ELECTORAL COMMISSIONS FORUM OF SADC COUNTRIES ELECTION OBSERVATION MISSION REPORT

Zimbabwe Harmonised Elections July 2013
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We are grateful to the Zimbabwe Electoral Commission (ZEC) for inviting ECF-SADC to observe the Zimbabwe Harmonised Elections 2013 and for facilitating the accreditation of its observers and availing all electoral information.

We are also thankful to the representatives of political parties, civil society organisations, the media, faith based organisations, and other national NGOs who made themselves available to brief the Mission, and to meet the teams in the various provinces. We are particularly grateful to the National Association of Non-Governmental Organizations (NANGO) for facilitating contact with electoral stakeholders. In this regard we sincerely thank the SADC Council of NGOs for linking us with NANGO. We are also appreciative of other international observer missions for the interactions and information sharing during the stay of the Mission in Zimbabwe.

Our gratitude goes to the Electoral Commission of Namibia (ECN) for ably leading the ECF-SADC Observation Mission. We are also thankful to the members of the Mission for being available to join the ECF-SADC Observation Mission and for their contribution to its success.

We sincerely thank the Electoral Commissions of Zambia, Namibia and Zanzibar for availing their officers as part of Mission Secretariat. The Electoral Commissions of Botswana and Tanzania for availing their accredited BRIDGE facilitators for conducting training for the ECF SADC mission.
EXECUTIVE SUMMARY

In response to an invitation by the Zimbabwe Electoral Commission (ZEC), the Electoral Commissions Forum of the SADC countries (ECF-SADC) constituted an Observer Mission to observe the 2013 Harmonised Election of the Republic of Zimbabwe held on the 31st of July 2013.

The ECF-SADC Election Observer Mission (the Mission) was led by Adv. Notemba Tjipueja, Chairperson of the Electoral Commission of Namibia (ECN).

The Mission comprised of observers drawn from the Electoral Commissions of Botswana, the Democratic Republic of Congo (DRC), Lesotho, Malawi, Mozambique, Namibia, South Africa, Tanzania, Zambia and Zanzibar, respectively. The observation was done over the period 23 July -2 August 2013.

Prior to the deployment of the Observer Mission the ECF-SADC deployed a Pre-Elections Assessment Team (PEAT) to the Republic of Zimbabwe. The primary objective of the PEAT was to assess ZEC’s readiness to conduct the 2013 Harmonised Elections. The PEAT was similarly led by Adv. Notemba Tjipueja and took place during the period 8-12 July 2013. The main findings of the PEAT form part of this report.

The Mission employed complementary data collection methods. The Mission began their observation with a courtesy visit to the Zimbabwe Electoral Commission (ZEC) on July 24th. The Mission was received by the Chairperson of ZEC, Mrs. Justice Rita Makarau, and other Commissioners. The primary purpose of the visit was to assess the state of readiness of ZEC. The Chairperson and her team gave an honest account of ZEC’s state of readiness and the challenges they face in executing their mandate. The ZEC Commissioners displayed a lot of zeal and confidence and gave assurances that they were indeed ready to conduct the elections. They also stressed their resolve not to have a repeat of the Special Vote-fiasco. This visit was also used to tour the ZEC’s warehouse so as to gain a first-hand impression about the availability, security and dispatchment of electoral material.

A one-day BRIDGE-based training was giving to all members of the Observer Team on July 25th. The primary objective of the training was to provide observers with the conceptual framework for election observation and guiding principles for the assessment of elections.

The Mission also hosted a multi-stakeholder seminar with local stakeholders on July 26th at the Meikles Hotel, Harare Zimbabwe. These local stakeholders included representatives from contesting political parties, media practitioners, faith-based organisations, women groups, and various other local civil society organisations (CSOs) engaged in elections. The prime objective of this seminar was to gain local insights, perspectives, views and impressions about the Zimbabwe Harmonised Elections 2013. The information so gained was supplemented with a thorough review of the constitutional, legislative and policy framework governing elections in Zimbabwe.
The Mission also interacted with other Observation Missions in order to exchange information and observations.

All these activities enabled the Mission to gather comprehensive information so as to critically assess the manner in which the Zimbabwe Harmonised Elections 2013 was conducted, inclusive of the pre-electoral cycle activities.

ECF-SADC deployed six observer teams on 27 July- 1 August 2013 in five provinces. Upon arrival in the districts, ECF-SADC teams held consultative meetings with local electoral stakeholders and other international observers. During this period, the teams also familiarised themselves with the local context and continued to observe the concluding stages of the campaigns and the pre-polling preparations and the actual polling process.

On polling day the ECF-SADC teams visited polling stations and observed the opening of the poll, the voting and counting processes at the polling stations. The teams also observed the collation and verification process and the subsequent announcement of results in selected collation centres at wards, constituency and provincial level.

The ECF-SADC Election Observer Mission’s assessment of the Zimbabwe Harmonised Elections 2013 was based on the AU Declaration on the Principles Governing Democratic Elections in Africa, the Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers and the Principles for Election Management, Monitoring and Observation (PEMMO). On the basis of the benchmarks provided in these instruments and its observations, the ECF-SADC Observer Mission concluded that the elections were conducted in a manner that allowed the people of Zimbabwe to express their democratic choice in a peaceful and free manner. Furthermore, that the electoral process was by and large credible and efficient.

This report presents the observations and findings of the ECF-SADC Election Observer Mission. The Mission offers its conclusion and recommendations to the people of Zimbabwe and the ZEC for further improvements of future elections.

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1 Observer Teams were deployed in Harare (2), Manicaland, Bulawayo, Mashonaland Central, Midland,
THE ECF-SADC APPROACH TO ELECTION OBSERVATION

The Electoral Commissions Forum of SADC countries (ECF-SADC) was launched in July 1998 and comprises of fifteen (15) SADC member states Electoral Commissions. The mandate of ECF as outlined in its Constitution, amongst others, includes:

- the strengthening of co-operation amongst Electoral Commissions in the SADC region;
- the promotion of conditions conducive for credible and transparent elections in the SADC region.

Consistent with these constitutional injunctions, the ECF-SADC aims to strengthen co-operation amongst Electoral Management Bodies (EMBs) in the SADC region with the view to promote conditions conducive for the holding of free, fair and transparent elections in the region. It is within this broad context that ECF-SADC fields election observer missions to assess the context and the conduct of elections in SADC the region.

The ECF-SADC election observation missions are principally guided by two (2) legal instruments, namely the Principles for Election Management, Monitoring and Observation (PEMMO) in the SADC Region; and the Principles and Guidelines Governing Democratic Elections in the SADC Region. The 2013 Zimbabwe Harmonised Elections were also benchmarked against the African Charter on Democracy, Elections and Governance which the country ratified on 31 May 2011. Compliance with the relevant provisions of the new Zimbabwe Constitution, the Electoral Act (Chapter 2:13) and its ancillary regulations, other pieces of legislations relevant to elections in Zimbabwe also served as guiding tools to assess compliance with the legal framework for conducting elections in Zimbabwe.

Consistent with the abovementioned instruments, the ECF-SADC Observation Mission’s work was guided by the principles of impartiality, neutrality, transparency, and objectivity.

ECF-SADC, as noted earlier, views election observation as an important component of promoting and consolidating democracy in the SADC region, hence its involvement. Through the election observation process, ECF-SADC strives to assist fellow EMBs to identify areas needing improvement in elections administration and management.

The ECF-SADC Observer Mission is therefore by design essentially a Peer Support Mission. Over and above monitoring all relevant aspects of the organisation and conduct of the electoral process to identify key strengths and challenges, ECF-SADC observer missions also identifies areas of need and explores the possibility of extending technical support from other sister EMBs in the SADC region.
**List of Abbreviations**

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tr>
<td>ACHPR</td>
<td>African Commission on Human and People’s Rights</td>
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<td>AIPPA</td>
<td>Protection of Privacy Act</td>
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<td>ConCourt</td>
<td>Constitutional Court</td>
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<td>CSOs</td>
<td>Civil Society Organisations</td>
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<td>DRC</td>
<td>Democratic Republic of Congo</td>
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<td>ECF-SADC</td>
<td>Electoral Commissions Forum of SADC countries</td>
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<td>ECN</td>
<td>Electoral Commission of Namibia</td>
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<tr>
<td>EMBs</td>
<td>Electoral Management Bodies</td>
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<td>GPA</td>
<td>Global Political Agreement</td>
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<td>GNU</td>
<td>Government of National Unity</td>
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<td>MDC</td>
<td>Movement for Democratic Change</td>
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<td>MDC-M</td>
<td>Movement for Democratic Change - Mutambara</td>
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<td>MDC-T</td>
<td>Movement for Democratic Change - Tsvangirai</td>
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<tr>
<td>NANGO</td>
<td>National Association of Non-Governmental Organizations</td>
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<td>PEAT</td>
<td>Pre-Elections Assessment Team</td>
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<td>PEMMO</td>
<td>Principles for Election Management, Monitoring and Observation</td>
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<td>POSA</td>
<td>Public Order and Security Act</td>
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<td>SADC</td>
<td>Southern African Development Community</td>
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<td>ZEC</td>
<td>Zimbabwe Electoral Commission</td>
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<td>ZANU-PF</td>
<td>Zimbabwe African National Union – Patriotic Front</td>
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<td>ZMC</td>
<td>Zimbabwe Media Commission</td>
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PART I: HISTORICAL AND POLITICAL OVERVIEW

