

**Pre-conditions for Elections Programme in Southern Africa
(PEPSA)
Baseline Analysis Questionnaire**

Country	Zimbabwe	Researcher	Bertha Chiroro
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Please enter your answers in the space below each question.

[I] Country Political Context (Introduction Section of the SADC Principles)

General

1. *Has the country undergone a democratic transition? If so, when and how?*

Zimbabwe had a transition from colonial to majority rule in 1980 after a liberation struggle but the deepening of a democratic political culture has been a problem due to economic and political instability and the passing of constitutional and legal provisions not supportive of democracy. From 1980-1990 Zimbabwe was relatively stable. However the SAPS of the 1990s combined with lack of support for comprehensive land reform contributed to the severe decline in the economy and a political crisis which has polarised society.

2. *Has the country's government signed and ratified major international human rights declarations and protocols? Which ones?*

- ***The International Covenant on Economic, Social and Cultural Rights Treaty;***
 - ***International Covenant on Civil and Political Rights;***
 - ***International Convention on all Forms of Racial Discrimination;***
 - ***Convention on the Elimination of All Forms of Discrimination Against Women;***
 - ***Convention on the Rights of the Child;***
 - ***The African Charter on Human and People's Rights (ratified 1986);***
 - ***The African Charter on the Welfare and Rights of the Child (ratified 1995).***
- (Source: UNDP Human Development Report, 2004).***

Political parties

3. *Is the country a multi-party democracy?*

It is a dominant party system, since independence ZANU pf has strove for hegemony through the ballot box.

4. *How many political parties are registered and active?*

About 9 parties registered and 6 active, ZANU PF, MDC, ZANU Ndonga, ZAPU, NAGG, ZIYA and 17 Independents.

5. *How many parties are represented in the legislature?*

Two parties, ZANU PF and MDC since 2000

6. *Do political parties have programmes?*

ZANU PF and the MDC do have programmes in there party manifestoes

7. *Which party is the ruling party?*

ZANU PF has ruled the country since 1980.

8. *What is the total number of elected parliamentary seats and share of seats for the ruling party?*

78 seats out of the 120 elected seats.

9. *Which one is the main opposition party?*

<i>The Movement for Democratic Change (MDC) formed in September 1999.</i>
10. <i>What is its share of the elected parliamentary seats?</i>
<i>41 seats out of the 120 elected seats.</i>
11. <i>How is the participation of parties in elections regulated and legislated?</i>
<i>The Constitution (as amended) 1996 and the Electoral Act 1996.</i>
12. <i>Are political parties generally aware of the SADC principles governing democratic elections?</i>
<i>MDC is aware they have done a Mauritius Watch and in there RESTORE NOW document which calls for electoral reform according to SADC principles. They have used the SADC principles to make demands for changes in the electoral system</i>
13. <i>If so, what is their attitude towards the principles?</i>
<i>Positive about the principles and would want them implemented soon in there country</i>
14. <i>How have political parties promoted the implementation of the SADC principles?</i>
<i>They have lobbied governments and civic groups in the region (Mainly the MDC) to put pressure on the Zimbabwe government to reform electoral laws and have raised awareness of the SADC principles to the electorate.</i>
Civil society
15. <i>What is the state of civil society organisations?</i>
<i>A diverse and active civil society exists that participate in human rights issue, constitutionalism, elections, and women although they maybe suffering from fatigue due to the restrictive political environment. They have formed coalitions around issues of governance for example the Crisis coalition, ZESN, the NCA and other church organisations.</i>
16. <i>Is the legal and political environment conducive for civil society organisations to operate?</i>
<i>A hostile political environment exists coupled by restrictive laws to civil society activism. These laws include the Public Order and Security Act 2002 (POSA) which puts restrictions on the freedom of association. The Access to information and Privacy Act (2002) AIPPA, with some sections which leads to lack of freedom of speech and self censorship. And the NGO BILL geared to stop civil society activism.</i>
17. <i>What specific roles do CSOs play in the electoral process?</i>
<i>Voter Education, Election observation and monitoring, information and advocating for electoral reforms especially the coalition under the Zimbabwe Electoral Support Network.</i>
18. <i>What legal/political constraints restrain the CSOs before and during elections?</i>
<ul style="list-style-type: none"> • <i>Adequate Resources;</i> • <i>Hostile political environment;</i> • <i>Lack of cooperation between CSOs and security agencies.</i>
19. <i>Are CSOs aware of the SADC Principles governing democratic elections?</i>
<i>ZESN and its coalition are aware of SADC principles and have publicised the issue through workshops and publications.</i>
20. <i>If so, what is their attitude towards the principles?</i>
<i>Positive and they want to see the full implementation of SADC principles in Zimbabwe and have been pressurising government on the issue.</i>
21. <i>How have CSOs promoted the implementation of the SADC principles?</i>
<i>They have critiqued the present electoral process using the SADC principles and produced and publicised the document locally and regionally.</i>
22. <i>Are CSOs engaged in civic and voters education?</i>

