use of hate speech and songs carrying hate messages were part and parcel of campaign rallies. As has been highlighted this affects the way that parties relate to each other and has the potential of causing violence. In some instances, the hate speech, was viewed by the ZHRC as toxic, especially to the female candidates and ZEC Chairperson.

COMPLAINTS RECEIVED

A total of 76 complaints were recorded by ZHRC monitors who were in the field as well as through hotlines and toll- free lines. The ZHRC received cases from individuals who complained of intimidation, threats and physical violence. Whilst every effort is being made to investigate the cases received, the ZHRC remains concerned with the sheer numbers of allegations which should not arise in a democratic and peaceful nation that Zimbabwe is.

OVERVIEW OF THE ELECTION DAY

The right to vote in accordance with section 67 of the Constitution is an important tenet of democracy. The ZHRC congratulates ZEC for holding the elections throughout the country and for opening up the process, in the spirit of transparency, to both local and foreign observers. The elections were held peacefully throughout the country.

For the improvement of future elections, the ZHRC wishes to highlight the following shortcomings noted on election day. Some of the provinces reported cases of general disorganisation on the part of the electoral management body with some polling stations missing and voters having to be redirected. Some polling stations did not have adequate lighting especially in tents which slowed the voting process. The process was slow with some voters having to wait for up to 3hours to cast their vote. Opening, closing of polls and counting ballots was in accordance with the Electoral Act. The right to vote should be enjoyed by all Zimbabweans including special interest groups such as women, the elderly and women with babies. It was noted that this group was made to vote first which was commendable on the part of ZEC. However, the ZHRC noted that as raised in its previous monitoring reports, some of the venues were not accessible to persons with disabilities and the elderly. It was observed there were steep steps at some school voting venues.

There was a visible absence of female candidates, in violation of the Zimbabwean Constitution provision on gender equality, as well as SADC Protocol on Gender providing for the 50-50 parity

on parliamentary representation. The absence of provisions on braille in the Electoral law, made it impossible for the visually impaired to vote unassisted. Equally the law did not include the voting of those in the diaspora and prisoners as highlighted in previous reports by the ZHRC.

CONCLUSION

The 2018 harmonised elections have been a mixed bag. Whilst this election can be hailed as one of the most peaceful elections post 2000, the ZHRC's findings point to challenges in fulfilling the right to vote as provided for in the Constitution. Some citizens of Zimbabwe were subjected to conditions that made it impossible for them to enjoy their human rights in full as they were exposed to intimidation and threats.

RECOMMENDATIONS

Zimbabwe Electoral Commission

- To perfect the voters roll and polling stations well on time to avoid confusion and redirection of voters.
- To make sure polling stations are accessible and friendly to all people including people with disabilities.
- To provide adequate facilities including fighting and mobile ablution facilities at Polling Stations as most Polling Stations at tents did not have them.

Zimbabwe Republic Police

- To expedite investigations and processing of all criminal cases reported to them e.g. Seke case of an aspiring candidate whose rights were being infringed.

Political Parties

- To attend Multi Party Liaison Committee meetings to avoid last minute crisis.
- To deploy polling agents at the various polling stations to avoid querying of ZEC processes and results.
- Political parties are urged to desist from electoral malpractices of defacing, tearing and pulling down posters.
- Political parties to desist from issuing threat and intimidation to potential voters during elections and the Multi Party Liaison Committee to emphasize this.
- Political parties must desist from using food and agricultural inputs to buy votes.

Ministry of Labour and Social Welfare, AGRITEX and Grain Marketing Board

- In future food and agricultural input distribution towards elections should be done by independent Government Institutions e.g. Grain Marketing Board and Social Welfare rather than political party machineries. It is also recommended that these exercises be halted ahead of polling day as this raises issues of vote buying by other political parties.

Traditional Leaders

- Should not indulge in political activities as provided for in the Constitution Section 281(2), I quote;

“Traditional leaders must not be

(a) Members of a political party or in way participate in partisan politics;

(b) Act in a partisan manner;

(c) Further the interest of any political party or cause;

(d) Violate the fundamental rights and freedoms of any person.”

They should not therefore;

- Stand as Aspiring Candidates for Political Office.
- Be deployed as Polling Agents by Political Parties.
- Mobilise communities to attend ZANU PF rallies.
- Carry out partisan distribution of inputs and food aid.

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