1.1 Historical background

Mediated talks in 2008 between the principal political parties in Zimbabwe, ZANU-PF and the two Movement for Democratic Change formations (MDC-T, led by Morgan Tsvangirai and the MDC-M, led by Arthur Mutambara), resulted in the signing of what is known as the Global Political Agreement (GPA) on 15 September 2008. The GPA was essentially a power-sharing agreement brokered by the Southern African Development Community (SADC) through mediator Thabo Mbeki, the then President of South Africa. The GPA allowed President Robert Mugabe to retain the Executive Presidency and all its constitutional prerogatives. It also provided for the post of Prime Minister, filled by Morgan Tsvangirai, and two Deputy Prime Minister Positions (representing both MDC formations). In terms of the GPA the political parties with representation in Parliament formed a Government of National Unity (GNU). In terms of the GNU 14 government ministries were allocated to ZANU PF, while the MDC-T received 13 ministries, and the MDC-M was allocated three ministries.

The GNU was charged with two main objectives, among others, (i) the stabilisation of the Zimbabwean economy and (ii) the institution of collectively owned democratic reforms geared at taking Zimbabwe towards a more credible and conclusive general election.

Over the last five years, following the signing of the GPA and the formation of the GNU the Government and People of Zimbabwe have, within the context of SADC mediation, agreed on and effected an array of democratic reforms. These include, amongst others, the writing of a new Constitution for the country. The new Constitution was overwhelmingly endorsed by the Zimbabwean electorate during the Zimbabwe Constitution Referendum conducted on 16th March 2013. Other democratic reforms include far reaching and progressive electoral and human rights reforms.

Some of the aforementioned reforms have already started to pay democratic dividends by enhancing participation of the Zimbabwean public in the governance of their country. For instance, in an unprecedented move, Mr. Jealousy Mawarire, the Director of the Centre for Elections and Democracy in Southern Africa, as a Zimbabwean citizen and registered voter, approached the newly established Constitutional Court (ConCourt) to assert his democratic and

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2 This subsection is mainly drawn and adapted from the Interim Mission Statement of the SADC Parliamentary Forum Election Observation Mission to the 2013 Zimbabwe Harmonised General Elections Held on 31st July 2013. Available at http://www.sadcpf.org/.


4 Ibid.
constitutional right to compel the Government to announce the date of elections. This challenge led to the ConCourt ordering the Zimbabwean President to proclaim an election date for Zimbabwe’s Harmonised Elections to be held on or before 31st July 2013. Further to this, the President Mugabe, proclaimed 28th June as the date for nomination of candidates by the Nomination Courts and 31st July 2013 as the date for the Harmonised General Elections.

The ConCourt’s ruling on election dates, as well as the resultant Presidential proclamation on election dates generated intense debate within and outside Zimbabwe, including the SADC Summit of 16 June 2013. This Summit “agreed on the need for the Government of Zimbabwe to engage the Constitutional Court to seek for more time beyond 31st July 2013 deadline for holding the Harmonized General Elections.” Indeed, various representations and litigations were made by stakeholders opposed to the proclaimed election date (31st July). However, on 4th July 2013 the ConCourt upheld its previous ruling of setting 31st July 2013 as the date for the Harmonised Elections. The Mission observed that this invited strong criticism from stakeholders.

Overall, the Mission commends the Government and People of Zimbabwe for the patience, political tolerance and general maturity with which they have worked together since 2008, within and outside the Government of National Unity, to bring to fruition a number of negotiated electoral and constitutional reforms which went a long way towards creating the generally peaceful and conducive electoral and political environment within which the 2013 Harmonised Elections were held.

The Mission wish to acknowledge the decisive role played by SADC in helping the people of Zimbabwe find common political ground through the facilitation of negotiations led by South Africa, which resulted in the historic signing of the GPA on 15 September 2008 and the consequent formation of the GNU in February 2009. The GNA, as noted earlier, is greatly credited for having spearheaded the implementation of agreed democratic reforms including electoral and constitutional reforms.
PART II: CONSTITUTIONAL AND LEGAL FRAMEWORK FOR ELECTIONS IN ZIMBABWE

2.1 The 2013 Constitution

The Zimbabwe Harmonised Elections 2013 was conducted under the new 2013 Constitution.

The Constitution establishes Zimbabwe as a unitary, democratic and sovereign republic. It lays down the principles of good governance as one of the founding values of the Republic. Section 3(3) states that the principles of good governance bind the State and all institutions and agencies of government at every level, and shall include:

- a multi-party democratic political system;
- 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 orderly transfer of power following elections;
- respect for the rights of all political parties;
- observance of the principle of separation of powers;
- respect for the people of Zimbabwe, from whom the authority to govern is derived;
- transparency, justice, accountability and responsiveness.  

The new Constitution also introduces several progressive changes into the human rights and democratic landscape. These include, amongst others, the introduction of a five-year presidential term with a two-term limit; the inclusion of a bill of rights which guarantees an array of fundamental rights and freedoms. Those, most relevant to elections, include the rights to equality and non-discrimination, freedom of assembly and association, freedom to demonstrate and petition, freedom of expression and freedom of the media, access to information, and right to administrative justice.

The new Constitution also calls for greater gender equality, evidenced by gender quotas in Parliament, greater protection and advancement for persons with disabilities a broader mandate for the electoral commission.  

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5 See Section 2(a)-(g) of the 2013 Constitution.

2.2 The Electoral Act [Chapter 2:13]

The Mission noted that the legal framework that was brought about by the 2012 and 2013 amendments to the Electoral Act borrows extensively from the SADC Principles and Guidelines Governing Democratic Elections. The Electoral Act [Chapter 2:13] as amended on 13 June, 2013 governs the conduct of elections in Zimbabwe.

The Electoral Act contains twenty four chapters-parts and nine schedules regulating all phases of the electoral process. Part two of the Act provides for the organisation and administration of the ZEC. It provides clear details on the appointment and powers of the Commission, and on the appointment of its staff and election personnel. On the registration of voters, the law defines eligibility of persons to register, procedures for registration of voters, compilation of the registration roll and procedures for claims and objection from the registration process. On the conduct of elections, the law stipulates procedures for nomination of candidates, election day procedures, including the duties of election personnel and party representatives; it also stipulates procedures for the determination of questioned ballots and results collation and transmission process. On voting, it defines eligibility of persons to vote and procedures for assistance to voters requiring assistance.

The law also makes provisions for procedures for contested elections and determination of election petitions. The law includes provisions regulating the campaign finances of parties, and for the merger, consolidation and dissolution of political parties. Three chapters (19, 20 and 21) in the Act law are dedicated to and define various election offences and penal measures.

Though recommendations for reform of the legal framework are made in this report, it is important to note that the current Electoral Act provides the general guidelines that create the required legal framework for the conduct of democratic elections in Zimbabwe.

2.3 Regulations

While the Constitution and the Electoral Act [Chapter 2:13] provide the fundamental legal framework for elections and referenda in Zimbabwe, the ZEC is also empowered to issue and enforce regulations that are consistent with the legal framework as contained in the Constitution and Electoral Act.

For the conduct of the 2013 Harmonised elections the following regulation applied:

iv. Electoral (Special and Postal Voting) Regulations, 2013 Statutory Instrument 84 of 2013; and
2.4 The Zimbabwe Electoral Commission

The Zimbabwe Electoral Commission (ZEC) is established as one (1) of five (5) independent commissions with an express mandate to support and strengthen constitutional democracy in the country by section 232 (a) of the Constitution.

Section 238 (1) of the Constitution provides the ZEC shall comprised of nine members. The chairperson is appointed by the President after consultation with the Judicial Service Commission and the Committee on Standing Rules and Orders of Parliament. The other eight members are appointed by the President from a list of not fewer than 12 nominees submitted by the Committee on Standing Rules and Orders of Parliament. All the members of the Commission are appointed for a tenure of six years and may be re-appointed for one such further term. All Commissioners are barred from being appointed to or serve on the Commission after s/he has been a member for one or more periods, whether continuous or not.

The responsibilities of the ZEC amongst others include: the preparation, conducting and supervision of the country’s elections, including the compilation of the voters’ rolls and registers.7 However, Schedule 6(2) of the Constitution provides that for purposes of the 2013 Harmonised elections, that the Registrar-General of Voters will continue to be charged with the duty and function to conduct the registering of voters and the compiling of the voters’ rolls, albeit under the supervision of the ZEC. The ZEC is also charged with the delimitation of the electoral boundaries in the country.

