



**INTERIM STATEMENT
OF THE COMMONWEALTH OBSERVER GROUP
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2023 ZIMBABWE HARMONISED ELECTIONS**

INTRODUCTION

Ladies and Gentlemen, honourable members of the diplomatic corps, members of the press, other observers here present, ladies and gentlemen.

Thank you for coming to this Commonwealth Observer Group Press Conference. I will present the interim observations of the Commonwealth Observer Group on the electoral process thus far, noting that the tallying process is still ongoing. The final report, setting out our full findings on the entire process and our recommendations, will be submitted to the Commonwealth Secretary-General in due course.

We are honoured by the invitation of the Ministry of Foreign Affairs and International Trade of the Republic of Zimbabwe to observe these elections. As I stated at our Arrival Press Conference, we are here as friends of Zimbabwe, and it is my hope that our presence affirms the unwavering support of the Commonwealth family to this country as it seeks to consolidate its democratic values. These same values are held dear by the Commonwealth: peace, democracy, the rule of law and good governance.

We arrived in Harare on 16 August, and have engaged a wide range of stakeholders, including the Zimbabwe Electoral Commission (ZEC), the flagbearers and party representatives of several political parties, as well as an independent candidate. We also met the Commissioner of Police, representatives of civil society, citizen observers, faith-based organisations, women's groups, youth, the media, the business community, the Commonwealth Local Government Forum and Commonwealth Ambassadors.

On 21 August, our teams were deployed to Harare Metropolitan Province, Bulawayo Metropolitan Province, Masvingo, Midlands, Matabeleland North, Matabeleland South, Mashonaland East, and Manicaland. In these locations, we observed the pre-election environment and preparations for the poll. We visited numerous polling stations in different constituencies and met voters, provincial, district and poll station electoral officials, political parties, the police, civil society and others in these locations to gain a deeper appreciation of the electoral process. We also liaised with citizen observers and other international observers in these locations.

Before I proceed to outline our key findings, let me also convey our Group's intention to fully assess, in our final report, the level of implementation of recommendations proposed by the 2018 Commonwealth Observer Group to the Harmonised Elections, and reflect carefully on the way forward.

KEY FINDINGS

1. On the electoral process, from our own observations, there was a peaceful pre-election atmosphere. Throughout the voting process, we met professional, diligent and friendly election officials and security officers. We observed that voters lists were visible, well placed, of high quality, arranged in alphabetical order, and accessible at polling stations, all of which made identification of voters easier. We sensed a strong feeling of excitement among all the people we interacted with. We learnt about the death of an opposition supporter earlier this month from a number of stakeholders, as was confirmed by the Commissioner General of Police, who advised that an investigation is still under way. We hope that there will be an expeditious outcome to this investigation.
2. In terms of equitable media coverage of all political actors, the Group notes that there is still room for improvement in levelling the playing field.
3. It was noteworthy that several mechanisms to deal with election disputes are in place, including the electoral courts, although there have been reports that national-level multiparty liaison committees have had limited success in resolving disputes.
4. Prior to election day, the Zimbabwe Electoral Commission had provided various assurances of its preparedness and readiness to conduct the elections as scheduled. However, on election day the late opening of polls due to the late arrival of ballot papers in the major urban areas of Harare and Bulawayo, raised concerns and heightened tensions, noting that these areas represent a significant proportion of the overall population. While we note ZEC's explanation regarding challenges with logistics and the impact of late court cases, we would welcome a more detailed explanation from ZEC in the coming days, and we will reflect further on this matter in our final report.
5. Election Day proceeded in an atmosphere of relative peace and calm, and we observed that the turnout of many voters, especially women and youth, is testimony to the desire of all Zimbabweans to make their voices heard and contribute to the country's ongoing democratic consolidation. We commend

the people of Zimbabwe for the enthusiasm and largely peaceful approach in the exercise of their franchise.

