

THE  
CARTER CENTER



## **Carter Center Preliminary Statement on Zimbabwe's 2023 Harmonized Elections**

Aug. 31, 2023

*The Center will continue to observe and assess the remaining post-election process and will issue a comprehensive final report in the coming months, including recommendations for steps that could improve future elections.*

### **Executive Summary**

The Carter Center's election observation mission found that Zimbabwe's 2023 elections took place in a restricted political environment and that administration of the elections lacked independence and transparency in key areas. Parliament did not pass important electoral reforms and instead adopted legislation targeting the country's vibrant civil society, effectively silencing reform advocates and political opponents in the months leading up to the polls. Several critical technical aspects of the process were poorly or opaquely implemented, reducing the transparency and credibility of the elections.

Carter Center observers found that while voting day was largely peaceful and well implemented by polling staff, there were delayed openings caused by ballot shortages in several areas. Some delays lasted as long as 12 hours, which likely depressed voter turnout. In addition, critical election information, including the final voter list and the list of polling stations, was not readily available to stakeholders. Observers also reported numerous instances of assisted voting in rural areas, raising concerns that the secrecy of the vote may have been compromised. Party agents from the two main parties were present in most polling stations and tally centers that the Center observed, and there was a widespread presence of citizen observers. However, Zimbabwean authorities conducted a raid on election night and shut down

the nonpartisan citizen observation efforts of two respected civil society groups. The Center urges the government of Zimbabwe to drop all charges against the civil society leaders and respect their rights of political participation.

The Zimbabwe Electoral Commission (ZEC) announced presidential election results on Aug. 26. Incumbent Emmerson D. Mnangagwa received 2,350,711 votes (52.6%), and the leading opposition candidate Nelson Chamisa received 1,967,343 votes (44%). Chamisa has announced that he intends to challenge the results. The results for the National Assembly first-past-the-post seats and the local authority were announced at the constituency and the ward level, respectively. The ZEC published the results on its webpage; however, technical problems made the site difficult to access and led to limited public access to information. Voter turnout was reported at 68.9%.

Overall, the 2023 electoral process did not adequately respect Zimbabwe's regional and international commitments for democratic and inclusive elections, undermining contestants' ability to compete on an equal basis and preventing the genuine expression of the will of the Zimbabwean people.

In this preliminary statement, the key findings follow:

- **Election Day:** Carter Center observers reported that the voting process ran smoothly at most polling stations. However, in some areas (particularly in Harare, Bulawayo, and Manicaland), polling stations opened late – in some cases more than 11 hours late. Although the Zimbabwe Electoral Commission (ZEC) extended voting hours, and the government officially proclaimed Aug. 24 as an additional election day, many stakeholders expressed concerns that logistical delays may have depressed voter turnout in those areas. Carter Center observers noted that the vast majority of polling stations did not make the voter roll available for public scrutiny prior to election day. While the ZEC made efforts to help voters identify their polling stations with the use of an SMS service, a significant number of voters experienced challenges in identifying their polling stations and were sometimes turned away after spending hours in lines.

Voters generally had sufficient understanding of ballot procedures. However, Carter Center observers reported many instances of assisted voting, particularly in some rural areas. Some interlocutors expressed concerns about the

overutilization of voter assistance, which could have compromised the secrecy of votes.

Several hours after polls closed on Aug. 23, Zimbabwean security forces raided the offices of the Zimbabwe Electoral Support Network (ZESN) and the Election Resource Center (ERC), two accredited and well-known civil society election observation groups, arresting about 40 people and confiscating equipment. The individuals were later charged with attempting to release election results before the official results were announced and were released on bail on Aug. 25. They are scheduled to appear in court on Sept. 28. The raid and detentions were an unnecessary, disproportionate, and serious restriction of the fundamental civil and political rights of these organizations and individuals and prevented their efforts to contribute to transparency around critical phases of the election, including independent verification of officially announced results. ZESN continues to report harassment against its members. Various stakeholders have condemned these actions and called on the government of Zimbabwe to drop all charges against the civil society leaders and respect their rights of political participation.

- **Legal and Electoral Framework:** While the constitution safeguards fundamental human rights and freedoms – including the freedoms of opinion and expression, assembly and association – subordinate legislation unduly limits those rights, including in the context of campaigning, and is not fully consistent with international standards. This includes advance notice requirement for public gatherings and demonstrations, and limitations of freedom of expression under the so-called Patriotic Act.
- **Election Administration:** The legal framework gives wide discretion to the ZEC to regulate and supervise the election process; register voters; delimit constituencies; design, print, and distribute ballot papers; approve the form of, and procure, ballot boxes; establish and operate polling centers and stations; and accredit citizen and international observers, media, and party agents. The administration of elections lacked transparency in key areas, as the ZEC did not provide critical information in a timely manner during various stages of the process, which undermines public and stakeholder confidence in its management of electoral processes. In addition, the restrictions and limitations on the work of

election observers, including the late provision or denial of accreditation, severely hindered important independent transparency efforts.

- **Voter Education:** While the ZEC conducted voter education and publicly invited civil society organizations, private voluntary organizations, and faith-based organizations to apply for ZEC accreditation as voter educators in May, some interlocutors reported that they were only granted approval in August, just days before the election. This prevented effective and timely voter education by a range of qualified organizations.
- **Voter Registration:** Prior to the elections, the ZEC registered 451,811 new voters and transferred 191,738 registered voters to new locations. Although the voter roll was posted for inspection, public confidence in it remained low because of inaccuracies and errors. There were many reports during the inspection period of voters finding themselves through the SMS system but not on the physical voter roll. The ZEC attributed this to new ward boundaries and the addition of polling stations following the boundary delimitation exercise. The ZEC did not provide electoral stakeholders with a copy of the final voter roll that could be easily reviewed or audited.
- **Candidate Registration:** The Candidate Nomination Courts sat on June 21 to process candidates for all levels of the election, including for the party lists. The ZEC issued directives on how the party lists should be structured just one day before the court, which constrained the ability of some parties to provide adequate numbers of women for provincial council party lists. Parties were allowed to resubmit lists, but this caused delays. Late decisions on these cases meant that ballots were printed late, which the ZEC cited as the reason for late delivery of ballots in some areas. Only the ruling party managed to submit party lists and candidates for every constituency and ward election, and ran uncontested in around 10% of wards.
- **Political Environment:** While incidents of political violence were fewer than in 2018, tensions and polarization increased in the months preceding the elections, as legislation restricting individuals' freedoms of speech, movement, and association such as the Criminal Law (Codification) Amendment Act [Patriotic Act] and the PVO Amendment Bill were introduced. While the PVO legislation

has yet to become law, coupled with the Patriotic Act, its potential enactment has produced a stifling effect on Zimbabwean civil society.

- **Campaign Period:** The campaign took place in a restrictive and highly polarized environment. Authorities reportedly banned more than 300 public gatherings, making it extremely difficult for opposition parties and candidates to engage with potential supporters and the electorate. There were isolated instances of violent intraparty and interparty clashes. Interparty violence resulted in one reported death in Harare on Aug. 3, 2023. The Patriotic Act, adopted in July, further stifled the right to freedom of peaceful assembly and negatively affected the exercise of the rights of freedom of association and expression, especially in the context of campaigning.
- **Information Environment and Social Media:** Despite reforms to align the legal framework with the constitution, laws still criminalize legitimate speech and provide for harsh prison terms, contrary to Zimbabwe's international commitments. The lack of accountability mechanisms in the law governing the media coverage of the election hindered the level playing field between candidates in the media. Traditional and social media have been vehicles for the spreading of misinformation, negative campaigning, derogatory speech, and inciteful content by both major parties, their supporters or shadow accounts, that target opponents and the electoral process, as well as international observers, which did not allow for an environment free from violence or threat of violence. Gender-based violence online has been of particular concern during this electoral process. Social media platforms, especially WhatsApp, provided venues for parties to campaign. ZANU-PF campaign messages appeared more organized, relying in part on officials' and state-owned media accounts.
- **Participation and Inclusion:** The legal framework contains commitments to ensure gender parity and provides for temporary measures to promote participation of women. However, these measures are not fully enabled in subordinate legislation, and no sanctions are in place for non-compliance. As a result, participation of women was lower than in previous elections, as political parties generally failed to ensure gender balance among their nominated candidates for directly elected seats, relying solely on seats reserved exclusively for women to give any inclusion for women. The large increase in candidate

nomination fees impacted all but the wealthy from being able to run for National Assembly seats. Zimbabwe's political parties also generally failed to take steps to promote the participation of youth and people with disabilities as candidates.

- **Role of Civil Society and Election Observers:** Civil society plays a critical role in ensuring support for institutional electoral processes as well as the development of democratic space in a country. Notwithstanding pressure from authorities, Zimbabwe enjoys a vibrant civil society.

The Zimbabwean government invited The Carter Center to launch an election observation mission for the Aug. 23 elections; however, authorities did not accredit 30 of the Center's short-term observers. This action represented a severe and unwarranted obstruction of the Carter Center's mission, inconsistent with commonly recognized and respected norms and practices. This disrupted the Center's methodology, forcing last-minute adjustments in order to enable observation activities while maintaining its core principles of independence, impartiality, and fact-based reporting.

**The Carter Center wishes to thank all the stakeholders who have taken the time to meet with the mission. A final comprehensive report from the mission will be released, together with recommendations, in the next several months.**

*Background: The Carter Center was invited by the Zimbabwe Electoral Commission to observe the Aug. 23 elections and arrived in Zimbabwe on July 28. The mission was led by Attahiru Muhammadu Jega, former chairman of the Independent National Electoral Commission of Nigeria. Fifteen long-term observers from 12 countries were deployed throughout the country in advance of election day to assess election preparations. On election day, 62 observers from 30 countries visited 201 polling stations across all 10 of Zimbabwe's provinces to observe voting and counting. Carter Center observers continue to assess the conclusion of vote tabulation and, as per its mandate, intends to remain in Zimbabwe to observe the post-election environment and announcement of final results.*

*All assessments are made in accordance with regional and international standards for elections, including principles enshrined in the Southern African Development Community Principles and Guidelines Governing Elections and the African Charter on Human and Peoples' Rights, among others. The Carter Center conducts its*

*election observation missions in accordance with the 2005 Declaration of Principles for International Election Observation.*

## **Statement of Preliminary Findings and Conclusions**

### **BACKGROUND**

Zimbabwe's 2023 election was held in a generally politically stable and peaceful environment, despite high levels of polarization among political parties and contestants, and a context marked by growing restrictions on political freedoms and economic crisis. Electoral stakeholders, particularly political parties, and civil society organizations (CSOs) differed on several issues related to the election, such as electoral reforms, delimitation, voter registration, candidate nomination, and the inclusivity of the voters' roll, among other things.