Furthermore, sections 10A and 11 of the Electoral Act [Chapter 2:13] contain elaborate provisions aimed at ensuring the independence of the ZEC as well as the independence, impartiality and professionalism of its Commissioners, staff and agents. For instance, section 10A(2) of the Constitution prohibits all organs of the State and its agencies and or institutions, private person (including a private voluntary organisations), from interfering with, hindering or obstructing the Commission, its Commissioners or any member of staff of the Commission, in the exercise or performance of their functions. Commissioners and staff members of the Commission are similarly enjoined to carry out their duties conscientiously, fairly and impartially.

Section 100H of the Constitution obliges the State to make adequate and suitable provisions through legislation and other appropriate means, to ensure that the ZEC is able to exercise its functions in an efficient and independent manner. In this regard, the Mission noted that ZEC is funded, amongst others, directly from moneys appropriated to the Commission by an Act of Parliament to guarantee the Commission’s financial autonomy.8

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7 See Section 239(d) of the 2013 Constitution.

8 See Section 12(1)(a) of the Electoral Act [Chapter 2:13].
Section 8 of the Electoral Act enjoins the ZEC to establish provincial and district offices so as enable it to exercise its functions in an effectively and decentralized manner throughout Zimbabwe. The Mission observed that the ZEC indeed operates on a decentralised organisational structure with representation at national, provincial and district levels.

Section 241 of the Constitution obliges the ZEC to submit a report to Parliament on the conduct of every election and every referendum. The said report must be submitted without delay and is additional to the annual report the ZEC is supposed to present to Parliament.

### 2.5 The electoral system

Zimbabwe has made significant strides towards strengthening its electoral system following the contested 2008 elections.

For the election to the office of President, the two-round plurality system is adopted, where the winner must obtain 50 + 1 percent of valid votes cast in the first round. In the event that a winner does not emerge, a run-off election is contested by the two candidates with the highest number of votes from the first round. The President is elected to serve a 5-year term and is eligible for re-election for one further such term.

The National Assembly consists of 270 members. Out of that total, 210 members are elected by plurality vote i.e. first-past-the-post electoral system, in single-member constituencies to serve 5-year terms. The remaining 60 seats are reserved for women (six from each of the 10 provinces). The reserved women seats are elected under a party-list system of proportional representation calculated at the provincial level and based on the provincial return of votes for parties who fielded candidates in the National Assembly constituency elections.

The Senate consists of 80 senators. Of that group, 60 senators (six from each of the 10 provinces) are elected on the basis of party-list proportional representation based upon the provincial returns of votes for parties fielding candidates in the National Assembly elections. On each party list for Senate, male and female candidates are listed alternatively, with every list headed by a female candidate. The remaining 20 seats of Senate are distributed amongst Chiefs, persons with disabilities and the President and Deputy President of the National Council of Chiefs respectively. In this regard, 16 Senators are Chiefs elected by the eight (8) non-metropolitan Provincial Assemblies. Two Senators (one male and one female) are elected to represent persons with disabilities. The remaining two Senate seats are designated for the President and Deputy President of the National Council of Chiefs.

### 2.6 Summary of observations on the legal framework for elections in Zimbabwe

- The legal framework for the conduct of elections and referenda in Zimbabwe as laid out in the Constitution and elections law guarantees the fundamental rights of citizens to freely choose their leaders in democratic elections. It also provides an appropriate framework for resolution of disputes arising from the electoral process. It provides for the
operations of political parties and recognises the rights of independent candidates to contest presidential and legislative elections.

- The Mission is of the view that the legal framework within which ZEC is established and operates, generally augurs well for the independence and autonomous functioning of the Commission in line with the Norms and Standards for Elections in the SADC Region, the SADC Principles and Guidelines for Democratic Elections, and other continental and international electoral instruments.

- The Mission is of the view that the residency requirement for presidential candidates constitutes an undue restriction for candidates that could be otherwise qualified to contest in an election given the high number of Zimbabweans in the diaspora.

- The Mission noted with concern that the Constitution and Electoral Act confines postal voting to those Zimbabweans (and their spouses) who are on duty in the service of the Government abroad and do not allow for diaspora voting. The Mission further noted the ongoing debate around this issue. In this regard, the Mission recalls the February 2013 judgment of the African Commission on Human and People’s Rights (ACHPR) in which it ruled that the Government of the Republic of Zimbabwe must allow its diaspora to vote by postal ballot and to provide all such eligible voters with the same voting facilities it affords to Zimbabweans working abroad in the service of the Government. This provision undoubtedly disenfranchises millions of Zimbabweans in the diaspora. The Mission further recalls that the ConCourt dismissed an application for the allowance of diaspora voting citing impracticality for ZEC to implement diaspora voting for the 2013 Harmonised Elections. The Mission recommends that future efforts in addressing the issue of the diaspora vote must be made in light of the decision ACHPR referred earlier.

- The Mission equally noted with concern that no special measures were put in place to ensure that other categories of voters such as those in hospitals and prisoners could vote during the 2013 Harmonised Elections. Under the new Constitution a person is disqualified from voting on the basis of mental incapacity, failure to manage his/her own affairs (as declared by a competent court of law) and for having been convicted for an election related offence. Those in hospital and the general population are clearly not included in the category of persons debarred from voting. The Mission wishes to stress that all eligible individuals should be allowed and given the opportunity to exercise their right to vote in a non-discriminatory manner.

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9 See Section 72 of the Electoral Act [Chapter 2:13].


11 See Fourth Schedule Paragraph 2 (a) (b) and (c).
The Mission learned and noted with concern about the continued existence of several pieces of legislation having a direct or indirect negative bearing on the conduct of elections. These include, the Broadcasting Services Act [Chapter 12:06], the Criminal Law (Codification and Reform) Act [Chapter 9:23], the Criminal Procedure and Evidence Act [Chapter 9:07], the Access to Information and Protection of Privacy Act (AIPPA) [Chapter 10:27], and the Public Order and Security Act (POSA) [Chapter 11:17].

While the elections law provides for preference to be given to persons with disabilities and special needs at polling stations, it does not expressly extend such preferential treatment to pregnant women and nursing mothers. This group of persons should also be given preference within polling stations to encourage full participation of women in the electoral process.

While the elections law clearly prohibits the appointment of members and employees of statutory bodies and government-controlled entities as members of the ZEC as a way to avoid real or perceived State control, it is silent on requirements for the representation of women on the Commission. This could in future work either in favour or otherwise of women’s representation on the Commission. This notwithstanding, the Mission noted with commendation that most of the current members of the ZEC, including the chairperson of the ZEC, are women.

The dismissal of members of the Commission on the basis of proof of misconduct is not an explicitly provided for in the Constitution nor the Electoral Act which could be subject to varied applications and interpretations.

The New Constitution left the timing of elections to the old Constitution. Section 58 of the Old Constitution provides for the timing of elections. The ConCourt was called upon to make an interpretation of what the section means following conflicting interpretations given by lawyers and layman alike.  

Zimbabwe, consequently, went for an election on a day set by the judiciary. This should be avoided in future. The setting of a date for an election should be the prerogative of the Executive acting in terms of the Constitution of the Country. Any apparent ambiguities in the law should be eliminated and certainty be brought into the law.

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13 Ibid, p.49.
PART III: THE PRE-ELECTION PHASE

3.1. Special Vote

Section 81A of the Electoral Act makes allowance for registered voters to vote in an election before the polling day if s/he will be unable to vote at a polling station in his or her constituency because s/he is an electoral officer, or is a member of a disciplined force who will be performing security duties during the election. In compliance with this provision the ZEC organised a special vote and postal voting. The special vote was limited to police officers and was held on the 14th and 15th of July 2013. The Mission learned that the ZEC authorized 65 956 members of the police force and electoral officers to vote during this period. It further learned that some 37 108 eligible voters voted and whereas 26 160 could not vote due to circumstances beyond their control.

Many stakeholders raised concerns regarding the manner in which the special vote was conducted. The general view was that the special vote was not properly managed and arranged haphazardly. The ZEC, indeed, informed the Mission and also publicly conceded that they ‘did not anticipate and underestimated the complexities in terms of timeframes and requirements required for the special vote.’

The Mission, indeed, applauds the ZEC for the bold step taken to seek permission from the ConCourt to allow the affected voters to vote during the general elections on 31st July. The ZEC’s request was commendably granted by the ConCourt.

The Mission further noted the unanimous concerns of stakeholders about the potential of double voting of those who voted during the special voting period given the non-availability of the final voters’ roll at the time special voting was conducted.

The Mission recalls with satisfaction the special efforts and measures announced and taken by ZEC to guard against such concerns. These included an undertaking to quarantine the special votes to avoid ‘contamination’, the crossing out of special voters from the general voters’ roll before commencement of the general elections at each polling station. This exercise was observed at various polling stations visited. The Mission also observed that the special votes were indeed kept under guard.

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14 Mrs. Joyce Laetitia Kazembe, Deputy Chairperson of the ZEC, during a press briefing on the state of preparedness on the 29th of July 2013 at Harare International Conference Centre (HICC).
3.2 Voter registration

Section 17A of the Electoral Act provides that voter registration shall be conducted on a continuous basis. The office of the Registrar General of Voters registers voters under the supervision, direction and control of the ZEC.