6. Greater information sharing by institutions and stakeholders, in particular ZEC, on all aspects of the electoral process, including on the issue of the voter roll, would improve transparency and trust.
7. We observed, and received various reports, that an NGO called Forever Associate Zimbabwe (FAZ), had set up ‘exit poll survey’ tables in close proximity to polling stations, with governing party regalia. From our briefings with other civil society organisations and stakeholders, it was made clear that exit polling is currently not permitted within the legal framework of Zimbabwe.

Let me now turn to each of the key areas of the electoral process in more detail:

THE PRE-ELECTION ENVIRONMENT

Overall pre-election environment

- We note that these elections were conducted against the background of a peace pledge agreed by political parties, as well as conflict resolution and prevention mechanisms including the Multiparty Liaison Committees. We also note that these elections were characterised by a number of legal challenges, several of which were unresolved by Election Day. We will comment on these in our final report.
- It was commendable that political parties and other stakeholders committed to peaceful elections by signing the peace pledge on 4 August 2023. I laud the commitment of all Zimbabweans to ensuring that Election Day proceeded largely peacefully and urge all political parties and their supporters to honour this pledge in the coming days and to use available legal means for conflict resolution.
- Although this was the third election organised by an independent election management body, ZEC, we note that a combination of legislative and administrative reforms would continue to improve its performance.
- Recalling the Commonwealth Observer Group report of Zimbabwe’s 2018 Harmonised Elections, stakeholders once again expressed the view that ZEC could have done more to build trust and instil confidence in the electoral process through effective communication. We will provide a detailed assessment in our final report.

Preparations for the Elections

Legal Framework

- The legal and electoral framework, primarily the 2013 Constitution of the Republic of Zimbabwe as amended, and the Electoral Act [Chapter 2:13] as amended, provide the basic legal conditions for credible and peaceful elections. We note that, since the 2018 elections, amendments were made to the legal framework, with legislation such as the Maintenance of Peace and Order Act (MOPA) enacted in 2019, which replaced the previous Public Order and Security Act (POSA). This new legislation has had an impact on the electoral landscape.
- The enactment of new laws or amendments six months prior to the harmonised elections was raised as an issue by stakeholders, who felt it created an uncertain legal environment in terms of interpretation of the law. This includes the Criminal Law (Codification and Reform) Amendment Act (or the 'Patriotic Act'), as well as the Private Voluntary Organisations (PVO) Bill, which, though not yet enacted, was *de facto* being applied.

Independence of ZEC

- Stakeholders expressed concerns over the appointment of ZEC commissioners and the Secretariat, and a suggested lack of independence, particularly in relation to the Secretariat. Public confidence in ZEC needs strengthening.

Nominations

- The significant increase in nomination fees was reported to us by most stakeholders. The Group was advised that the hike in nomination fees had proved a barrier to nomination, most acutely amongst women and young people, who are the majority of voters in the country, as well as persons with disabilities.

Boundary delimitation

- We were informed that this exercise was conducted without a published final census report; and that there could be wide discrepancies between the number of voters in constituencies. We will assess this aspect in greater detail in our Final Report.

Voter's roll

- Though the voter's roll was available to parties and candidates, we were told that there was a lack of clarity as to how voters would determine where they could vote. We also observed that party agents did not have copies of the voter roll for their respective stations indicating that parties and candidates could not inform and remind voters of their polling station, to promote turnout on election day. We also observed that the names of some voters who had confirmed their polling station via mobile phone using the SMS code provided by ZEC did not appear on the lists on election day.

Accreditation of media

- We note concerns raised about the so-called 'double accreditation' process for the media whereby Zimbabwean journalists already accredited with ZMC were required to pay an additional \$10 to accredit with the ZEC to observe elections and gain access to elections-related information or events. Accreditation for international media houses wishing to cover the election was regarded as prohibitive.
- Additionally, it was noted that several journalists from foreign media houses were denied accreditation, notably Voice of America, South Africa's Daily Maverick and ARD of Germany.