<i>Foreign Funded CSOs are barred from civic education the Zimbabwe Electoral Commission is supposed to be involved in voter education. The sole mandate for voter education and all funds for voter education are supposed to be channelled to the Electoral Supervisory Commission and there were no guarantees for collaboration with civil society put into place.</i>
Media
23. <i>What economical/ legal/or political constraints restrain the media in general?</i>
<i>Media is generally polarised with government owned biased towards ruling party and independent towards the opposition. A hostile environment towards independent media, AIPPA and the broadcasting Act places constraints on the media AIPPA gives the information minister sweeping powers to decide who can work as a journalist. AIPPA also created the MIC which gives operating licences for journalists. The provisions contained in AIPPA have been invoked leading to the closure of the Daily news, The Daily news on Sunday, the Tribune and the Weekly times</i>
24. <i>Is there an independent media council?</i>
<i>There is a Media and Information Commission (MIC) which is alleged to be partisan because it is state controlled.</i>
25. <i>Are the state media independent?</i>
<i>Radio and Television remain the monopoly of the state and partisan.</i>
26. <i>Do the state media perform the role of a public service broadcaster?</i>
<i>Yes but there is significant government interference.</i>
27. <i>Is there a self-regulatory body of the media?</i>
<i>There is the MIC and a new Broadcasting Authority of Zimbabwe which are regarded as partisan bodies because of the way the officeholders are appointed.</i>
28. <i>Is there a media monitoring project?</i>
<i>There is a Media Monitoring Project Zimbabwe (MMPZ).</i>
29. <i>Do the media have a general code of conduct and ethics?</i>
<i>There is no code of conduct.</i>
30. <i>If so, how is this enforced?</i>
<i>Media conduct is enforced by the MIC.</i>
31. <i>What specific role do the media play in the electoral process?</i>
<i>Opinion makers, Informs the public about voting, voter education and publicising election manifestoes, party policies.</i>
32. <i>Is there a specific code of conduct for election reporting?</i>
<i>No.</i>
33. <i>How is this enforced?</i>
<i>No institution enforces the conduct of election reporting.</i>
34. <i>What three (3) challenges face the media during elections?</i>
<ul style="list-style-type: none"> • <i>Legal restrictions (AIPPA);</i> • <i>State use/abuse of public media;</i> • <i>Lack of an agreed ethical code of conduct for media.</i>
35. <i>Is the media generally aware of the SADC principles governing democratic elections?</i>
<i>Yes, they are aware through MISA-Zimbabwe.</i>
36. <i>If so, what has been/is its role in promoting the principles?</i>
<i>Advocacy and challenging certain aspects of the laws that have been considered unconstitutional in the Zimbabwean courts especially MISA- Zimbabwe</i>
[II] Principles for Conducting Democratic Elections (Section 2 of the SADC Principles)