The 2023 election was held under new constituency and ward boundaries drawn by the ZEC after the completion of the delimitation process in February 2023. The delimitation process was contested by various electoral stakeholders involved, including political parties, CSOs, National Delimitation Committee members, government departments, traditional leaders, and the media.<sup>1</sup>

The election also was conducted in a changed electoral framework after the introduction of some reforms by the incumbent government, such as the introduction of a youth quota, the extension of the women's quota in the National Assembly, and the introduction of a 30% quota for women in local authorities, following the passage of the Constitutional Amendment Act No. 2 in 2021.<sup>2</sup> However, the electoral act was not amended prior to the proclamation of the election to reflect the constitutional amendments. The government also amended the Census and Statistics Act in 2020 to ensure that the census data is taken into account when delimiting electoral boundaries every 10 years as required by the 2013 Constitution.<sup>3</sup> It also ratified the

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<sup>1</sup> See <https://www.zimlive.com/seven-zec-commissioners-disown-delimitation-report-under-zanu-pf-pressure/>; <https://www.zimlive.com/concourt-hears-case-by-zanu-pf-activist-that-could-upend-delimitation/>; <https://www.newsday.co.zw/local-news/article/200010129/delimitation-report-will-be-thrown-out-mwonzora>; <https://cite.org.zw/mrp-threatens-mass-action-over-delimitation-report/>

<sup>2</sup> It is important to note that while Constitutional Amendment No.2 had some positive reforms, it introduced several negative legal changes. The negative changes introduced include the scrapping of the running mate clause in the presidential election and the changes in provisions relating to the appointment, promotion and tenure of the High Court, Supreme Court, Labour Court and Administrative court judges, which gave the President more unchecked decision-making powers. See Constitution of Zimbabwe Amendment (No.2) Act 2021. <https://www.veritaszim.net/node/4956>.

<sup>3</sup> 2013 Zimbabwe Constitution, Section 161 (1). <https://kubatana.net/2020/06/30/zesn-position-on-the-census-and-statistics-amendment-bill/>.

African Charter on Democracy, Governance and Elections (ACDEG) in 2022, a move that has the potential to improve Zimbabwe's electoral management process if the country abides by the charter's provisions.<sup>4</sup>

However, The Carter Center notes that the government introduced only modest electoral reforms before the 2023 election, failing to enact several substantive reforms that were recommended by a number of electoral stakeholders, including the electoral authorities, local CSOs, political parties, election experts, and regional and international observer groups after the 2018 election.<sup>5</sup>

The Center also noticed increasing political tensions and polarization over the enactment of legislation restricting individuals' freedoms of speech, movement, and association, such as the Criminal Law (Codification) Amendment Act [Patriotic Act] and the PVO Amendment Bill.<sup>6</sup>

The offices and election situation room of Zimbabwe Election Support Network (ZESN) and Election Resource Center (ERC), both well-known and respected citizen observer organizations that are legally registered and had been duly accredited by the ZEC to observe the 2023 harmonized elections, were raided on August 23. The clampdown on these groups is a severe restriction of their fundamental rights of participation and undermines an important transparency mechanism. ZESN continues to report harassment against its members.

The adoption of substantive electoral reforms – such as removal of legal restrictions on rights to campaign imposed by such laws as the Maintenance of Peace and Order (MOPO) Act, enhanced transparency in voter registration and transmission of results, and timely access to an auditable electronic voters' roll by both candidates and voters – could have helped improve the transparency, integrity, and fairness of the 2023 election and to minimize electoral disputes.

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<sup>4</sup> See <https://www.zesn.org.zw/wp-content/uploads/2022/05/Electoral-Reforms-Tracking-Report-22022022.pdf>; [https://backend.sivioinstitute.org/uploads/Assessing Zimbabwe s readiness to hold free fair and ethical harmonized elections in August 2023 4\\_062b69dde9.pdf](https://backend.sivioinstitute.org/uploads/Assessing_Zimbabwe_s_readiness_to_hold_free_fair_and_ethical_harmonized_elections_in_August_2023_4_062b69dde9.pdf); Zimbabwe Lawyers for Human Rights Statement on the Need for Substantive Electoral Reforms and Human Rights Protection Ahead of 2023 Harmonised Elections, 8 December 2022. <https://www.zlhr.org.zw/?p=2936>.

<sup>5</sup> See <https://www.zesn.org.zw/wp-content/uploads/2022/05/Electoral-Reforms-Tracking-Report-22022022.pdf>; [https://backend.sivioinstitute.org/uploads/Assessing Zimbabwe s readiness to hold free fair and ethical harmonized elections in August 2023 4\\_062b69dde9.pdf](https://backend.sivioinstitute.org/uploads/Assessing_Zimbabwe_s_readiness_to_hold_free_fair_and_ethical_harmonized_elections_in_August_2023_4_062b69dde9.pdf); Zimbabwe Lawyers for Human Rights Statement on the Need for Substantive Electoral Reforms and Human Rights Protection Ahead of 2023 Harmonised Elections, 8 December 2022. <https://www.zlhr.org.zw/?p=2936>.

<sup>6</sup> See Zimbabwe CSOs Position Paper: SADC People's Summit, 22 August 2022. <https://www.zlhr.org.zw/?p=28131>; <https://www.voanews.com/a/zimbabwe-rights-groups-opposition-furious-over-signed-patriotic-bill-/7184729.html>; <https://www.newsday.co.zw/local-news/article/200014110/well-repeal-the-patriot-act-ccc>; <https://www.veritaszim.net/node/6474>.

## ***LEGAL FRAMEWORK***

Zimbabwe is a party to the main regional and international instruments related to holding of democratic elections.<sup>7</sup> While the country's constitutional and legal framework provides for holding democratic elections in line with international standards, the Electoral Act is not fully aligned with the constitution. The Carter Center interlocutors expressed concerns regarding public access to the full text of amended laws and regulations critical for the electoral process, which, coupled with the lack of public access to newly passed legislation, undermines the principles of accessibility and predictability of law.

Elections are primarily regulated by the 2013 Constitution (as amended in 2021) and the 2004 Electoral Act (as amended in 2018), and supplemented by ZEC regulations, the Political Parties (Finance) Act, the Maintenance of Peace Order Act (MOPA), and other legal instruments.

While the constitution safeguards fundamental human rights and freedoms – including the freedoms of opinion and expression, assembly, and association – subordinate legislation unduly limits those rights, including in the context of campaigning, and is not fully consistent with international standards.<sup>8</sup>

Among other restrictions, MOPA requires conveners of public gatherings to give local regulating authorities a seven-day advance notice of their demonstrations and five-day advance notice for public meetings. This requirement drops to three days in case of public meetings during an election period. In effect, this means that conveners of gatherings are required to obtain authorization from police who are granted broad powers, often resulting in bans on assemblies in certain locations and

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<sup>7</sup> African Charter on Democracy, Elections and Governance; African Union Declaration on the Principles Governing Democratic Elections in Africa, AHG/Decl.1 (XXXVIII), 2002; African Charter on Human and Peoples' Rights (1986); African Union Convention on Preventing and Combating Corruption (2006); Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2008); SADC Protocol Against Corruption (2004); SADC protocol on Gender and Democracy (2008); SADC Principles and Guidelines Governing Democratic Elections; Convention on the Rights of Persons with Disabilities (2013), Convention on the Political Rights of Women (1995); International Convention on the Elimination of All Forms of Racial Discrimination (1991); United Nations Convention against Corruption (2007); Convention on the Elimination of All Forms of Discrimination against Women (1991); International Covenant on Civil and Political Rights (1991); among others.

<sup>8</sup> Paragraph 73 of UNHRC [General Comment 37 on Article 21](#) to the ICCPR states that “where authorization regimes persist in domestic law, they must in practice function as a system of notification, with authorization being granted as a matter of course, in the absence of compelling reasons to do otherwise.”

restrictions on types of assemblies.<sup>9</sup> Failure to give notice is a criminal offense punishable by imprisonment for up to one year.<sup>10</sup>

In the lead-up to the elections, the Criminal Law (Codification and Reform) Amendment Act 2023, commonly called the Patriotic Act, was published in the Gazette and came into force on July 14, 2023.<sup>11</sup> The act criminalizes “willfully injuring the sovereignty and national interest of Zimbabwe” – that is, participating in meetings to consider or plan armed intervention in Zimbabwe, subverting or overthrowing its government, or implementing or extending sanctions or trade boycotts against Zimbabwe. Loss of citizenship, denial of the right to vote, and death are among possible penalties. The provisions are not in line with the principle of legality and proportionality, and lack legal certainty.

Additionally, on Feb. 1, 2023, the parliament approved draft amendments to the Private Voluntary Organizations (PVO) Act that, among other things, allows the minister<sup>12</sup> to designate civil society organizations as vulnerable to misuse by terrorist organizations; requires the government’s registration, in effect permission for any “material change” in the organizations; including changes to internal management and funding; grants the minister powers to interfere and replace the management of an organization; and provides for penalties, including imprisonment, if an organization opposes or supports a political party or a candidate.<sup>13</sup> Though the bill has not been signed by the president, mission interlocutors stated that its mere existence, coupled with the Patriotic Act, has a stifling effect on civil society and results in self-censorship, including hesitance to meet with representatives of international election observation missions.

Such disproportionate limitations restrict the right to freedom of peaceful assembly and negatively affect the exercise of the rights of freedom of association and expression, especially in the context of elections.<sup>14</sup>

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<sup>9</sup> MOPA requires advance notice to be given of all gatherings, leaving no room for spontaneous assemblies regardless of the number of individuals exercising the right. If 2 or more persons demonstrate in a street or public space, or conduct a procession, or if more than 15 persons hold a meeting in a public space, they will need to notify the regulating authority.

<sup>10</sup> Disproportionate sanctions are at odds with international best practices. Para. 36 of the 2020 ODIHR and Venice Commission [Guidelines](#) on Freedom of Peaceful Assembly (3rd edition) states that “offences such as the failure to provide advance notice of an assembly or the failure to comply with route, time and place restrictions imposed on an assembly should not be punishable with prison sentences, or heavy fines.”

<sup>11</sup> Criminal Law (Codification and Reform) Amendment Act, 2023.

<sup>12</sup> “Minister” means the Minister of Public Service, Labour and Social Welfare or any other Minister to whom the President may, from time to time, assign the administration of this Act.

<sup>13</sup> The Private Voluntary Organizations (PVO) Amendment Bill, H.B. 10, 2021

<sup>14</sup> See more at Country Visit [Report](#) of the Special Rapporteur on the rights to freedom of peaceful assembly and of association.

Registration and operation of political parties remains largely unregulated. The legal framework governing ZEC operations does not fully ensure institutional independence. This includes the need to obtain approval from the Minister of Justice for legislative amendments proposed by ZEC, among other things.

The Zimbabwean constitution stipulates that after the call for elections, no change to the electoral law or to any other law related to the elections shall be made.<sup>15</sup> Following the proclamation of elections on May 31, 2023, however, the legal framework for elections was changed through amendments to Electoral Act<sup>16</sup> and Statutory Instruments (SIs), which is at odds with international best practices.<sup>17</sup> One of the three SIs changed the composition of provincial and metropolitan councils to require an equal number of men and women candidates on party lists;<sup>18</sup> the second amendment by the ZEC aimed to implement new constitutional provisions providing for increased women's representation on local councils;<sup>19</sup> and the third and most recent change extended the time for sending in postal votes by 11 days, after a delay in the printing of ballots.<sup>20</sup>

As these amendments were legislated after the proclamation, they were not applicable for the 2023 elections. Despite the lack of implementation of the constitutional provisions in Electoral Act and lacunas in regulations, the ZEC opted to apply the constitution directly. This undermined the principles of legal predictability and legal certainty.

## ***ELECTORAL SYSTEM***

The 2013 Constitution establishes Zimbabwe as a unitary, democratic, sovereign republic. The current electoral system is multi-party, ensures regular elections by

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<sup>15</sup> Zimbabwe Constitution S157 (5).

<sup>16</sup> The Electoral Amendment Act, 2023 was published on July 19, 2023.

<sup>17</sup> See ECOWAS, Protocol on Democracy and Good Governance, Article 2(1), The Code of good practice in electoral matters (CDL-AD(2002)023rev, item II.2.B) states: "The fundamental elements of electoral law, in particular the electoral system proper, membership of electoral commissions and the drawing of constituency boundaries, should not be open to amendment less than one year before an election, or should be written in the constitution or at a level higher than ordinary law." ((Council of Europe (Venice Commission), 2005, para. I, II.4)).

