

ELECTIONS AND DEMOCRACY IN ZIMBABWE

A CITIZEN GUIDE TO BUILDING A CULTURE
OF EFFECTIVE PARTICIPATION IN ELECTION
AND DEMOCRATIC PROCESSES



W/O 3/93
CAMPAIGNERS FOR HUMAN RIGHTS
1992 - 2022

ELECTIONS AND DEMOCRACY IN ZIMBABWE

A CITIZEN GUIDE TO BUILDING A CULTURE OF EFFECTIVE PARTICIPATION IN ELECTION AND DEMOCRATIC PROCESSES

Published by

The Zimbabwe Human Rights Association
90 S.V Muzenda Street, Harare, Zimbabwe
Tel: +263 242 707277
Email: publications@zimrights.org.zw
Website: www.zimrights.org.zw

Published in October 2022

Elections and Democracy in Zimbabwe: Citizen Guide to Building a
Culture of Effective Participation in Election and Democratic Processes
Copyright © Zimbabwe Human Rights Association 2022

Research Team

Authors: McDonald Lewanika and Dzikamai Bere
Research Coordinator: Leo Chamahwinya
Masterclass Facilitator: Kenneth Magwada
Additional Chapters: Kenneth Magwada and Dr Alex Magaisa

This publication may be reproduced in any form provided the information is presented
without any distortion and due credit is given to the publishers and sources utilised.

If you wish to receive ZimRights publications regularly, join our mailing list by emailing
publications@zimrights.org.zw



TABLE OF CONTENTS

ACKNOWLEDGEMENTS	1		
EXECUTIVE SUMMARY	2		
LIST OF ACRONYMS	4		
01. INTRODUCTION	5		
02. WHAT IS DEMOCRACY?	7		
2.1. IS ZIMBABWE A DEMOCRACY	9		
03. LEGAL FRAMEWORK FOR DEMOCRACY AND ELECTIONS IN ZIMBABWE	11		
3.1. CONSTITUTIONAL FOUNDATION FOR DEMOCRACY	11		
3.2. KEY PRINCIPLES FOR DEMOCRACY IN ZIMBABWE OUTLINED	12		
3.3. SEPARATION OF POWERS	13		
04. INSTITUTIONS OF DEMOCRACY	15		
4.1. ZIMBABWE ELECTORAL COMMISSION (ZEC)	15		
4.2. ZIMBABWE HUMAN RIGHTS COMMISSION (ZHRC)	17		
05. MEASURING AND DEEPENING DEMOCRACY	18		
5.1. WHAT TOOLS ARE AVAILABLE FOR MEASURING DEMOCRACY?	18		
5.2. WHAT ARE THE MAIN ELEMENTS OF DEMOCRACY?	20		
5.3. WHAT IS THE LINK BETWEEN DEMOCRACY AND ELECTIONS?	20		
5.4. WHAT IS THE DIFFERENCE BETWEEN DIRECT REPRESENTATION AND INDIRECT REPRESENTATION?	21		
		5.5. HOW CAN YOU ASSESS YOUR DEMOCRACY?	23
		06. PARTICIPATION	30
		6.1. HOW CAN THE PEOPLE PARTICIPATE EFFECTIVELY IN DEMOCRATIC PROCESSES? ..	30
		6.2. CITIZEN PARTICIPATION IN ELECTIONS AND DEMOCRACY	31
		6.3. CITIZEN PARTICIPATION IN ELECTIONS	31
		6.4. CITIZEN PARTICIPATION IN DEMOCRACY	33
		6.5. ADVANTAGES OF CITIZEN PARTICIPATION..	33
		6.6. CITIZEN PARTICIPATION IN THE ZIMBABWEAN CONTEXT	33
		6.7. OBSTACLES TO PARTICIPATION	34
		07. ZIMBABWE'S ELECTORAL SYSTEM	39
		7.1. LEGAL AND INSTITUTIONAL FRAMEWORK ..	40
		7.2. ELECTION MANAGEMENT	47
		7.3. THE COMPLEXITY OF THE ZIMBABWEAN ELECTORAL SYSTEM	51
		7.4. ELECTION OBSERVERS	59
		7.5. PARTY-LIST CANDIDATES: SENATE, WOMEN'S QUOTA AND PROVINCIAL ASSEMBLY	60
		7.6. NOMINATION OF NATIONAL ASSEMBLY CANDIDATES	61
		7.7. BALLOT PAPERS	64
		7.8. COUNTING THE VOTES	64
		7.9. RESULTS OUTSIDE THE POLLING STATION ..	65
		08. DEMOCRACY BEYOND ELECTIONS	66
		09. PROBLEMS AND SOLUTIONS	69

ACKNOWLEDGEMENTS

ZimRights wishes to acknowledge the great effort and teamwork that went into the development of this guide. This guide has come out as an accessible tool to aid in the understanding of elections and democracy in Zimbabwe and will go a long way in enhancing citizens' roles in elections and democratic processes.

ZimRights would like to thank Dr McDonald Lewanika, a researcher in politics and development who put his expertise into consolidating different modules which make up this guide. His incisive contributions were valuable in producing this insightful guide through summative information on the legal foundations and tools for effective participation, as well as tools for citizens to scale the pyramid of engagement – from a position of awareness to one of leading communities in the advancement of democracy and social transformation.

We would like to also extend our gratitude to the National Director, Mr Dzikamai Bere, for providing the guiding light in developing this book. We also acknowledge Mr Leo Chamahwinya, the National Programmes Coordinator for his diligence in coordinating all the stakeholders in the development of this manual. Appreciation is also extended to Mr Kenneth Magwada, the Media and Advocacy specialist, for additional chapters and for coordinating the Masterclasses on citizen engagement and elections – whose feedback went into the development of this guide.

Our greatest appreciation goes to the ZimRights Members – the community mobilisers who undertook masterclass trainings and whose lived-community experiences formed the bedrock of this guide.

Last but not least, we would like to extend our sincere gratitude to the funding partners who supported the production of this guide. We thank them for their continued financial support in the publication of resource materials essential for building a culture of effective participation in electoral and democratic processes.

EXECUTIVE SUMMARY

This guide supports Zimbabwean citizens in consolidating culture of human rights and enhancing citizen roles in elections and democratic processes. ZimRights believes that citizens play an important role in strengthening and growing a culture of democratic participation. ZimRights offers this guide, built on its long tradition, as an additional one-stop investment to communities on the essential knowledge and information for the citizens to understand and execute their Civic duties effectively.

Chapter one and two introduces the concept of democracy, it defines and explains what ideal democracy looks like. Democracy aims to preserve and promote the dignity and fundamental rights of the individual, achieve social justice, foster the economic and social development of the community, strengthen the cohesion of society and enhance national tranquillity, and create a climate that is favourable for international peace. Democracy places supreme power in the people, with the people exercising this power directly or indirectly through a system of representation usually involving periodic free elections.

Chapter three explores the legal framework for democracy and elections in Zimbabwe. The 2013 Constitution sets a foundation for a democratic system and the principles for democracy are extracted from there. Section 2 (1) states that the Constitution is the supreme law of Zimbabwe and any law, practice, custom, or conduct inconsistent with it is invalid to the extent of the inconsistency.

The Constitution provides for an electoral system based on universal adult suffrage and equality of votes, free fair and regular elections, and adequate representation of the electorate.

Chapter four provides Institutions that assist in promoting and entrenching a culture of democracy. The key institutions are found in Chapter 12 of the Constitution. Zimbabwe Electoral commission (ZEC) and Zimbabwe Human Rights Commission (ZHRC) are stated in the chapter. The Constitution outlines ZEC's express powers in section 239 as functions, and Zimbabwean law interprets functions as powers. The most well-known is the power to prepare for, conduct, and supervise presidential, parliamentary, and local authority elections.

Section 242 of the Constitution establishes the Zimbabwe Human Rights Commission (ZHRC) as one of the institutions supporting democracy. The ZHRC mainly supports the realization of the key democratic principle of

fundamental human rights, without which democracy would be meaningless.

Chapter five explores the tools that are available for measuring democracy, the main elements of democracy and the link between democracy and elections espoused by the constitution. 5.3.1. The Characteristics of a Democratic Society are outlined as well as the difference between direct representation and indirect representation. An example of countries practising direct democracy were stated and lessons to Zimbabwe were drawn. The State of Democracy (SoD) assessment methodology which was developed by International IDEA in 2000 is provided. It is a quality of democracy assessment framework for use by citizens in evaluating the strengths and weaknesses of their democracies (in order to raise awareness about the state of their democracy and contribute to evidence-based advocacy for reform and contribute to the democratic reform of their country).

Chapter six delves into the various avenues for citizens to participate in democratic processes provided by the Constitution of Zimbabwe.

The literal definition of democracy is rule by the people. Citizen participation refers to citizen involvement in public decision making. Citizen participation benefits individuals, communities, organizations, and the society through increased knowledge, authority, power, and problem-solving ability. Zimbabwe's Electoral System.

The seventh chapter explains the Legal and institutional framework Electoral Act (Chapter 2:13). The electoral Act is the law that provides for the rules and regulations of elections in Zimbabwe. The electoral processes are explained.

Chapter eight encourages the readers to reflect on principles on how citizens can entrench democracy through participation and beyond election.

In conclusion, a homework is given to readers, enables the continuity of monitoring and documenting the challenges and threats against democracy. Illustrative problem and solution adapted from voter registration boot camp in Gweru were also shared.



ZimRights believes that citizens play an important role in strengthening and growing a culture of democratic participation.”

LIST OF ACRONYMS

CSO	Civil Society Organisation
NGO	Non-Governmental Organisation
NPRC	National Peace and Reconciliation Commission
NTJWG	National Transitional Justice Working Group (NTJWG)
ONHRI	Organ on National Healing Reconciliation and Integration
PVO	Private Voluntary Organisation
TJ	Transitional Justice
ZHRC	Zimbabwe Human Rights Commission
ZimRights	Zimbabwe Human Rights Association
ZEC	Zimbabwe Electoral Commission
ZGC	Zimbabwe Gender Commission



01

INTRODUCTION

Since 1992, ZimRights has accompanied and supported Zimbabwean communities on their human rights and democracy journey. As the country's oldest and largest human rights grassroots movement, ZimRights has been engaged in some of the most historic democratic processes. These include the birth of the constitutional reform movement and election observation in the late 90s. These processes saw ZimRights play influential roles that led to a new constitution in 2013 and the establishment of solid election monitoring and observation presence and organizations post-2000. With the coming into effect of the 2013 Constitution, ZimRights worked with many civil society organizations to push for establishing institutions that support democracy and good governance in line with Chapter 12 of the Constitution of Zimbabwe.

01

On the ground, ZimRights has mobilized millions of Zimbabweans to play an effective role in advancing democracy and good governance. Through various capacity-building programs, ZimRights has empowered many citizens, **beyond its 250,000 members**, on Zimbabwe's democratic journey.

These ZimRights members are the backbone of citizen participation in elections, participating as election officials in support of various official bodies and as election observers and human rights monitors. ZimRights members have consistently:

- Monitored the integrity of election processes at different stages of the electoral cycle.
- Provided evidence of electoral malpractices where they have spotted it.
- Constituted part of the electorate through casting their votes.

These experiences, over 30 years, have made the ZimRights membership a force to reckon with, promoting a culture of participation in electoral and democratic processes. As part of its 30th anniversary, ZimRights brings the Citizen Guide to Building a Culture of Effective Participation in Election and Democratic Processes.

This guide supports Zimbabwean citizens in consolidating that culture and enhancing citizen roles in elections and democratic processes. ZimRights believes that citizens play an important role in strengthening and growing a culture of democratic participation. ZimRights offers this Handbook, built on its long tradition, as an additional one-stop investment to communities on the essential knowledge and information for the citizens to understand and execute their Civic duties effectively.

Regardless of role and station, this Handbook is an essential primer on the ABCs of elections and related democratic processes. It provides information on the legal foundations and tools for effective participation, and tools for citizens to scale the pyramid of engagement from awareness to leading communities and the advancement of democracy and social transformation.

Elections and democratic participation are everyone's business. ZimRights encourages readers to use and share this Handbook widely. Democracy is about the masses and collective well-being. Its transformative power can bring an explosion of joy and inspire hope. But the culture of violence, human rights violations, polarization, and electoral manipulation mute this transformative power.

How can we deal with such ugly features of our democratic culture? How do we transform our societies and improve citizen agency to ensure democracy delivers on its promise? This Handbook attempts some answers and invites critical reflections on Zimbabwe's democratic and Human Rights journey through various chapters and activities. We hope you find the Handbook helpful and the journey through it enriching.



02

WHAT IS DEMOCRACY?

Democracy is not a new subject.

In 1947,

Winston Churchill advocated for it.

In 1964,

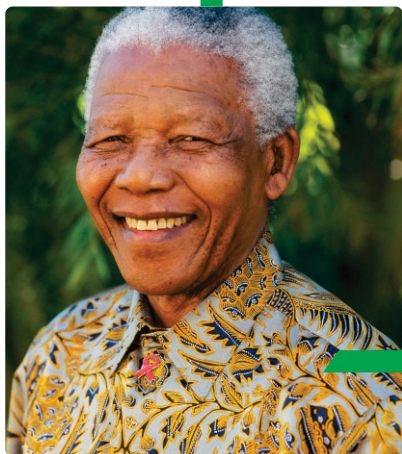
President Mandela was prepared to die for it, and

in 1967,

President Nyerere claimed it as part of African tradition.

As can be seen from the wisdom of these leaders, the conversation on Democracy is an old one, which has seen Democracy described in many different ways. Democracy is often described by reference to many values and ideals such as liberty, equality, justice, and notions like the expression of the common will, the moral development of the individual, the need to respect human diversity, and many other “good things.” Democracy can be all these things: an ideal to be pursued, tradition and mode of government to be followed in ways that reflect the diversity of experiences and cultures in a given society, but in line with internationally recognized principles, norms and standards.

02



“

I have fought against white domination, and I have fought against black domination. I have cherished the ideal of a democratic and free society in which all persons will live together in harmony with equal opportunities. It is an ideal which I hope to live for and to see realised. But my Lord, if needs be, it is an ideal for which I am prepared to die.”

