



**MDC-T PRIMARY ELECTION MONITORING REPORT**

**DATES: 15-18 MAY 2018**

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## **1. BACKGROUND AND INTRODUCTION**

The Zimbabwe Human Rights Commission (ZHRC) monitored the human rights situation prior to the Movement for Democratic Change (MDC-T) primary elections that had been initially scheduled for 17 May 2018. Following a notification from the ZHRC of its intention to monitor the primary elections, the Secretary General of the MDC-T advised the ZHRC that the primary elections would be held on 17 May 2018. As a result the ZHRC deployed teams around the country on 14 May 2018. The elections were to select candidates to represent the party in national elections in the following categories: Council, National Assembly, Senate and Provincial Council Elections.

The Secretary General of the MDC-T advised the ZHRC of the MDC-T party consensus building meetings in the 10 Provinces of Zimbabwe. As part of its constitutional mandate, the ZHRC deployed teams nationwide in order to fulfill the obligation to monitor and observe the general human rights situation in the country with particular focus on political rights and to monitor and record any human rights related matters which could occur before the party primaries.

## **2. LEGISLATIVE FRAMEWORK**

Zimbabwe has no legislative framework on the running of political party primary elections and other activities. The Electoral Act [Chapter 2:13] guides the running of national elections. The ZHRC was guided by the following national, regional and international instruments that provide a basis for the holding of free and fair elections:

### **2.1. Constitution of Zimbabwe, (Amendment No. 20 of 2013)**

Section 67 of the Constitution of Zimbabwe provides for the political rights of every citizen, that is, the right to free, fair and regular elections and to make political choices freely.

### **2.2. SADC Principles and Guidelines Governing Democratic Elections, 2014**

The Guidelines provide that member states have an obligation to ensure the transparency and integrity of the entire electoral process by facilitating the deployment of representatives of political parties and individual candidates at polling and counting stations and by accrediting national and other observers/monitors.

### **2.3. The Constitutive Act of the African Union, 2002 (The Constitutive Act):**

Under the Constitutive Act, the African States have committed to promote democratic principles and institutions, popular participation and good governance. This also includes promoting and protecting human rights in accordance with the African Charter on Human and Peoples' Rights, and other relevant human rights instruments.

### **2.4. The African Charter on Democracy, Elections and Good Governance, 2007:**

Under this Charter, the African Union Partner States commit to:

- i. Promote adherence, by each partner state, to the universal values and principles of democracy and respect for human rights;
- ii. Promote the holding of regular free and fair elections to institutionalize legitimate authority of representative government as well as democratic change of government; Promote the establishment of the necessary conditions to foster citizen participation, transparency, access to information, freedom of the press, and accountability in the management of public affairs;
- iii. Promote best practices in the management of elections for purposes of political stability and good governance.

### **2.5. African Union Declaration on Principles Governing Democratic Elections in Africa (2002):**

These principles provide that democratic elections should be conducted freely and fairly, under democratic constitutions and in compliance with supportive legal instruments. Elections should be held at regular intervals, as provided for in national constitutions by impartial, all-inclusive competent accountable electoral institutions staffed by well trained personnel and equipped with adequate logistics.

### **2.6. Universal Declaration of Human Rights, 1948:**

The Declaration recognizes that everyone has the right to take part in the government of his country, directly or through freely chosen representatives. It further provides that: "The will of the people shall be the basis of the authority of government; this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures"

## **2.7. International Covenant on Civil and Political Rights, 1966:**

The Covenant recognizes the right of every citizen to take part in the conduct of public affairs, directly or through freely chosen representatives; and to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot.

## **3. MONITORING METHODOLOGY**

### **3.1. Techniques used**

Considering the fact the elections were scheduled to be held in all the Provinces simultaneously, ZHRC resorted to sample certain areas in each area. This was owing to the fact that ZHRC had limited human resources. Focus was directed on Constituencies which were considered hotspots.

In some instances interviews were conducted with MDC-T Coordinators, Government officials, Zimbabwe Electoral Commission (ZEC), aspiring candidates and the electorate in general.