Voter registration was carried out in two phases. The first phase of voter registration commenced on the 29th April and ended on the 19th May 2013, lasting 21 days. The second took place between June 10th and July 10th. The Mission learned that approximately 6.4 million voters were registered for the 2013 Harmonised elections.

The Mission noted that the new Constitution entitled many people living in Zimbabwe who were previously classified as “aliens” to register for citizenship. The Mission is aware of ZEC’s call to this category of persons to apply for national identity documents reflecting their changed status to allow them to be registered as voters. The Mission is, however, concerned about reports that many of these persons might have been disenfranchised due to reported administrative impediments on the side of officials from the office Registrar-General.

Women representatives informed the Mission about the challenges they experienced during the voter registration process. Such challenges, according to them, mainly occurred in urban areas. For instance, the long registration queues in urban areas discouraged many women to register who instead opted to use the time spend in queues (ca. 5-8 hours) to attend to their different gender roles around the house.15 Furthermore, married women are said to have been particularly affected due to the alleged patriarchal attitude displayed by officials from the office of the Registrar General. For instance, officials from the office of the Registrar General are accused for having changed the surnames of married women to that of their husbands without the consent of such women and in the absence of any statutory authority to do so. Consequently, many such women, upon inspection of the voters’ roll found their identity documents different from information contained in the voters’ roll. In other instances, married women were not registered on the basis that they did not produce their marriage certificates. The cumulative effect of these was the disenfranchisement of many women.16 The Mission views these allegations in a very serious light.

The Mission also became aware of the general complaint that the voter registration process was biased against urban voters. For instance, the Mission learned that one-stop-registration centres were used in rural areas to facilitate an efficient and speedy registration process whereas such initiatives were not replicated in urban areas.

The final voters’ roll released prior to the Harmonised Elections included a total of 6.4 million voters. This represents about 49 percent of Zimbabwe’s estimated population of 12.9 million.


16 Ibid.
3.3 Voters’ Roll

Under the new Constitution the functions to register voters, to compile voters’ rolls and registers, and ensuring the proper custody and maintenance of voters’ rolls and registers vest with the ZEC. However, as noted earlier, the same Constitution, as a transitional measure, provides that the Registrar-General of Voters will continue to be charged with the responsibility to register voters and to compile the voters’ roll for the 2013 Harmonised Elections under the supervision of the ZEC.

The dual management of the voters’ roll and its compilation undoubtedly resulted in challenges in ensuring that the voters’ roll was compiled on time and availed to all relevant parties, including political parties and citizens for inspection ahead of the elections. In this regard, the Mission noted with concern that the final voters’ roll was not timeously made available for inspection. The Mission is particularly concerned that the said roll was made available only two (2) days before actual polling.

All this could technically happen given the legal vacuum regarding a publication date of the final voters’ roll. The absence of a legal requirement for the ZEC (in this instance the Registrar General of Voters) to make copies of the Final Registration Roll available within a specific time frame to political parties and other stakeholders constitutes a challenge to the transparency of the process. This in essence also affected the verification and objection of names on the voters roll. This led to a significant number of urban voters on polling day having difficulty to locate either their polling station or issues around (in)correct spelling of names or total exclusion from the roll.

3.4 Printing of ballot paper

The Mission learned that approximately 8.7 million ballot papers were printed for the 2013 Harmonised Elections. This, in the words of ZEC, represents an excess of 35 percent of ballot papers. The Mission expressed its concern to ZEC in this regard and the also about the double numbering of ballot papers by the printer (after the Special Vote). ZEC gave the assurance that they would maintain safe custody of excess ballot papers and account for ballot papers issued. The mission recommends that the Voters’ Roll be polling station-based to reduce the need to print ballot papers in excess of registered voters. The printing of excess ballot papers must also be standardized to 5-10% in line with good electoral practice.

3.5 Voter education

The Mission has noted with satisfaction that ZEC collaborated with civil society organisations to carry out voter education throughout the country. However, concerns were expressed over the time period allotted to this important exercise. The commendable efforts of ZEC in the area of Voter Education were clearly manifested in the high number of voters registered for these elections.
3.6. Women’s participation

The Mission observed that none of the five nominated Presidential candidates was a woman.

Out of the 853 candidates for the National Assembly only 109 i.e. 13 percent were women. The Mission, however, recalls the constitutional reservation of 60 National Assembly seats for women as well as the mandatory alternate listing of women and men, starting with a woman, on party lists for election of candidates into the Senate, and the fact that one of the seats reserved for people with disabilities in the Senate must be filled by a woman. The Mission is also aware of the constitutional injunction under Article 104 (4) which enjoins the President to be guided by considerations of regional and gender balance when appointing Ministers and Deputy Ministers.

The Mission observed that in all polling stations visited, there was a remarkable representation of women as polling personnel. The Mission encourages that this be sustained as a best practice. The Mission also observed a fair representation of women participating in the actual voting process.

3.7. Electoral campaigns

The election campaign for the 2013 Harmonised Elections opened on 13\textsuperscript{th} June 2013 and ended at 06:59 hours on 30\textsuperscript{th} July 2013, 24-hours before the start of actual polling, as per the provision of the Electoral Act.\textsuperscript{17}

The Mission noted with great satisfaction the general calm and peaceful atmosphere which prevailed throughout the period it observed the 2013 Zimbabwe Harmonised elections. No incidents of violence, harassment and/or intimidation were brought to the attention of the Mission.

3.8. Media coverage of the campaign process

The Mission noted with appreciation the establishment of an independent, non-political Zimbabwe Media Commission (ZMC), which amongst others, must ensure that the people of Zimbabwe have fair and wide access to information.\textsuperscript{18} It further noted that the ZEC, with the assistance of the ZMC and the Broadcasting Authority of Zimbabwe is enjoined to monitor the Zimbabwean news media during elections to ensure that the conduct of political parties, candidates, broadcasters, print publishers and journalists are generally above board during this period.\textsuperscript{19} In this regard the Mission noted with satisfaction the existence of the Media Monitoring Committee chaired by ZEC to give effect to this statutory mandate.

\textsuperscript{17} See Electoral Act [Chapter 2:13], Fourth Schedule, Section 9(1).

\textsuperscript{18} See Section 249(1)(f) of the Constitution of Zimbabwe Amendment (No. 20) Act, 2013.

\textsuperscript{19} See section 160K of the Electoral Act [Chapter 2:13].
The Mission noted that the ZEC accredited 887 foreign journalists and 444 local journalists to cover the electoral process for the 2013 Harmonised Elections.\(^{20}\)

The Mission noted with concern that in spite of the above-prescribed monitoring mechanism, that coverage given to political parties and their candidates were done in an openly partisan and biased manner by both the public and private media. It was observed that the public media (both print and electronic) predominantly gave coverage to the activities, rallies, and views of candidates from the ruling party, ZANU-PF. The private media, on the other hand, was observed to have been generally biased and sympathetic towards the opposition, specifically the MDC-T.

Such kind of coverage undoubtedly compromises the guiding principles of equality, equity and fairness as enshrined in Zimbabwe’s domestic laws and some of the international, regional and sub-regional instruments it signed up to.

### 3.9 The Role of Security Forces

The Mission noted with satisfaction that there was visible policing during political rallies and all the voting stations visited to ensure law and order.

The Mission noted the concerns raised by several stakeholders regarding the candidature of serving members of the armed forces. The Mission was given assurance by ZEC that no serving member of the armed forces was registered as a candidate for any of the elections during this poll.

\(^{20}\) Press Briefing by the Chairperson of the Zimbabwe Electoral Commissions on the state of preparedness on the 29th of July 2013 at Harare International Conference Centre (HICC).
PART IV: ELECTION PHASE

4.1. Polling day

Generally, polling officials conducted their duties in an efficient and transparent manner and endeavoured to follow the opening, closing and counting procedures as provided in the law.

There was a discernible climate of peace, tranquility and tolerance prevailing throughout the voting process. There was also a positive and calm police presence at all the polling centres visited.

There was a widespread presence of party agents and domestic observers and international observers, and they showed a good level of preparedness for the process.

Some inconsistencies and issues were noted and are detailed below.

4.1.1 Polling stations

The ZEC established 9,735 polling stations. The Mission is of the view that these numbers were adequate to ensure that as many eligible voters as possible cast their votes.

All the polling stations visited by the Mission’s Teams were located in places readily accessible to the public. Special efforts were also made to make polling stations accessible to wheelchair-bound persons.

The Mission observed that most polling stations opened and closed at the prescribed times of i.e. 07:00 and 19:00, respectively. At polling stations observed by the Mission’s Teams, voters that were still in the voting queue by 19:00 hours were allowed to cast their votes as provided for by the law.

The layout of the polling stations observed by the Mission was generally conducive to allow for an easy flow of voters and ensurance of the secrecy of the ballot.