NELSON MANDELA

Rivonia trial 1964, repeated upon his release after 27 years

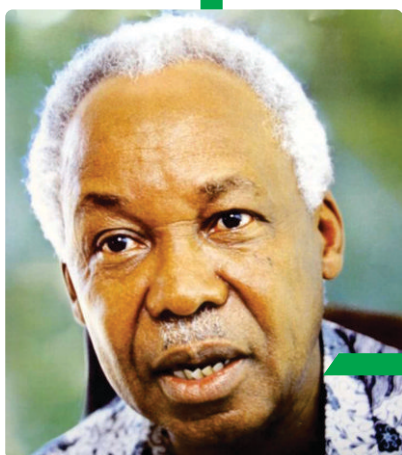


“

Many forms of government have been tried, and will be tried in this world of sin and woe. No one pretends that democracy is perfect or all-lies. Indeed, it has been said that democracy is the worst form of government except all those other forms that have been tried from time to time.”

WILSON CHURCHILL

House of Commons, 11 November 1947



“

We in Africa have no more need of being ‘converted’ to socialism as we have of being ‘taught’ democracy. Both are rooted in our past-in our traditional society which produced us.”

JULIUS NYERERE

1967 from Freedom and Unity: Essays in Socialism

As an ideal, democracy aims to preserve and promote the dignity and fundamental rights of the individual, achieve social justice, foster the economic and social development of the community, strengthen the cohesion of society and enhance national tranquillity, and create a climate that is favourable for international peace.

As a form of government, Democracy places supreme power in the people, with the people exercising this power directly or indirectly through a system of representation usually involving periodic free elections. In a direct democracy, the public participates in government directly. Most democracies today are representative. In this respect, and in simple terms Democracy, it literally means rule by the people. The term is derived from the Greek word *dēmokratia*, which was coined from *Dēmos* ("people") and *Kratos* ("rule") in the middle of the 5th century BC to denote the political systems existing in some Greek city-states like Athens.

While Democracy as an ideal can include a lot of different things, Democracy as a form of government and in relation to elections can have a limited understanding based on elections and "procedural minimums." These minimums include:

- Satisfying key attributes such as regularity, competitiveness, freeness, and fairness of elections;
- Full adult suffrage – the right to vote;
- Protection of civil liberties, and
- The absence of non-elected "tutelary" authorities (such as militaries), limiting elected officials' effective power to govern.

2.1. IS ZIMBABWE A DEMOCRACY

On paper, Zimbabwe is a democracy. According to the Constitution of Zimbabwe, Zimbabwe is a Constitutional Democracy as described in the following sections:

1. Section 1 of the Constitution of Zimbabwe states, "Zimbabwe is a unitary, democratic and sovereign republic."
2. Section 2 asserts the supremacy of the Constitution.
3. Section 3 outlines the founding values and principles, states that one of the principles of good governance which bind the state include a multi-party democratic political system and an electoral system based on universal adult suffrage and equality of votes, free, fair and regular elections and adequate representation of the electorate.
4. Section 3 states other principles including the orderly transfer of power following



Democracy
literally means rule
by the people.

elections, respect for the rights of all political parties, observance of the principle of separation of power, and respect for the people of Zimbabwe, from whom the authority to govern is derived, among others.

These founding values and principles set out the high ideals for Zimbabwe. However, it is difficult for any country to claim to have successfully accomplished, in full, the ideals of its constitution, but the ideals set out the

aspirations which the people must always strive to achieve. The gaps between reality and the ideals tell the story of whether a society is striving towards the ideal or is moving away from it. Therefore, in answering the question, 'Is Zimbabwe a democracy?' we must use the principles and values measured against the concrete practices. The closer a society is to the ideals, the more democratic it is.

Activity 1 – Is Zimbabwe a Democracy?

Take a moment to reflect on this question: How can we know if Zimbabwe is a democracy or not? Reflect on the values and principles of democracy laid out in the Constitution of Zimbabwe and the “procedural minimums” mentioned above.

- i. Is Zimbabwe's supreme power vested in the people? Why?
- ii. Does Zimbabwe hold periodic elections?
- iii. When elections are held, are they free and fair? Why do you say this?
- iv. Do you see Zimbabwe as a multiparty democratic political system?
- v. Is peaceful transfer of power following elections valued in Zimbabwe?
- vi. Are the rights of political parties respected in Zimbabwe?
- vii. Does Zimbabwe observe the principle of separation of power? How does it do this?

Share and discuss your answers with the group or a peer.



03

LEGAL FRAMEWORK FOR DEMOCRACY AND ELECTIONS IN ZIMBABWE

3.1. CONSTITUTIONAL FOUNDATION FOR DEMOCRACY



03

In 2013, Zimbabwe adopted a new Constitution after a long struggle from various democratic forces. Many people thought that the 2013 Constitution was progressive in comparison with its predecessor, the Lancaster House Constitution, and many other Constitutions in the world.

The 2013 Constitution sets a foundation for a democratic system.

Quiz

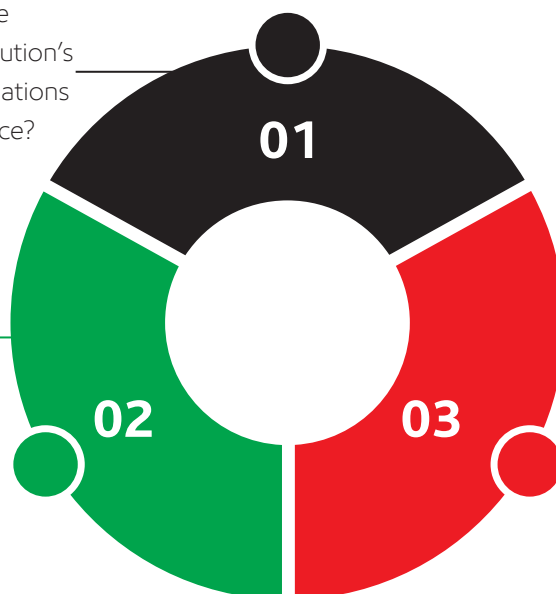
How does the Constitution of Zimbabwe establish the critical principles for building and entrenching democracy in Zimbabwe?

Can you recall what in the preamble and the constitution's first section lay the foundations for democratic governance?

Hint: Preamble and opening section

What are the principles of good governance stated in the constitution.

Hint: Founding values and principles in section 1 to 3.



What are principles did we say are found in section 3?

Hint: Section 3.

3.2. KEY PRINCIPLES FOR DEMOCRACY IN ZIMBABWE OUTLINED

There are many principles for democracy that could be extracted from the text of the Zimbabwean Constitution. In this section we share what we believe are the most key for our purposes.

3.2.1 The Supremacy of the Constitution

Section 2 (1) states that the Constitution is the supreme law of Zimbabwe and any law, practice, custom, or conduct inconsistent with it is invalid to the extent of the inconsistency.

Section 2 (2) states that obligations imposed by the Constitution are binding on every person, natural or juristic, including the State and all executive, legislative and judicial institutions, and agencies of government at every level, and must be fulfilled by them.

These sections establish the principle of supremacy of the Constitution in Zimbabwe. Supremacy of the Constitution is a doctrine whereby the Constitution is the supreme law of the land, and all the State organs, including Parliament and State Legislatures, are bound by it. They must act within limits laid down by the Constitution. They owe their existence and powers to the Constitution and, therefore, their every action must have its support in the Constitution. As such, this principle becomes one of the key principles for Zimbabwe's system of democracy. The Constitution thus subjects all power and authority to itself. It governs Zimbabwe's democratic arena. It does so through a number of ways, including establishing the key institutions that support and entrench a culture of democracy

3.3. SEPARATION OF POWERS

Section 3 (2) (e) of the Constitution identifies as one of the founding principles, the observance of the principle of separation of powers. The doctrine of separation of powers is that for a free and democratic society to exist; there must be a clear separation between the three branches of government, i.e. The Executive, The Legislature, and The Judiciary.

The Executive

Which is the branch that executes the business of government. It comprises the President, Vice-President and Ministers, the Public Service, the Defence Forces, the Police Force and other law-enforcement organisations. All the administrative, law-enforcement and coercive organs of the State fall within the Executive Branch, making it potentially the most powerful of the three branches of government unless its powers are subject to limitations.

The Legislature

Which is the law-making branch. In Zimbabwe it consists of the Senate and the House of Assembly.

The Judicial Branch

Which interprets the law. It comprises judicial officers and the officers and the courts over which they preside. In Zimbabwe the courts are divided into superior courts, namely the Supreme Court and the High Court, and the lower courts, which are principally magistrates courts and customary-law courts. There are also specialised courts such as the Administrative Court, the Labour Court and the Fiscal Appeal Court.

If one of these branches encroaches upon the functions of the others, so the doctrine goes, freedom and the rule of law are imperilled. If, for example, the Executive (i.e., the President or a Minister) makes laws and enforces them, then we no longer have the rule of law but rule by a man or woman, and the governmental system will tend towards autocracy and tyranny. In short, the doctrine states that, liberty and human rights can flourish only where each branch sticks to its proper role.¹

3.3.1 Free, fair and regular elections

The Constitution provides for an electoral system based on universal adult suffrage and equality of votes, free fair and regular elections, and adequate representation of the electorate (section 3 (3)). This principle allows people to participate in their governance through elections. The Constitution also identifies the public offices that are open for elections as well as important policy decisions that must be subjected to an election.

1. See Veritas website for this resource on Separation of Powers available here <https://www.veritaszim.net/node/2073>

The Constitution provides for regular elections for specified office bearers. Chapter 7 of the Constitution deals entirely with the issue of elections. Section 155 outlines two main principles of electoral system.

The first principle stated that elections must be:

- Peaceful, free and fair;
- Conducted by secret ballot;
- Based on universal adult suffrage and equality of votes; and
- Free from violence and other electoral malpractices.

The second principle obliges the State to take all measures to give effect to the principles set out in the Constitution. These deal mainly with the administrative aspects that give effect to the principles set out in the Constitution.

Section 157 sets out the principles and processes relating to the electoral law. It gives the Parliament power to enact a law on the conduct of elections in Zimbabwe including providing for periodic delimitation of constituencies, a code of conduct for political parties, a system of proportional presentation, nomination of candidates and the law in respect of amendments to the electoral law.

3.3.2 Fundamental rights and freedoms

Section 3 (1) (c) of the Constitution of Zimbabwe identifies fundamental rights and freedoms as part of the founding values and principles. For a democracy to flourish, there is need to ensure respect for fundamental rights and freedoms. These rights and freedoms are set out in Chapter 4 of the Constitution, the Bill of Rights. This is an important pillar of a democratic society because it gives meaning and creates a good environment for the exercise of participation for citizens. Without this principle would not be able to participate freely in the democratic process. This is why it is important for the society to monitor human rights violations during elections. However, the observations of human rights should be an all-season process and not only an election event.

3.3.3 Devolution and decentralisation of governmental power and functions

Section 3 (2) (l) of the Constitution provides the devolution and decentralisation of governmental power and functions as one of the founding values and principles of Zimbabwe. Devolution principles are further outlined in section 264. The Constitution provides that the three tiers of government are the national government, provincial and metropolitan councils, and local authorities which are urban and rural councils. As a key Constitutional principle, devolution is an important pillar of democracy as it supports the empowerment of local communities with power to influence their own decisions. Devolution in Zimbabwe still to be fully implemented. The ZimRights Devolution Guide is an important resource for you to deepen your understanding of devolution.



04 INSTITUTIONS OF DEMOCRACY

The Constitution provides for several institutions that assist in promoting and entrenching a culture of democracy. The key institutions are found in Chapter 12 of the Constitution.

4.1. ZIMBABWE ELECTORAL COMMISSION (ZEC)



ZEC is one of the five independent institutions supporting democracy under Chapter 12 of the Constitution, deriving its power from there. Parliament may grant it additional capabilities, but that authority comes from the Constitution. Therefore, the primary reference point for ZEC's powers is the Constitution and the Electoral Law for any additional powers after that.

04

Constitutional organs have express powers. i.e., powers that the Constitution or primary legislation expressly outlines. For example, the Constitution outlines ZEC's express powers in section 239 as functions, and Zimbabwean law interprets functions as powers. The most well-known is the power to prepare for, conduct, and supervise presidential, parliamentary, and local

authority elections. Some of these express powers are shown below:

ZEC's Express Constitutional Powers

- To prepare for, conduct, and supervise presidential, parliamentary, and local authority elections.
- To register and compile voters' rolls and registers exclusively.
- To ensure the proper custody and maintenance of those voters' rolls and registers.
- To mark electoral boundaries, ie. the delimitation of constituencies, wards and other electoral boundaries.
- To design, print and distribute ballot papers.
- To establish the form of and procurement of ballot boxes and the establishment and operation of polling centers.
- To conduct and supervise voter education.
- To accredit election observers.
- To instruct state or local authority employees to ensure the efficient, free, fair, proper, and transparent conduct of any election or referendum.
- To establish a complaints mechanism to handle and resolve complaints from the public.

ZEC's Express Legislative Powers

- Undertaking and promoting research into electoral matters.
- Developing expertise and the use of technology in regard to electoral processes.
- Ensuring gender mainstreaming into electoral processes.
- Making recommendations to parliament on appropriate ways to provide public financing for political parties by regulation prescribe all matters which by the Electoral Act are required or permitted to be prescribed or which, its opinion, are necessary or convenient to be prescribed for carrying out or giving effect to the Electoral Act.

Section 321(2) of the Constitution allows for legislation that permits a constitutional commission to delegate its powers, except powers to make appointments to any office established by the Constitution. Delegation of powers recognizes the operational realities of running an organization. Certain functions may not be within the commission's expertise, which it would be reasonable to delegate to a third party.

The most significant express power ZEC has is provided for in section 192 of the Electoral Act. This section provides for the regulatory powers of ZEC broadly allowing ZEC to issue regulations. Regulations are a form of secondary legislation, just like statutory instruments. Section 192(2) also enables ZEC to issue statutory instruments "as it considers necessary or desirable to ensure that any election is properly and efficiently conducted and to deal with any matter or situation connected with, arising out of or resulting from the election".

4.2. ZIMBABWE HUMAN RIGHTS COMMISSION (ZHRC)



Section 242 of the Constitution establishes the Zimbabwe Human Rights Commission (ZHRC) as one of the institutions supporting democracy. The ZHRC mainly supports the realization of the key democratic principle of fundamental human rights, without which democracy would be meaningless.