<sup>18</sup> SI 114 of 2023, issued by the Law Reviser, corrects errors in the Constitution of Zimbabwe Amendment No. 2 Act.

<sup>19</sup> The constitution stipulates that an Act of Parliament may provide for the election, by a system of proportional representation of at least 30% of the total members of the local council elected on ward basis as women, and elections to local authority councils must be conducted in accordance with the Electoral Law, which must ensure that women for the additional 30% seats are elected under a party list system of proportional representation. The SI also specifies the number of reserved seats in each local authority council, corresponding to the 30% requirement. SI 2023-115 Electoral Act (Women's Quota in Local Authorities) Notice, 2023

<sup>20</sup> 17 SI 140A of 2023.

secret vote based on universal and equal suffrage, and prescribes an orderly transfer of power following elections. Presidential, parliamentary, and local elections are harmonized and are required at least every five years, with the precise date set by the president.

The president is directly elected for a five-year term in a single nationwide constituency and can be re-elected for a second five-year term. If no candidate obtains more than 50% of the valid votes cast, a second round is held between the two candidates with the highest number of votes.

The National Assembly consists of 280 members of parliament (MPs). Of these, 210 are elected directly in single-member constituencies through a first-past-the-post system (FPTP). Seventy additional seats for women and youth (60 for women and 10 for youth) are elected through a proportional representation (PR) party-list system. Sixty of the 80 Senate seats, plus 10 provincial and metropolitan council seats for each province, are elected through a party-list system as well. These races are determined based on the results obtained in the National Assembly. Two of the remaining seats in the Senate are reserved for persons with disabilities; the rest are allocated for traditional leaders, who are selected through a chiefs-only electoral college.

Local councilors are elected directly in a ward-level elections. In 2023, for the first time, additional seats will be reserved for women elected on a PR-based quota, increasing the overall number of local council seats by 30%, despite the respective Electoral Act amendment coming into force after the proclamation of the elections.<sup>21</sup>

## ***ELECTION ADMINISTRATION***

*An independent and impartial electoral authority that functions transparently and professionally is recognized internationally as an effective means of ensuring that citizens are able to participate in genuine democratic elections and that other international obligations related to the electoral process can be met.<sup>22</sup> The election management body is responsible for ensuring that the electoral process is in compliance with Zimbabwe's obligations for democratic elections and human*

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<sup>21</sup> The Electoral Amendment Act, 2023 was published on July 19, 2023. ZEC also published Statutory Instrument 115 of 2023 (Electoral Act (Women's Quota in Local Authorities) Notice, 2023) as a Supplement to the Zimbabwean Government Gazette Extraordinary dated the 20th June, 2023.

<sup>22</sup> U.N. Human Rights Committee, General Comment 25, para. 20.

*rights. The body should also ensure accountable, efficient, and effective public administration as it relates to elections.*<sup>23</sup>

Elections are administered by the ZEC at the national level, 10 permanent provincial offices, each headed by a provincial elections officer through which the secretariat maintains a presence in all provinces, and 63 electoral districts, each headed by a district elections officer. There also were constituency and ward offices established for material distribution and management as well as tabulation purposes. For these elections, 12374 polling stations were established.

Most ZEC commissioners were appointed in the past two years, replacing those whose terms in office had ended. These appointments were made by the President after consultation with the Judicial Services Commission (JSC) and the Parliamentary Committee on Standing Rules and Orders. Although the appointment process of the commissioners includes stakeholders' consultations and public interviews in parliament, it is perceived to be lacking independence because of its final appointment mechanisms, done directly by the president.

The legal framework gives wide discretion to the ZEC to regulate and supervise the election process; register voters; delimit constituencies; design, print, and distribute ballot papers; approve the form of, and procure, ballot boxes; establish and operate polling centers and stations; and accredit citizen and international observers, media, and party agents. All election administration decisions are subject to judicial oversight, in line with international standards and best practices.<sup>24</sup> The Electoral Act provides that the regulations and statutory instruments issued by the ZEC shall not have effect until they have been approved by the Minister of Justice, Legal, and Parliamentary Affairs and published in the Gazette, which somewhat impedes the independence of the commission.<sup>25</sup>

There have been issues of public and stakeholder mistrust around various stages of the electoral process. Confidence in the ZEC's management of electoral processes was damaged by delays and unequal drawing of constituent boundaries; the lack of engagement and consultation about the design, printing, and distribution of ballot

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<sup>23</sup> AU, ACDEG, Article 32(1).

<sup>24</sup> Sections 27-30 of the Electoral Act regulate the appeals against ZEC's decisions regarding voter registration. Section 45G regulates appeals against nomination of party lists candidates, and Section 46 (19) deals with appeals against ZEC's decisions regarding nomination for parliament. Section 104 (3) of the Electoral Act deals with appeals concerning nominations of candidates for the presidential elections. Section 161 (2) of the Electoral Act states: "The Electoral Court shall have exclusive jurisdiction to hear appeals, applications and petitions in terms of the Act and to review any decision of the ZEC or any other person made or purporting to have been made under the Act."

<sup>25</sup> Electoral Act, Section 192.

papers that were distributed late on election day, particularly in Harare, Bulawayo, and Manicaland; problems uncovered during the inspection of the voters' roll and the ZEC's failure to provide the voters' roll to political parties in a researchable format, among other things. The conduct of the ZEC often lacked transparency, and its communications were not always effective or timely. The commission did not engage effectively with electoral stakeholders, including both domestic and international observer organizations.

Contrary to the 2013 Constitution, the 2004 Electoral Act, as amended, does not grant full authority to the ZEC to accredit observers. The Observer Accreditation Committee that considers applications for accreditation is made up of cross-government institutions whose involvement undermines the autonomy of the election management body. Delays in accreditation prevented effective and timely citizen observation and voter education by a range of qualified organizations, and served as a severe and unwarranted obstruction on the Carter Center's mission, inconsistent with commonly recognized and respected norms and practices. The mission adapted to enable observation activities while maintaining its core principles of independence, impartiality, and fact-based reporting.

### ***ELECTORAL BOUNDARY DELIMITATION***

Equal suffrage is generally interpreted to mean that constituency boundaries should be drawn so that voters are represented in the legislature on a roughly equal basis.<sup>26</sup> According to international standards, boundary delimitation should be managed by an independent and impartial body representative of society as a whole to ensure that electoral boundaries do not favor any particular social group or political interest.<sup>27</sup>

Section 161(1) of the constitution provides that the ZEC must conduct a new delimitation of the electoral boundaries every 10 years, as soon as possible after the completion of a population census.<sup>28</sup> The constitution further provides that the delimitation exercise must be completed at least six months before an election to which it applies.

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<sup>26</sup> U.N. (CCPR), General Comment 25, para. 21; U.N. (CCPR), *Istvan Matyas v Slovakia*, (2002), 2.2.

<sup>27</sup> EISA and Electoral Commission Forum of SADC Countries, *Principles for Election Management, Monitoring, and Observation in the SADC Region*, p. 13. CoE (Venice Commission), *Code of Good Practice*, sec. I.2.2.15.: "While true equality in delimitation may not always be possible, the 2002 Venice Commission Code of Good Practice in Electoral Matters (Code of Good Practice) states that seats be evenly distributed among constituencies with the permissible departure of not more than 10-15%, except in special circumstances."

<sup>28</sup> 2013 Constitution of Zimbabwe, Section 161(1).

A delimitation exercise was conducted in 2008. It proved impossible to conduct a new census prior to the 2018 elections but, given the considerable population movements since 2008, there was broad agreement that new delimitations were required prior to the next elections. That census was delayed by the COVID-19 pandemic, and thus did not begin until April 2022. Data collection was completed in May 2022.

A notice regarding the delimitation of constituencies, wards, and other electoral boundaries was gazetted on May 24, 2022, and the ZEC began its formal delimitation exercise in September 2022. Before starting the delimitation process, the ZEC organized stakeholder meetings and public consultations and submitted the Preliminary Delimitation Report to the president for consideration by the Senate and National Assembly in December 2022. An ad hoc committee, established by parliament to consider the report, identified a significant flaw. Instead of allowing a maximum 20% variation as expressed in the constitution, the ZEC's formula allowed for variations of up to 40% between constituencies, which does not provide for equal suffrage. In its report, the committee also outlined other concerns regarding ZEC's use of census data and inadequate descriptions and maps. The two houses debated the report and presented their recommendations to the president on Jan. 19, 2023.

Also during this period, seven ZEC commissioners wrote a letter to the president stating that the current “draft delimitation proposal does not meet the minimum standards expected regarding transparent procedures that strengthen stakeholders’ confidence and dispel potential gerrymandering allegations; and further concerned that the current delimitation proposal is not people centered and not in an understandable format, we hereby resolve to put aside the current draft delimitation proposal except as a reference point for a proper delimitation process to be conducted and wholly guided by Commissioners after the 2023 harmonized elections.”<sup>29</sup> The commissioners’ objections, however, did not derail the delimitation process.

The ZEC chair presented a revised version of the report to President Mnangagwa on Feb. 3, stating that the ZEC had addressed the concerns and adjusted boundaries based on feedback received. Citing Feb. 17 as the date the final delimitation report was formally submitted, the president issued Proclamation 1 of 2023 (Delimitation Report) on Feb. 20.

Douglas Mwonzora, leader of the Movement for Democratic Change – Tsvangirai (MDC-T), filed a Constitutional Court challenge of the delimitation process in

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<sup>29</sup> <https://www.thezimbabwemail.com/politics/is-fit-to-run-upcoming-elections/>

March against the ZEC, the president, the Minister of Justice, Legal and Parliamentary Affairs, and the attorney general. Mwonzora sought a declaration that the delimitation was invalid, an order for the ZEC to redo the process, and that the president proclaim an election date only after a new delimitation report was approved. The Constitutional Court dismissed the case, citing that it could not stop a constitutional process, and concluding that “no Cause of Action has been advanced by the application.”

Voters and stakeholders have had only six months to familiarize themselves with new boundaries, which impacted party primaries and candidate selection, causing tensions and, in a few constituencies, for more than one candidate from a party to register with the Nominations Court. Voters allocated to new constituencies and wards also experienced difficulties in understanding where they were meant to vote.

### ***VOTER ELIGIBILITY AND REGISTRATION***

*Voter registration is recognized as an important means to protect the right to vote and should be made available to the broadest possible pool of citizens to promote universal and equal suffrage. An effective voter registration process upholds these principles while increasing transparency in the electoral process.*<sup>30</sup>

Under the 2013 constitution, every Zimbabwean citizen over the age of 18 has the right to vote in all elections and referendums, and to cast a secret ballot.<sup>31</sup> The Electoral Act contains additional residency requirements and provides for the removal of a voter from the roll if they are absent from the constituency for a continuous period of 18 months. At odds with international standards, the constitution disenfranchises people with mental or intellectual disabilities who are detained, as well as those who have been declared by order of a court to be incapable of managing their affairs, so long as the order remains in force.<sup>32</sup>

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<sup>30</sup> U.N., International Covenant on Civil and Political Rights, Art. 25(b); AU, African Union Declaration on the Principles Governing Democratic Elections in Africa, art. 1; U.N., United Nations Human Rights Committee, General.

<sup>31</sup> 2013 Constitution of Zimbabwe, Section 67 (3).