4.1.2 Ballot papers, ballot boxes and election materials

The Mission learned that the ZEC printed 8.7 million ballot papers for the 2013 harmonised elections. This represents an excess of 35 percent more than the number of registered voters. This is way above the international best practice of about 5-10 percent. The Mission became aware of the concerns of many stakeholders in this regard. Ballot boxes were properly sealed at the opening of poll. The ballot boxes were transparent, which promoted the confidence of voters in the process.

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21 Ibid.
Inedible ink was available and used. In this regard, double voting was prevented.

In general, polling materials were available and in adequate numbers.

It was noted that ballot boxes for the different elections all bear the same colour lids making it difficult to differentiate between Presidential, National Assembly and Local Authority elections. There is a need to look into the use of different colour-coded boxes for each of the three elections for ease of identification.

### 4.1.3 Voting process

The voting process took place with a good degree of consistency throughout the polling places observed by the Mission.

There was a balanced turnout of both female and male voters and a good turnout of young voters, although general turnout was higher in rural areas than in urban ones.

The Mission observed a few cases of some voters, whose names did not appear in the voter register, been referred to the command centre for verification of polling stations.

Long and short voting queues were observed in the morning but subsided in the afternoon.

The Mission noted with satisfaction that some polling stations had ramps to facilitate access for people with disabilities.

The Mission noted that some Presiding Officers did not know the number of registered voters for their respective polling stations. It also noted various issues related to the use of voter registration certificates during the elections. For instance, some voters who presented registration slips issued after 10 July 2013 (after the end the registration period) were rightfully turned away. Some were turned away although they were in possession of valid registration certificates. The ZEC commendably corrected the situation to allow such individuals to vote.

The Mission became aware, with great concern, that a significant number of people, after verification were unable to vote because their names were not appearing on the voters roll. It equally became aware of concerns raised about the high number of assisted voters during the elections.

The secrecy and integrity of the vote were generally ensured, and several domestic and international observers were present in most of the polling stations.
PART V: POST-ELECTION PHASE

5.1 Counting process

All polling stations visited were closed according to the election procedures. Counting was done at the polling stations, some of which were composite. The counting process was conducted in accordance with the statutory provisions. The process took place in the presence of party agents and observers.

The Mission observed that the polling officials were generally well-trained for the counting process. In most of the polling places visited the counting process was conducted in compliance with stipulated procedures.

The counting process was conducted in an open and transparent manner, ensuring that all those present had a clear view of the marked ballot paper.

The table below gives an indication of the voting statistics for the Zimbabwe Harmonised Elections 2013:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ballots cast</strong></td>
<td>3 480 047</td>
</tr>
<tr>
<td><strong>Valid votes</strong></td>
<td>3 410 767</td>
</tr>
<tr>
<td><strong>Spoilt ballots</strong></td>
<td>69 280</td>
</tr>
<tr>
<td><strong>% Spoilt</strong></td>
<td>1.99</td>
</tr>
</tbody>
</table>

Source: EISA

There were, as can be seen from the table above, a very low number of rejected or invalid ballots in the 2013 Harmonised Elections in general.

5.2 Announcement and transmission of results

At all the polling stations visited it was observed that the announcement of the different elections results was done at the polling station level by the Presiding Officer as prescribed by the law. Such announcements were done in the presence of party agents and observers.

The results were thereafter transmitted to the Ward Collation Centres, Constituency Collation Centres, and Provincial Collation Centres respectively for collation and verification. The Presiding Officers at the applicable Centres declared and announced the duly elected Local Authority Councilor, National Assembly members, and Senators. The sixty reserved seats for women was also done and announced at provincial level.
The Mission observed that legal requirement and procedures for the announcement and transmission of results were strictly observed.

The Presidential results were transmitted from the polling stations through the wards, the constituency and the province to the National Command Centre. These results were collated, verified and the winner was announced at this level by the Chairperson of the ZEC.

5.3 Outcome of the Zimbabwe Harmonised Elections 2013

5.3.1 Presidential elections results

The results of the Presidential elections are presented in the tables below.

<table>
<thead>
<tr>
<th>Table 2: Presidential election results</th>
</tr>
</thead>
<tbody>
<tr>
<td>Candidate</td>
</tr>
<tr>
<td>-----------</td>
</tr>
<tr>
<td>Robert Mugabe</td>
</tr>
<tr>
<td>Morgan Tsvangirai</td>
</tr>
<tr>
<td>Welshman Ncube</td>
</tr>
<tr>
<td>Dumiso Dabengwa</td>
</tr>
<tr>
<td>Kisinoti Mukwazhe</td>
</tr>
<tr>
<td>Rejected Votes</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

Source: Adapted from ZEC
5.3.2 National Assembly results

The table below shows the outcome of the National Assembly elections

Table 3: National Assembly results

<table>
<thead>
<tr>
<th>Province</th>
<th>MDC-T</th>
<th>ZANU-PF</th>
<th>Independent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bulawayo</td>
<td>12</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Harare</td>
<td>23</td>
<td>6</td>
<td>0</td>
</tr>
<tr>
<td>Manicaland</td>
<td>4</td>
<td>22</td>
<td>0</td>
</tr>
<tr>
<td>Mashonaland Central</td>
<td>0</td>
<td>18</td>
<td>0</td>
</tr>
<tr>
<td>Mashonaland East</td>
<td>0</td>
<td>22</td>
<td>1</td>
</tr>
<tr>
<td>Mashonaland West</td>
<td>1</td>
<td>21</td>
<td>0</td>
</tr>
<tr>
<td>Masvingo</td>
<td>0</td>
<td>26</td>
<td>0</td>
</tr>
<tr>
<td>Matabeleland North</td>
<td>6</td>
<td>7</td>
<td>0</td>
</tr>
<tr>
<td>Matabeleland South</td>
<td>0</td>
<td>13</td>
<td>0</td>
</tr>
<tr>
<td>Midlands</td>
<td>3</td>
<td>25</td>
<td>0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PARTY</th>
<th>SEATS WON</th>
</tr>
</thead>
<tbody>
<tr>
<td>MDC-T</td>
<td>49</td>
</tr>
<tr>
<td>ZANU-PF</td>
<td>160</td>
</tr>
<tr>
<td>INDEPENDENT</td>
<td>1</td>
</tr>
<tr>
<td>TOTAL</td>
<td>210</td>
</tr>
</tbody>
</table>
5.3.3 Provisional outcome for the Senate, National Assembly and Provisional Councils

The following table shows the results of the results for the Senate, National Assembly and Provisional Councils for each of the provinces.

Table 4: Summarised results for Senate, National Assembly and Provincial Council

<table>
<thead>
<tr>
<th>PROVINCE</th>
<th>SENATE</th>
<th>NATIONAL ASSEMBLY</th>
<th>PROVINCNCIAL COUNCIL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>M</td>
<td>F</td>
<td>M</td>
</tr>
<tr>
<td>Mashonaland Central</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ZANU-PF</td>
<td>2</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>MDC-T</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Matabeleland North</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ZANU-PF</td>
<td>1</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>MDC-T</td>
<td>1</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>MDC</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Midlands</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ZANU-PF</td>
<td>2</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>MDC-T</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Harare Metropolitan</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ZANU-PF</td>
<td>1</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>MDC-T</td>
<td>1</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Bulawayo Metropolitan</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ZANU-PF</td>
<td>1</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>MDC-T</td>
<td>1</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>MDC</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Manicaland</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ZANU-PF</td>
<td>2</td>
<td>2</td>
<td>0</td>
</tr>
</tbody>
</table>
5.3.4 Provincial Totals for the Party Lists – Senatorial

The table below shows the provincial totals for the Senate.

<table>
<thead>
<tr>
<th>PROVINCE</th>
<th>MDC</th>
<th>MDC-T</th>
<th>ZANU-PF</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bulawayo</td>
<td>1</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>Harare</td>
<td>0</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Manicaland</td>
<td>0</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Mashonaland Central</td>
<td>0</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>Mashonaland East</td>
<td>0</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>Mashonaland West</td>
<td>0</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>Masvingo</td>
<td>0</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Matabeleland North</td>
<td>0</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Matabeleland South</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Midlands</td>
<td>0</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2</strong></td>
<td><strong>21</strong></td>
<td><strong>37</strong></td>
</tr>
</tbody>
</table>

Source: ZEC
5.3.5 Persons with Disabilities elected to the Senate

The following persons were elected to represent persons with disabilities in the Senate.