Thus, the Constitution gives powers to the ZHRC to promote awareness and respect of human rights and freedoms at all levels of society. It also has powers to monitor and investigate human rights as well as to secure appropriate redress for victims. ZimRights has developed the manual 'Working with the Zimbabwe Human Rights Commission', which gives more detail on the work of the ZHRC and how we can make use of the commission to advance human rights and democracy.



The Constitution also has powers to monitor and investigate human rights as well as to secure appropriate redress for victims.

Activity: Institutions Supporting Democracy

- i. With reference to the Constitution, can you name the five institutions that Support Democracy of Zimbabwe?
- ii. What are the functions of each of the institutions?
- iii. What role does each of the institutions play in advancing democracy?
- iv. How can citizens make use of each of these institutions in advancing democracy?
- v. What more do you think each of the institutions could do?
- vi. Have you worked with any of the institutions in the past?
- vii. What challenges did you face and how can they be resolved?



05 MEASURING AND DEEPENING DEMOCRACY

The Constitution provides for several institutions that assist in promoting and entrenching a culture of democracy. The key institutions are found in Chapter 12 of the Constitution.

5.1. WHAT TOOLS ARE AVAILABLE FOR MEASURING DEMOCRACY?

The process of measuring democratic progression is important for the society.

A number of tools over the years have come up that assist communities in measuring their progress or regression. Here we share some of them.

05



The Democracy Index is an index compiled by the Economist Intelligence Unit (EIU), the research division of the Economist Group, a UK-based private company.



The Democracy Matrix is a project that has been underway since 2016 and is funded by the German Research Foundation (DFG). It is being conducted by the Chair of Comparative Politics and German Government at the University of Würzburg.



Through the Global Freedom Score, Freedom House rates people's access to political rights and civil liberties in 210 countries and territories through its annual Freedom in the World report. Individual freedoms - ranging from the right to vote to freedom of expression and equality before the law - can be affected by state or non-state actors.



The Democracy Report is published every year by the BTI Transformation Index. The BTI is the result of the collaboration of nearly 300 country and regional experts from leading universities and think tanks worldwide. The project analyzes and compares transformation processes towards democracy and inclusive market economy worldwide.



The IDEA State of Democracy assessment methodology helps citizens assess the quality of their democracy and define priority areas for policy and democratic reform. The assessment frameworks enable citizens to periodically monitor the health of their democracy and can contribute to strengthening national and local governments' responsiveness.

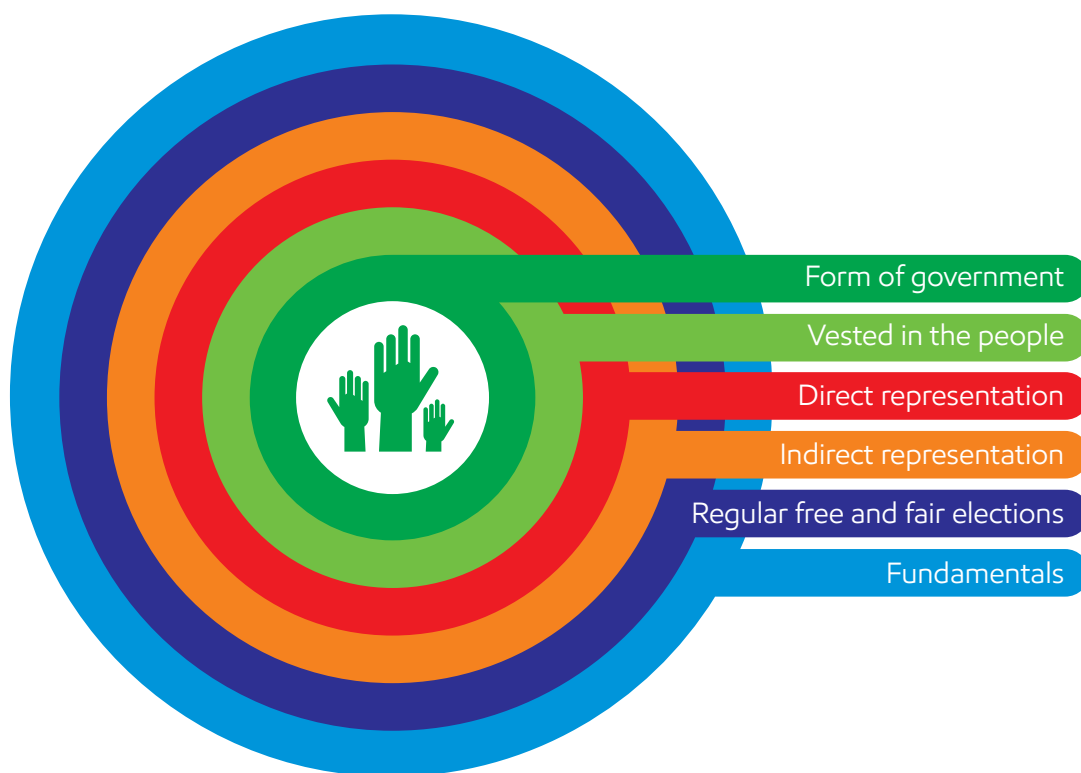


The HDI is published every year to emphasize that people and their capabilities should be the ultimate criteria for assessing the development of a country, not economic growth alone.

These tools are often used to inform scientific analysis of the state of our democracy. The tools are available online on the resources section on the ZimRights website.

5.2. WHAT ARE THE MAIN ELEMENTS OF DEMOCRACY?

From the definition in section 2 and the discussion above, there are some essential elements of democracy that are shown below:



5.3. WHAT IS THE LINK BETWEEN DEMOCRACY AND ELECTIONS?

As is clear from the definition, regular free and fair elections are an element of democracy. Our Constitution includes among the founding values and principles that Zimbabwe is a multi-party democratic political system. It goes further to include an electoral system based on universal adult suffrage and equality of votes, free fair and regular elections and adequate representation of the electorate. In this regard, the Constitution creates the link between democracy and elections but clearly shows that elections are just one of the many

elements of democracy. Other elements include aspects mentioned above like adequate representation of the electorate. It is therefore not enough to have elections. A healthy and functioning democracy is based on much more than mere elections.

Democratic societies have elected representatives, civil liberties, an independent judiciary, organized opposition party, the rule of law. Citizens in a democracy have not only rights but also the responsibility to participate

in the political system. Democratic societies are committed to the values of tolerance, cooperation, and compromise. Democracy provides a method to resolve conflicts and enhances the dignity of each individual.

Political and public participation is crucial to democratic governance, the rule of law, social inclusion and economic development, and the advancement of all human rights. Participation rights are important in empowering individuals and groups, which is essential to eliminate marginalization and discrimination. These rights are also inseparably linked to other human rights such as the rights to peaceful assembly and association, freedom of opinion and expression and the rights to education and to information.

5.3.1 Devolution and decentralisation of governmental power and functions

- i. Democracy is a form of government in which the rulers are elected by the people.
- ii. In a democracy, the final decision-making power must rest with those elected by the people.
- iii. Democracy must be based on a free and fair election where those currently in power have a fair chance of losing.
- iv. In a democracy, each adult citizen must have one vote and each vote must have one value.
- v. A democratic government rules within limits set by constitutional law and citizens' rights.

5.4. WHAT IS THE DIFFERENCE BETWEEN DIRECT REPRESENTATION AND INDIRECT REPRESENTATION?

Representative democracy is a form of democracy in which people vote for representatives who then vote on policy initiatives; as opposed to direct democracy, a form of democracy in which people vote on policy initiatives directly.

An example of direct democracy is Switzerland in which the citizens vote for almost everything including road signs. Switzerland is a small country, nine times smaller than Zimbabwe with a population almost half of Zimbabwe.

On average, Swiss citizens vote at least four times a year. There are frequent referenda on laws, budgets and many other issues at federal, canton and commune level. Besides voting for their representatives, Swiss citizens can affect the affairs of their country outside the legislature. The people's initiative can make alterations to the constitution by collecting 100000 signatures within 18 months.

The people can overturn laws made by the parliament by launching a national referendum if they manage to collect 50000 signatures within 100 days. Swiss citizens participate in both big decisions like federal laws, and small decisions like whether they want a new school built in their community. This participation is alive throughout all times and does not have to be political seasons.

Zimbabwe is an example of indirect democracy where citizens have indirect representation. The citizens vote for the President, the Parliament and the local municipality every five years.

These representatives in turn make decisions on behalf of the citizens. There is no obligation to consult between elections in indirect democracy.

REFLECTION

What works better in practice – Direct Democracy or Indirect Democracy?

In practice, some people feel that direct democracy as practiced in such countries as Switzerland is too expensive. However, any system that preserves peace is way cheaper than a system that creates tensions that result in violent conflicts that decades to resolve.

Over the years, many years democracies are adopting a hybrid system that brings in the two, acknowledging that even in indirect democracy, people do not vote for you as a leader so that in between the elections you can do what you want. Authentic democracy demands that there is a constant link between the electorate and their representatives.

Good practice dictates that a leader who represents his/her community remains in

direct contact with his/her community before, during and after the elections. While in an indirect democracy there is no legal obligation to do so, it is hoped that the electorate will punish the leaders does not maintain constant touch with the community and rewards one who maintains constant touch.

However, this assumes that the electorate have real power to influence the elections. Where elections are manipulated by political leaders, the electorate lose power to influence the elections and the leaders have no incentive to please the electorate. This kills the chain of accountability. This is why in Zimbabwe many rural constituencies are represented by Members of Parliament who are only seen during elections but spend most of their time in the city.



Authentic democracy demands that there is a constant link between the electorate and their representatives.”

Activity 2: What is your experience of representative democracy

Think of your situation as a Zimbabwean citizen?

- i. Do you think indirect democracy is working for you?
- ii. Did you vote in the last elections that elected you councillor?
- iii. Did you vote in the last elections that elected your Member of Parliament in the National Assembly?
- iv. Did you vote in the last elections that elected your Senator?
- v. Did you vote in the last elections that elected your President?
- vi. How often does he/she consult you on decisions, processes and policies that are taken on your behalf?
- vii. What do you like about indirect democracy?
- viii. What do you not like about indirect democracy?
- ix. What do you not like about direct democracy?
- x. What do you not like about direct democracy?
- xi. What can you do to make your democracy work better?

5.5. HOW CAN YOU ASSESS YOUR DEMOCRACY?²

One of the things you can do to support democracy is to assess it. Through an assessment process, you can tell if your democracy is working and take action to assess the challenges. Earlier on we laid out some of the tools for measuring democracy. In this section we look at one of the tools among the tools listed above. This is the IDEA State of Democracy Assessment.

5.5.1 Tool summary: The State of Democracy (SoD) Assessment

The State of Democracy (SoD) assessment methodology was developed by International IDEA in 2000. It is a quality of democracy

assessment framework for use by citizens in evaluating the strengths and weaknesses of their democracies (in order to raise awareness about the state of their democracy and contribute to evidence-based advocacy for reform and contribute to the democratic reform of their country). The assessment should be undertaken by an inter-disciplinary assessment team accompanied by a multi-stakeholder consultative/reference team in order to ensure an inclusive assessment process and the subsequent utilisation of assessment findings. According to the methodology, preliminary assessment findings are subjected to public scrutiny,

2. This section is adapted from a resource by CIVICUS put together by Kabotie Machangana. The toolkit is available on the link https://www.civicus.org/documents/toolkits/PGX_I_%20DemocracyAssessment.pdf

debate and validation through various avenues such as media, stakeholder workshops and seminars. The methodology is universal in application, and has been applied in both developing and developed country contexts.

5.5.1.1 What is it?

SoD is a four-pillar qualitative democracy assessment framework anchored on the principles of popular control over public decision making and decision makers and

equality of respect and voice between citizens in the exercise of that control. This is in addition to seven mediating values viz. participation, authorization, representation, accountability, transparency, responsiveness and solidarity, against which democratic institutions and processes are assessed. Under the four pillars of the assessment framework is a total of 15 sub-pillars, 15 overarching questions and 75 specific questions. The following is an overview of the assessment framework.³

Citizenship, Law and Rights	Representative and Accountable Government	Civil Society and Popular Participation	Democracy beyond the State
1.1 Nationhood and Citizenship: Is there agreement on a common citizenship without discrimination?	2.1 Free and Fair elections: Do elections give the people control over governments and their policies?	3.1 The media in a democratic society: Does the media operate in a way that sustains democratic values?	External influences on the country's democracy: Is the impact of external influences broadly supportive of the country's democracy?
1.2 The Rule of Law & Access to Justice: Are state & society consistently subject to the law?	2.2 The democratic role of political parties: Does the party system assist the working of democracy?	3.2 Political Participation: Is there full citizen participation in public life?	4.2 The country's democratic impact abroad: Do the country's international policies contribute to strengthening global democracy?

3. For a detailed version, refer Assessing the Quality of Democracy: A Practical Guide, 2008 available on the link <https://www.idea.int/publications/catalogue/assessing-quality-democracy-practical-guide>

1.3 Civil & Political Rights: Are civil & political rights equally guaranteed for all?	2.3 Effective & responsive government: Is government effective in serving the public & responsive to its concerns?	3.3 Decentralisation: Are decisions taken at the level of government which is most appropriate for the people affected?	
1.4 Economic & Social Rights: Are economic & social rights equally guaranteed for all?	2.4 The democratic effectiveness of parliament: Does the parliament or legislature contribute effectively to the democratic process?		
	2.5 Civilian control of military & Police: Are military & police under civilian control?		
	2.6 Integrity in public life: Is integrity in the conduct of public life assured?		

5.5.1.2 How is it done?

An SoD assessment is intended to be an inclusive process that contributes to the democratisation process of the country being assessed. It is also a flexible assessment framework that can be used in full or in part, focussing on those specific issues/aspects which are relevant to the country and its context at the time of the assessment.

Broadly, there are five essential steps in the conduct of a SoD assessment.