<sup>32</sup> Zimbabwe is signatory to the [U.N. Convention on the Rights of Persons with Disabilities](#) (CRPD). Articles 12 and 29 of CRPD require that “State Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life” and ensure their “right and opportunity [...] to vote and be elected.” Para. 9.4 of the CRPD Committee’s Communication 4/2011 (*Zsolt Bujdosó and others v. Hungary*) states: “Article 29 does not foresee any reasonable restriction, nor does it allow any exception for any group of persons with disabilities. Therefore, an exclusion of the right to vote on the basis of a perceived or actual psychosocial or intellectual disability, including a restriction pursuant to an individualized assessment, constitutes discrimination on the basis of disability.” See also Para. 14 of General Comment 25 to Article 25 of the ICCPR that provides that “persons who are deprived of liberty but who have not been convicted should not be excluded from exercising the right to vote.”

Zimbabwe has a system of continuous voter registration that has been under the administration of the ZEC since 2013. Biometric details started being captured in 2018 to allow for removal of duplicate entries. In addition to permanent registration centers, the ZEC also provides mobile registration before each election, commonly called a “voter registration blitz.”

For the 2023 elections, the period for the voter registration blitz was shorter than in previous elections, running March 12-26, 2023, during which the ZEC managed to register more than 451,811 voters and to transfer 191,738 registered voters to their new locations.<sup>33</sup> While there were some initial technical issues, these were addressed by the ZEC through a four-day extension of the process.<sup>34</sup>

In accordance with Section 21(1) of the Election Act, the ZEC conducted a public inspection of the voter roll from May 27 to June 1, which also was shorter than in previous elections. The ZEC did not inform the public about any efforts to remove voters residing outside of their constituency for more than 18 months, which resulted in selective application of the law.<sup>35</sup>

Voters also could use the SMS code \*265# for verification of voter registration details, although the online portal has not been active since 2022. There were widespread reports during the inspection period of voters finding themselves through the SMS system but not on the physical voter roll. The ZEC said that new ward boundaries and additional polling stations were the main cause of people not finding their names.

The voter roll was closed for this election on June 2, following the proclamation of the election. The ZEC announced a final figure of 6,623,511 registered voters for elections.<sup>36</sup> It also released copies of the voter roll to presidential candidates.<sup>37</sup>

Despite a mobile registration exercise carried out in 2022, when more than 1.3 million national identity documents reportedly were issued, a significant number of the population in Zimbabwe remains undocumented.<sup>38</sup> According to the Zimbabwe Human Rights Commission, this includes descendants of migrant workers who settled in the country pre-independence, as well as survivors or descendants of

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<sup>33</sup> “450 000 register to vote in final blitz,” Sunday Mail <https://www.sundaymail.co.zw/450-000-register-to-vote-in-final-blitz>.

<sup>34</sup> From March 22 to 26.

<sup>35</sup> A candidate for president, Mr. Kasakuwere, was deregistered on the basis of this requirement.

<sup>36</sup> Total number of voters for the National Assembly elections was 6,597,865 and for Local Authorities 6,604,462.

<sup>37</sup> Bulawayo 24 News (10 July 2023) and ZimLive.com.

<sup>38</sup> National Human Rights Commission [report](#).

victims of the Gukurahundi massacres of the 1980s who do not possess all the required documents to prove eligibility for citizenship and/or identity documents, resulting in generations of undocumented people and members of minority groups such as San, Tonga, and Doma communities.<sup>39</sup> This lack of documentation deprives them of the exercise of rights and fundamental freedom, including the right to vote.

## ***VOTER EDUCATION***

*Voter education is an essential part of the electoral cycle and is recognized under international law as an important means of ensuring that an informed electorate is able to effectively exercise the right to vote without obstacles to ensure universal and equal suffrage.*<sup>40</sup>

The ZEC, which is mandated by the 2013 constitution to conduct and supervise voter education,<sup>41</sup> informed the public about voter registration, election day procedures – including identification of polling places – through social media, in-person meetings, and distribution of printed materials.

On a positive note, interlocutors observed voter education efforts by ZEC specifically targeting women and youth, especially first-time voters, in line with the commission’s commitment to develop inclusive voter registration materials. However, voter education in minority languages remains low. The mission observed that most voter education and campaign posters were in English, Shona, and Ndebele, leaving out other common local languages like Sotho, Tonga, Chewa, Shangani, and Venda. Carter Center social media monitoring data shows that on social media, the ZEC communicated only in English.

The ZEC’s public outreach on Facebook and Twitter commendably relied on visuals and infographics, avoiding challenges posed by videos for users with challenged access to the internet. It shared information targeting mainly candidates, voters, and election observation missions. While some parts of the process were extensively covered, the ZEC did not provide detailed information on voting procedures, the voter roll, or the tallying of results. Such information would foster transparency and confidence in the process. Several online media and fact-checking initiatives actively informed voters on the process and the candidates through Twitter,

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<sup>39</sup> Ibid

<sup>40</sup> AU, Declaration on the Principles Governing Democratic Elections in Africa, Art. 1; AU, AfCDEG, Art. 12.4; UN, ICCPR, Art. 25(b); UNHRC, General Comment 25, para. 11.

<sup>41</sup> 2013 Constitution, Chapter 12, Section 238.

Facebook, YouTube, and WhatsApp, filling the gap left by traditional media and the ZEC, according to Center interlocutors.

The Electoral Act allows only organizations approved by the electoral body to conduct voter education, and they must use a course or program of instruction provided or approved by the commission. Although the ZEC publicly invited CSOs, private voluntary organizations, and faith-based organizations to apply for ZEC accreditation as voter educators in May, some interlocutors reported that they had been granted approval in August, just days before the election. This prevented effective and timely voter education by a full range of qualified organizations.

### ***CANDIDATE ELIGIBILITY AND REGISTRATION***

*All citizens have rights recognized in international law to vote and to stand for election.<sup>42</sup> Any restrictions on these rights must be objective and reasonable. The right to be elected is a recognized principle in both regional and international treaties. However, it is not an absolute right and may be limited based on objective and reasonable criteria established by law.<sup>43</sup> Conditions relating to nomination dates, fees, or deposits should be reasonable and not discriminatory.<sup>44</sup>*

The national legal framework of Zimbabwe stipulates several limitations on the right to stand for election, including registration as a voter, age, and citizenship by birth or descent, among others, some of which are not fully in line with international standards.<sup>45</sup> The constitution further limits the right to stand of those who have already held office as president for two terms, whether continuous or not. Candidates for president and for the National Assembly may be nominated by political parties or run as independents.

The period and place of the sitting of the Nomination Courts are fixed on a proclamation of general elections by the president. For the 2023 harmonized

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<sup>42</sup> Article 21 of the Universal Declaration of Human Rights.

<sup>43</sup> ICCPR, Article 25; ACHPR, Article 13; Arab Charter on Human Rights, Article 24.

<sup>44</sup> U.N. (CCPR), General Comment 25, para. 16

<sup>45</sup> Only Zimbabwean citizens by birth or descent are eligible to run for the presidential post. The minimum age for the eligibility for the presidential post is 40 years, and for a member of the National Assembly is 21 years of age. Paragraph 15 of the UN HRC General Comment 25 to the ICCPR confirms that the “Persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation. It further underlines: “No distinctions are permitted between citizens in the enjoyment of these rights on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

elections, Nomination Courts<sup>46</sup> approved candidates for the office of president, members of the National Assembly, and local councilors across the country.<sup>47</sup> In addition to the required set of documents, candidates were required to pay a significantly increased nomination fee of US\$20,000 for the presidential post and US\$1,000 for the National Assembly.<sup>48</sup>

The results of the nomination process were gazetted on June 30, 2023.<sup>49</sup> A significant number of aspiring candidates were not approved, based on a finding of failure to pay nomination fees, among other reasons cited. Within four days of receiving notice, rejected candidates have the right to appeal to a judge of the Electoral Court in chambers. The judge may confirm, change, or reverse the decision of the nomination officer.

Carter Center interlocutors reported that the mechanism of paying nomination fees was complicated and created additional barriers for aspirants. Some candidates were not able to pay by card or had difficulties processing bank transfers of such an amount, despite the ZEC's reassurances of that option. Only those who paid in cash in U.S. dollars did not face additional challenges. Additionally, even in those cases when aspirants paid via a bank transfer, the ZEC refused to accept proof of payment if the amount did not settle on ZEC accounts by the deadline. As a result, multiple aspiring candidates challenged the rejection in court, some successfully.<sup>50</sup> In effect, therefore, courts became the arbiter in the nomination process. The ZEC did not gazette the final (updated) list of all candidates,<sup>51</sup> and in some constituencies and wards, ballots were printed and used despite pending court cases challenging a candidate's nomination or rejection of registration. This lack of clarity on the final candidate list also resulted in delays in the ballot paper printing and significantly affected the polling process on the election day. [*See Election Day section.*]

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<sup>46</sup> The purpose of the nomination courts is to select candidates who qualify for the Presidential, National Assembly and Local Authority categories. For example, in case of the elections of members of the National Assembly, on the day and at the place fixed, the nomination officer shall hold a public court, commencing at 10:00 AM, for receiving the nomination of candidates for election as a constituency member of the National Assembly for the constituency for which he or she is the nomination officer.

<sup>47</sup> Statutory Instrument 85 of 2023. Proclamation of the harmonized elections by the President.

<sup>48</sup> Nomination fees for the 2023 elections increased up to ten times. Prior to the 2022 amendment, candidates for the office of the President were subject to a nomination fee of USD 1,000 and candidates for a member of the National Assembly USD 50, respectively. No nomination fees are imposed on candidates for candidates as councilors for the local councils.

<sup>49</sup> See [Candidates](#) nominated for the elections to the office of the President, Nomination Court [Results for National Assembly](#) Direct Election.

<sup>50</sup> Elisabeth Valerio v Presiding Officer of the Nomination Court and Others Judgment.

<sup>51</sup> The name of the presidential candidate Elisabeth Valerio [was gazetted](#) only on Aug. 8, 2023.

On Aug. 16, 2023, the ZEC announced the number of the candidates who would appear on the ballot papers: 11 candidates for president; 582 candidates for the National Assembly; and 4,914 candidates for local councils. Ninety-one candidates for local councils won uncontested.

Additionally, some political parties – but not all – fielded candidates under the proportional representation party lists, including for women and youth quotas. [*See Gender Section.*]

The total number of candidates for the 2023 elections was lower than in 2018, a fact attributed in part to the 20-fold increase in the nomination fees for presidential and National Assembly candidates. The high cost of nomination also was cited as a limiting factor for aspirants from marginalized groups such as women, youth, and people with disabilities.

The increased fees were challenged as being unconstitutionally excessive. In March 2023, Divine Hone, leader of the Nationalists Alliance Party, asked the Constitutional Court to issue an order setting aside the statutory instrument authorizing the fee increases based on parliament’s failure to properly debate the bill. On June 8, the court declared that the parliament had indeed failed to fulfill its obligation and recommended that it re-examine the bill.<sup>52</sup> Following the court’s order, the parliamentary legal committee examined the statutory instrument and confirmed that the fee increases were not in contravention of the constitution or the Electoral Act. The committee’s position was then confirmed by the parliament. An emergency challenge before the court was rejected on June 20, and parties and candidates were required to pay the increased fees. This could have undermined the right and opportunity for aspirants to seek political office and compromised citizens’ rights to political participation.

## ***CAMPAIGN ENVIRONMENT***

*The equitable treatment of candidates and parties during an election, as well as an open and transparent campaign environment, are important to ensuring the integrity of a democratic election process. Zimbabwe’s legal framework and its international and regional commitments create obligations related to the campaign environment, including the right to freely express opinions and to participate in public affairs.*<sup>53</sup>

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<sup>52</sup> The Constitutional Court Order on Nomination Fees, <https://www.veritaszim.net/node/6417>.