Table 6: Persons with disabilities reps in Senate

<table>
<thead>
<tr>
<th>Name</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shiri Annah</td>
<td>-</td>
<td>√</td>
</tr>
<tr>
<td>Mashavakure Nyamayabo</td>
<td>√</td>
<td>-</td>
</tr>
</tbody>
</table>

Source: ZEC

5.3.6 Chiefs elected to Senate

The following Chiefs were duly elected members of the Senate in their respective provinces:

Table 7: Chief elected to Senate

<table>
<thead>
<tr>
<th>Province</th>
<th>Chief elected as Senator</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manicaland</td>
<td>1. Chief Chiduku</td>
</tr>
<tr>
<td></td>
<td>2. Chief Gwenzi</td>
</tr>
<tr>
<td>Mashonaland Central</td>
<td>1. Chief Nembire</td>
</tr>
<tr>
<td></td>
<td>2. Chief Chisunga</td>
</tr>
<tr>
<td>Mashonaland East</td>
<td>1. Chief Musarurwa</td>
</tr>
<tr>
<td></td>
<td>2. Chief Nyamukoho</td>
</tr>
<tr>
<td>Mashonaland West</td>
<td>1. Chief Dandawa</td>
</tr>
<tr>
<td></td>
<td>2. Chief Nebiri</td>
</tr>
<tr>
<td>Masvingo</td>
<td>1. Chief Chitanga</td>
</tr>
<tr>
<td></td>
<td>2. Chief Marozva</td>
</tr>
<tr>
<td>Matabeleland North</td>
<td>1. Chief Gampu</td>
</tr>
<tr>
<td></td>
<td>2. Chief Siansali</td>
</tr>
<tr>
<td>Matabeleland South</td>
<td>1. Chief Nyangazonke</td>
</tr>
<tr>
<td></td>
<td>2. Chief Masendu</td>
</tr>
<tr>
<td>Midlands</td>
<td>1. Chief Ngungumbane</td>
</tr>
<tr>
<td></td>
<td>2. Chief Ntabeni</td>
</tr>
</tbody>
</table>

Source: ZEC
PART VI: Conclusion and recommendations

6.1. Conclusion

The Zimbabwe Harmonised Elections 2013 was generally well-managed.

The ECF-SADC commends the Zimbabwe Electoral Commission for their tremendous efforts in organizing these elections and mobilizing the voters within such short period of time.

The Mission further commends ZEC, all political parties, candidates and the people of Zimbabwe for a peaceful and efficient electoral process which was conducive for the people of Zimbabwe to freely participate in the 2013 Harmonised elections.

The Mission observed the following as good practices from the Zimbabwe Harmonised Elections 2013:

- A comprehensive constitutional and legal framework governing all aspects of the election which allowed for predictability, transparency and credibility in the way ZEC, as the EBM, is supposed to conduct elections and referenda.

- The deliberate constitutional and legislative steps taken to ensure greater representation and participation of women and people with disabilities in the electoral process;

- The statutory mandate given to ZEC to monitor the media during the election process;

- The transparent manner in which ZEC went about conducting the elections;

- Deliberate efforts initiated by ZEC to ensure greater stakeholder engagement;

- The use of local role models in voter education material;

- The production of braille voter education material;

- The decentralised structure of ZEC provided for in the law, which allowed the Commission to effectively discharge its mandate in close collaboration with stakeholders at Constituency, District, Provincial and National levels.

- The role played by the command centre to assist voters who need assistance on polling day.

- The high number of polling stations some of which were composite polling stations with multiple voting streams to ensure that all voters are accorded an opportunity to conveniently exercise their right to vote.
6.2 Recommendations

Based on its observations and findings, the ECF-SADC Observation makes the following recommendations with the aim of contributing to the improvement of future electoral processes in Zimbabwe:

1. **On the constitutional and legal framework for elections**
   - Within the framework of a future constitutional review process, the scope of postal voting should be broadened to all Zimbabweans living abroad, whether or not they are in the service of the Government;
   - A legal requirement should be set for the ZEC to make copies of the Final Registration Roll available within a specific time frame.

2. **On voter registration**

All party agents should receive copies of the Final Registration Roll for the respective polling stations they have been deployed to on Election Day.

The ZEC should take deliberate action to purge the voters’ roll of duplicate entries, deceased and underage voters.

3. **On the media**

An effective level playing field should be created for fair access to the media by parties and candidates during the electoral process. The regulatory framework should be strengthened to adopt an enforceable code of conduct, especially for state-owned media, to ensure balanced coverage and reporting of electoral campaigns and related issues.

4. **On voter education**

ZEC should intensify voter education on the legal changes introduced by the new Constitution. The possibility for the introduction of continuous voter education should also be investigated.

5. **On Special Voting**

The ZEC should further research and engage stakeholders on the conducting of the special voting exercise under Zimbabwe’s mixed electoral system with a view to ensure that the logistical challenges that encountered during the 2013 special voting process are not repeated in future elections.
6. On ballot papers, ballot boxes and election material

The Voters’ Roll should be polling station-based to reduce the need to print ballot papers in excess of the registered voters.

The ZEC should take deliberate steps to produce braille ballot papers for future elections to give full effect for the constitutional ideal of making the electoral process accessible to people with disabilities.

The ZEC should investigate the use of different colour-coded ballot boxes for each of the three elections for ease of identification.

The ZEC should take deliberate steps to improve warehouse facilities for the safe and secure storage of electoral material and equipment.

7. On stakeholder dialogue

The ZEC should improve its dialogue mechanisms with all electoral stakeholders to further improve information sharing and the transparency of the process.

8. On the counting process

Copies of the tally sheet at polling places should be distributed to all party agents present, regardless of the number of votes received by their candidates.

9. Diaspora voting

There is a need for mechanisms to be established for allowing Zimbabweans living abroad to vote in light of the decision of the African Commission on Human and Peoples’ Rights.
## LIST OF DELEGATES - 31st July 2013 Zimbabwe Elections

<table>
<thead>
<tr>
<th>Country</th>
<th>Name of Participant</th>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>Botswana, Gaborone</td>
<td>Mr A. T. Yalala</td>
<td>Commissioner</td>
</tr>
<tr>
<td>DRC, Kinshasa</td>
<td>Mr Andre Pungwe</td>
<td>Vice President</td>
</tr>
<tr>
<td></td>
<td>Mr Kisimba Ngoy Patrick.</td>
<td>Ops Agent</td>
</tr>
<tr>
<td></td>
<td>Mr Chryso Ngwez</td>
<td>Assistant</td>
</tr>
<tr>
<td>Lesotho</td>
<td>Miss Hloele Phafoli</td>
<td>Librarian</td>
</tr>
<tr>
<td>Malawi, Lilongwe</td>
<td>Dr Bernard Malango</td>
<td>Commissioner</td>
</tr>
<tr>
<td></td>
<td>Mr Muhabi Chisi</td>
<td>Director of ICT</td>
</tr>
<tr>
<td>Mozambique, Maputo</td>
<td>Mrs Eugenia Chimpene</td>
<td>Commissioner</td>
</tr>
<tr>
<td>Namibia</td>
<td>Adv. Notemba Tjipueja</td>
<td>Charperson</td>
</tr>
<tr>
<td></td>
<td>Mr. Ulrich Freyer</td>
<td>Commissioner</td>
</tr>
<tr>
<td></td>
<td>Mr. John Nakuta</td>
<td>Rappouter</td>
</tr>
<tr>
<td>Tanzania</td>
<td>Hon. Mchanga Mjaka</td>
<td>Commissioner</td>
</tr>
<tr>
<td></td>
<td>Dr. Sisti Cariah</td>
<td>Deputy Secretary Voter's Register</td>
</tr>
<tr>
<td>South Africa</td>
<td>Rev. B Finca</td>
<td>Commissioner</td>
</tr>
<tr>
<td></td>
<td>Mr William Ragophala</td>
<td>Deputy Manager</td>
</tr>
<tr>
<td>Zanzibar</td>
<td>Mr. Juma Ussi</td>
<td>Director of Information Technology</td>
</tr>
<tr>
<td>Zambia, Lusaka</td>
<td>DR Fredrick Ng’aundu</td>
<td>Commissioner</td>
</tr>
<tr>
<td></td>
<td>Mr Alick Chakawa</td>
<td>Assistant Electoral Officer</td>
</tr>
<tr>
<td>ECF-SADC - Secretariat</td>
<td>Hilda Modisane</td>
<td>Programme Officer</td>
</tr>
<tr>
<td></td>
<td>Alistair kaleji</td>
<td>Admin Assistant</td>
</tr>
<tr>
<td></td>
<td>ElizabethSwartz</td>
<td>Admin Assistant</td>
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<tr>
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<td>Mr SAADUN AHMED KHAMIS</td>
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<td>Kabelo Sedisa</td>
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<td>Dintle S Rapoo</td>
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<td>Game Dibeela</td>
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<td>Emmaual Kwishe</td>
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<td>Total No. of participants</td>
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# Annexure 2

## ECF-SADC Observation Mission Deployment Plan: Zimbabwe Election 2013

### Group 1: Harare

<table>
<thead>
<tr>
<th>Name</th>
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<tr>
<td>1 Mr. Ulrich Freyer</td>
<td>Commissioner</td>
<td>771587195</td>
<td>Ray Chigwida</td>
<td>Ford Ranger (ACO 2973)</td>
<td>Crowne Plaza</td>
</tr>
<tr>
<td>2 Mr. William Ragophala</td>
<td>Deputy Manager</td>
<td>771587206</td>
<td>-772278303</td>
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<td>Harare</td>
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<tr>
<td>3 Dr. Fredrick Ng’andu</td>
<td>Commissioner</td>
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### Group 2: Manicaland (265KM)