STAGE 1:
Initial
decisions &
agenda setting

i. Define the purpose of the assessment such as for e.g., consciousness raising, influencing public debate, agenda setting for reform, programme evaluation etc.

ii. Define the content of the assessment: Depending on the purpose of the assessment, the needs and the context of a country, it might be necessary to select only a few areas of assessment or to expand the areas of assessment beyond those highlighted in the framework. The framework allows for that flexibility to ensure that the assessment is relevant and useful to the country.

iii. Establish benchmarks and comparators: The assessment will be meaningless without standards and benchmarks for comparison. Again, depending on the purpose of the assessment, one could use international Standards, regional standards or National standards and commitments.

iv. Selection of assessors: This is the stage when decisions are made about the members of the assessment team. An interdisciplinary and multi-stakeholder assessment team not only allows for diverse perspectives to enrich the assessment but also improves utility of the assessment findings.

v. Identify as comprehensive a range as possible of potential information sources.

vi. Stakeholder consultation: It is important to consult with stakeholders from the earliest planning stages – to gather inputs of the purpose, focus, content and overall design of the assessment.

vii. Prepare a publication & dissemination strategy.

viii. Establish a time-frame for the assessment.

ix. Prepare a draft budget and obtain necessary resources.

STAGE 2:
Data
collection,
analysis and
organisation

i. Constructing a bibliography: This involves identifying appropriate sources of data /information, and, compiling and coding of sources.

ii. Identify & sorting data: This stage comprises the painstaking work of reading and, identifying relevant data or evidence and filing or recording it under the appropriate question.

iii. Arranging & prioritizing items for inclusion: This is the stage of arranging the material collected so that it provides a clear picture, or tells a coherent story, even if it is a complex one.

iv. Confirming answers to search questions: One way of thinking of an answer to the assessment questions is as a brief summarizing judgment, with the evidence arranged so that it supports, expands or explains the judgment in a systematic way.

v. Writing a draft report: Though the decision about the form and length of a finished draft may have been taken earlier, both may need to be modified in the light of the material assembled. Care should be taken to avoid long unbroken chunks of texts.

vi. Setting the report in context: It is crucial to write an introduction that offers an intelligible justification of the need for and the methodology of the assessment. This information will almost certainly include a discursive summary of the country's recent process of democratic development, and of any features in the country's political traditions and culture that may have given the process its distinctive trajectory and help explain its current condition.



Data collection, analysis and organisation is a stage involving constructing a bibliography, Identify & sorting data, Arranging and prioritizing items for inclusion, Confirming answers to search questions, Writing a draft report and Setting the report in context.”

STAGE 3:
Convening
a national
workshop

The convening of a national workshop is a key point in the assessment process in order to discuss the draft report and its provisional findings and improve its content and presentation. The workshop is also helpful for drafting some resolutions on the way forward and linking the findings of the assessment to the reform agenda. Although this event could be confined to professional and academic experts, it will have much more impact if it is widened to include leading public figures, government and party officials, and representatives of human rights and other campaigning organizations, as well as media personnel and sympathetic figures from neighbouring countries.

STAGE 4:
Making the
democracy
assessment
public

The final goal of a democracy assessment is to give a country's society at large a thorough analysis of the strengths and weaknesses of its democratic arrangements so that the citizens become aware and take appropriate actions. Therefore, the final report has to be widely disseminated and promoted to ensure that its findings are fully debated. Formulating effective and realistic strategies for dissemination is even more critical in countries with high level of illiteracy and where the state censorship of the media is repressive. Deciding the forms of publication of the report and engaging the media from the very outset prior to the commencement of assessment is a crucial component of the media strategy.

STAGE 5:
From
assessment
to reforms

A democracy assessment is not an end in itself but a means to assist a democratic reform process by providing the systematic evidence, argument and comparative data on which reforms might be based. It could well form the basis for a further and separate stage, which is that of working up specific reform proposals, perhaps in association with relevant campaigning groups and experts in key areas identified by the assessment. The potential for initiating, implementing and sustaining significant democratic reforms, however, must be seen as a function of four larger factors that can act alone or in combination to affect the type of democratic reform possible, both in the short term and in the longer term. The four factors are:

- the contexts in which the assessments were carried out;
- the types of influence that the assessment made possible;
- the audience to which the assessment was directed; and
- the types of output that were produced.

5.5.1.3 Benefits

- SoD assessments provide an opportunity for a country to reflect on the quality of its democracy, and mount a reform agenda for their country that is not necessarily imposed by external actors.
- SoD assessment methodology is equally applicable in a diverse range of countries and equally applicable in generating concrete proposals for democratic reform.
- Multi-stakeholder inclusion in the assessment process viz. academia, civil society organisations, political parties, parliament, the executive etc. not only inculcates a culture of dialogue and debate among various stakeholders, but ensures that democratic reform agendas are a result of collective reflection.
- Importantly, SoD assessments provide a benchmark/baseline upon which a country can assess itself over a period of time.

5.5.1.4 Challenges and lessons

- The SoD methodology places critical importance on both professional and political dimensions of the assessment process. It cannot be a “quick and dirty” exercise, and requires adequate human and financial resources, as well as commitment.

- The success of SoD relies heavily on the agents of the assessment and their ability to provide the broad conditions of ownership for key stake holders who have the capacity and opportunity to drive the reform process. Where the assessment enjoys the engagement of key stakeholders as for example, in the case of Mongolia, a reform agenda can be developed, implemented and monitored.
- Applying the whole framework provides an overall snap shot of the state of democracy at a given time, while a targeted application of the framework can allow for deeper exploration of specific priority issues.
- Experience of assessments has shown that achieving the effective inclusion of minorities and women’s participation; equal access to justice and protection of the right to life, and meaningful intra-party democracy still remain rather precarious.
- The achievements that have proven relatively easier are: obtaining a broadly agreed constitution with a bill of rights; establishing some sort of office of ombudsmen and/or a public defender; holding free elections and establish universal suffrage; supporting the revival of local government; and ensuring the protection of basic freedoms such as party association, press, speech and assembly.



06

PARTICIPATION

6.1. HOW CAN THE PEOPLE PARTICIPATE EFFECTIVELY IN DEMOCRATIC PROCESSES?

The Constitution of Zimbabwe provides various avenues for citizens to participate in democratic processes. As the literal definition of democracy is rule by the people, it follows that in principle, the participation of ordinary people in democratic processes is of utmost importance. As such citizens must make use of available avenues in order to make democracy work.

Activity: Participation

- i. What are the ways available for people to participate in democratic processes?
- ii. Have you participated in any democratic process?
- iii. Can you share your experience?
- iv. What obstacles do you face in participating in democratic processes?
- v. How can these obstacles be overcome?
- vi. If you were to introduce any new laws or rule that affect the democratic process, what would those rules be?

06

6.2. CITIZEN PARTICIPATION IN ELECTIONS AND DEMOCRACY

The preamble to Chapter 14 of the Constitution of the Zimbabwean Constitution identifies the need for the democratic participation in government by all citizens and communities of Zimbabwe.

Citizen participation refers to citizen involvement in public decision making. In different interpretations, 'citizens' may be

either individuals or organized communities, and 'participation' may involve either observation or action. The phrase 'citizen participation' came into use to promote remedial efforts to involve inactive citizens government activity. Citizen participation includes autonomous action by individuals, groups and formal organizations.

6.3. CITIZEN PARTICIPATION IN ELECTIONS



“

Here's the problem: while some folks are frustrated and tuned out and staying home on election day, trust me other folks are showing up. Democracy continues with or without you.”

MICHELLE OBAMA

Former First Lady

Citizens bear the biggest responsibility in the democratic system. They are the fundamental ingredient that makes up true democracy and any democratic system that discourages the effective participation and involvement of its citizens is bound to fail. In Zimbabwe, citizen participation is largely seen when it comes to voting in an election. Voting is one important way that we can participate in our democracy.

In order to vote for a President or representatives in the house of assembly. Besides voting for officials, we also vote on issues, for example in a referendum such as the 2000 and 2003 constitution referendums. As shown in preceding sections, broadly citizens have been known to play two primary roles in elections to run for office (be voted for) or and to vote. The primary roles as given constitutionally are as follows:

01 Citizens are empowered by the law to vote in elections for candidates or political parties of their choice. Section 67 notes that every Zimbabwe has a right vote in all election referendums. The law provides for the secrecy of the ballot. The right to vote also extends for Zimbabweans living in the Diaspora however Zimbabwe has not yet implemented the right to vote for Zimbabweans living outside the country. Diaspora voting is only limited to Zimbabweans who are living outside the country on government business such as diplomatic missions who vote using the postal ballot. In a democracy citizens can vote in or vote out leaders and their will is upheld.

02 Citizens are also empowered by the law and constitution to run for elected office. They can be voted into any elected position provided they are above the age of 18. Registered voters who are above the age of 18 can be voted into local authorities and parliament however for one to qualify as a presidential candidate they need to have reached the age of 40. The Constitution (Section 67) also provides for citizens to stand for election for public and if elected to hold such office. This means that citizens that are elected are empowered by the law to occupy and exercise power for the position they are elected into.

03 Beyond voting and being voted into public office, citizens also play an important role throughout the electoral cycle. They are empowered by the constitution to:

- a) Monitor and observe elections. Citizens can apply to the Zimbabwe Electoral Commission to be accredited as observer during elections.
- b) They can openly campaign for candidates or political party of their choice.
- c) Citizens have an obligation to ensure that elections are peaceful and observe the voter regulations set by the electoral commission. Citizens have a duty to promote tolerance and divergent views amongst their peers and in their communities to ensure that elections are held in a peaceful manner and environment.
- d) Citizens also have an obligation to peacefully defend the vote from manipulation.
- e) Report and document all forms of electoral malpractices and violence.
- f) Raise complaints with the electoral commission in instances where they have evidence of electoral malpractices.
- g) Citizens are empowered by both the Constitution and the Electoral Act to register to vote.
- h) Citizens also have a duty to hold elected public officials to account and demand the enhancement of the quality and credibility of elections.

6.4. CITIZEN PARTICIPATION IN DEMOCRACY

While it is the duty of every citizen to vote in elections they also need to participate in national and community affairs between elections. Voters may want to have a say to issues affecting their community, such as the building bigger schools, upgrading of new roads, provision of clean water among others. They can contact their local representatives such as councillors and members of parliament, or contact government officials. This contact may be to make them act by drawing their attention to specific issues, or by giving them their views in relation to an impending law or a current law that needs to be changed.



**Citizen
participation benefits
individuals, communities,
organizations and
the Society.**

6.5. ADVANTAGES OF CITIZEN PARTICIPATION

Citizen participation benefits individuals, communities, organizations, and the society through increased knowledge, authority, power, and problem-solving ability. Citizen participation improves communication, develops relationships, develops the capacity to act, and preserves or changes conditions.

6.6. CITIZEN PARTICIPATION IN THE ZIMBABWEAN CONTEXT

1. Most Zimbabweans do not interact with their elected leaders; large majorities do not contact local government councillors or MPs in the year preceding the survey. In other words, civic engagement through contact with elected leaders is very low. Disengagement is also evident in low rates of contact with non-elected leaders such as officials of government agencies, political party officials, traditional leaders, and religious leaders.
2. Most Zimbabweans are not members of voluntary associations or community groups and did not normally get together with others to raise an issue.
3. An Afrobarometer survey in 2016 said that urban residents are less engaged than their rural counterparts, and women are less engaged than men except when it comes to contact with religious leaders.
4. 80% of Zimbabweans believe that parliamentarians rarely try their best to listen to ordinary citizens. They believe that Local government councillors perform only slightly better than MPs in terms of lending their ears to the electorate.
5. Closely related to the above, many Zimbabweans have no contact with officials from a government agency to present some important problem or to share their views.

Citizen contact is more frequent with traditional and religious leaders.

6.7. OBSTACLES TO PARTICIPATION

Zimbabwe generally ranks low in terms of citizen participation in elections and democratic processes. Over the years, voter turnout has been around 46% on election day, spiking to 75% in the 2018 general elections before plummeting to 35% in the March 2022 by-elections. This points to lack of participation by citizens, on things that affect their day-to-day life. In the course of compiling

this guide, ZimRights collected information from general observations made over the years, and most recently, from five Masterclasses on Elections, Democracy and Citizen Engagement that were conducted in Gweru, Chiredzi, Kwekwe, Kariba, and Hwange. Most of these are interlinked with each and below are some of the ones that have been noted;

Economic Factors

Sadly, a significant number of people would rather spend their time engaging in their personal business like attending to their market stalls or other paid exercises rather than attending a civic meeting or standing in a voting queue. Others, especially those in remote areas or in areas with limited accessibility to roads and communications tend to lack resources to attend meetings or go to voter registration centres.

Politicisation of Poverty

The economic environment exposes communities to exploitation for political gain. Underprivileged communities end up 'selling' their rights for food, money and other material gain that would have been promised by politicians. Others, like youths, end up being used to commit violence against political opponents, further obstructing others from freely participating in civic processes. In Kariba a participant noted the following: "Kuno kuKariba, tinenzvimbo yeKasese, inzvimbo inogaropromiswa vanhu kuti vachapihwa mastands kuti vavake dzimba. Chinoshamisa ndechekuti izvi zvinongoitika chete kana takusvika kuma elections...vanambuya vanomhanyiswa vachiitiswa maslogan vachinzi vachapihwa mastands. It's been 10 years now Hapana ati ambopihwa kuKasese kwacho..." (Here in Kariba, we have the Kasese area, which has been

used for politicking by politicians. People are promised residential stands in exchange for votes yet its been 10 years with those promises not being fulfilled.)

Partisan Distribution of Aid

This is done in favour of those who support the ruling party. This excludes people perceived to be opposition supporters and those who are neutral. Zimbabwe has countless cases of communities that have been deprived of aid and social welfare support based on political differences with the ruling party. This also goes for other state resources that are used/abused to further political goals, for example, at one point, the government removed Zimbabwe United Passenger Company (ZUPCO) buses from the Kariba route just because Nelson Chamisa of the CCC was going to address a rally in the town and the move was seen as a way of preventing people from attending the rally.

Lack of Trust in Government Systems

There was general belief from the participants that a good number of people in the communities have resigned from participating in democratic activities especially elections because of lack of trust in the country's institutions. Chief among the culprits were the Zimbabwe Republic Police, the Zimbabwe Electoral Commission, the Judiciary services among other state – related institutions. The general belief was that these institutions were not serving the purpose of the communities but rather serving the interests of the political elite. A participant from Chiredzi said, “Kuvhota muZimbabwe kuona delayed match, maresults anenge aripo kare” (Participating in elections in Zimbabwe is like watching a delayed match, the results will be there already”. At the end of the day, some people feel voting does not change or improve their lives.

