WITHER THE PEOPLE’S WILL – THE 2013 ZIMBABWE HARMONISED ELECTIONS

A REPORT PRODUCED BY THE RESEARCH AND DOCUMENTATION UNIT

AUGUST 2013
Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures."

Article 21, Universal Declaration of Human Rights

2013 harmonised elections in Zimbabwe left a sense of trepidation. Victory in any election outcome comes with celebrations but this has not been the case with the just ended elections. In fact it looks as if Zimbabwe has been plunged into mourning following the death of a beloved one. The post-elections mood is of hopelessness in both the rural and urban areas. Some people felt robbed and are worried about the future. The most asked million-dollar question now is whether the election outcome represented the will of the people of Zimbabwe. Since independence, the elections in Zimbabwe have always been characterised by controversy and allegations of manipulation, but the 31st July 2013 elections shocked the electorate with the extent of the alleged manipulation, hence, the post elections national mourning!

The pre and post-election environment were characterised by massive irregularities. These irregularities manifested from the proclamation of the day of the elections. The President, exploiting a directive from the Constitutional Court that on 31 May 2013 ruled that elections be held not later than the 31st of July 2013, unilaterally declared 31 July as the date for the elections. The move was perceived by his opponents as part of a grant plan to tilt the electoral outcome in his favour. After pronouncing the election date, the President went ahead and again unilaterally amended the electoral law using the Presidential Powers Temporary Measures Act. The dissatisfied political parties sought the protection of the mediator and guarantor, the SADC. The SADC, at its Extra Ordinary Summit in Maputo on 15 June 2013, recommended to the Government of Zimbabwe to seek leave to postpone the
election date through the Constitutional Court. Although the government complied with the SADC recommendation by applying to the Constitutional Court for a date extension, the Constitutional Court rejected the application.

All processes and arrangements preceding elections such as voter registration, voter education, the voters roll, electronic and print media campaigning, special voting and the actual elections were compressed within a period of less than a month, which ordinarily should have been more than that. As a result, these preparations were marked by direct and structural electoral irregularities and disenfranchisement of voters. The following are some of the irregularities which makes it difficult to label the 2013 elections fair, credible and representing the will of the people.

**Voter Registration** - Most potential voters did not manage to register despite the Mandatory Voter registration exercise conducted in accordance with paragraph 6 (3) of the Sixth Schedule of the new Constitution, partly because ZEC refused to extend the registration period. Basing on the voters roll provided by the Registrar’s office, ZESN noted that there were about 750 000 missing urban voters and at least 400 00 missing young voters from the voters roll¹.

**Voter Education** – The voter education was not adequate as the two voter education officers per ward failed to cover all the areas. In most constituencies, the voter educators concentrated in easily accessible areas, leaving the remote areas where the education was most needed. Furthermore ZEC was financially incapacitated for the exercise and failed to provide ward based mobile registration for voters. CSOs that could have made a valuable contribution to voter education were inhibited and prohibited from doing so by electoral authorities. Law enforcement officer went further to prosecute human rights defenders engaged in any acts remotely related to voter education. In May for example, the Director of the Election Resource Centre and three

¹ See ZESN’s Pre-election report http://www.zesn.org.zw/images/statements/ZESN'S%20PreElection%20Report%202013%2030%20JULY%202013.pdf
volunteers were unjustifiably arrested for conducting voter education without the approval of ZEC.

**Electronic and print media** - The public media was characterised by hate speech and skewed in favour of ZANU-PF. This again was in breach of the section 155 (2) (d) of the new constitution, which obliges the state to *provide all parties and candidates with fair and equal access to the electronic and print media both public and private.*

**Special voting** - The special voting was characterised by serious logistical challenges resulting in 26 160 eligible voters failing to exercise their right to vote. Special voting took place without the updated voters roll.

**Voters roll** - The voters’ roll posed a lot of problems with regard to this election. A study conducted by the Research and Advocacy Unit established that there were gross irregularities associated with the voters roll. These included constituencies that had more registered voters than the actual human population in them, disenfranchised youths mainly in urban areas and an unrealistic number of geriatrics over the age of 80 years was overstated given the life expectancy of Zimbabwe which is less than 50 years. Demands for the voters roll were systematically ignored by ZEC and the Registrar General of Elections, who dodged their accountability and responsibility for the availing of the electronic voters roll to election stakeholders. It was only made available to political parties at the intervention of the High Court on the eve of the election day. This made it impossible for proper inspection and verification of the voters roll before the elections. A consequence of the unavailability of the voters roll was that it became very difficult to verify whether the names of those who had voted under the Special Vote had actually been crossed out to prevent double voting. Under section 21 of the Electoral Act, ZEC must provide copies of the voters roll in print and electronic form within a reasonable time frame to political parties and candidates.

**Ballot papers** - ZEC printed 8 million ballot papers for a prospective 6 million voters. ZEC’s defence that this was to cater for a 35% margin of error and to ensure that ballots did not run out did not hold water, given that the 35%
margin is way above international and regional best practices which recommend a 5% to 10% margin of error.

In its election observation in the run up to and on election day, the Forum noted the following irregularities:

- Intimidation of voters especially in rural areas some weeks prior the election day;
- A high number of assisted voters despite Zimbabwe topping the UNDP 2013 African literacy rate ranking;
- Unilateral transfer of voters from their respective wards for e.g. a couple who live in the same house and had in previous elections voted together in the same ward found themselves either in different wards or constituencies altogether;
- Missing names of people in the voters roll despite the same individuals having participated in previous elections; and
- Bussing of people from other constituencies to vote.

Given these pre-election and election irregularities it becomes difficult to confirm the elections as representing the ‘will of the people’. Leaders derive their mandate to rule only with the consent of the governed and if this consent is absent then democracy is in serious trouble and the country may face civil disobedience.
ABOUT THE ZIMBABWE HUMAN RIGHTS NGO FORUM

The Zimbabwe Human Rights NGO Forum (the Forum) is a coalition of 20 human rights organisations. The Forum has been in existence since January 1998 when Non-Governmental Organisations working in the field of human rights joined together to provide legal and psychosocial assistance to the victims of the food riots of January 1998. The Forum has now expanded its objectives to assist victims of organized violence and torture (OVT).

The Forum has three operational units: the Public Interest Unit, the Research and Documentation Unit and the Transitional Justice Unit.

The Forum works in close collaboration with its member organisations to provide legal and psychosocial services to victims of OVT and to document all human rights violations, particularly politically motivated violence.

Member organisations of the Zimbabwe Human Rights NGO Forum

- Amnesty International-Zimbabwe
- Catholic Commission for Justice and Peace in Zimbabwe
- Counseling Services Unit
- Gays and Lesbians of Zimbabwe
- Justice for Children
- Legal Resources Foundation
- Media Institute of Southern Africa-Zimbabwe
- Media Monitoring Project Zimbabwe
- Non-violent Action and Strategies for Social Change
- Research and Advocacy Unit
- Students Solidarity Trust
- Transparency International-Zimbabwe
- Women of Zimbabwe Arise
- Zimbabwe Association for Crime Prevention and Rehabilitation of the Offender
- Zimbabwe Association of Doctors for Human Rights
- Zimbabwe Civic Education Trust
- Zimbabwe Human Rights Association
- Zimbabwe Lawyers for Human Rights
- Zimbabwe Peace Project
- Zimbabwe Women Lawyers Association

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