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<tr>
<td>1 Dr. Bernard Malango</td>
<td>Commissioner</td>
<td>771587198</td>
<td>Tawanda Chiwuta</td>
<td>Toyota Hilux (ACU 9550)</td>
<td>(AMBA Hotel)</td>
</tr>
<tr>
<td>2 Dr. Sisti Cariah</td>
<td>Deputy Secretary Voter’s Register</td>
<td>771587192</td>
<td>-772212546</td>
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### Group 3: Bulawayo (440KM)

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<tr>
<td>1 Mr. A. T. Yalala</td>
<td>Commissioner</td>
<td>771587205</td>
<td>Paul Bhebhe</td>
<td>Mazad BT50 (ABD 6602)</td>
<td>(Bulawayo Holiday Inn)</td>
</tr>
<tr>
<td>2 Mr. Alick Chakawa</td>
<td>Assistant Electoral Officer</td>
<td>771587188</td>
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### Group 4: Mashonaland Central (88KM)

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<tr>
<td>1 Mrs. Eugenia Chimpen</td>
<td>Commissioner</td>
<td>771587158</td>
<td>Tadenda Mapemhena</td>
<td>Toyota Prado (ACJ 4375)</td>
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<td>2 Ms. Hloele Phafoli</td>
<td>Librarian</td>
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<td>3 Rev. B. Finca</td>
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### Group 5: Midland (275KM)
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<tr>
<td>Hon. Mchanga Mjaka</td>
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<td>Cloud Mupfumi</td>
<td>Isuzu KB (ACG 8862)</td>
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<tr>
<td>Mr. Muhabi Chisi</td>
<td>Director of ICT</td>
<td>771587204</td>
<td>-773012530</td>
<td>E. Zwizwai (0772657230)</td>
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<tr>
<td>Mr. Juma Ussi</td>
<td>Director of Information Technology</td>
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**GROUP 6: HARARE**

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<tr>
<td>Mr. Andre Pungwe</td>
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<td>771587202</td>
<td>Zviito Kanyoka</td>
<td>Mazda BT50 (ABT 7817)</td>
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<tr>
<td>Mr. Kisimba Ngoy Patrick</td>
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<td>771587201</td>
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<tr>
<td>Mr. Chryso Ngwez</td>
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<td>771587200</td>
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**ECF-SADC - Secretariat**

<table>
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<td>Hilda Modisane</td>
<td>Programme Officer</td>
<td>771449363</td>
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<td>Alistair Kaleji</td>
<td>Admin Assistant</td>
<td>771587208</td>
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<td>Elizabeth Swartz</td>
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<tr>
<td>Mr Saadun Ahmed Khamis</td>
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<td>Dintle S. Rapoo</td>
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<tr>
<td>John Nakuta</td>
<td>Rapporteur</td>
<td>771587194</td>
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**Mission Leader**

<table>
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<tr>
<td>Adv. Notemba Tjipueja</td>
<td>Chairperson</td>
<td>771587196</td>
<td>Thanks</td>
<td>Hyundia Tuckson</td>
<td>Harare</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>-772565946</td>
<td>(ABP 7275)</td>
<td>Crowne Plaza</td>
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ANNEXURE 3

PRELIMINARY STATEMENT OF THE ELECTORAL COMMISSIONS FORUM OF SADC COUNTRIES ON THE ZIMBABWE HARMONISED ELECTIONS OF 2013

1. Introduction and Background

Following an invitation by the Zimbabwe Electoral Commission (ZEC), the Electoral Commissions Forum of the SADC countries (ECF-SADC) constituted an Observer Mission to observe the 2013 Harmonised Election of the Republic of Zimbabwe held on the 31st of July 2013.

The ECF-SADC Election Observer Mission was led by Adv. Notomba Tjipueja, Chairperson of the Electoral Commission of Namibia (ECN). The Mission consisted of observers drawn from the Electoral Commissions of Botswana, the Democratic Republic of Congo (DRC), Lesotho, Malawi, Mozambique, Namibia, South Africa, Tanzania, Zambia and Zimbabwe, respectively. The observation was done over the period July 23rd till August 2nd.

Prior to the deployment of the Observer Mission the ECF-SADC deployed a Pre-Elections Assessment Team (PEAT) to the Republic of Zimbabwe. The primary objective of the PEAT was to assess ZEC’s readiness to conduct the 2013 Harmonised Elections. The PEAT was similarly led by Adv. Notomba Tjipueja and took place during the period 8-12 July 2013. The main findings of the PEAT form part of this preliminary statement.

2. Mandate of ECF-SADC

The ECF-SADC comprises of fifteen (15) electoral management bodies (EMBs) of the SADC member states’ Electoral Commissions. It was launched in July 1998. The mandate of ECF-SADC as outlined in its Constitution, amongst others, includes the:

- strengthening of co-operation amongst Electoral Commissions in the SADC region;
- and the

- promotion of conditions conducive for credible and transparent elections in the SADC region.
The ECF-SADC views election observation as an important component of promoting democratic elections and consolidating democracy in the SADC region, hence its involvement. Through the election observation process, the ECF-SADC strives to assist fellow Election Management Bodies (EMBs) to identify areas needing improvement in elections administration and management and this also serve as an opportunity for mutual learning.

The ECF-SADC Observer Mission is strictly speaking a Peer Support Mission. Over and above monitoring all relevant aspects of the organisation and conduct of the electoral process to identify key strengths and challenges, our missions also identifies areas of need and explores the possibility of extending technical support from other sister Commissions in the SADC region.

3. Guiding Principles

ECF-SADC’s election observation missions are principally guided by two (2) instruments, namely the Principles for Election Management, Monitoring and Observation (PEMMO) in the SADC Region and the Principles and Guidelines Governing Democratic Elections in the SADC Region. Compliance with the relevant provisions of the new Zimbabwe Constitution, the Electoral Act (Chapter 2:13) and its ancillary regulations, other pieces of legislations relevant to elections in Zimbabwe also served as guiding tools to assess compliance with the legal framework for conducting elections in Zimbabwe. The 2013 Zimbabwe Harmonised Elections were also benchmarked against the African Charter on Democracy, Elections and Governance which the country ratified on 31 May 2011.1

Consistent with the abovementioned instruments, the ECF-SADC Observation Mission’s work was guided by the principles of impartiality, neutrality, transparency, and objectivity.

The subsequent sections elaborate on the key areas which were assessed in determining the credibility of the 2013 Zimbabwe Harmonised Elections.

4. Observation methodology

The observation mission employed complementary data collection methods including documentary review, paying a courtesy visit to ZEC, conducting a one-day training based on Bridge training materials for members of its Observer Team on July 25th, hosting a multi-stakeholder seminar with local stakeholders on July 26th, reviewing the constitutional and legal framework governing elections in Zimbabwe, observing final campaign rallies, the polling and counting processes on July 31st 2013.

The Mission also interacted with other Observation Missions in order to exchange information and observations. All these various activities enabled the Mission to gather comprehensive information so as to critically assess the manner in which the 2013 Zimbabwe Harmonised Elections was managed.

ECF-SADC deployed six observer teams on 27 July–1 August 2013 in five provinces. Upon arrival in the districts, ECF-SADC teams held consultative meetings with local electoral stakeholders and other international observers. During this period, the teams also familiarised themselves with the local context and continued to observe the concluding stages of the campaigns and the pre-polling preparations.

5. The Constitutional and Legal Framework

The Mission noted several progressive changes introduced by the new Zimbabwe Constitution. These include, amongst others, the introduction of a five-year presidential term with a two-term limit; the inclusion of a bill of rights which guarantees an array of fundamental rights and freedoms. Those, most relevant to elections, include the rights to equality and non-discrimination, freedom of assembly and association, freedom to demonstrate and petition, freedom of expression and freedom of the media, access to information, and right to administrative justice.

The Mission further noted that the new constitution also calls for greater gender equality, evidenced by gender quotas in Parliament, greater protection and advancement for persons with disabilities a broader mandate for the electoral commission. The Mission particularly notes that article 239 of the new Constitution empowers the ZEC to prepare, conduct and supervise the country’s elections, including the compilation of the voters’ rolls and registers. The Mission notes though that the provisions of Schedule 6(2) of the Constitution allows the Registrar-General of Voters to still conduct the registering of voters and the compiling voters’ rolls for these elections, albeit under the supervision of the ZEC.

The Mission further observed that Article 100H of the Constitution of Zimbabwe obliges the State to make adequate and suitable provisions through legislation and other appropriate means, to ensure that the ZEC is able to exercise its functions under the Constitution efficiently and independently and that the Commission’s staff carry out their duties conscientiously, fairly and impartially. In addition, the Mission noted the extensive provisions of sections 10A and 11 of the Electoral Act [Chapter 2:13] meant to guarantee the independence of the ZEC and ensure the independence, impartiality and professionalism of Commissioners, staff and agents of the Commission.