A Biased Judiciary System

ZimRights observed that most Zimbabweans no longer have trust in the independence of the judiciary system in Zimbabwe and believe that it is openly compromised and biased in favour of the ruling ZANU PF party. There is a general sentiment that the judiciary system is positioned to thwart any participation in an activity that may be

perceived as challenging the government. During one masterclass conducted by ZimRights, a participant had this to say, “tarisai zvakaitwa Tsitsi Dangarembga, munhu anozikanwa pasi rese ende akaisa Zimbabwe pamap. One day chete raakaita peaceful demonstration against corruption, akabva atosungwa akanzi urikuda ku kudubura hurumende” (just look at Tsitsi Dangarembga, she is a well-known person and she has put Zimbabwe on the world map. Just one day that she decided to participate in a peaceful demonstration she was arrested and accused of plotting to overthrow the government).

Denial of the Right to Assemble and to Associate by the Government

Through various state agents, especially the police and the CIO, most people are hindered from freely participating in issues that affect their governance. For example, many meetings by CSO actors are banned without valid reasons and despite the constitution providing for the freedom of assembly and association. Once a meeting is banned, people are afraid of participating since it will be deemed to be an illegal meeting.

Ineffective consultative meetings

The government and most local authorities embark on cosmetic consultative processes where community members' input is ignored.

Information gaps

One of the reasons for lack of participation was identified as lack of information by community members. For example, the high numbers of people who are turned away for presenting the wrong documents on the day of voting, points to lack of voter education. This also applies to some people not fully appreciating the importance of participating in activities such as petitions, consultative meetings and debates.

Political Violence

Zimbabwe's pre- and post-independence history are full of politically motivated violence especially in periods surrounding elections as a tool for achieving political goals. The World Health Organisation says

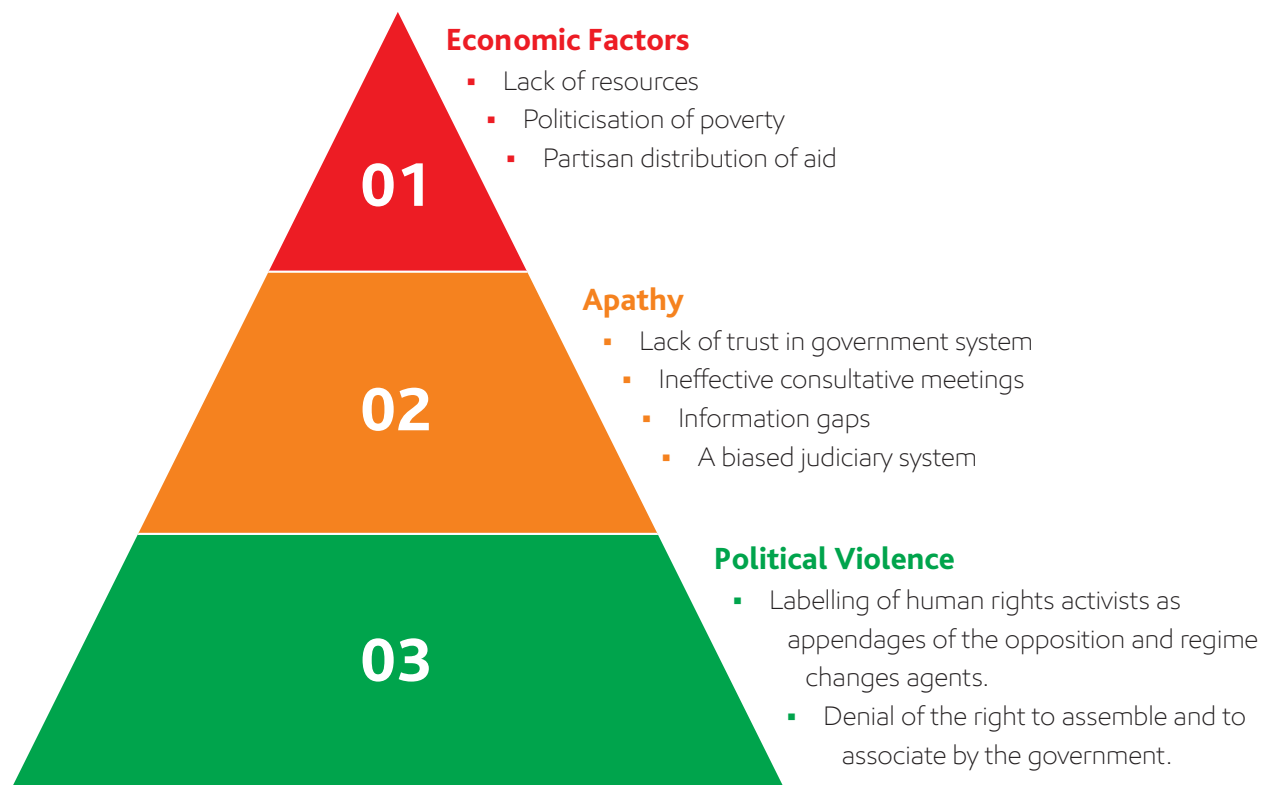
that political violence is characterized by both physical and psychological acts aimed at injuring or intimidating populations. Unfortunately, Zimbabwe has witnessed episodes of political violence. The result was that a significant number of people dread identifying with political parties of their choice, or participating in civic processes for fear of being targeted through political violence.

● **Labelling of Human Rights Activists as Appendages of the Opposition and Regime Change Agents**

The ruling party and senior government officials, including the president, are on record for labelling human rights defenders and NGOs as agents of regime change. This increases hostility against people who work or associate with NGOs and community human rights champions.

OBSTACLES TO CITIZENS PARTICIPATION

Ranking in order of highest to lowest.



Activity: Citizen participation in your area

Take a moment to reflect on the meaning of citizen participation and how it has been in your area.

1. Give 2 examples of citizen participation in (i) Zimbabwe
(ii) your community
2. List the name of your Province, constituency, ward, local councillor and Members of Parliament.
3. Answer Yes or No to the following questions:
 - a) Do you know the Name of your MP or Councillor?
 - b) Do you know the Party which your MP or Councillor comes from?
 - c) Do you know the address of your local representative?
4. Have you ever made contact with any elected official in your area? If yes, indicate whether it was in a group or as an individual.
5. Identify 3 key issues that you think are hindering people from effectively participating in (i) elections and (ii) democracy
6. What do you think can improve in your community if citizen participation increases in your area?

What can be done to improve citizen participation in democracy and election in your area?



07

ZIMBABWE'S ELECTORAL SYSTEM⁴

Democracy is one of the core values of the Constitution of Zimbabwe. The Constitution of Zimbabwe is proclaimed in the name of the peoples of the Zimbabwe and Chapter 4 also known as the Declaration of Human Rights emphasizes that the will of the people is the basis of the authority of government. Zimbabwe's Declaration of Human Rights derives from the United Nations Universal Declaration of Human Rights (1948). Respect for human rights and fundamental freedoms and the principle of holding periodic and genuine elections are essential elements of democracy.

Political and public participation is crucial to democratic governance, the rule of law, social inclusion and economic development, and the advancement of all human rights. Participation rights are important in empowering individuals and groups, which is essential to eliminate marginalization and discrimination. These rights are also inseparably linked to other human rights such as the rights to peaceful assembly and association, freedom of opinion and expression and the rights to education and to information.

4. This section of the Guide is taken from Dr. Alex Magaisa's Big Saturday Read of 2 June 2018 with minimum changes.

7.1. LEGAL AND INSTITUTIONAL FRAMEWORK

LEGAL BASIS

■ **Constitution**

The Constitution is the supreme law of Zimbabwe. A number of laws provide for the conduct of regular, free and fair elections in Zimbabwe. These laws derive from the Constitution of Zimbabwe, as amended in 2013. Section 67 of the Zimbabwe Constitution states that: every Zimbabwean citizen has the right (a) to free, fair and regular elections for any elective public office established in terms of this Constitution or any other law. Below is a list of laws deriving from the constitution that informs the conduct of elections in Zimbabwe.

■ **Electoral Act (Chapter 2:13)**

In short, the electoral Act is the law that provides for the rules and regulations of elections in Zimbabwe. The purpose of the Electoral Act is to provide for the terms of office, conditions of service, qualifications, and vacation of office of members of the Zimbabwe Electoral Commission, the procedure at meetings of the Zimbabwe Electoral Commission and the appointment of the Chief Elections Officer; The Electoral Act also makes provision for the registration of voters and for the lodging of objections on matters related to elections for instance contesting the outcome of the elections. The Act also provides for the preparation, compilation and maintenance of voters rolls and prescribes the residence qualifications of voters and the procedure for the nomination and election of candidates to and the filling in of vacancies in Parliament. The Act also provides for elections to the office of the President, local authority elections and senate. The Act also defines election related offences and penalties and for the prevention of electoral malpractices in connection with elections. The Electoral Court is established in terms of the Electoral and provides for its functions. Among other business, the Act spells out provisions for the hearing and determination of election petitions. For instance, the 2018 election petition against the victory of president Mnangagwa

was lodged in terms of the Electoral Act. Below is an excerpt that summarizes the Electoral Act's provisions with regards to citizens' rights and the rights of political parties:

3(b) every citizen has the right:

(i) to participate in government directly or through freely chosen representatives, and is entitled, without distinction on the ground of race, ethnicity, gender, language, political or religious belief, education, physical appearance or disability or economic or social condition, to stand for office and cast a vote freely.

(ii) to join or participate in the activities of and to recruit members of a political party of his or her choice.

(iii) to participate in peaceful political activity intended to influence the composition and policies of Government.

(iv) to participate, through civic organisations, in peaceful activities to influence and challenge the policies of Government.

3(c) every political party has the right:

(i) to operate freely within the law.

(ii) to put up or sponsor one or more candidates in every election.

(iii) to campaign freely within the law.

(iv) to have fair and equal access to electronic and print media, both public and private;

[Subparagraph substituted by s. 4 of Act No. 6 of 2014]

(v) to have reasonable access to all material and information necessary for it to participate effectively in every election;

[Subparagraph inserted by s. 4 of Act No. 6 of 2014]

3 (d) every candidate has the right:

(i) to have fair and equal access to electronic and print media,

both public and private.

(ii) to have reasonable access to all material and information necessary for him or her to participate effectively in the election.

[Paragraph inserted by s. 4 of Act No. 6 of 2014]

3(e) voting methods must be simple, accurate, verifiable, secure and transparent.

■ **Referendums Act (Chapter 2:10)**

Provides for the holding on referendums, a referendum may be held to gather the views of the public on a specific issue, for instance the Constitution provides that Chapter 4 of the Constitution (the Declaration of Rights) requires a referendum to be amended. Zimbabwe held a referendum in 2013 to gather the views of citizens on the adoption of a new Constitution. As with general elections, the president has the prerogative of declaring referendums and setting dates and time through a presidential proclamation.

■ **Political Parties (Finance) Act (Chapter 2:11)**

There is no law that regulates the registration of political parties but how political parties are financed is a matter of national security interest hence the Political Parties Act. The Act regulates how parties are funded and outlaws political parties from receiving external funding. Political parties represented in parliament receive funding from government through the political parties fund allocated from the national budget annually. The amount received by a party is determined by its percentage representation in government for instance a party with majority in parliament receives more funding than minority parties.

ELECTORAL SYSTEM

Zimbabwe's elections are harmonized meaning voters elect public officials for the local government, lower house of assembly, senate and president on the same day. Zimbabwe

uses a mixed electoral system. An electoral system is as a method by which votes are translated into legislative seats. The choice of the system would therefore determine the nature of representation and the format by which seats are allocated.

There are four main types of electoral systems used throughout the world namely:

- the Single Member Plurality (SMP),
- the Single Member Majority (SMM),
- the Proportional Representation (PR) and
- the Mixed Member Proportional System (MMP).

The type of the system selected has an impact on the participation, especially that of women and other disadvantaged groups. Zimbabwe's electoral system is a mixed system consisting of the Single Member Majority system, the Single Member Plurality System popularly known as the First-past-the-post system and the Proportional Representation System. The Single Member Majority system is applied for the presidential election. The system provides that for a candidate to obtain absolute majority they should obtain a minimum of 50% plus One of the total votes cast. In the event that none of the candidates gets the 50% plus One vote, the constitution provides for a run off. The runoff is held between the two candidates that garnered the highest votes. A similar case occurred in 2008 after both Robert Mugabe and Morgan Tsvangirai failed to get the minimum threshold for majority and a run off was held on 27 July 2008. Zimbabwe also uses the Proportional Representation system popularly known as PR, proportional representation is applied on the 60 seats in parliament and all of the 60 are women. Below are figures on how many:

i) **National Assembly:** 210 members elected by secret ballot from single member constituencies and, for the first two Parliaments, 60 women elected by proportional representation.

ii) **Senate:** Senate's 80 members: six elected from each of the 10

provinces, by proportional representation; 18 chiefs; two members elected to represent people with disabilities.

iii) **Presidential:** Directly elected by universal adult franchise, absolute majority required.

ELECTORAL MANAGEMENT BODIES (EMBS)

Zimbabwe's electoral management body is known as the Zimbabwe Election Commission, established in terms of Chapter 12 of the Constitution of Zimbabwe. Its functions are spelt out in Section 239 of the Constitution.

Zimbabwe Electoral Commission (ZEC) delimits boundaries of the constituencies, prepares for and conducts elections and referendums; ensures that they are conducted efficiently, freely, fairly, transparently and in accordance with the law; directs and controls voter registration; compiles voters rolls; conducts voter education. In Zimbabwe the electoral commission enjoys the sole responsibility of announcing election results and is empowered to receive and consider complaints from the public and to take action in regards to the complaints the commission also accredits observers of elections and referendums. Observers can include both local and international observers.

The Electoral Act stipulates that "Members of the Zimbabwe Electoral Commission are appointed for a six-year term and may be re-appointed for one such further term, but no person may be appointed to or serve on the Commission after he or she has been a member for one or more periods, whether continuous or not, that amount to twelve years."

INDEPENDENCE OF ZIMBABWE ELECTION COMMISSION

The Zimbabwe Election Commission is established in terms of Chapter 12 of the Constitution. Section 235 guarantees the independence of the Commission by directing that the Commission is independent and not subject to the direction and control of anyone. The constitution further empowers the

Commission to exercise its functions without fear, favour or prejudice. Section 235(3) further buttresses this independence by stating that “no person may interfere with the functioning of the independent Commissions.” To ensure impartiality the constitution further directs that members of the commission should be non-aligned to any political party. Commissioners are not to prejudice the lawful interest of any political party or violate the fundamental rights and freedoms of any person. The constitution bars commissioner from acting in a partisan manner in the exercise of the duties or functions.