### **3.2. Events observed and limitations**

During the period under review, the ZHRC observed the pre-election environment. This included engagement with various key stakeholders as well as the general public. Unfortunately only the team located in Matabeleland South managed to monitor the primary elections as the MDC-T re-scheduled their dates for the other Provinces whilst teams had already been deployed. This became a limiting factor as the ZHRC could not monitor the entire primary election processes.

## **4. KEY FINDINGS**

Below are the major findings that were consolidated by ZHRC prior and during the primary election monitoring exercise:

### **4.1. Engagement with representatives from the MDC-T**

4.1.1. In Mashonaland East and Chipinge, Party members alleged the imposition of candidates. Members in Mashonaland East alleged candidate imposition from the United Kingdom whom the electorate was unaware of and the team was further informed that the consensus process was not being conducted fairly. In Mashonaland Central the team was informed that most of the constituencies had been allocated to a preferred candidate and endorsement was either due to the fact that it was not contested or by consensus and not by voting.

4.1.2. Further to this, the team engaged the MDC-T Provincial Organising Secretary, for Manicaland, who was directly involved in the planning of the primary elections. He noted that there were a few areas where consensus had been reached. Therefore, it was anticipated that most areas were to conduct the primary elections. The team was also informed that the Party's voters' roll would be used during the primaries but however, they could not provide the exact dates for the election as they were waiting for a directive from their Headquarters.

## **4.2. Campaigns**

4.2.1. During the Maboleni (Vungu District) Midlands rally, the ZHRC team observed that proceedings were peaceful with police maintaining law and order. There was no evidence of vote buying or hate speech from the political party. The supporters gathered included both men and women. This is in compliance with Section 67 (2) (c) of the Constitution which states that every Zimbabwean citizen has the right to participate in peaceful political activity.



*Figure 1 MDC supporters attending a rally in Tongogara, Shurugwi Midlands Province*

4.2.2. In Dangamvura Chikanga, aspiring candidates conducted door to door campaigns. In Mutare South, two opposing factions were carrying out campaigns which led to the use of hate speech, against each other. The use of inflammatory slogans has the potential of inciting political violence by political parties. This violates the national objectives enshrined under section 10 of the Constitution which stipulates that the State, and every person, including juristic persons, and every institution and agency of government at every level, must promote national unity, peace and stability.

### **4.3. Consensus building**

4.3.1. In Provinces such as; Mashonaland West, Bulawayo Metropolitan, Harare Metropolitan and Matabeleland North, the ZHRC was advised that the Party's preferred candidate selection criteria was based on consensus as opposed to voting by Party members. According to officials interviewed in Mashonaland West Province, the Party position was informed by the "divisive nature" of primary elections which had led to the Party losing a significant number of seats in the 2013 elections. However, the Party's preferred consensus method had the effect of stifling dissenting voices in wards where some candidates would have preferred to get the endorsement of the electorate. A Consensus Guiding Template was used by the candidates involved in the process who would sign after agreeing to certain terms. These templates served

as a form of written agreement. However, some of the terms of the agreement were alleged by some Party members to border on corruption and illegality. The forms had clauses with assurances of residential stands to candidates who would have stepped down from local government elections. In Chipinge, the candidates stated that the failure to adhere to the Party candidate selection template was one of the major concerns.

4.3.2. In Harare, the MDC-T organising coordinator highlighted that as a Party, the MDC did not prefer to have primary elections. These were only held in the event that candidates did not reach consensus. He highlighted that there was a candidate selection template which focuses on the following: to qualify as Member of Parliament (MP) one must have been a member of the Party for at least five (5) years); one must be a member (membership card going for \$1); the person must fill in the recruitment/membership form; and one must have registered for the 2018 general elections, proved by the voter registration slip. He further informed the team that there was no public disclosure for the primary election date for confidentiality reasons. However, it was indicated that the ZHRC would be advised of the exact dates and venues for the primaries. There were however rallies that had been planned for that week in Midlands Province in Vungu, Mberengwa and Shurugwi.



4.3.3. The team based in Manicaland engaged one of the candidates Mr. T. Magura for Mutasa Central who had come with a letter of appeal as he was disgruntled with the way that the consensus process had been conducted on Monday 14 May 2018 in his district. He alleged that he was forced to step down and allow the sitting Member of Parliament to run as the Party had been using his resources. He had been invited to a meeting to discuss the consensus but it turned out to be a campaign which the other aspiring candidate had come prepared for.