6. Preliminary Findings

6.2. Pre-election phase

6.2.1 Special Vote

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2 Observer Teams were deployed in Harare (2), Manicaland, Bulawayo, Mashonaland Central, Midland,


4 See article 239(d) in particular.
The Special Vote was conducted on the 14th and 15th of July 2013. The Mission learned that that ZEC authorized 65,956 members of the security forces and armed forces and Commission staff. It further learned that 37,108 voted and that 26,160 did not vote.

Many stakeholders raised concerns on the manner in which the special vote was conducted which led to the disenfranchisement of a substantial number of eligible voters in this category. The Mission applauds ZEC for the bold step taken to seek permission from the Constitutional Court (ConCourt) for the affected voters to be allowed to vote during the general elections. The Mission is aware that the ConCourt granted ZEC’s request. The Mission noted the unanimous concerns of stakeholders about the potential of double voting given the non-availability of the final voters’ roll at the time these votes were conducted. The Mission notes with satisfaction the special efforts and measures taken by ZEC to guard against such concerns. These include quarantining the special votes to avoid ‘contamination’, the crossing out of special voters from the general voters’ roll before commencement of the general elections at each polling station. The Mission noted that the special votes were indeed guarded and kept under security.

6.2.2 Postal vote

The Mission notes that the Electoral Act confines postal voting for those Zimbabweans (and their spouses) who are on duty in the service of the government abroad. The Mission is aware that the new Constitution does not allow for diaspora voting. However, it noted the ongoing debate around this issue. The Mission also recalls the recent judgment of the African Commission on Human and People’s Rights (ACHPR) in which it ruled that the Government of the Republic of Zimbabwe must allow its diaspora to vote by postal ballot and to provide all such eligible voters with the same voting facilities it affords to Zimbabweans working abroad in the service of the Government. ECF-SADC takes note of the Constitutional Court dismissal of an application to allow diaspora voting citing impracticality for ZEC to implement diaspora voting for these elections.

6.2.3. Voter registration and Voters Roll

The Mission learned that approximately 6.4 million voters registered for the 2013 Harmonised elections.

The Mission noted with concern that the final voters’ roll was not timeously made available for inspection. The Mission is particularly concerned that the said roll was made available only two (2) days before actual polling.

The Mission notes that the new Constitution entitled many people living in Zimbabwe who were previously classified as “aliens” to register for citizenship. The Mission is aware of ZEC’s call to this category of persons to apply for national identity documents reflecting the changed status to allow them to be registered as voters. The Mission is, however, concerned

5 See section 72 of the Electoral Act.
about reports that many of these persons might have been disenfranchised due to reported administrative impediments on the side of officials from the Registrar-General’s office but is pleased to note that the electoral law provides for ZEC to take over the function of voter registration.7

6.2.4 Printing of ballot paper

The Mission learned that approximately 8.7 million ballot papers were printed for the 2013 Harmonised Elections. This, in the words of ZEC, represents an excess of 35 percent of ballot papers. The Mission expressed its concern in this regard and the double numbering of ballot papers to ZEC but was given assurances by ZEC that they would maintain safe custody of every ballot paper and account for every ballot paper issued.

6.2.5 Voter Education

The Mission has noted with satisfaction that ZEC collaborated with civil society organisations to carry out voter education throughout the country. However, concerns were expressed over the time period allotted to this important exercise. The commendable efforts of ZEC in the area of Voter Education is clearly manifested in the high number of voters registered for this elections.

6.2.6. The Electoral Campaign

The Mission noted with great satisfaction the general calm and peaceful atmosphere which prevailed throughout the period it observed the 2013 Zimbabwe Harmonised elections. No incidents of violence, harassment and/or intimidation were brought to the attention of the Mission.

6.2.7 Media

The Mission notes with appreciation the establishment of an independent, non-political Zimbabwe Media Commission (ZMC), which amongst others, must ensure that the people of Zimbabwe have fair and wide access to information.8 It further notes that the ZEC, with the assistance of the ZMC and the Broadcasting Authority of Zimbabwe is enjoined to monitor the Zimbabwean news media during elections to ensure that the conduct of political parties, candidates, broadcasters, print publishers and journalists are generally above board during this period.9 In this regard the Mission noted with satisfaction the existence of the Media Monitoring Committee chaired by ZEC to give effect to this statutory mandate.

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8 See article 249(1)(f) of the Constitution of Zimbabwe Amendment (No. 20) Act, 2013.
9 See section 160K of the Electoral Act [Chapter 2:13].
The Mission noted with concern though, the partisan and biased coverage given to some political parties and their candidates by both the public and private media. This undoubtedly compromised the guiding principles of equality, equity and fairness.

6.2.9 The Role of Security Forces

The Mission noted with satisfaction that there was visible policing during political rallies and all the voting stations ensured law and order.

The Mission noted the concerns raised by several stakeholders regarding the candidature of serving members of the armed forces. The Mission was given assurance by ZEC that no serving member of the armed forces was registered as a candidate for any of the elections during this poll.

6.3 Election phase

6.3.1 Polling day

The ECF-SADC teams visited polling stations and observed the opening of the poll, the voting and counting processes at the polling stations, followed by the beginning of the tallying process in selected wards, constituencies and provincial centres.

The following observations were made:

✓ Most polling stations visited opened on time.
✓ Ballot boxes were properly sealed at the opening of poll. Inedible ink was available and used. The secrecy of the ballot was observed.
✓ The polling stations visited had adequate election material including ballot papers.
✓ There were variations in the manner in which the registration certificate was used. For instance, some voters provided registration slips issued after 10 July 2013 (after the end the registration period) and rightfully turned way.
✓ Some voters whose names did not appear in the voter register were referred to the command centre for verification of polling stations.
✓ Long and short voting queues were observed in the morning but subsided in the afternoon.
✓ The Mission noted with satisfaction that some polling stations had ramps to facilitate access for people with disabilities.
✓ In all polling stations visited, there was a remarkable representation of women as polling personnel. The Mission encourages that this be sustained as a best practice.
It was noted that ballot boxes for the different elections all bear the same colour lids making it difficult to differentiate between Presidential, National Assembly and Local Authority elections.

Some Presiding Officers did not know the number of registered voters at their respective polling stations.

6.3.2 Closing, Counting and announcement of votes

All polling stations visited were closed according to the election procedures. Voters already in the queue were allowed to vote.

The counting process was conducted in accordance with the statutory provisions. The process took place in the presence of party agents and observers.

The results were announced at polling stations and ward-level in the presence of party agents and observers as provided by the law.

7. Lesson and Good Practices from the 2013 Zimbabwe Harmonised Elections

The following lessons are drawn from the 2013 Zimbabwe Harmonised Elections and presented as areas and/or activities to be sustained as best practices. These include, amongst others:

- The deliberate constitutional and legislative steps taken to ensure greater representation and participation of women and people with disabilities in the electoral process;

- The statutory mandate given to ZEC to monitor the media during the election process;

- The transparent manner in which ZEC went about conducting the elections;

- Increased efforts initiated by ZEC to ensure stakeholder engagement;

- The use of local role models in voter education material;

- The design of voter education material in braille;
✓ Providing all observers with a CD rom containing the Constitution, the Electoral Act, regulations, code of conduct and other relevant information;

✓ Decentralization of accreditation of observers.

✓ The presence of ZEC offices in all provinces.

✓ The important role of the command centre to assist voters who need assistance on polling day.

8. **Areas for improvement (recommendations)**

Considering all the above, the Mission recommends that:

8.1 **There is a need to clean up the voters’ roll so as to ensure accuracy and adherence to legal provisions governing elections i.e. voters’ roll & inspection.**

8.2 **ZEC enhance its poll readiness to ensure timely dispatching of election material to polling stations. This should include contingency planning and ensuring the arrival of polling material well ahead of polling day.**

8.3 **ZEC should intensify voter education on the legal changes introduced by the new Constitution; the possibility for the introduction of continuous voter education should also be investigated.**

8.4 **The percentage of excess ballot papers should be reduced.**

8.5 **The ZEC should take deliberate steps to produce braille ballot papers for future elections to give full effect for the constitutional ideal to making the electoral process accessible to people with disabilities.**

8.6 **The ZEC should take deliberate steps to improve warehouse facilities for the safe and secure storage of electoral material.**

9. **Overall Assessment of the 2013 Zimbabwe Harmonised Elections**

The ECF-SADC commends the Zimbabwe Electoral Commission for the tremendous efforts in organizing these elections and mobilizing the voters within such short period of time. This demonstration of professionalism and independence must be highly commended.
The Mission also commends ZEC, all political parties, candidates and the people of Zimbabwe for a peaceful, credible and efficient electoral process which was conducive for the people of Zimbabwe to freely participate in the 2013 Harmonised elections.

Signed on this 1st Day of August 2013, Harare, Zimbabwe.

[Signature]

Commissioner Adv. Notemba Tjipueja
Mission Leader
Electoral Commissions Forum of SADC Countries
PART VII:

ZIMBABWE 2013
HARMONISED ELECTIONS
ELECTORAL STAKEHOLDERS SEMINAR REPORT