The Chairperson of the ZEC is appointed by the President in consultation with the Judicial Services Commission and Committee on Standing Rules and Orders and eight (8) commissioners (at least four women) appointed by President from 12 nominees of Committee on Standing Rules and Orders. The chairperson of the Commission should be a judge or a former judge or person qualified for appointment as a judge.

Section 238(4) directs that commissioners should be chosen for their integrity and competence.

POLITICAL PARTIES

Zimbabwe has no law requiring registration by political parties. Political parties inform the Zimbabwe Electoral Commission by writing of their interest to contest elections. Parties are required to submit a symbol and constitution in order to contest elections in Zimbabwe.

Funding and regulation:

- Public funding for political parties with a minimum of 5% of votes cast in the last election in proportion to the number of votes they received;
- foreign funding and donations are prohibited by the Political Parties (Finance) Act;
- Code of conduct legally enforceable by multiparty liaison committees.

CIVIL SOCIETY

Civil society organizations need to seek authorization from the Zimbabwe Election Commission to carry out work related to elections. CSOs can partner with ZEC to carry out activities such as mobilizing citizens to register to vote and to turn up on election day and cast their votes. CSOs organized under the Zimbabwe Election Commission, Vote Ekhaya and the Election Resource Centre partner with the Zimbabwe Election Commission.

Civil Society also monitors and observes elections. CSOs also carry out advocacy initiatives aimed at enhancing the credibility and quality of elections, they do this by engaging the Zimbabwe Election Commission, Parliament of Zimbabwe, political parties and other election stakeholders. CSOs play the watch dog role in society and often offer credible information related to elections in Zimbabwe.

MASS MEDIA

Mass media plays a critical role in disseminating and informing citizens on election related issues. The Constitution of Zimbabwe section 62 provides for the right to access information. Citizens access information on elections from both State-owned media and private owned media.

Every political party or independent candidate has the right to reasonable access to the media and public broadcasters must give all political parties and independent candidates free access to their services as prescribed in regulations made by the ZEC; ZEC must monitor the media, with assistance of Zimbabwe Media Commission, and ensure compliance with law.



Mass media plays a critical role in disseminating and informing citizens on election related issues.”

7.2. ELECTION MANAGEMENT

ELECTION PERIOD

Elections in Zimbabwe are harmonized meaning they are held concurrently. Voters elect the President, Parliament, Senate and local authorities on the same day. Voters enter the polling stations and are presented with four (4) ballot papers to choose the four vacant positions.

As mentioned earlier, elections in Zimbabwe are held once in 5 years meaning the term of office of elected officials is five years. Towards the expiry of the term of office, the president is mandated by the Constitution to proclaim election dates after consultation with ZEC.

However, in the event that a public official vacates office before the end of the term, a by-election is held. There are a number of reasons that compel the holding of by-elections in Zimbabwe, these may include public officials are called by their parties from holding the positions or in the event of death.

Polling stations are open continuously from 7:00-19:00; voters in queue at closing permitted to vote. In some cases, due to logistical challenges a polling station may open later than 7AM however the rule is that the polling station would need to open for 12 hours and everyone in the queue will be allowed to vote. Vote counting immediately commences soon after the polling stations close.

DELIMITATION OF CONSTITUENCIES

The Zimbabwe Election Commission is tasked with delimiting constituencies and wards every ten years, taking into consideration public representations; constituencies should each have an equal number of voters, with due regard to physical features, communication, geographical distribution of registered voters, community of interest and existing electoral boundaries.

VOTER REGISTRATION AND VOTERS' ROLLS

Voter registration is voluntary and continuous; registration closes 12 days after nomination day. Registration is with constituency registrar who is subject to the control of ZEC. Applicants are issued with registration certificates that show that they are registered voters. In 2016 Zimbabwe introduced a Biometric Voter's Registration system which has seen all people re-registering as voters.

The Biometric Voter Registration system allows the commission to capture a voter's biometric features that include fingerprints and facial features among others. The commission is able to prove the identities of voters during election day. Voters rolls are open to public inspection at constituency registrar during office hours and copies must be supplied to the public on payment of a prescribed fee. While Zimbabwe now has a biometric voter roll it does not use electronic voting. The Zimbabwe Election Commission has also created a facility where voters are able to confirm their voter registration status via a mobile phone application or prompt.

CIVIC AND VOTER EDUCATION

ZEC is tasked by law with conducting voter education that is adequate, accurate and unbiased, and that voter education undertaken by others (excluding political parties) is adequate, not misleading or biased; they must be Zimbabwean citizens or registered NGOs, they must adhere to programmes and instructions of the ZEC and charge no fees; all material, trainer details and funding must be disclosed to the ZEC; all foreign funding must be channelled through the ZEC. Organizations such as ZimRights, ZESN and ERC have partnered with ZEC to implement voter registration programmes, in 2018 the organizations implemented the GO Zim project.

The primary responsibilities for providing voter education lies with the Electoral Commission. However, civil society organisations can provide voter education with the permission of ZEC. In conducting this education these organisations must

either use voter education materials supplied by ZEC or, if they want to use their own voter education materials, these materials must be approved by ZEC. There are various other legal restrictions upon the provision of voter education by civil society organisations.

ZEC requires that CSOs must be either registered as Private Voluntary Organisation or be registered in the Deeds Registry as a Trust. The organisation must consist wholly or mainly of Zimbabwean citizens or permanent residents or, in the case of a trust, it must have a majority of trustees who are citizens or permanent residents. The constitution or trust deed must mandate the organisation to conduct voter education.

Persons employed to conduct voter education must be citizens or permanent residents. The materials used must be provided or approved by the Commission. The programme must be funded solely by local contributions or donations; any foreign contributions must be channelled to the Commission which may allocate such funds to the organisation. No foreign contribution or donation for the purposes of voter education shall be made except to the Commission, which may allocate such contribution or donation to any person. The materials used must not be misleading.

CANDIDATE NOMINATION

■ **Local Government, Parliamentary and Senatorial Elections**

Candidates are nominated by means of a nomination paper signed by 10 registered voters from the constituency they seek to contest, contact details and accompanied by a photograph; if endorsed by a party the paper must be signed by an office bearer; a prescribed fee is required as well as proof of registration as a voter in that constituency.

■ **Presidential Elections**

Nominated by means of a nomination paper signed by 10 registered voters from each province, contact details and

accompanied by a photograph; if endorsed by a party the paper must be signed by an office bearer; a prescribed fee is required.

ELECTION OBSERVATION

Individuals and organizations accredited by ZEC may observe elections subject to code of conduct.

Individuals representing foreign countries, international, regional and local organisations and bodies similar to ZEC that are invited by Government Ministers may observe elections and are accredited by an accreditation committee of the ZEC which issues them with code of conduct. The Ministry of Foreign Affairs has a duty to invite foreign observers.

International and regional organizations that have observed elections in Zimbabwe include the Southern Africa Development Corporation (SADC), the Africa Union, the European Union, the National Democratic Institute and the International Republican Institute, the United Nations amongst other organizations.

ELECTION OBSERVATION

Political activity of parties and candidates are subject to a code of conduct laid down in law, but with no penalties attached to violations. Democratic norms require that election campaigning be peaceful and tolerant to divergent views.

The constitution requires that elections are:

- 1) Peaceful, free and fair
- 2) Conducted by secret ballot
- 3) Based on universal suffrage and that all votes are equal
- 4) Free from violence and other electoral malpractices.

No campaigning is permitted from midnight twenty-four hours before polling day.

CONFLICT PREVENTION AND MANAGEMENT

Multiparty liaison committees are set up by ZEC at national, provincial and constituency level to attempt to resolve electoral disputes; election petitions are heard by Electoral Court.

SECRECY OF THE BALLOT

It is prohibited for anyone to interfere with a voter when marking a ballot paper or to discover how a voter has voted or to tell another how a voter has voted. Voters requiring assistance in marking their ballots may choose another voter to assist them.

COUNTING

After the close of the poll counting takes place at polling stations by presiding officer in presence of polling officers, monitors and observers and the candidates and their election agents as are present; the results are shown to all present and displayed outside the polling station.

ANNOUNCEMENT OF RESULTS

Presiding officer announces the result, transmits it to constituency elections officer and posts a copy of the results outside the polling station.

In the presence of monitors and observers and the candidates and their election agents the constituency elections officer verifies the returns and adds up the votes and declares the result; the outcome is transmitted to Chief Elections Officer, who publishes it in the Gazette.

7.3. THE COMPLEXITY OF THE ZIMBABWEAN ELECTORAL SYSTEM

Our electoral system is incredibly complex, partly because of the numerous piecemeal amendments to the Electoral Law which have made it look like a patched-up pair of old trousers. It has multiple patches which give it a hideous look. The task of explaining the electoral system would be a complete nightmare were it not for the excellent service provided by Veritas, an organisation which painstakingly ensures that the Electoral Law is updated as and when amendments are made to it.



7.3.1 Electoral Authority

It is common knowledge that the body responsible for running elections in Zimbabwe is the Zimbabwe Electoral Commission (ZEC). It has the constitutional mandate to manage or organise all elections, which function it must exercise independently. In a democracy, an election is a process that gives procedural legitimacy to the government. Procedural legitimacy requires elections to be conducted fairly and voters must be able to make their choices freely. The electoral authority is the fulcrum of this process. It has the duty to ensure that the election is free, fair and credible. As the referee, ZEC must not only be fair, non-partisan and impartial. It must be seen to be fair, non-partisan and impartial.

ZEC took over from a predecessor whose reputation was heavily compromised. The Electoral Supervisory Commission (ERC) was widely regarded as politically-compromised. ZEC did not cover itself in glory when in 2008 it pronounced an egregiously violent and widely-discredited election as having been free and fair. It has been a long road to recovery since then. An Afrobarometer survey in early 2017 showed that ZEC was one of the least trusted public institutions, with just a 50% approval rate. The 2013 elections did not help its reputation, particularly after it failed to ensure electronic copies of the voters' roll were available to contestants. The 2018 election is, therefore, a key test for ZEC. It has a new head, Judge Priscilla Chigumba after Justice Rita Makarau resigned abruptly last December which raised unanswered questions as to

whether she had been pushed or jumped voluntarily.

One of the areas of concern is the professional staff who make up its secretariat. There is concern among opposition parties and civil society that with at least 15% ex-security services personnel among its professional staff, the electoral body has an unhealthy military dosage. It is regrettable also that the country is going into this election without a substantive Chief Elections Officer – the executive head of the organisation. The current head, Utoile Silaigwana was appointed as the acting Chief Elections Officer in March this year. ZEC has the power to appoint the Chief Elections Officer and there is no good reason why it did not appoint a substantive executive head before a crucial election.



**In a democracy,
an election is a process
that gives procedural
legitimacy to the
government.**

ZEC is entitled to recruit civil servants and staff of local authorities and parastatals to assist with electoral functions during elections. ZEC has the power to select, screen and train all persons who are seconded by these bodies and they will be under its direction and control for the duration of the election. These are the people – normally teachers, nurses and other

staff – who perform the role of electoral officers. They have an important role in the running of the electoral machine. There is, however, another important set of civil servants who have a key role in the electoral system. These are senior civil servants who form the National Logistics Committee.

7.3.2 Closure of the voters' roll

The Voters Roll is one of the core instruments in the election process. It determines who is eligible to vote in the elections. ZEC has a mandatory duty to keep and maintain a voters roll for each polling station area in both printed and electronic form. This polling station voters roll is the register that determines who is entitled to vote in that polling station area.

However, the voters' roll was closed on 1 June 2018. The law makes it clear that the voters roll closes 2 days after the proclamation of elections. There will be no more registration of voters for the forthcoming elections and those who did not register will be ineligible to vote.

Nevertheless, this does not mean the voters' roll can no longer be checked or altered. We have already seen that parties, candidates and any person are allowed to get and inspect copies of the voters roll at any time. If there are any irregularities or discrepancies which are discovered after the closure of the voters roll they must be rectified. There is no point going to an election with a voters roll which is defective. If the closure of the voters roll is deemed to prevent such corrections, it would arguably be unconstitutional and would also taint the legitimacy of the election.

7.3.3 Removal of duplicates

ZEC has the power to remove duplicates to ensure that no person is registered as a voter more than once on the voters roll. More importantly, ZEC can remove these duplicates without giving notice to the affected voters. This provision is based on trust that ZEC would carry out this role honestly and without prejudicing voters. The problem is that trust levels in ZEC are low. The risk that innocent voters might otherwise be removed, even in error, weighs heavily on voters' minds. It is regrettable that ZEC has this broad power to remove names deemed to be duplicated without informing affected voters.

The hope has to be that since ZEC has this broad power it will use it responsibly and correctly and those innocent voters will not be affected. Otherwise, there is a significant risk that some voters might find discover that they are not on the voters' roll on polling day on account of this removal process. This has to be watched carefully and the number of voters who are turned away on the grounds that they are not on the voters roll when they registered must be monitored.



ZEC can remove duplicates
without giving notice to
the affected voters.”

7.3.4 Consolidated National Voters Roll

It is very important for ZEC to prepare, maintain and avail the consolidated national voters roll. In terms of section 20(4) ZEC is also has a mandatory duty to keep at least one copy of a consolidated national voters roll at its head office. It states: “The Commission shall— ... (c) keep at least one copy of a consolidated national voters roll at its head office.”

However, section 20(4a) suggests that this duty to keep a consolidated national voters roll is optional. It states, “The Commission may prepare and maintain, in printed or electronic form, a consolidated national voters roll and a consolidated voters roll for any constituency or ward, but such rolls shall not be used for the purposes of polling in any election.” The word may suggest that preparing a consolidated national voters roll is an option.

It is odd that the Electoral Law contains inconsistent provisions on the duty to prepare, keep and maintain a consolidated national voters’ roll. This might seem innocuous but it matters a great deal. Unlike separate polling station-based voters rolls, a consolidated national voters roll provides a facility to see the bigger picture of the electorate. The problem of duplicates is easier and quicker to identify on a consolidated national voter roll than on individual polling station voters rolls.