The Campaign

- In briefings, it was alleged that, for those campaign rallies that were denied by the Zimbabwe police, they had made selective use of the Maintenance of Peace and Order Act of 2019, and that this selective use created an unlevel playing field. However, the Police stated that there were legitimate reasons for rallies being denied, such as failure to meet certain criteria. The Group will address this issue in more detail in its final report.

State and other Media

- Mainstream media (radio, television and newspapers) remain the most important communication channels to inform the electorate about the policies and platforms of political parties and candidates running for office. It is therefore essential that media present all viewpoints during a campaign so that voters can make an informed choice.
- Stakeholders reiterated concerns about state media bias favouring the incumbent governing party. Political parties noted that although airtime was made available, many media outlets required payment for slots, which proved

unaffordable. This imbalance in coverage started well before the campaign began.

- The Group notes that once the President has gazetted the election proclamation date, the ZMC cedes control of media regulation, which then falls under the electoral legal framework, including, but not limited to:
 - The Constitution
 - The Electoral Act
 - Media Regulations Statutory Instrument 33 of 2008
- The Group noted that the Zimbabwe Electoral Commission (ZEC) established a Media Monitoring Committee (MMC) to monitor the coverage of the Elections. The Committee is chaired by the ZEC and comprises the Zimbabwe Media Commission and the Broadcasting Authority of Zimbabwe.
- WhatsApp dominated the rapid spread of disinformation during the 2023 elections, with the app's encryption and closed group functionality making mis- and disinformation harder for fact-checking organisations such as *ZimFact* to counter.

Participation and Inclusion

- In the presidential election, the Group notes there were four women candidates in the previous election, but just a single woman candidate in 2023. We understood that there were multiple barriers to women's political representation, such as cultural biases, targeted abuse and lack of resources. This issue will be analysed in our final report.
- We welcome the inclusion of the 10 per cent youth quota to the National Assembly. At the local government level, we also welcome the introduction of a 30 per cent quota for women.
- It is commendable that there are reserved seats for Persons with Disabilities in the Senate. Additionally, ballot templates were provided for visually impaired voters at polling stations, and that the ZEC had also accommodated wheelchair-bound voters.

ELECTION DAY

Pre-Poll Procedures

- On arrival at their various deployment stations, our teams visited provincial and district level ZEC offices, local police stations, and in some cases, the local offices of some of the political parties, among others. Most of the polling stations had been set up by the eve of the elections; materials had been received; polling officials, as well as the police, were at post, and in some cases, party agents were present. On the eve of elections, we found that ZEC appeared to be prepared.

The Opening and Conduct of Polls

- Our observers reported that the opening of polls commenced on time in most of the polling stations observed, with the exception of Harare Metropolitan Province and Bulawayo Metropolitan Province. Due to the late start of polling in some areas, particularly Harare and Bulawayo, there were still long queues at some polling stations by 19h00. In some cases, ballot papers did not arrive until the afternoon, in one instance as late as 19h30. This could have had an effect on voter turnout in these large urban areas, and could have had an impact on voters, some of whom appeared agitated. We noted from reports that ZEC attributed the delays to the impact of numerous court challenges on the printing process. As mentioned above, we look forward to further clarity from ZEC on this issue.
- It was observed that polling officials were directed to keep polling open for a full 12 hours, in accordance with the law. We noted the President of Zimbabwe's announcement on the evening of Election Day, in which the polling period was extended in the affected wards by 24 hours for the elections of president, National Assembly and local councillors.
- The consequence of the above was that the affected polling officials and agents had to work in excess of 24-hour shifts. Polling officials we spoke to stated they did not receive any notification from ZEC that they would be rotated at any point. The welfare of polling staff and agents therefore became an issue of concern, and this could have potentially impacted the accuracy and speed of the counting process. Nonetheless, we were impressed by the resilience, dedication and professionalism of polling staff despite the long hours.
- In addition, we note that voting after dark may have been a barrier to women voters, the elderly and people with disabilities.

- Given the issues with delayed starts to polling in a number of areas, we would have welcomed a more robust and timely communication strategy from ZEC on election day.