<sup>53</sup> ICCPR, Article 19(2); ACHPR, Article 13(2); ICCPR, Article 19; ACHPR, Article 13.

The campaign environment was generally peaceful in comparison to previous electoral cycles. Electoral interlocutors and some political party representatives expressed concerns, however, about the ruling party's use of government resources to campaign.<sup>54</sup> Coupled with regulatory requirements that effectively restricted opposition campaign efforts, this created an uneven playing field among political parties. In addition, there were several reports of voter intimidation, to the extent that some said they were scared to discuss politics with citizen observers.

In its report of Aug. 16, 2023, the police said they had blocked 303 public gatherings after assessing they did not meet legal regulations for such gatherings. This resulted in the suppression of legitimate campaign activity in many cases. Supporters of the ruling party were observed disrupting opposition party campaign events, sometimes with violence. There also were isolated instances of both intraparty and interparty violent clashes among party supporters. The interparty violence resulted in one reported death in Harare on Aug. 3, 2023.<sup>55</sup>

The Carter Center further observed acts of destruction of campaign materials, such as posters and campaign billboards, by supporters of rival parties or supporters of rival candidates within the same party. Some candidates were restricted from posting political party campaign posters in various locations.<sup>56</sup> In addition, there were reports of intimidation of opposition political party supporters, particularly main opposition CCC party leaders and supporters, by the governing ZANU-PF party-affiliated NGO, Forever Associates of Zimbabwe, particularly in rural areas. Citizen observers reported instances of people being coerced to attend ruling party rallies and of government aid being used as a campaign tool, including through the distribution of food and farming supplies at rallies.

In the lead-up to the polls, several interlocutors reported concerns regarding the presence and influence of traditional leaders. During the final day of the campaign, Carter Center observers noted influential traditional leaders in Masvingo telling voters that they must check in at a "voter education desk" during a particular party rally to have their names registered before being allowed to vote. Voters could perceive this as undue influence to cast their ballots for a particular candidate or party.

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<sup>54</sup> The governing party used its privileged access to state resources to unfairly use the government owned Zimbabwe United Passenger Company (ZUPCO) buses to transport its supporters to rallies and the public broadcaster, ZBC, facilities to broadcast its campaign rallies nationally.

<sup>55</sup> <https://www.zimlive.com/ccc-supporter-killed-while-fleeing-baying-zanu-pf-mob-in-harare/>

<sup>56</sup> <https://twitter.com/CCCZimbabwe/status/1687163378370822154?t=T1V4O9KYdfYHTGNU38gXSA&s=03>

The two front-runners for the presidency, incumbent President Emmerson Mnangagwa and CCC party leader Nelson Chamisa, both had Twitter accounts showing more than 1 million followers. Some presidential and parliamentary candidates did not have social media accounts or had accounts with limited number of followers. Candidates reported to the Center that they were using highly structured networks of WhatsApp groups, up to several hundred, to distribute party messages and campaign information every day. The Electoral Act does not encompass campaigns on social media, including the use of political ads, nor does it give the ZEC a mandate to monitor social media.

The Carter Center’s social media monitoring unit observed that from July 24 to Aug. 20, CCC candidates engaged online intensively, both in posting and commenting, while ZANU-PF candidates showed less activity. Campaign messages shared on Facebook and X (formerly Twitter) covered mostly campaign events, including drone footages of rallies trying to show parties’ support and discredit opponents’ claims of rally attendance; videos of speeches; slogans; candidate posters; comments on court cases and obstacles to campaign; and negative comments targeting opponents.<sup>57</sup>

Similar and organized messages covering the incumbent’s achievements and campaign events were repeatedly shared on X by a network of accounts, including that of the president; the Ministry of Information, Publicity and Broadcasting Services; officials; the party; state-owned media accounts; and supporters. This blurred the lines between state officials and campaign staff, as well as media coverage and campaign material. CCC created a dedicated campaign account on X and a page on Facebook, in addition to the party and candidates’ pages. Messages supporting CCC appeared more horizontal, and scattered, and seemed less organized than ZANU-PF campaign messages.

Several candidates and parties placed ads on social media. The CCC campaign released the highest number of ads on Facebook and Instagram ahead of the elections and relied on Google ads. ZANU-PF was the largest spender on the platforms.<sup>58</sup> Two weeks before elections, a Facebook page called “ED achievements” started sharing ads calling on citizens to vote for the president. Platforms provided limited or no

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<sup>57</sup> Pages supporting the ZANU-PF campaign repeatedly released pictures of CCC rallies, implying that the opposition party failed to gather supporters in different areas.

<sup>58</sup>By Aug. 18, ZANU PF released ads for a total of USD 23,140 accounting for more than 80% of the total amount spent since July 2022.

information on advertisers, and Google did not provide information on amounts spent on ads, which hindered the transparency of campaign finance and spending.<sup>59</sup>

The Carter Center also observed that several CCC candidates and the CCC Facebook page campaigned during the silence period, including with paid content. ZANU-PF pages monitored by the Center were mostly silent during that period.

### ***CAMPAIGN FINANCE***

Campaign finance is not regulated by law. Parliamentary political parties that obtained at least 5% of votes are granted annual public funding proportional to the votes they obtained in the last parliamentary elections. and prohibits foreign funding. The absence of regulations to limit donations from individual donors and the lack of caps on campaign finance, as well as inadequate procedures of reporting and oversight, keep the playing field unlevel. Also, the absence of requirements to publish party finance reports undermines the transparency of campaign finance. There are no provisions in law regarding party finance to encourage gender equality in political parties.

Most parties and their candidates, as well as independent candidates, reported that they struggled to raise funds for nomination and campaigning, including parties that had access to public funding. The Carter Center observed that only the main opposition party, CCC, and the governing ZANU-PF party had campaign resources to run their campaigns efficiently.

### ***INFORMATION ENVIRONMENT AND SOCIAL MEDIA MONITORING***

Freedom of expression, unhindered access to the internet, and an independent media are vital to enable democratic debate, ensure accountability mechanisms, and provide voters with accurate information.<sup>60</sup> International standards and good practices provide for, among other things, an environment free of manipulative

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<sup>59</sup> Google Ad Transparency Center did not cover Zimbabwe, while disclaimers such as ‘Friends of Chamisa’ or ‘ED achievements’ on Facebook and Instagram, without further details on the advertiser, nor contact information, resulted in limited of information on the advertisers and spendings. Under the UN Guiding principles on businesses and human rights, private companies have a responsibility to respect human rights, independently of the States’ willingness to fulfil their own human rights obligations (principle 11).

<sup>60</sup> International Covenant on Political and Civil Rights (Article 19); ICCPR, General Comment 34 on freedoms of opinion and expression; The African Charter on Human and People’s Rights (African Charter) (Article 9); The African Charter on Democracy, Elections and Governance (ACDEG) (Article 27), the SADC Principles and Guidelines Governing Democratic Elections (Article 4).

interference, violence, or the threat of violence – including online – enabling voters to freely form an opinion.<sup>61</sup>

The constitution provides for privacy, freedom of expression, and access to information.<sup>62</sup> It explicitly outlaws incitement to violence and hate speech. Legal reforms have started harmonizing the legal framework with the constitution,<sup>63</sup> improving access to information, including to government officials and the police. Zimbabwean stakeholders commended the multi-stakeholder approach to reforms that allowed for inclusive discussions.

Despite these improvements, the political context in Zimbabwe is marked by a combination of newly enacted and longstanding laws that criminalize legitimate speech and provide for harsh prison terms. Such laws are cited as the basis for arresting journalists and human rights defenders for content published online and offline.<sup>64</sup> However, court cases usually last a long time, and convictions are rare. Provisions, at times overly broad, that criminalize the distribution of “falsehoods” and statements “willfully injuring the sovereignty and national interest of Zimbabwe,” or “undermining the authority or insulting the president,” are contrary to Zimbabwe’s fundamental regional and international obligations.<sup>65</sup>

Though a variety of online media have emerged, state-owned media continued to dominate print and broadcast outlets, and media ownership lacked diversity.<sup>66</sup> Overall, the Center found that the media landscape was highly polarized along political lines.

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<sup>61</sup> 2011 joint declaration on freedom of expression and the internet (UN, OSCE, OAS, ACHPR), Section 6.e: “States are under a positive obligation to facilitate universal access to the Internet”; ICCPR, General Comment 25, para. 19: “Voters should be able to form opinions independently, free of violence or threat of violence, compulsion, inducement or manipulative interference of any kind.”

<sup>62</sup> Sections 57, 61, 62 of the constitution.

<sup>63</sup> The legislature repealed the repressive Access to Information and Protection of Privacy Act (AIPPA) in 2019, and enacted the Freedom of Information Act (FIA), the Cyber and Data Protection Act (CDPA), and the Zimbabwe Media Commission (ZMC) Act.

<sup>64</sup> It includes laws such as the Criminal Law (Codification and Reform) Act, sections 31 and 33; Section 164C of the Criminal Law (Codification and Reform) Act, as amended by the Cyber and Data Protection Act; the Criminal Law Codification and Reform Amendment Bill (the “Patriotic Bill”); section 14 of Statutory Instrument 83 of 2020; Section 88(b) of the Postal and Telecommunications Act [Chapter 12:05].

<sup>65</sup> Principle 22 of the ACHPR Declaration of Principles of Freedom of Expression and Access to Information reads that states “shall repeal laws that criminalize sedition, insult and publication of false news.”

<sup>66</sup> Although telecoms’ liberalization has led to the licensing of six commercial TV channels and 14 community radio stations since 2020, some interlocutors pointed out relationships between their owners or members of their boards of trustees and the ruling party, which did not allow for enhanced diversity. The 2009 joint statement on the media and elections (UN, OSCE, OAS, ACHPR) notes: “States should put in place a range of measures [...] to create an environment in which a pluralistic media sector can flourish. These should include, among others, obligations of transparency of media ownership, licensing of different types of broadcasters to promote diversity [...]”

The media coverage of the election is governed by the constitution, the Electoral Act and the ZEC Statutory Instrument 33 of 2008.<sup>67</sup> Section 61 of the constitution requires that all state-owned media should freely determine their editorial content, be impartial, and afford fair opportunity to divergent views. The Electoral Act and the ZEC Statutory Instrument 33 of 2008 provide, among other things, for free access to the public broadcaster, equitable treatment of all parties and candidates, and ZEC media monitoring.<sup>68</sup> Nevertheless, several Carter Center interlocutors questioned the ZEC's capacity to meaningfully monitor media. The overall lack of accountability mechanisms in the law and the late publication of information hindered public accountability.<sup>69</sup>

Steps have been taken to improve media coverage of elections, including the signing of the Media Code of Conduct pledge in August, and media training throughout the country.<sup>70</sup> However, media watchdogs and candidates reported biased coverage in favor of the ruling party, including live coverage,<sup>71</sup> which created an unlevel playing field among candidates. They also noted the spread of disinformation, and derogatory and inciteful speech in the media, mirroring offline violence and speeches by politicians.<sup>72</sup> This did not allow for inclusive debate and ran counter to journalistic ethics and Zimbabwean laws.

Several interlocutors reported that voters didn't get sufficient information about the election due to the unbalanced media coverage, the focus on rallies rather than political platforms, and the barring of community radio stations from airing political content.

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<sup>67</sup> Electoral Act, sections 160E to 160K.

