

# Harmonised Elections, 23 August 2023

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## **I. EXECUTIVE SUMMARY**

The 23 August 2023 harmonised elections in Zimbabwe were marked by a curtailment of rights and freedoms and the lack of a level playing field, which limited voters' ability to make their choices in a genuinely free and pluralistic environment. A palpable fear of violence underlay the electoral process throughout, and a climate of retribution developed after the elections. In this context, comprehensive and meaningful reforms, and the political will to engage in them are necessary on the part of the Zimbabwean authorities to lay the ground for genuine and credible elections in the future.

The EU EOM was invited by the government of Zimbabwe to observe the harmonised elections and the EU signed an Administrative Arrangement that should have granted the mission access to all relevant interlocutors. Yet, the mission faced significant challenges to meet with any official bodies at the national level, despite repeated requests. This included the Zimbabwe Electoral Commission (ZEC), which the EU EOM was only able to meet once, and which was equally unavailable for meetings with the Chief Observer and the European Parliament delegation. This lack of meaningful access was coupled with an extensive, coordinated, and continued disinformation campaign against the EU EOM and other international observation efforts on the part of some national media.

Citizen observers faced severe restrictions due to a shrinking space for civic activities, administrative barriers, pressure, consistent intimidation, and even mass arrests on election day. A raid took place on election night where some 40 members of key reputable citizen observer organisations such as Zimbabwe Electoral Support Network (ZESN) and Electoral Resource Centre (ERC), part of the internationally recognised Global Network of Domestic Election Monitors (GNDEM), were arrested for "coordinating the alleged release of election results". They were held without legal counsel for some 12 hours and, although released on bail, still face upcoming court proceedings.

The legal framework could have provided an adequate basis for the conduct of credible elections, if implemented properly. Recent legal changes, including the passage of the so-called 'patriotic provisions' to the criminal code, legislative work on the Private Voluntary Organisations (PVO) bill, and selective implementation of the Maintenance of Peace and Order Act (MPOA) underlined the closing space for the exercise of freedoms of association, assembly, and expression.

Constitutional amendments in 2017 and 2021 have eroded elements of the separation of powers, undermining the independence of the judiciary. The judiciary played a key role in the process, but the right to legal redress was compromised by a lack of judicial impartiality and the absence of adequate timeframes to resolve electoral disputes. Such flaws also underscore the need for meaningful electoral legal reform.

Until election day, the technical implementation of the electoral process was largely conducted in line with the electoral calendar. However, a lack of guarantees for independence, transparency, and significant delays in the opening of a considerable number of polling stations on election day reduced public trust in ZEC and the efficiency of the electoral preparations. Throughout the electoral period, ZEC's activities were characterised by a lack of transparency and insufficient communication.

The integrity of voter registration was contentious due to delays in sharing of the voters' roll with stakeholders and widespread allegations of inaccuracies in the database. In addition, the EU Election Observation Mission Final

Report 23 August 2023 Harmonised Elections, Zimbabwe changes made close to election day were not communicated by ZEC to the public, further decreasing public confidence.

Voters were offered political alternatives, but the overall inclusivity of the candidate registration process was reduced because of undue requirements and inconsistent application of the rules by ZEC and nomination courts. The high fees and inconsistent application of procedures meant that more than one-fifth of aspiring presidential and parliamentary candidates were not admitted to the contest. This meant that administrative measures were used to limit citizens' fundamental right to stand and that voters had a narrowed choice.

The campaign environment was subdued but marked by tensions and instances of violence and intimidation, with undue limitations placed on the freedom of assembly, as well as a playing field that was tilted in favour of the incumbent and the ruling party. **Most EU EOM observers received reports of Forever Associates Zimbabwe (FAZ) actively intimidating voters throughout the campaign, especially in rural areas {our bold stress}**. The lack of an adequate campaign finance framework meant that campaign incomes and expenditure went unregulated, were not transparent, and that significant state resources were used on behalf of one party's campaign.

The media was characterised by polarisation, government dominance in ownership, legal and material challenges faced by journalists, and significant bias in favour of the ruling party in state-owned media. This emphasised the need for reform and impartiality of state media outlets. The EU EOM's media monitoring found that state-media gave the majority of coverage to the ruling side in a way that skewed the information field.

The social media environment was polarized, and information manipulation distorted the online political debate. The constitution provides for the rights of freedom of expression, access to information and privacy. However, subsequent laws have unduly restricted these rights, resulting in fear and self-censorship by online users. With the inclusiveness of the process already negatively affected during candidate registration, the constitutional quota provisions for women and youth, lacking specific provisions for their participation in single-member constituencies, may have hindered their equitable competition for these seats. While the constitution recognises human dignity and fundamental rights for all, minorities still struggle to participate in elections due to marginalisation and, in some cases, lack of documentation. The Disabled Persons Act is not in line with international commitments and no significant efforts were undertaken to further their participation.

The election day, which took place under a calm atmosphere, did not see major violence outbreaks. Thus, the proceedings were largely peaceful. However, the late opening of hundreds of polling stations, extending into the next day, seriously impeded some citizens' right to vote. The delays, most pronounced in Bulawayo, Harare, and Manicaland, appear to have disproportionately affected some opposition strongholds. Moreover, stands set up by activists affiliated with the ruling party near polling stations to track voters exerted undue pressure on them.

The procedures during voting were largely followed, as noted by EU EOM observers, but some important processes, such as the public posting of polling station result protocols were not consistently implemented, especially during the counting. Overall, results management was efficiently organized; however, certain reporting mechanisms lacked transparency.

**THE ELECTION RESULTS COULD NOT BE INDEPENDENTLY VERIFIED due to the absence of publicly available data, disaggregated by polling station, which is a key good practice, and the undermining of the sample-based projection of results that was to be conducted by citizen observer groups. Despite public rejections of the presidential outcomes by some opposition representatives, no contestant lodged a formal appeal against the election results. The post-electoral environment saw a further deterioration in the human rights situation, due to crackdowns on civil society, with certain human rights defenders and opposition figures targeted**