#### **4.4. Participation of women and youth**

4.4.1. In Mashonaland Central, it was reported that the MDC-T had reserved some constituencies for its alliance members, women and the youth. This is in compliance with Article 7 (a) of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) which stipulates that State Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right to be eligible for election to all publicly elected bodies. The Constitution, in section 80 (1), further stipulates that every woman has the right to equal opportunities with men in political activities. Regarding the youth, it is acknowledged that efforts were undertaken to ensure compliance with section 67 (3) (b) of the Constitution which provides that everyone above the age of eighteen has the right to stand for election for public office, and, if elected to hold such office. One of the major concerns raised in Chipinge was inconsistencies in the implementation of the Party quota system leading to the need to hold primary elections unlike in other Constituencies.

4.4.2. The ZHRC briefly met with the MDC-T Secretary for Women's League for Masvingo Urban. She advised that the party had reached a consensus for Wards 1 and 9 (both of whom are female candidates). Ward 10 was uncontested and the candidate is female. Ward 2, 3 & 4 had 3 females and 6 males each contesting respectively. This is in compliance with the right of women to the right to be eligible for election to all publicly elected bodies as enshrined in Article 7 (a) of the CEDAW as well as section 67 (3) (b) of the Constitution which stipulates that everyone above the age of eighteen has the right to stand for election for public office, and, if elected to

hold such office. When the team contacted the Provincial District Administrator (PDA) he gave assurances that a list of polling centres as well as contact details of all District Chairpersons would be provided in due course. The P.D.A however reported that consensus had been reached in several areas.

#### **4.5. Issuance of national identification documents**

4.5.1. The Registrar General's Office, Manicaland was being accused by MDC-T supporters of selectively slowing down or denying issuance of identification documents to known or suspected MDC-T supporters/sympathisers. The ZHRC advised the complainants to file a complaint at its offices with the requisite evidence.

#### **4.6. Engagement with the Zimbabwe Republic Police**

4.6.1. In Mashonaland Central, Murehwa, Mudzi, Mutoko and Uzumba-Maramba-Pfungwe, Bulawayo, Chipinge, Chimanimani, Chivi, Masvingo urban and Bikita, the police had not received any reports of politically motivated violence or any reports relating to human rights abuses. However, the police advised that they had not been informed of the MDC-T primary elections. The ZRP Masvingo indicated that the lack of communication from the Party was in violation of Section 25 of the Public Order and Security Act (POSA) [Chapter 11:17]. In Mashonaland East, the ZRP Provincial Police Officer was not aware of the MDC-T primary elections but did not seem concerned about not being notified. The District Police Officer (DisPol) Murehwa informed the team that she planned to engage all the political parties after the primaries so that the ZRP dialogues with the candidates. This is due to the fact that political parties with the exception of those in the current Parliament seemed to only resurface at election time.

4.6.2. The Officer Commanding Province Harare (PROPOL) was informed of the role of the ZHRC to monitor elections before, during and after the elections. He highlighted that as the ZRP they did not play any role in primary elections and hence were not aware of when the MDC-T primaries would be held. He also highlighted that political parties do not have to notify the police of their internal meetings which include primary elections if it is an in-house activity. However, he advised that if the event was to be in the open and there were chances of the public being involved there was need to notify the police in terms of the POSA. He indicated that the police were now geared for the

general election and were already making preparations to deploy for the inspection of the voters' roll exercise.

#### **4.7. Political violence and intimidation**

4.7.1. The Officer Commanding Harare Province advised that cases of political violence had been received in Southlea Park though he did not have finer details. The ZHRC team paid a courtesy call to the ZRP Southlea Park Officer in Charge to follow up on the matter but however, it was highlighted that they had not received any cases of violence in relation to the MDC primaries. He further stated that since primary elections were an in house issue the chances of incidences of violence being reported were minimal unless the violence was aggravated and had dire consequences.