It is therefore critical that ZEC observes its mandatory duty to keep both polling station voters rolls and a consolidated national voters’ roll. Preparing and maintaining a consolidated



national voters’ roll must not be optional as suggested in section 20(4a). Indeed, ZEC must ensure that it provides both polling station voters rolls and the consolidated national voters roll.

7.3.5 Provision of voters' rolls

ZEC has an obligation to provide a free copy of an electronic voters roll to every nominated candidate within a reasonable time after the nomination. The law makes it clear that the electronic copy must be provided in a form that is searchable and analysable. ZEC can make this tamper-proof and impose conditions to prevent commercial or other unauthorised uses but it must be easy to search and analyse. Secondly, every nominated candidate is entitled to a printed copy of the voters roll upon request and payment of the prescribed fee.

Political parties and accredited election observers are also entitled to receive the voters roll upon request and payment of a prescribed fee. In addition, any person, even those who are not candidates, is also entitled, within a reasonable time after the election is called, to receive the voters roll upon request and payment of the prescribed fee. This includes the consolidated national voters roll either in printed or in electronic form.

The law states that the prescribed fee for the voters roll should not exceed the reasonable cost of providing the voters roll. This means ZEC cannot impose prohibitive fees which make it impossible for the purchase of voters rolls (we await information on fees for the new voters' rolls).

It is also important to know that according to the law, every voters roll is a public document which is open to inspection by any member of the public without charge during ordinary office hours at the ZEC office or the registration office where it is kept. A person is entitled to make notes while inspecting the roll. This means inspection is not just about checking one's name on the roll. You can ask for the whole voters' roll and you don't have to pay anything to do the inspection as long as you are doing it on the premises and during working hours. ZEC might tell you otherwise but this is the law.

It is important for parties to use this facility to ensure they have copies of voters rolls, particularly the electronic versions which

opposition parties were denied in 2013. They must subject these voters rolls to strict scrutiny to ensure that they are credible. ZEC is not going to do an independent audit, so it's entirely up to political parties and civil society organisations to carry out these audits and highlight any irregularities if any are identified. A voters' roll will never be perfect but it must at least be substantially accurate in so far as it represents the electorate.



The law makes it clear that the electronic copy must be provided in a form that is searchable and analysable.”

7.3.6 Polling station voting

During this election, voting is based at polling stations. This means a person will only be able to vote at the polling station where they are registered as voters. The only exception is where a person is permitted to vote by post. Postal voting is only allowed in very limited circumstances (to be discussed in Part 2). By now, every person should know the polling station at which they are registered to vote. If you don't know, you have to check with ZEC.

7.3.7 Location of polling stations

The law requires every polling station to be located at a place that is readily accessible to the public, including persons living with physical disabilities. There are certain places where polling stations cannot be located.

These are:

- premises owned or occupied by a political party or candidate;
- a police station, barracks, cantonment area or another place where police officers or members of the Defence Forces are permanently stationed;
- premises licensed under the Liquor Act [Chapter 14:12] – so beer halls and bottle stores can't host polling stations;
- at or in any place which, for any reason, may give rise to reasonable apprehension on the part of voters as to the secrecy of their votes or the integrity of the electoral process.

Indeed, it would be wrong for ZEC to locate a polling station anywhere near these listed locations. A polling station outside the fence of a military barracks or police station would be illegal.

7.3.8 Public notice on polling stations

At least 3 weeks before polling day and also on polling day, ZEC is required to publicly inform voters of the location of polling stations and the hours during which the polling stations will be open. This notice must be published in a newspaper circulating in the constituency concerned and in such other manner as ZEC thinks fit. Since the election is on 30 July, the notice must be published on 9th July 2018.

7.3.9 Additional polling stations

Nevertheless, the law now allows ZEC to establish new polling stations to serve the same polling area where the electoral body

determines that the number of people exceeds the limit which it thinks can be served by one polling station. In other words, where there are too many people per polling station, ZEC may establish new polling stations. ZEC has described these as “substations” or “Satellite stations” which are supposed to reduce the burden on the main polling station. This is a sanitised explanation and sounds alright if they follow it through to the letter.

However, the law is more liberal than ZEC is telling the electorate. It actually states that “the Commission may establish two or more independent polling stations to serve the same polling station area”. If ZEC sticks to its word, there might be little trouble. However, since the law allows it to establish independent polling stations, parties must remain vigilant to ensure that ZEC does not actually do this, thereby establishing polling stations far away from the main polling station which would result in challenges in monitoring. This is because the problem of ballot stuffing usually takes at these new and little-known polling stations.

In order to prevent problems, ZEC must stick to its word so that any new polling stations are within the vicinity of the main polling stations. Second, they must be established well in advance and in consultation with all parties. Third, they must be known to every contestant so that there is proper monitoring. Finally, and perhaps more importantly, since ZEC will split the voters' rolls between the multiple polling stations, it's important that voters are advised



in advance so that they don't attend the wrong polling stations. The provision requiring publication of this information at least 3 weeks before polling day becomes critical.

7.3.10 Polling day

On polling day, polling stations are opened at 7 am and closed at 7 pm – giving a 12-hour period of voting. Where it is necessary to make modifications, the electoral authority must make it clear but still ensure the 12-hour period is honoured. All voters who will be in the queue at the closing time must be permitted to cast their votes. It is absolutely important for party election agents and observers to exercise vigilance at the closing time of the poll because that is where irregularities and cheating are likely to occur. It will be dark, there will be fatigue after a long day of hard work and lapse of judgment can be easily exploited. Parties must make sure their election agents are well-provided for and well-fed and refreshed at this critical point.

The procedures before, during and after polling are specified by law and designed to ensure transparency. For example, 30 minutes before polling begins, the presiding officer must satisfy himself and all parties concerned that the ballot box to be used at the polling station is empty. Afterwards, the ballot box must be sealed and only opened for counting in accordance with the law.

Furthermore, the presiding officer is required, in the presence of all persons entitled to be within the polling station, to count and record the total number of ballot papers received at the polling station. Election agents must independently take note of this.

7.3.11 Who is entitled to be in the polling station?

Apart from the voters recording their votes, the law allows the following to be in the polling station:

- electoral officers performing their official duties;
- the candidates;
- election agents;
- police officers on duty;
- accredited observers.

Note that police officers have no direct role in the polling process apart from keeping law and order. They cannot like they used to do before, assist voters. To her credit, the ZEC Chairperson has been clear regarding the role of police officers. This should be respected. Ideally, they should not even be permitted within the polling station and should only be

called in when it is necessary in the opinion of the electoral authorities at the polling station.

7.3.12 Election agents

A party is allowed one election agent in the polling station. A candidate is also allowed one election agent inside. Two more agents are permitted outside, one of whom will be an alternate should he be required to fill in for the candidate's agent inside.

Elections agents are critical to the election process. They are the guards that help to ensure that there is no cheating. They must be well looked after. They must be well-trained, well-fed and well-provided for. They are the most important people because they are the eyes and ears of the parties. But they are also vulnerable to rent-seeking behaviour of opponents. They can be bought off, especially when they do not have a strong moral and ethical constitution and if they are not well provided for. They are also targets of intimidation, especially in the remote areas and ruling party strongholds. ZANU PF has resources and generally looks after its agents well. The opposition parties have to improve in this regard. Without effective agents, the opponents will have a field day, especially in remote areas.



Elections agents are the guards that help to ensure that there is no cheating.

7.3.13 Assisted voting

The law permits certain voters who are either illiterate or physically handicapped and require assistance to be given such help by persons of their choice or by the presiding officer. Where the presiding officer assists a voter, there must be two other electoral officers or employees of ZEC and a police officer on duty. No other person in the polling station is allowed to interfere with this process.

Assisted voting is a big red flag in the electoral process as there were allegations of abuse in the 2013 elections, particularly in the rural areas. The law does have some safeguards which can be used to prevent abuse. Candidates and election agents are not permitted to perform this role. Furthermore, a person is only permitted to assist one voter. The law requires a register of assisted voters to be kept. Those who have been assisted and those who have assisted are recorded. This will be helpful when analysing election data in case there is suspicion of abuse. High levels of assisted voters in a country boasting a high literacy rate as Zimbabwe does are bound to raise suspicion.

More importantly, voter education must be used to give people confidence to vote on their own. There are suspicions that some have been forced to feign illiteracy or injury in order to facilitate assistance, which compromises the secrecy of the vote. Voters need confidence that they don't have to fear and must be free to exercise their right to vote.

7.4. ELECTION OBSERVERS

Election observers are accredited by a committee of ZEC called the Observers Accreditation Committee (OAC). Applications are made to the Chief Elections Officer who forwards the applications to the OAC for consideration.

The OAC is headed by the Chairperson of ZEC. The Deputy Chairperson of ZEC and 3 other ZEC commissioners complete the ZEC representatives of the OAC. The rest of the members are political appointees. They are a single nominee from the following: the Office of the President and Cabinet; the Minister of Justice; the Minister of Foreign Affairs, the Minister of Home Affairs and the Minister responsible for women's affairs.

The job of the OAC is to recommend the accreditation of both local and foreign observers who have either applied or been invited to observe elections. The problem with this OAC is the heavy presence of political appointees in the form of Ministerial nominees. Since these Ministers represent the ruling party, it gives an unfair advantage to one party over others as they have a disproportionate influence in choosing election observers. The Minister of Foreign Affairs is also entitled to object to the accreditation of foreign observers in which case the OAC is required to pay due regard to the objection when deciding whether or not to recommend the observer's accreditation.

Nevertheless, the Mnangagwa administration has undertaken to be open to the observation process and in particular to international observers. This spirit should also extend to local observers.

Observers are critical to the legitimacy of the electoral process. They are the first step in the process of certifying the proper conduct of the election. Their observations inform the response of their governments and organisations as to whether the elections are free, fair and credible.



The job of the OAC is to recommend the accreditation of both local and foreign observers who have either applied or been invited to observe elections.

Their role is to observe the election process in its entirety, particularly the conduct of polling-on-polling day. They are entitled to enter and remain at polling stations to observe the conduct of polling. They can raise any concerns regarding polling, collating or counting of votes. They are also entitled to be physically present at the counting or collating of votes and the verification of polling-station returns by presiding officers.

At the end of the process, observers provide a comprehensive review of the election. They consider a number of issues including ZEC's impartiality, respect for political and related rights, political parties' agents' freedom to observe all aspects of the election, role of state media and access to use of state resources, the conduct of polling and counting of votes and any other issues that might affect the free and fair conduct of the election. A recent amendment also brought in considerations of gender equality in the elections. Observers must observe and review factors that impact gender equality in the conduct of elections.

The Electoral Act has a specific provision which makes the Zimbabwe Human Rights Commission as an election observer. Section 40K provides that the ZHRC can through any of its commissioners or employees observe any election to ensure respect for the human rights and freedoms under the Constitution.

“

The ZHRC is one of the core institutions designed as a guardian of human rights and freedoms and its role in the elections is critical.”

7.5. PARTY-LIST CANDIDATES: SENATE, WOMEN'S QUOTA AND PROVINCIAL ASSEMBLY

Party-list seats are filled by candidates who are elected on the basis of proportional representation in the Senate, the women's quota in the National Assembly and the provincial assembly. Zimbabwe is divided into 10 electoral provinces. Each province has 6 party-list seats for the Senate; 6 party-list seats for the Women's quota and 10 party-list seats for the provincial assembly. Nevertheless, in the outgoing tenure, the government failed to implement the devolution provisions and there were no provincial councils. It is unclear whether the provincial councils will be operationalised this year. Failing to do so undermines the constitution.

On Nomination Day, each party is required to submit a list of candidates to fill the party-list seats in the Senate, for the Women's Quota and for the provincial assembly.

In order to promote women's representation in parliament and advance gender equality, party-lists must be structured in such a way that female and male candidates are listed in a zebra pattern but with the female candidate at the top of the list. This was to give first preference to female candidates and also to prevent a situation where male candidates would dominate the list at the expense of women, as is often the case historically.

The party-list seats are filled in accordance with a formula for proportional representation prescribed in the Eighth Schedule of the Electoral Act. It is calculated on the basis of the total number of valid votes cast for all the constituency candidates in the electoral province concerned except votes cast for candidates who are not political parties or if they are party candidates have not submitted names for the party-list seats. In simple terms, the party that gets the most votes for national assembly candidates in a province will have the largest number of party-list seats in the Senate and Women's Quota (and if implemented, in the provincial assembly). Senate candidates and Women's Quota candidates have an incentive to campaign for their National Assembly counterparts because their chances of filling their party-list seats are enhanced if they win more votes collectively.

In order to qualify as a party-list candidate, one must be listed on the voters roll in the constituency and must have accepted a nomination to be on the party-list. A person cannot be on more than one party-list and

cannot also be a candidate in another election. For example, if one is contesting for a National Assembly constituency seat, he cannot also be on the Senate party-list. Likewise, a woman who is running for a National Assembly constituency seat cannot also be on the party-list for the Women's Quota seat.

If a candidate on the party-list dies after nomination but before the election, ZEC will select the next eligible candidate on the party-list and if there is no such eligible candidate, the party concerned will be invited to submit a new candidate.

7.6. NOMINATION OF NATIONAL ASSEMBLY CANDIDATES

14th June 2018 has been appointed as the nomination day. This is when candidates for elections will submit their nomination papers after which they will formally become candidates in the election. In order to be confirmed as candidates must meet the minimum nomination requirements. For party-list candidates, the relevant party submits a party list on behalf of the candidates. For presidential candidates, National Assembly candidates, and local authority candidates, there are minimum numbers of nominators in the areas they are contesting.

For national assembly candidates, they need at least 5 nominators from their constituency. For the president, they need 10 nominations from each province. These nominators must be listed on the voters' rolls. The nomination court sits from 10 am to 4 pm on nomination

day. However, if at that time a candidate or his chief election agent is present in the court and ready to submit a nomination paper in respect of the candidate, the nomination officer is required to give him an opportunity to do so. In other words, you have to be in the nomination court by 4 pm and if you are inside and ready to submit, you cannot be turned down for lack of time.

Where a nomination officer has identified defects on the nomination form, the candidate or his agent must be given an opportunity to rectify the defects but this must be completed on the same day. There can be no adjournment to another day.

The nomination officer must also examine the papers carefully where the candidate purports to be representing a political party so that he is satisfied that this is true. If the nomination officer is doubtful, he may require the candidate or his chief election agent to produce proof as to such fact.