<sup>68</sup> The Electoral Act, Section 160K stipulates that "the Commission, with the assistance, at its request, of the Zimbabwe Media Commission (ZMC) [...] and the Broadcasting Authority of Zimbabwe (BAZ) shall monitor the Zimbabwean news media during any election period." Beginning of June, the ZMC announced that the ZEC would establish a media monitoring committee.

<sup>69</sup> The SI 33 of 2008 requires the public broadcaster (ZBC) to give the commission its election program schedule within a period of seven days after the nomination day or first nomination day. On July 17 and 23, MISA wrote the ZEC requesting the schedule. The schedule was finally published on July 28 in *The Herald*, the major state-owned newspaper. According to MISA, "the schedule is essential to effectively monitor how public media discharges its duties and if this is in line with the Constitution." Moreover, the law does not require the public release of monitoring reports during the electoral process.

<sup>70</sup> Trainings were conducted by, among others, ZMC, ZEC, MISA, Zimbabwe Union of Journalists, and UNESCO.

<sup>71</sup> According to Media Monitors, a CSO monitoring legacy and online media, the ZANU-PF ruling party received about 60% of coverage between July 23 and Aug. 11, mostly on the state-owned print and broadcast media, and commercial radio stations. Main opposition party CCC received 16-19% of coverage, mostly in privately owned newspapers and online. On July 25, after the deputy information minister declared that CCC was "refusing to take up airtime on ZBC," the CCC described the state-owned broadcaster coverage as "biased, derogatory and manipulated."

<sup>72</sup> Media repeatedly released headlines, articles, and op-eds containing derogatory and inciting expressions such as "reject sellouts," "puppets," "kickout the opposition of cities, towns," "that intellectual prostitute."

In this context, journalists faced a host of challenges, including a restrictive and deteriorating environment, and a resurgence of violence starting in 2022. Recent reports indicate that journalists have been barred from covering political events, leading other journalists to increase self-censorship.<sup>73</sup> The media sector also is negatively impacted by the burdensome requirement for dual accreditation from the Zimbabwe Media Commission (ZMC) and the ZEC, and the dire economic situation. These provisions allowed state-owned media to remain dominant and undermined journalists' independence and ability to cover campaigns.<sup>74</sup> In the run-up to the 2023 elections, several foreign media announced that they were denied accreditation by the ZEC.<sup>75</sup>

Estimates on the internet penetration rate vary widely – from one-third to two-thirds of the population – but Center interlocutors agreed that most users had access to WhatsApp, Meta's messaging platform, rather than social media platforms and websites.<sup>76</sup> Infrastructure issues and the disproportionately high cost of data limit access to the internet and associated rights, such as participation in political life and access to public information online.<sup>77</sup> Only about 12 % of people 13 and older have access to Facebook, and just 3% have access to X (formerly Twitter), the major platform for discussing political issues.<sup>78</sup> Carter Center data show that WhatsApp is the most-used platform, both in rural and urban areas.

Most of the Center's interlocutors indicated that media and digital literacy rates are low in the country, despite remarkably high general literacy rates, leaving voters vulnerable to misinformation.<sup>79</sup> Several quality fact-checking initiatives, including ZimFact and FactCheck Zim, released verified election-related information in pre-bunking and debunking efforts. They circulated information online, via WhatsApp, or through media, but faced issues with laws barring their partner community radio stations from airing political information.

Commendably, the government has launched a digitization policy that includes the creation of community and village information centers to help address the internet

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<sup>73</sup> See MISA Zimbabwe [2022 state of the media report](#) and Reporters without Borders [Media freedom index 2023](#).

<sup>74</sup> SADC Protocol on Culture, Information, and Sport Article 18.4 states: "Member States agree to create political and economic environment conducive to the growth of ethical, diverse and pluralistic media."

<sup>75</sup> See [RSF article](#) as of August 21, 2023.

<sup>76</sup> The Postal and Telecommunications Regulatory Authority of Zimbabwe (POTRAZ) reported internet penetration at 65.3% in 2022, while the private firm DataReportal estimated it at 34.8% in 2023.

<sup>77</sup> Article 13 (1) of the African Charter on Human and People's Rights provides that "every citizen shall have the right to participate freely in government."

<sup>78</sup> We are social, Data Reportal, [Digital 2023: Zimbabwe](#)

<sup>79</sup> UN, OAS, OSCE 2020 joint declaration on freedom of expression in the digital age (l.b.v.) reads: "States should make a concerted effort to promote digital media and information literacy, including in relation to elections."

divide. However, the legal framework unduly curtailed free speech online and allowed for interception of telecommunication without sufficient judicial oversight.<sup>80</sup> In addition, Center interlocutors raised concerns about the government's increasing surveillance capacities.<sup>81</sup> On the eve of the elections, internet service was degraded, limiting access to information.<sup>82</sup>

Although the Cyber and Data Protection Act (CDPA) provides for the protection of personal data, voters told the Center that they received unsolicited political text messages asking them to support the president's campaign, which is contrary to Zimbabwean law and regional and international standards on privacy.<sup>83</sup> The CDPA mandated the Postal and Telecommunications Regulatory Authority (POTRAZ) with data protection authority. Several Center interlocutors expressed concerns about the concentration of powers and competing interests within a single entity.

The Center observed false and intimidating information; negative campaigning and criticism targeting the ZEC or political parties; and antagonistic narratives including demeaning, hateful, or inflammatory content by both major parties, their supporters or shadow accounts on Facebook and Twitter.<sup>84</sup> Carter Center interlocutors also reported a wide range of misinformation and intimidation on Facebook, X, and WhatsApp. These included cases of unsophisticated doctored pictures and videos; vicious insults; body-shaming; allegations, including of a sexual nature; and death threats. This distorted the digital space and did not allow for an environment free from threats of violence or manipulation.

### ***GENDER, MARGINALIZED POPULATIONS, AND PARTICIPATORY RIGHTS***

Zimbabwe is a party to the main international and regional instruments that recognize the right of women, youth, and people with disabilities to participate in

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<sup>80</sup> Interception of Communication Act [Chapter 11:20]. The U.N. resolution on privacy in the digital age calls upon states "to establish [...] independent, effective, adequately resourced and impartial judicial, administrative and/or parliamentary domestic oversight mechanisms capable of ensuring transparency, as appropriate, and accountability for State surveillance of communications, their interception and the collection of personal data."

<sup>81</sup> Principle 38(2) of the ACHPR Revised Declaration of Principles on Freedom of Expressions notes that "States shall not engage in or condone any disruption of access to the internet and other digital technologies for segments of the public or an entire population."

<sup>82</sup> NetBlocks, the observatory, confirmed the degradation of internet service on the afternoon of August 22. On Aug. 17, Access Now and more than 45 Zimbabwean and international organizations released an [open letter](#) demanding Zimbabwean authorities break the cycle of internet shutdowns.

<sup>83</sup> The Cyber and Data Protection Act, section 3, defines consent as "any manifestation of specific unequivocal, freely given, informed expression of will by which the data subject [...] accepts that his or her data be processed."

<sup>84</sup> Negative campaigning and derogatory speech included terms referring to the liberation war narratives and traitors, including Western countries; or to alleged corruption issues, violence, or election rigging. The Center also identified hateful comments based on gender, sexual orientation, or ethnic origin.

political and public affairs, including the right to vote and be elected.<sup>85</sup> These instruments also guarantee equality and non-discrimination.<sup>86</sup> Women, youth, and people with disabilities remain underrepresented in Zimbabwe's public institutions, including elected bodies. Zimbabwe's political parties largely failed to take steps to promote the participation of women, youth and people with disabilities as candidates in the 2023 elections.

## **WOMEN**

The constitution contains a comprehensive bill of human rights, including the right to equal treatment for women. It also sets the obligation to promote full gender balance and full participation of women in all spheres as a national objective that should guide all government institutions and agencies at every level in formulating and implementing laws and policy decisions. It also requires the state to take all necessary measures to ensure gender parity, including in the elective bodies,<sup>87</sup> and provides for temporary measures guaranteeing women some reserved seats in parliament, provincial and metropolitan councils,<sup>88</sup> and local councils. These measures fall short of ensuring actual gender parity, however, as they are not fully enabled in the subordinate legislation. There are no penalties for political parties that failed to ensure gender equality in nomination of party candidates; nor are there incentives to promote gender parity.

Zimbabwe's Electoral Act requires the ZEC to mainstream gender into electoral processes. To ensure compliance with the constitution, ZEC developed a Gender and Inclusion Strategy.<sup>89</sup> The ZEC chairperson and four of its eight commissioners are women. Observers reported that women were well represented at lower levels of

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<sup>85</sup> This includes UDHR, ICCPR, CEDAW, CRPD and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol) (ACHPR-PW) and the Southern African Development Community Protocol on Gender and Development, the African Charter on Democracy, Elections, and Governance (ACDEG) and African Youth Charter.

<sup>86</sup> UDHR, Article 2, ICCPR, articles 2 and 26, CEDAW, articles 2, 3, and 4; CRPD, articles 3 and 4.

<sup>87</sup> 2013 Zimbabwe Constitution, Section 17(b)ii.

<sup>88</sup> The constitution mandates that 50% of the 60 proportional representation seats in the Senate as well as one of the reserved seats for a member with disabilities be allocated to women, guaranteeing women at least 31 of the 80 Senate seats (*See electoral system section*). For the National Assembly seats, women can compete with men on an equal basis for the 210 single-member, FPTP constituency seats. Additionally, 60 seats in the National Assembly under the proportional representation system are reserved for women. This is a temporary measure for the life of the first four parliaments after 2013. In 2023, for the first time, young women may also get seats under the newly introduced 10-seat quota reserved for youth. In addition to the ex officio members, 10 members of the provincial and metropolitan councils in all 10 provinces are elected based on proportional representation party lists in which male and female candidates are listed in alternating order, with every list being headed by a female candidate. The temporary measures were supposed to be applied for only two elections following the adoption of the constitution in 2013; however, the measures were extended for two more cycles by the 2021 amendments to the constitution.

<sup>89</sup> ZEC Gender and Inclusion [Policy](#).

election management. The constitution requires promotion of young women and women with disabilities, through reserved seats, mandating that 10 of the 60 seats for women be held by those under age 35 provided that political parties ensure that, and one of the senate seats reserved for persons with disability is a woman.

However, the order of women on the candidate lists for these reserved seats is left to the discretion of political parties. As a result, women with disabilities may not be given priority on the list.

Lack of publicly available disaggregated data on candidates' age and disability status did not allow for public scrutiny of party lists submitted for the 2023 elections. Moreover, the Electoral Act applicable to this election is not fully in line with the constitution on women's quotas, which aim to ensure equality between genders in elected office.<sup>90</sup>

People who spoke to The Carter Center expressed concern that political parties treated the temporary affirmative-action measures as an excuse not to promote female candidates to run for FPTP seats and expected most female candidates to only run for the 60 seats reserved for them. Female candidates are perceived as weak due to cultural barriers and a lack of financial resources for effective campaigning and are therefore likely to undermine the overall performance of a party in the FPTP races.

Numbers from the nomination process show fewer female candidates at all levels than in the 2018 elections.<sup>91</sup> Only one woman, Elizabeth Valerio of the United Zimbabwe Alliance (UZA), was able to run for president, and then only after the Electoral Court of Zimbabwe overturned the Nomination Court's rejection of her registration on technical grounds.<sup>92</sup>

Political parties largely failed to ensure gender balance among their nominated candidates for the National Assembly, and the number of female candidates nominated for FPTP seats in 2023 decreased to 11%, down from 14.4% in 2018. The

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<sup>90</sup> 2013 Zimbabwe Constitution, Section 17(b)ii.