37. What legislation provides for citizen participation in the political process, especially in elections?
Constitution of Zimbabwe as amended 1996. Electoral Act 1996.
38. How does citizen participation in the political process (especially before and during elections) take place?
Public debates, media, political rallies, party meetings, etc.
39. What legislation provides for political freedoms including freedom of association, political movement and freedom of speech?
Constitution of Zimbabwe but freedoms seriously curtailed by POSA, AIPPA, impending NGO Bill.
40. Are these freedoms and political tolerance allowed by political actors during electioneering?
There is little political tolerance leading to violence and disregard of the rule of law.
41. What is the frequency and regularity of elections in the country (consider both national and local government elections please)?
Presidential elections after 6 years. Parliamentary elections every 5 years. Civil society has lobbied for all terms to be 5 years.
42. Are the dates of elections specifically predetermined by a relevant constitutional or legislative provision?
No.
43. To what extent is access to public resources (i.e. funding for campaigning and access to the public media) by political parties during elections equitable?
Public funding has been satisfactory for ZANU PF and MDC since 2002 But Political parties finance Act excludes small parties and the independents (Political Parties finance Act 4/2001 Zimbabwe. Access to media has been a contentious issue but in the 2005 elections there was an opening up of the media, though not adequate but was a positive development along SADC guidelines.
44. What is the exact role of the judiciary in the electoral process?
Deal with electoral disputes.
45. Does the judiciary exhibit impartiality in handling electoral matters?
The Zimbabwe judiciary has been politicised it's difficult to state its impartiality.
46. Which Electoral Management Bodies (EMBs) have the responsibility to run elections?
Zimbabwe Electoral Commission (ZEC) (new Body) The Electoral Supervisory Commission (ESC), The Delimitation Commission, The Registrar General and the Election Directorate.
47. What is the exact role of these Electoral Management Bodies (EMBs) in the electoral process?
ZEC deals with the general conduct of elections, Delimitation Commission, delimits and reviews boundaries, Registrar General, voter registration and announcement of results Election directorate used to administer the elections before the 2005 changes to the ZEC. The relationship between the ZEC (new body) and the ESC (old body) was not clear as to who was to do what and which commission had the greater authority.
48. How independent and impartial are these EMBs in discharging their electoral mandates?
ZESN has expressed concern over the independents of the commission that it could be partisan because of the appointment process, Commission has no power and is under the minister to approve all statutory instruments.
49. Which institutions are responsible for conducting voter education?
CSOs and ZEC.
50. In what ways do these institutions coordinate their efforts in undertaking voter education?