#### **4.8. Freedom of thought and expression**

4.8.1. In Guruve and Rushinga the ZRP stated that the environment was peaceful and no issues of violence had been reported. The ZRP in Guruve indicated that political clashes were very possible during the time of elections but none had been reported to date. He advised the ZHRC team to be selective in their speech and be careful when they are in the field because of the political connotations in the area. He indicated that the community strongly supports one political party, ZANU PF, hence there was no acceptance of other political parties or independent newspapers. This goes against the spirit of the Constitution which provides for freedom of thought and opinion in section 60 (1) (a) as well as the freedom to seek, receive and communicate ideas and other information as enshrined under section 61 (1) (a). Furthermore he informed the ZHRC that he had attended the meeting in Bindura on the 17th of May 2018, between political parties and the ZRP in the province where political parties were being encouraged to be peaceful to ensure free and fair, violence free elections. This is in compliance with section 10 of the Constitution which stipulates that the State, and every person, including juristic persons, and every institution and agency of government at every level, must promote national unity, peace and stability.

#### **4.9. Engagement with Provincial Social Welfare Office, Provincial and District Administrators**

4.9.1. The representatives in the Provincial Social Welfare Office, Masvingo, stated that there were currently no reports of political interference, violence or intimidation during food distribution. A register was used to distribute food and so far there had been no complaints of missing names. However, the MDC-T in Mashonaland West reported cases of police brutality and partisan food distribution by government officials. They were advised to lodge formal complaints in order for ZHRC to investigate such cases.

#### **4.10. Engagement with the Zimbabwe Electoral Commission**

4.10.1. In Manicaland, Mashonaland East and Masvingo the Zimbabwe Electoral Commission (ZEC) stated that training for and deployment of voter education and voters' roll inspection was ongoing. Biometric Voter Registration (BVR) registration was still ongoing at district centres and teams were informed that people were turning up in their numbers. In Manicaland it was reported that with regards to the voters' roll inspection, each Ward would have one BVR kit for registration. The MDC-T supporters in Manicaland alleged Biometric Voter Registration (BVR) slip confiscation. They were advised to file a formal complaint to the ZHRC to carry out further investigations.

4.10.2. In Midlands, the team observed the arrival of the ZEC kits for inspection and the process of deployment to districts had commenced. The team was also informed that the electorate was free to change the voting centre as long as one provided proof of residence of the place of abode during the elections.

4.10.3. At the time of engagement by the ZHRC team, voters' roll inspection officers were being trained at the ZEC Marondera Central and Murehwa District. In Masvingo and Mashonaland East, it was reported that engagement of all political parties was ongoing however only ZANU PF and MDC-T were attending meetings. The Provincial Elections Officer, Masvingo, stated that political parties were being prepared for nomination court to minimise cases of failing to meet requirements. The ZEC PEO stated that there had been no cases of politically motivated violence reported to date. It was reported that in the past elections the Uzumba-Maramba-Pfungwe District had

experienced political violence. The DEO also informed the team that during the inspection , BVR registration, transfers and corrections would only be done at the Ward centre and not at every inspection centre.

4.10.4. In Masvingo urban, the Deputy PEO stated that there had been several incidences of double registration due to the request for Biometric Voter Registration (BVR) serial numbers and the fear it had instilled in some of the electorate. However the Deputy PEO explained that the system detects double registration and it is normally rectified once the individual is contacted as they need to select one area for purposes of voting. The ZHRC was further informed that registration centres were set up at Copota School for the blind and Morgenster to cater for persons with disabilities. This is in compliance with Article 29 (a) (i) of the Convention on the Rights of Persons with Disabilities which provides for equal political rights for persons with disabilities and the opportunity to enjoy them on an equal basis with others, by ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use. Moreover, it was reported that from the list of all the political parties based in Harare, very few, mainly ZANU PF and MDC were represented within the Province of Masvingo.

#### **4.11. Engagement with the electorate**

4.11.1. In Mashonaland West, there were allegations of heavy army presence and sporadic attacks on civilians in Kariba with the police hesitant to conduct investigations. Kariba had alleged reports which could not be verified, of Central Intelligence Office operatives asking people about their preferred candidate in the Presidential race. Such conduct has the effect of intimidating the electorate. Article 4.1.4 of the SADC Principles stipulates that Member States should take all necessary measures and precautions to prevent political violence, intolerance and intimidation. Further to this end, section 67 (1) (a) and (2) (c) of the Constitution, calls for Zimbabwean citizens to make political choices freely and to participate in peaceful political activity.