<sup>91</sup> The numbers presented in this section are based on the lists gazetted after the nomination process on June 30, 2023. According to the Zimbabwe National Statistics Agency report, in the 2018 elections, women made up only 48% of senators; 31% of parliament and 14% of local governments.

<sup>92</sup> Valerio paid the nomination fee via bank transfer and presented a proof of payment; however, the ZEC did not accept it, saying the payment was not settled within the Nomination Court session. A higher court ruled that presenting a valid proof of payment sufficed to be eligible for registration. <https://www.veritaszim.net/node/6486>. Another female aspirant for the presidential office, Linda Masarira of the Labour Economists and African Democrats (LEAD), lost her court case challenging the Nomination Court's decision not to register her on the grounds of failure to provide proof of payment. <https://veritaszim.net/node/6499>.

11% decreased to 9.5% by election day for various reasons, with total number of female candidates dropping from 70 to 55 between the nomination process and election day.<sup>93</sup> Some of the contesting political parties did not field any female candidates.<sup>94</sup>

Following the nomination results, women were eligible to compete in only 57 of 210 FPTP constituencies (27%), leaving 153 constituencies with only male candidates. In some constituencies, multiple female candidates ran for the same seat, and in several constituencies, the same political party fielded two or three candidates, meaning women had to compete with male candidates of their own party.<sup>95</sup>

Interlocutors cited several obstacles preventing more women from running as party candidates, including the strong male patronage system within parties; nepotism during the selection of candidates for reserved seats; and internal structural barriers within parties. Women also are more likely to lack financial resources and are disproportionately affected by exorbitant nomination fees and campaign costs.

Political parties also largely failed to utilize existing quotas for fielding female candidates for reserved lists: Only four of 14 political parties fielded female candidates for reserved seats on the National Assembly;<sup>96</sup> five political parties put up female candidates for the Senate;<sup>97</sup> and only three political parties submitted lists for the provincial and metropolitan councils<sup>98</sup> and lists for the youth quota in the National Assembly.<sup>99</sup>

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<sup>93</sup> According to the information provided by ZEC on Aug.16 during the observer briefing, there were only 55 female candidates of 582 candidates running for the FPTP seats.

<sup>94</sup> The numbers are based on the gazette results of the Nomination Court. Zimbabwean Government Gazette Extraordinary, June 30, 2023. Some candidates were removed or added later as a result of judicial review. ZANU-PF – 23, CCC – 20, UZA – 9, FreeZim-Congress – 4, ZANC – 2, DOP – 1, ZNRP – 1, ZCPD – 1, MDC-T – 1, F.A. – 1. While ZANU-PF and CCC fielded the highest number of female candidates, they constituted only 11 and 9% of fielded candidates for the lower house seats by these parties respectively. The highest number of women on the party list was fielded by the UZA – 29%. The highest number of female candidates were registered in Bulawayo – 16 of 57 (28%), and the lowest in Mashonaland Central – only 1 of 40 (3%).

<sup>95</sup> See, for example, Pelandaba/Tshabalala, Pumula, Harare South, Harare West constituencies.

<sup>96</sup> Both the CCC and ZANU-PF fielded party lists (women's seats) for all 10 provinces, MDC-T managed to field party lists for only Manicaland and Matabeleland North, while Zimbabwe African People's Union (ZAPU) fielded a party list only in Matabeleland North. Some parties were deprived of the opportunity to submit lists for reserved seats as their aspirants for FPTP seats were not registered by the Nomination Court.

<sup>97</sup> Both the CCC and ZANU-PF fielded in all the 10 provinces, while the MDC-T, ZAPU, and Democratic Union of Zimbabwe managed to field in one province each.

<sup>98</sup> ZANU-PF fielded lists for all 10 provinces, CCC for nine, and MDC-T submitted a list only for Matabeleland North.

<sup>99</sup> While CCC and ZANU-PF fielded youth lists for all 10 provinces, MDC-T submitted a list only for Matabeleland North.

Overall, 15% of the candidates in the local council race are women, compared with 17% in the 2018 election. In addition to the directly elected seats, for the first time an additional 30% of the total members of the local council were reserved for women, who were elected by a system of proportional representation.<sup>100</sup> This translated into 602 seats being added to the existing 1,970 council seats. However, only six political parties put up lists with female candidates under these mechanisms, and in some wards, only one political party submitted such lists.<sup>101</sup> While sharply increased nomination fees are believed to affect participation of women in the elections for the National Assembly, participation of women on the local level also remains low, even though no nomination fees are charged for candidates on this level.

Women represent about 54% of registered voters in Zimbabwe. Interlocutors cited patriarchal stereotypes, existing gender roles, lack of resources, election-related violence, and harassment as factors preventing women from playing a more active role in political life and achieving gender equality.<sup>102</sup> In rallies attended by Carter Center long-term observers, the majority of participants were women, especially when the candidate organizing the rally was a woman. Observers reported incidents of intimidation and/or electoral violence against women in rural areas, some of whom were assaulted for putting up party posters. Some candidates reported that their female supporters were harassed by their opponent's male supporters when they attempted to attend a meeting and said that female candidates were kept from campaigning in certain locations.

Female candidates and would-be candidates told the mission that they had been victims of violence or threats of violence, cyberbullying, and online smear campaigns and harassment by opponents and the general public. The response from relevant authorities was inadequate.<sup>103</sup> This included being targeted by vicious, organized attacks online, including attacks of a sexual nature, body-shaming, and death threats. Hence, campaigning via social media or messaging platforms required blocking or excluding perpetrators. The Carter Center's social media monitoring unit identified repeated instances of derogatory speech targeting female politicians on

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<sup>100</sup> This measure was introduced in an attempt to implement recently constitutionally introduced quotas for women, however, the Electoral Act was amended after the proclamation of the elections.

<sup>101</sup> See, for example, Rusape town council, Tongogara RDC.

<sup>102</sup> The CEDAW committee recommended amending the Political Parties Finance Act to specifically provide for the allocation of campaign financing and the provision of training for women candidates for elections and to adopt legislation criminalizing political harassment and sexist attacks against women candidates and political activists.

<sup>103</sup> The ZEC Gender and Inclusion Policy also acknowledges that "the culture of political violence, misogyny, male chauvinism and intimidation persist in Zimbabwe's electoral processes."

Facebook and Twitter.<sup>104</sup> This did not allow for an inclusive or violence-free campaign environment and hindered women's political participation.<sup>105</sup>

Interlocutors noted that there are no effective remedies in place to lodge a complaint against such attacks, partially because of gaps in the legal framework<sup>106</sup> and also because the relevant authorities lack either the capacity or the will to effectively investigate such cases. According to Carter Center interlocutors, in reported cases of physical violence or harassment, the police failed to take effective actions to bring those responsible to justice.

POTRAZ, an authority mandated to monitor, ensure personal data protection and investigate instances of violence online, said it has not received any complaints of violence online, nor has it identified any instances through its monitoring. The Zimbabwe Gender Commission reported that it did not receive serious complaints related to violence online and offline during the campaign period either.

Interlocutors also indicated that in some areas, most female candidates running for legislative or local elections refused opportunities offered to them to campaign online via third-party online platforms, due to cultural barriers and lack of confidence, among other reasons.<sup>107</sup>

## *Youth*

Zimbabwe's constitution recognizes youth as a special group. According to the 2022 census, approximately 72% of the population of Zimbabwe is below age 35.<sup>108</sup> The 2021 constitutional amendments allocate seats in the National Assembly for 10 youth members ages 21-35, one from each province, and that half of candidates on a party's list for these seats should be women.<sup>109</sup> Additionally, the constitution

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<sup>104</sup> This included degrading, ageist remarks; body-shaming; insults such as "you are a bitch," "you are too old," "you are a political whore, go hang," "keep quiet, undignified woman," "a mouth like a vagina," and "you are a dog."

<sup>105</sup> Best practices recommend that countries "adopt a zero-tolerance policy toward all forms of violence that undermines women's participation," U.N. Committee on the Elimination of Discrimination against Women, 2013, Recommendation 30, para. 73.f.

<sup>106</sup> The Cyber and Data Protection Act contains a list of violations; however, it was not incorporated in the Criminal Code, hence such acts were not treated as criminal offenses.

<sup>107</sup> The 2022 Joint Declaration on Freedom of Expression and Gender Justice by the U.N., OSCE, OAS, and ACHPR, Section 1.b states: "Eliminating discrimination against women requires a "whole of society" approach. States, the private sector and civil society should work together to address discrimination, stereotyping and interpretations of culture, religion and tradition that subordinate and disempower women and are a root cause of sexual and gender-based violence as well as gendered censorship."

<sup>108</sup> Population census [report](#), 2022.

<sup>109</sup> Persons aged 18-40 made up 60% of Zimbabwe's registered voters in 2018.

mandates that 10 of the 60 seats specifically allocated for women should be for women under age 35, should political parties provide for that.

Nevertheless, only three political parties submitted youth quota party lists presenting alternating female and male candidates.<sup>110</sup> Interlocutors from one political party told The Carter Center that they were not able to submit lists because the ZEC refused to register their candidates on technical grounds, and those rejections were upheld by the courts. Because of a lack of publicly available information on the age of the candidates, it was not possible to determine to what extent the parties complied with the requirement to promote young women on party lists for the reserved seats, as mandated by the constitution.

According to the ZEC, young voters constituted 41.7% of total voters in 2023. Though recent voter registration efforts aimed to increase the number of young people on the voter roll, Carter Center observers were informed that growing voter apathy and fear of election-related violence are key factors preventing youth from more actively engaging in political processes. Also, ageism and a lack of financial resources tend to limit participation of youth as candidates.

Interlocutors stated that political parties often use young people – young men in particular – as mobilizers or even as provocateurs.<sup>111</sup> Positively, the Carter Center noted there are voter education programs the aim to address this issue.

### *People with disabilities*

There is no accurate data on the number of people with disabilities in Zimbabwe.<sup>112</sup> However, the constitution contains a range of provisions aimed at guaranteeing rights and prohibiting discrimination. The constitution recognizes sign language as one of the country's 16 languages and mandates the promotion of its use. It also provides that two members of the Senate shall be elected to represent people with disabilities and be a person with a disability as defined in the Electoral Law.<sup>113</sup> The 2021 constitutional amendments also promote representation of women with

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<sup>110</sup> ZANU-PF submitted party lists for all provinces, CCC for every province except Bulawayo, and MDC-T for only one province, Matabeleland North.

<sup>111</sup> Such instances of youth manipulation were reported to Carter Center in Harare, Manicaland, Mashonaland Central, Mashonaland East, Masvingo, and Matabele North.

<sup>112</sup> The 2022 population and housing [census](#) presents a figure of 9.53% of the population as living with functional difficulty. U.N. and other agencies estimated it to be 7-15%.

<sup>113</sup> The Electoral Act defines “person with a disability” as a person with a physical, mental or sensory disability, including a visual, hearing or speech functional disability, which gives rise to physical, cultural or social barriers inhibiting the person from participating at an equal level with other members of society in activities, undertakings or fields of employment that are open to other members of society.

disabilities within the 60-seat quota for the National Assembly. The election of these two members took place on Aug. 26.

However, there is no publicly available disaggregated data about candidates' age and disability status, so it is not possible to assess to what extent political parties promoted participation of people with disabilities. Furthermore, while the Electoral Act contains a definition of a person with a disability, the law doesn't specify what qualifies as a disability.