<i>The ZEC is supposed to coordinate voter education.</i>
51. <i>Is there a political culture of acceptance and respect of election results by political parties?</i>
<i>Since 2000, 2002 and the 2005 election results have been disputed because of the prevailing pre election atmosphere of violence, intimidation and fear, counting irregularities allegations of vote rigging and electoral fraud all because of the lack of legitimacy in the electoral laws and the whole electoral process.</i>
52. <i>If not, why do political parties contest election results?</i>
<i>They contest because of the lack of confidence in the whole electoral process.</i>
53. <i>What the legal provisions exist for the management for election-related disputes?</i>
<i>Electoral Court (New).</i>
54. <i>What institutional and regulatory mechanisms are in place for the constructive resolution of election-related disputes?</i>
<i>The Electoral Court.</i>
[III] Guidelines for Observation of Elections (Section 4 of the SADC Principles)
55. <i>What legislation guarantees the rights and freedoms of the citizens?</i>
<i>Constitution of Zimbabwe as amended 1996.</i>
56. <i>Does the political culture and practice protect and promote citizens' freedoms?</i>
<i>A very violent and intolerant political culture is pervasive. Freedom house (2005) rated Zimbabwe '6' on Civil liberties. (1-Most Free; 7-Least Free)</i>
57. <i>What possibilities do citizens have to complain (independent human rights commission/ombudsman?)</i>
<i>There is no Ombudsperson in Zimbabwe.</i>
58. <i>To what extent is the election environment free, fair and peaceful?</i>
<i>Election environment usually tense and violent surprisingly peaceful in 2005. There is polarisation over observer mission reports for the 2005 elections. The SA observer mission declared the elections free and fair and peaceful.</i>
59. <i>How is voter registration conducted and by whom?</i>
<i>The Registrar General is supposed to update voters roll continuously but this is not usually done. A fresh register is done a month before the elections.</i>
60. <i>Is voter registration conducted periodically around elections or continuously?</i>
<i>Voter Registration is supposed to be continuous but occurs rather infrequently. Civil society and opposition were very unhappy with issues to do with voter registration.</i>
61. <i>Is the process of voter registration satisfactory and acceptable to all stakeholders?</i>
<i>The voters roll is alleged to be in a shambles in Zimbabwe. It is the source of major electoral disputes, has never been put to public inspection on time and has not been properly updated with about 800 000 dead people and duplicate names appearing on the lists.</i>
62. <i>How is the voters' roll prepared and by whom?</i>
<i>Registrar General on a continuous basis there is either mobile registration or registration centres.</i>
63. <i>How is the voters' roll maintained and regularly updated and by whom?</i>
<i>Registrar general this is supposed to be a continuous process.</i>
64. <i>To what extent is the voter's roll easily accessible and non-discriminatory?</i>
<i>Has been difficult to access little time given for inspection and scrutiny, expensive to buy costs Z\$5 million during the 2005 elections.</i>
65. <i>Is the process of preparation and maintenance of the voters' roll satisfactory and acceptable to all stakeholders?</i>
<i>Each election year since 1995 voters roll is said to be in shambles, lack of transparency over the roll and most allegations about rigging emanate from an imperfect voters roll.</i>

66. <i>Is there a culture of announcement of the date of elections timeously to allow all contestants to prepare for the contest?</i>
No.
67. <i>What legal provisions regulate private and public funding for political parties?</i>
The political Parties Finance Act 2001.
68. <i>How transparent are the mechanisms for private and public funding of political parties?</i>
Public funds should be disclosed but there is no regulation on disclosure of other private funds
69. <i>To what extent are the mechanisms for private and public funding to political parties satisfactory and acceptable to all stakeholders?</i>
Fairly satisfactory to the two parties but the smaller parties and the Independents are unhappy with their exclusion from public funding
70. <i>To what extent does the location of polling stations compromise the integrity of the electoral process and its outcome?</i>
2005 polling stations were not an issue and they were more 8235 polling stations (ZESN preliminary 2005 elections Report).
71. <i>Where does counting of votes take place?</i>
Counting was done at a designated counting centre in the constituency
72. <i>In what way(s) does the location of the counting of votes affect the integrity of the poll?</i>
Location of counting centres was not an issue but the delay in the announcement and display of the votes counted affected the integrity of the poll.
73. <i>What legal provisions regulate election monitoring and observation?</i>
The Electoral Act.
74. <i>Which institutions are responsible for facilitating election monitoring and observation?</i>
ZEC, and a small committee in the ministry of justice that decides on who is to be accredited as an election observer.
75. <i>Who is allowed to monitor and observe elections?</i>
<ul style="list-style-type: none"> • ZEC; • Civil society; • International Observers.
76. <i>Do monitors and observers get accorded adequate time to be able to monitor and observe all the three stages of the electoral process?</i>
This year the invitations came late than the required 90 days by SADC
77. <i>Do observers get deployed two (2) weeks before the voting day?</i>
In principle they are deployed two weeks before but observers decide when to come.
[IV] Responsibilities of Member States Holding Elections (Section 7 of the SADC Principles)
78. <i>What are the legislated qualifications for voting?</i>
Zimbabwean citizens, 18 years, and carry with them proof of residence, utility bills could be used in case of tenants a letter from the property owner in order to register.
79. <i>What are the legislated disqualifications from voting?</i>
The Zimbabwe citizens act 4.01 stripped the 4th generation of their nationality not allowed to vote e.g. of Malawian and Mozambican origin. Those in the Diaspora do not vote as well as those that are mentally ill and convicted criminals.
80. <i>Are these legal provisions for qualification and disqualification applied fairly during elections?</i>
They have not been applied fairly those in the Diaspora have been disenfranchised and the fourth generation of Zimbabweans.
81. <i>Is the practical application of the qualifications and disqualifications satisfactory and</i>