Voter lists and verification

- At many polling stations, voters took it upon themselves to check their names on the voter roll affixed to the tent, building or nearby wall before joining the queue. The prominence of the voter rolls is commendable, and this, along with the mobile SMS code provided by ZEC, may be why its officials recorded very few instances of voters having to be redirected to the correct polling station. That said, the mobile SMS code appeared to work well prior to election day, but not on the day itself. Observers noted that the names of some voters who had confirmed their polling station via mobile phone using the SMS code did not appear on the lists on election day.
- Our observers reported that the voter verification process was smooth and proceeded in line with the prescribed process.

Polling Procedures

- In those areas not affected by the late provision of ballots, generally speaking all pre-poll procedures were adhered to, and polling staff seemed well trained.
- Polling staff were efficient, meticulous, and highly transparent in the conduct of their duties. However, we noted some minor disagreements between officials and agents as to how to complete results forms, owing to perceived ambiguities.

Layout of polling stations

- Some polling stations were in tents, while others were indoors in public buildings. Despite this, there was relative uniformity in the layout of polling stations. The secrecy of the ballot was assured. Certain deficiencies with polling station tents, as compared to buildings, will be detailed in more length in our final report.

Participation and Inclusion

- Large numbers of voters turned out on election day, and it was pleasing to note the mix of voters who turned up. In some areas, the youth turnout appeared to be very high, whilst in other areas older generations appeared to

represent the majority of voters. We were pleased to see ZEC disaggregate voters by age and gender and look forward to reviewing these statistics once publicly available.

- In most cases, priority was accorded to pregnant women, nursing mothers, persons with disabilities, and the elderly, although some polling stations lacked an efficient system for identifying priority voters, resulting in them queueing for long periods. There was some inconsistency in the support provided to persons with disabilities inside polling stations. At some polling stations, men and women were separated into different queues.
- ZEC is to be commended for its efforts at fostering greater inclusion, especially for persons with disabilities (PWDs), by making available assistive devices at polling stations.

Voter intimidation on election day

- Our observers witnessed tables set up in close proximity by an organisation called Forever Associate Zimbabwe (FAZ) and received reports that members of the organisation were allegedly recording the names and ID numbers of voters. We also noted that members of FAZ were also conducting citizen observation. Their presence fuelled allegations of voter intimidation.

Party agents

- Party agents of the main political parties were present in all polling stations observed. Whilst they lacked copies of the voter roll, they were nonetheless diligent, to the extent possible, in the conduct of their duties.

Security

- Security was present at every polling station observed. In most areas, they were professional, unobtrusive and carried out their duties diligently. We note that in some instances security personnel were situated inside polling stations, although they did not appear to interfere or be an intrusive presence.

CLOSE OF POLLS

- The count was a detailed and thorough process, carried out by professional, dedicated and resilient polling officials in the presence of attentive party agents and observers. The close and count followed the due process for the most part, with a high degree of transparency.

- However, it was noted that at some stations, particularly those in tents, lighting was insufficient which may have delayed the counting process.

ARREST AND DETENTION OF CITIZEN OBSERVERS

- We are following with concern the cause of the detention of 41 local civil society observers during a series of raids in Harare on the night of 23 August. We hope that the legal justification for their detention will soon become clearer as further information comes to light.

CONCLUSION

In conclusion, our overall assessment of the voting process is that it was well conducted and peaceful. However, there exist a number of issues that could impact on the credibility, transparency and inclusivity of the process. It has been an honour for us to be a part of this important process. As we already noted, this is a critical moment for the people of Zimbabwe. Elections are an opportunity for you to choose your leaders, but to do so in a peaceful environment, in which the rights of all citizens are respected, and the role of the Zimbabwe Electoral Commission, and other key participants in the electoral process, is respected and supported.

I would therefore encourage all political leaders and their supporters to continue exercising patience and restraint in the days ahead, to allow the results process to be brought to its natural conclusion, in accordance with legal provisions.

The Commonwealth family continues to stand in solidarity with you, the people of Zimbabwe.

I thank you.