If the nomination officer rejects the nomination, he must do so publicly in open court. There are a number of reasons why a nomination officer might reject a nomination:

- if he considers that any symbol or abbreviation used by the candidate is indecent or obscene; or is too complex or elaborate to be reproduced on a ballot paper; or closely resembles another candidate's symbol in the constituency concerned; or closely resembles the recognised symbol or abbreviation of another political party and this would cause confusion.
- if any symbol a prohibited symbol;
- if the nomination officer does not believe the candidate's claims that he represents a particular party.
- if the nomination paper is not accompanied by two copies of the electoral code of conduct;
- if in his or her opinion the nomination paper is for any other reason not in order;



Finally, the law does not allow rejection on the basis of minor errors such as slight variations between the name on the nomination paper and the voters' roll. Indeed, the law recognises that the papers may be imperfect and the nomination is to be accepted where there is substantial compliance.

7.6.1 Withdrawal of a candidate

If a candidate withdraws before the election and there is only one candidate left, that candidate will be duly declared as the elected. If there are two or more candidates after the withdrawal, the electoral authorities will ensure that the name of the withdrawn candidate is either omitted or deleted from the ballot paper. In any event, the authorities must ensure that voters are informed of the withdrawal.

7.6.2 Death of a candidate

Where a candidate dies after nomination but before polling day, the Chief Elections Officer must declare that all proceedings relating to that election in the constituency are void. There will be a new election process for that constituency but there will be no need for the remaining candidates to submit new nomination papers if they still wish to contest.

7.6.3 Substitution of a candidate

The law allows parties to have substitute candidates if a candidate withdraws or dies within 7 days after nomination day. The party must inform ZEC no later than forty-eight hours after it becomes aware of its candidate's withdrawal or death.

7.7. BALLOT PAPERS

ZEC has the responsibility for printing ballot papers. It must ensure that the number of ballot papers does not exceed the number of registered voters by more than ten percent. This is in accordance with the international best practice and a point of progress from the situation in the 2013 elections when ZEC printed an extra 2 million ballot papers, which was excessive and raised suspicions. International observers such as the AU raised this issue as an irregularity that needed to be rectified.

ZEC is also required to be transparent on the issue of ballot papers. The law requires ZEC to provide the following information to all political parties and candidates contesting an election and to all observers:

- where and by whom the ballot papers have been or are being printed,

- the total number of ballot papers that have been printed,
- the number of ballot papers that have been distributed to each polling station.

Opposition parties have been demanding an open and transparent procurement process and a role in that process. However, ZEC has rejected the demands, preferring a direct procurement as opposed to an open competitive tender process. This dispute has dented the process and raised suspicions that could have been easily dispelled had ZEC used an open tender just as it did with the Biometric Voter Registration process. ZEC has offered opposition parties to observe the printing process, although specific details regarding modalities are yet to be availed. It is critically important that the ballot paper printing and distribution is carefully monitored.

7.8. COUNTING THE VOTES

Vote counting is one of the most critical stages of the electoral process thus the old adage that it does not matter who votes, but who counts the votes. Votes must be counted after the close of polling and following the opening of the seal on the ballot box. This critical process must be performed openly and transparently in the presence of witnesses. There should be no undue delay between the closing of ballot boxes and their opening for counting. The law states that it must be done as soon as possible, with the following present:

- The presiding officer and such polling officers as he may consider necessary.



- Election monitors and observers.
- The candidates, and every chief election agent and election agent of each candidate and of each political party is present within the polling station or its vicinity at the time of the commencement of the counting.
- Any roving political party election agent who, at the time of the commencement of

of the counting, is present within the polling station or in the immediate vicinity of the polling station.

After the counting is done and the results are recorded, agents must sign and the candidate or his/her agent must be given a copy of the completed polling-station return.

7.9. RESULTS OUTSIDE THE POLLING STATION

Critically, the law requires the presiding officer to post polling-station results outside the polling station, visible to the public. He/she is required to ensure that it remains there so that all members of the public who want to inspect and record its contents may do so freely. This ensures that parties and members of the public have a means of collecting data independent of ZEC.

Parties and others can do the parallel vote tabulation if done on a countrywide basis it can be useful to compare with ZEC's official statistics. In these days of smartphones and cameras, the public has an opportunity to participate actively in the election process by keeping a record of results at their polling stations as they are released.

The law provides for a process of transmitting results from the polling station to the national command centre in Harare. ZEC has the ultimate power to declare the election result. However, it helps that parties can implement mechanisms to monitor results as they are published around the country. With an organised and efficient system, it can be a useful way to monitor the electoral process. This requires resources and this is where others, including Zimbabweans in the Diaspora, can chip in. They might not be allowed to vote in their foreign locations in this election, but they can still play a critical role of availing resources to support the monitoring of this election – from resourcing election agents and ensuring data is captured at source.

Activity

- If you were mobilising people to participate in electoral processes, what areas of the electoral system would you need to highlight?
- If you were monitoring elections, what aspects of this electoral system would you need to watch closely?
- If you were a voter, what areas of the electoral system would worry you?



08

DEMOCRACY BEYOND ELECTIONS

Activity: Participation Beyond Elections

The Key Principles of Democracy outlined in this manual gives a map for participation beyond elections. Use these principles to reflect on how citizens can entrench democracy through participation.

Contrary to common practice and general excitement around election day, elections are not an event. They are a process that requires continuous engagement and improvement throughout the electoral cycle which typically has three (3) phases as follows:

08

- i. Pre-electoral period
- ii. Electoral period
- iii. Post-election

The following are key processes that take place within each period.

Pre-Electoral Period

- Legal Framework Advocacy
- Planning and Implementation
- Training and Education
- Voter Registration
- Electoral Campaigning

Electoral Period

- Voter Operations and Election Day
- Verification of Results

Post Election Period

- Post-election auditing and electoral dispute management

While these processes are important and continue beyond the voting day, it is important to note that elections are only a component of democracy and on their own, do not constitute be-all and end-all of democracy. Democracy also entails organizing government so that policy represents and responds to citizens preferences.

Beyond elections, citizens can engage in initiatives that:

- Support constitutionalism,
- Promote devolution,
- Advance human rights
- Debate proposed laws and policies
- Link leaders and communities, along the five traditional components of a transformative democracy:

- i. Effective citizen participation
- ii. Citizen control of the agenda
- iii. Equality in voting
- iv. Enlightened understanding
- v. Inclusion

Citizen participation beyond elections entails a dedication to transformative democracy (democracy which works for the people) and is rooted in community led decision making. It is not enough to get the right person elected or those that are closer to addressing our issues in our communities, real change occurs when ordinary citizens decide to take up their rightful place in society by transferring decision making to communities i.e., ordinary men and women, the youth and the old.

Transferring decision making to community hands means empowering marginalized community members with tools, resources and opportunities to deeply engage in democratic processes. This means expanding our definition of democracy to beyond elections and building ecosystems that encourage and promote communities to engage as solution holders who hold public leaders to account. There are a number of ways that citizens can remain engaged in democratic processes beyond elections, below are some examples:





09

PROBLEMS AND SOLUTIONS

Building a lasting democratic culture depends a lot on the quality of the citizenry. Citizens must always remain alert as the guardians of democratic culture.

As we close this Guide, we provide you all with this important homework of continually monitoring and documenting the challenges and threats against democracy. Use this section to document these challenges.

In small communities, take time to brainstorm on possible solutions. Share some of the problems you are facing and the solutions you are proposing with us at the Secretariat. We will strive to compile these into regular bulletin on the State of our Democracy. Use the membership details on this guide to share this information.

09

THREATS AND CHALLENGES FACING DEMOCRACY EFFORTS AT COMMUNITY LEVEL

THREATS AND CHALLENGES	POSSIBLE SOLUTIONS
Cultural Stereotypes These undermine the capacity of the underprivileged and marginalised in communities to participate in elections and democratic processes. Cultural stereotypes include, gender discrimination and inequalities, ageism, and labelling.	▪ Promote diversity and inclusion and emphasizing and promoting the non-discrimination and equality clauses of enshrined in the Section 67 and 17 of the Constitution. ▪ Embrace the Gender Integration and Social Inclusion (GESI) across all activities.
Misinformation / Disinformation Citizens are forced to consume incorrect and biased information. Often this misinformation is deliberate and part of a propaganda scheme.	▪ Offer communities alternative, correct and unbiased information pertaining to democratic processes in general and elections in particular. ▪ Trained structures in citizen journalism and disseminate credible information and counter disinformation and false narratives.
Violence Citizens suffer from both physical and emotional violence often meted out by powerful groups linked to the ruling party, as well as state and nonstate actors.	▪ Undertake inclusive human rights education campaigns. ▪ Monitor, document and report human rights violations in communities. ▪ Engage Commissions, state institutions, the legislature and law enforcement. ▪ Link structures to extant Human Rights Defenders mechanisms locally and internationally.

Poverty

Communities, youths and citizens forced into supporting political causes that they do not necessarily agree with in return for economic opportunities (rents) and food handouts.

- Provide comprehensive community education on social and economic rights and how they link to civil and political rights.
- Engage young people and create youth focused campaigns against manipulation.
- Infuse rights, development, and livelihood issues.

Command Politics

Citizens are coerced into political activity through threats and violence.

- Constitutional awareness programmes and documenting and reporting coercion to the Zimbabwe Human Rights Commission. Using the evidence gathered to engage with political parties and other stakeholders. Naming and shaming perpetrators.

Political Polarisation

Human interaction in communities is often based on political parties and those with divergent views often left out in critical community building processes. Polarization perpetuates hatred and violence.

- ZimRights has a rich history of undertaking work on transitional justice, peace building and reconciliation. Using its expertise and social capital, community structures can engage in awareness raising targeting men, women and youths.

Threats of Deregistration

The PVO Bill that is threatening to illegalize political advocacy. CSOs are often accused of being agents of an illegal regime change. CSOs work on elections is also limited to the approval by the Zimbabwe Election Commission. Without CSOs performing their watchdog role in society, the deregistration of CSOs

- Community structures and the national structures should always conduct themselves in a nonpartisan manner and prop up the public image of the organization.
- As an already registered PVO, ZimRights can assist on advocacy work on the PVO Bill by partnering and leading engagements with parliamentarians on the Bill and the importance of civil

threatens the capacity of communities to demand accountability.	▪ society as development partners.
Corruption Perceptions of this reduce the capacity of communities and citizens to demand accountability as state and local governance structures are corrupt and closed spaces.	▪ Advocacy work in the fight against corruption is promoted and derives from section 194 of the Constitution which spells out the Principles of Public Administration and Leadership.
Partisan Village Leaders Village leaders are required by the constitution to be non-partisan as they are to serve all regardless of political choices. Village leaders include traditional leaders such as chiefs and herd men. Community human rights defenders are often victimised by village leaders and this victimisation includes banishment from their home areas and denied access to government social services packages such food aid, farming inputs and access.	▪ Constitutional awareness campaign targeting traditional leaders. The campaigns should give emphasis to section 281(2) that bars traditional leaders from being members of any political party and from furthering the interests of a political party. ▪ Improving the security of community human rights defenders. ▪ Engagement with traditional leaders on their constitutional mandate and their role in preserving culture, unity and inclusive development in communities.
Low Participation Limited citizen participation in democratic processes means citizens are apathetic and not engaged in matters that pertain to the manner they are governed.	▪ ZimRights should undertake civic and voter education to empower communities with knowledge on the exercise of their rights and how citizen participation can improve their communities. The organization should strive to avail more resources to empower communities.

Human Rights Abuses

These include barring of citizens from accessing and consuming media products from private media house and attending CSO meetings

- Undertake inclusive human rights education campaigns; these could be organized as human rights clinics.
- Monitor, document and report human rights violations in communities.
- Create platforms of engagement with the Zimbabwe Human Rights Commission, the Government of Zimbabwe, pillars of the State that include the legislature.

SUMMARY

After going through this comprehensive guide, we hope you have learned that everyone has a role to play in fostering and enhancing citizen participation in democratic processes such as elections. The guide provides an in-depth analysis and practical democracy challenges the country continues to face in its quest for democratic reforms including the holding of free and fair elections. The mainstay of free and fair elections and the powers invested in the Zimbabwe Electoral Commission (ZEC) have been thoroughly examined. Practical examples of how a citizen can take an active role have been proffered and documented.

It is clear that elections constitute an important element in a liberal democracy. They are a viable means of ensuring the orderly process of leadership succession and change, and an instrument of political authority and legitimation. The failure of elections or their absence largely defines the predominance of political dictatorships and personalized rule in Africa. The current wave of democratic enthusiasm has evoked a process of competitive and multiparty elections. This has provided a platform for civil society to make political claims about the state. However, both the structure and process of elections, the former being the organizational infrastructure for managing elections and the latter, the precepts and procedures of elections, remain largely perverted. Election rigging and brigandage, violence, and election annulment are common practices that have been identified as threats to democratic order.

The guide highlights that elections perform at least three important democratizing functions. They:

- 1) help the country build and sustain effective democratic institutions;
- 2) provide the people with an effective legal tool to constrain and guard the government and minimize impunity, and
- 3) enhance the ability of the people to change their government and bring into public service new, and more energetic and effective political leaders.

Nevertheless, in order for elections to perform these three important functions and do so effectively, these elections must (i) be regular, not infrequent; and (ii) fair, free, competitive, inclusive, transparent, and credible. The following questions help readers to understand some of the critical components of this guide.

What is the relationship between elections and democracy?

In modern democracies, citizens elect representatives to govern on their behalf, and these representatives remain answerable to electors at periodic elections. A fair electoral system ensures that each citizen's vote has equal value and that voters have, as near as possible, equal representation.

How are elections important in a democracy?

Elections provide an important opportunity to advance democratization and encourage political liberalization. For an election to be free and fair, certain civil liberties, such as the freedoms of speech, association, and assembly, are required.

What is the main purpose of an election?

The mechanism by which people can choose their representatives at regular intervals and change them whenever they want to is called an election. They can choose who will make laws for them. They can choose who will form the government and take major decisions.

To ZimRights members in the Election and Democracy Action Zone, we hope this guide is useful as a reference resource as you conduct elections and democracy activities and also as a learner manual for your effective participation in democratic processes. We also hope that academics, students, and other civil society players will also tap into this guide so that we can continue to expand our community conscience aimed at fostering democracy in Zimbabwe.