<i>acceptable to all stakeholders?</i>
<i>Its not acceptable to all stakeholders, particularly the opposition parties.</i>
82. <i>Is the political environment generally conducive for all political parties to campaign freely without undue hindrance?</i>
<i>No, violence and intimidation and a hostile political environment is pervasive. Freedom House (2005) rated Zimbabwe not free with a rating of '7' on political rights. (1-Most Free; 7-Least Free)</i>
83. <i>Is there a code of conduct for political parties and to what extent do parties adhere to it?</i>
<i>Yes, in the Electoral Act, but very few candidates and parties adhere to it.</i>
84. <i>To what extent are the EMBs competent, effective and well resourced in carrying out their mandate?</i>
<i>ZEC was well funded this time but previously the other bodies were not well funded especially the ESC. Difficult to judge effectiveness and competence as the election results are being disputed due to the lack of confidence in the EMBs.</i>
85. <i>To what extent are the courts competent, effective and well resourced in dealing with electoral matters?</i>
<i>Not effective, the courts have been accused of being biased and politicised and still no resolution to the electoral challenges of 2000.</i>
86. <i>What legal guarantees and institutional mechanisms exist to prevent electoral fraud, vote-rigging and other illegal election practices?</i>
<i>The Constitution and Electoral Act.</i>
87. <i>What cases of electoral fraud and vote rigging have been brought to the fore and how have these been dealt with?</i>
<i>2000 and now 2005 election disputes have not been resolved by the Judiciary.</i>
88. <i>What common irregularities tend to become a characteristic feature of elections and how have these been dealt with?</i>
<i>Irregularities in voters roll, counting, and delays in the announcement of results. They have been taken to court and still not resolved.</i>
89. <i>Are there measures which restrict the freedom of movement of the citizenry or election observer missions?</i>
<i>No written restrictions of movement except when counting observers are kept 200m away.</i>
90. <i>Are candidates and/or their agents allowed to monitor the whole electoral process without undue restrictions?</i>
<i>Yes.</i>
91. <i>What is the nature of the participation of women, youth and people with disabilities in the electoral process? Is it high or is it low and why?</i>
<i>There was an increase in the number of women candidates the 2005 especially in ZANU PF ZANU-PF made a concerted effort to increase the number of women and the whole process started with the appointment of Joyce Mujuru as one of the vice president with the possibility of succeeding Mugabe. However they have not yet achieved the SADC 30% threshold.</i>
<i>The youth were marginalised in the 2005 elections.</i>
<i>No clear voice of the disabled was clear in the 2005 elections although they are civic groups that deal with people with disabilities that are doing a lot of good work</i>
92. <i>Do observers get invited ninety (90) days before the voting day?</i>
<i>Yes, but in 2005 this was delayed well beyond the 90 days prior to the election.</i>
93. <i>Do observers get accorded free movement throughout the country and room to communicate with all political parties and candidates, EMBs, media, CSOs and voters without undue</i>

<i>hindrance?</i>
Yes.
94. <i>Is the process of invitation and accreditation of observers efficient and non-discriminatory?</i>
<i>In the 2005 elections were handpicked by the government and others were left out.</i>
95. <i>Are observers allowed access to all relevant national laws and regulations?</i>
Yes.
96. <i>Are observers allowed access to relevant election materials such as constituency delimitation report, voters' Roll etc?</i>
Yes.
97. <i>Do observers have an unimpeded and unrestricted access to all polling stations and counting centres?</i>
<i>All polling stations observers have access but not counting centres they are required to stay 200 metres away from the counting centres.</i>