4.11.2. In Mashonaland Central, at Shirikadzi growth point, the electorate assumed that the Commission was a political party, hence they were unwilling to provide any

details. Their reaction reflected the issue of intimidation, fear and the trauma experienced from the previous elections.

#### **4.12. Primary Election Environment in Matabeleland South**

4.12.1. In the areas observed in Matabeleland South, there was peace and order. Voting started late with some polling stations beginning the voting process after midday. Section 67 (2) (a) of the Constitution stipulates that every Zimbabwean citizen has the right to join and participate in the activities of a political party of their choice. The right of Party members to participate in the activities of the MDC-T primary elections was not fully enjoyed as there was a lack of coordination by the Party administration. Turnout was generally low and members of the electorate interviewed cited that some voters were still waiting to be transported to the polling stations. In Shangani, Gweru district, the ZHRC team established that the voting process was delayed due to unavailability of a proper venue to enable the electorate to cast their votes in a conducive environment. The team learnt that MDC-T had to seek an alternative venue to allow the voting process to commence. Upon interviewing the candidates, the team found that those who were in charge of administration of the voting process also had vested interest in the voting process since they were also candidates. In areas such as Dula, Gweru District, the low turnout of the electorate was attributed to lack of proper communication as to the exact dates of the primary elections. Furthermore, there were no security personnel to safeguard the electorate in the event of eruption of violence. The majority of the electorate were females in Dula and Mathendele save for Shangani, where males were more dominant.

### **5. CHALLENGES**

During the monitoring mission, ZHRC came across the following challenges;

#### **5.1. Lack of communication**

The team encountered challenges acquiring information with regards to statistics of those who actually voted at the polling stations in Matabeleland South.

## **5.2. Engagement with MDC-T representatives**

There was lack of relevant information by the political party on the location of their provincial offices in Matabeleland and Bulawayo. In addition there was lack of cooperation from the members of the Party in Masvingo, Bulawayo and Matabeleland North. The members were hostile and not forthcoming in providing information on what was taking place in Matabeleland North and Bulawayo. In Harare, initially, the MDC were forthcoming, but later on they were discreet about their information, in particular the election dates. This was gathered when it was disclosed to the team that the ZHRC was discussed in the MDC meeting and there must have been fears that the Commission is infiltrated by the CIO.

## **6. RECOMMENDATIONS**

After completing the monitoring mission and assessing the findings, ZHRC proffers the following recommendations to MDC-T.

6.1. Candidates who are contesting in the elections should not be involved in administering elections as they are not neutral persons.

6.2. Polling venues should be set up well on time.

6.3. Polling stations should be accessible to every ward member.

6.4. Communication channels need to improve and measures should be put in place for information to be accessible to all.

6.5. There is need for the Party to have a clear and fair candidate selection criteria that enables Party supporters to meaningfully contribute towards the candidate selection processes of the Party.

6.6. Whilst a Quota Policy in the Party for the candidate selection process is a commendable initiative in order to incorporate sections of society that would be otherwise overlooked, such a policy should be clearly communicated to all stakeholders and adhered to.

6.7. Those members of the Party who were using hate speech against other candidates should desist from this practice.

## **7. Annex: List of districts monitored**

### **Mashonaland west**

- Chinhoyi
- Chegutu
- Kariba
- Karoi

### **Matabeleland South**

- Mzingwane-Mthendele
- Mzingwane –Dula
- Insiza-Shangani
- Gwanda

### **Masvingo**

- Chivi
- Bikita
- Zaka
- Chiredzi
- Masvingo urban

### **Mashonaland central**

- Guruve
- Bindura
- Shamva
- Rushinga

### **Mashonaland East**

- Murehwa
- Uzumba-Maramba-Pfungwe
- Mudzi
- Mutoko

### **Manicaland**

- Chipinge
- Mutare Urban
- Chimanimani

### **Midlands**

- Vungu, Maboleni
- Gweru Urban
- Kwekwe Urban
- Shurugwi, Tongogara.

### **Matabeleland North**

- Hwange Central
- Lupane
- Bubi
- Matabeleland South

### **Bulawayo**

- Magwegwe
- Entumbane
- Emakhandeni
- Mpopoma
- Bulawayo South