People with disabilities continue to face legal and administrative barriers. Lack of accessibility remains a serious concern due to a variety of factors, including both physical obstacles to polling stations and campaign event venues, as well as campaign-related information and political manifestos of candidates and parties. There is no specific provision for enabling voters with visual impairments to vote without assistance – such as braille ballots, electronic voting machines with an audio guide, or tactile ballot guides.<sup>114</sup> The amended Electoral Act provides for assisted voting for illiterate or physically disabled voters, who can be assisted by a person of their choice or by a presiding officer in the presence of two other electoral officers.<sup>115</sup>

Despite legislative safeguards, people with disabilities remain largely invisible in all levels of society. Some of them lack identity documents<sup>116</sup> and so are not able to exercise their right to vote or to stand for office. Interlocutors expressed concerns that families of some people with disabilities did not take steps to ensure that they were registered as voters because of existing cultural norms and stigma, or because of challenges accessing registration venues. Moreover, women and girls with disabilities are particularly vulnerable to discrimination.<sup>117</sup>

The law mandates accessibility of all polling stations. Consistent with its inclusion commitments, the ZEC employed people with disabilities as polling staff and undertook efforts to target people with disabilities, including deaf voters, in its voter

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<sup>114</sup> CRPD Article 21 holds that “State Parties must take all appropriate measures to ensure that persons with disabilities can exercise the right to expression ...on an equal basis with others and through all forms of communication of their choice.” It goes on to mention providing information in accessible formats, including braille and sign language.

<sup>115</sup> While the Electoral Act does not mention the mandatory presence of the police officer in addition to polling station officers, the ZEC manual, explicitly mentions it. In observed instances of the observed assisted voting, The Carter Center observers noted that police officer participated in assisted voting.

<sup>116</sup> According to the National Human Rights Commission [report](#), “Parents’ and other family and community member’s negative and discriminatory attitudes towards PWDs often resulted in them ‘hiding’ their children with disabilities and they neither cared nor found value in registering them.”

<sup>117</sup> The CEDAW Committee noted with concern the stigmatization and increasing risk of violence, exploitation, and abuse for women and girls with disabilities. [CEDAW concluding observations](#), para. 45.

education efforts. Polling stations were to be equipped with a special voting booth for use by people with disabilities.

### ***ELECTORAL DISPUTE RESOLUTION***

*Effective, clear, and timely procedures for electoral dispute resolution are an essential part of a well-functioning electoral process, particularly as dispute resolution is fundamental to ensuring that all other human rights are fulfilled.<sup>118</sup> The guarantee of a timely remedy is integral to the principle of effective means of redress.<sup>119</sup>*

Zimbabwe's legal framework establishes two main avenues to resolve any electoral dispute: the election administration (the ZEC) and the courts. The constitution provides for the ZEC "to receive and consider complaints from the public" and to take appropriate action.<sup>120</sup> However, neither the constitution nor the Electoral Act provide specific details concerning the types of complaints accepted, the procedures for filing complaints, or the guidelines for the ZEC's decision-making process.<sup>121</sup> Election-related disputes fall under the jurisdiction of various courts in Zimbabwe, some of which overlap.

The High Courts in Zimbabwe possess broad jurisdiction. While potential petitioners could file a case in the main tribunal of the High Court, each of the five High Courts has its own division that is dedicated to handling electoral disputes in a timely manner during the electoral period. The law mandates the Electoral Courts to render their decisions on election-related disputes within six months and provides a three-month deadline for appeals filed with the Supreme Court.<sup>122</sup> The Chief Justice of Zimbabwe has the authority to appoint judges to these temporary specialized courts. Thirty-five judges were appointed on June 2 to hear appeals, applications, and

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<sup>118</sup> ICCPR, Article 2(3), "Each State Party to the present covenant undertakes: (a) to ensure that any person whose rights or freedoms are herein recognized as violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity; (b) to ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy; (c) to ensure that the competent authorities shall enforce such remedies when granted."

<sup>119</sup> AU, AFCHPR, Article 7: "Every individual shall have the right to have his cause heard. This comprises: (a) the right to an appeal to competent national organs against acts violating his fundamental rights as recognized and guaranteed by conventions, laws, regulations and customs in force; (b) the right to be presumed innocent until proved guilty by a competent court or tribunal; (c) the right to defense, including the right to be defended by counsel of his choice; (d) the right to be tried within a reasonable time by an impartial court or tribunal."

<sup>120</sup> Zimbabwean Constitution, S239 (k)

<sup>121</sup> Except S190 of the Electoral Act which regulates complaints arising during the voters' registration and voter transfer processes.

<sup>122</sup> Electoral Act, S182 (1) and (2), respectively.

petitions related to the Electoral Act.<sup>123</sup> As of Aug. 16, more than 80 cases had been filed in front of the five Electoral Courts. Parties are required to present a discretionary security deposit as decided by the judge, which may restrict parties' right to justice.<sup>124</sup> The Constitutional Court exclusively handles complaints, petitions, or challenges related to the presidential race,<sup>125</sup> which must be resolved within 14 days from the date of application.<sup>126</sup>

While efforts are made to determine the appropriate jurisdiction based on the type of case filed, petitioners can bypass the electoral courts and file election-related matters before the High Court. Its deadlines for adjudication, however, are not tailored to accommodate the expeditious nature of electoral matters. No expedited or special deadlines are in place for consideration of election-related disputes filed prior to the election day, which deprives participants of a meaningful, swift, and effective remedy. In the lead-up to the Aug. 23 elections, more than 100 nomination challenges were filed in courts, delaying the finalization and printing of ballot papers by the ZEC.<sup>127</sup>

The courts determined several cases concerning one's right to stand for office, including that of a prominent presidential aspirant. On June 21, 2023, Saviour Kasukuwere was announced as an independent candidate for the presidential election by the Nomination Court. However, his eligibility was challenged in court. The applicant argued that, under the constitution, all presidential candidates should be registered as voters. He claimed that because Mr. Kasukuwere had left his constituency for 18 consecutive months, he was no longer legally registered. The Zimbabwean High Court ruled that Mr. Kasukuwere had not provided proof of residency and could not run for president. The Supreme Court and the Constitutional Court later dismissed Mr. Kasukuwere's appeals to overturn that judgment.

In another case, presidential candidate Elizabeth Valerio successfully challenged the rejection to register her on technical grounds.<sup>128</sup>

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<sup>123</sup> General Notice 970 of 2023.

<sup>124</sup> U.N. (CCPR): General Comment 32: Right to Equality Before Courts and Tribunals and to Fair Trial (Article 14), para. 11.

<sup>125</sup> According to the Constitution, any Presidential petition shall be submitted within seven days from the announcement of the preliminary results. Zimbabwe Constitution, S93(1).

<sup>126</sup> Zimbabwe Constitution, S93(3).

<sup>127</sup> One of the cases that delayed printing of the ballots was a challenge of the nomination of the presidential candidate Mr. Saviour Kasukuwere, in which the final decision of the Constitutional Court was rendered on Aug. 9.

<sup>128</sup> [Elisabeth Valerio v Presiding Officer of the Nomination Court and Others Judgment](#)

In Bulawayo, 12 CCC National Assembly candidates were disqualified by the High Court from contesting the election based on allegations that their nomination papers were filed after the legal deadline. The 12 candidates appealed the decision to the Supreme Court, where ZEC officials testified that the nominations had been filed in a timely manner. The court reinstated their candidacies.

The judiciary addressed an unprecedented number of election-related disputes; some of them remained unresolved on election day, which undermined the right of contestants to stand. According to the Carter Center interlocutors, trust in the judiciary remains low.

### ***CITIZEN PARTICIPATION AND NONPARTISAN ELECTION OBSERVATION***

According to public international law, all people have the right to participate in the public affairs of their country.<sup>129</sup> This includes the right of citizens to participate in nongovernmental organizations (NGOs), including citizen observer organizations, and contribute to voter education efforts.<sup>130</sup> Through these means, civil society can play an essential role in upholding an electoral process that is accountable and in which all participants can have confidence.

Zimbabwe enjoys a rich and vibrant civil society, including faith-based organizations, civil society trusts and private voluntary organizations. The Catholic Commission for Justice and Peace, the Zimbabwe Council of Churches, the Zimbabwe Electoral Support Network (ZESN), and the Electoral Resource Center (ERC), among other civic organizations, have been involved in strengthening citizen participation as well as policy engagement toward improvement of the quality of electoral and democratic practices in the country. These organizations deployed observers on election day, and many regularly engage in civic education to promote inclusion and transparency of electoral processes.

The Carter Center noted, however, that there was limited civil society participation in the Aug. 23 election due to state restrictions and the ZEC's limited consultation of CSOs in various electoral processes, including delimitation of constituency and ward boundaries, voter education, and observation. In addition, the Center noted that the ZEC restricted local CSOs' election observation and voter education activities

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129 U.N., International Covenant on Civil and Political Rights, Article 25(a); AU, African Charter on Human and Peoples' Rights, Article 13(1); U.N., Universal Declaration of Human Rights, Article 21(a).

<sup>130</sup> U.N., United Nations Human Rights Committee, General Comment 25 on "The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service," para. 11; U.N., Human Rights and Elections: A Handbook on the Legal, Technical, and Human Rights Aspects of Elections, para. 124.

through its delayed accreditation of citizen observers and non-accreditation of a significant number of individual applicants.

Some CSOs specializing in election observation experienced challenges in receiving observer accreditations in a timely manner.<sup>131</sup> Such delays in accreditation compromised the deployment of observers to their polling stations on time and their ability to observe the elections efficiently. ZESN and many other CSOs also complained about the intimidation of some of their observers, resulting in some trained and accredited observers withdrawing from observation out of concerns about their safety. Local CSO leaders also reported to the Center that the government's passing of restrictive laws, such as the Criminal Law Codification and Reform Act and the Private Voluntary Organization Amendment Bill, whose provisions both set the regulatory framework for CSOs, on the eve of the election significantly affected the ability of CSOs to participate freely in the election.

While both citizen and international observers engaged strongly around the elections, several hours after polls closed, Zimbabwean security forces raided the offices of ZESN and the ERC, both accredited and well-known civil society election observation groups, arresting about 40 people and confiscating equipment. The individuals were later charged with attempting to release election results before the official results were announced, and were released on bail on Aug. 25. They are scheduled to appear in court on Sept. 28. The raid and detentions were a severe restriction of fundamental civil and political rights of these organizations and individuals, and it prevented their efforts to contribute to transparency around critical phases of the election, including independent verification of officially announced results. ZESN continues to report harassment against its members.

### ***ELECTION DAY***

Carter Center observers assessed opening at 28 polling stations and voting at 201 polling stations, spending at least 30 minutes at each polling station. Although polling stations around the country generally opened on time, many within Harare, Bulawayo, and Manicaland opened with significant delays. In some instances, polling was delayed significantly – by 11 hours or more – due to late delivery of local authority and national assembly ballot papers. The Carter Center also observed major interruptions and delays in voting caused by ballot shortages. Other election materials were delivered on time, except for a few instances of incorrect voter rolls.

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<sup>131</sup> In Aug. 22, 2023, ZESN reported that the ZEC's accreditation of its observers in the provinces was very slow; many observers were accredited only on the eve of the election day.

Carter Center observers noted that the vast majority of polling stations did not make a voter roll available for public scrutiny prior to election day.

The ZEC released an official statement citing delays in printing the ballots because of legal challenges. The Center commends the ZEC for moving quickly to extend voting hours in polling stations that opened late and educating voters on this extension through multiple media channels.

Given the late opening hour in some locations and the requirement for polling stations to be open for 12 continuous hours, however, the extension resulted in some polling stations operating until late into the night. Some interlocutors expressed concern that if polling operations continued throughout the night, electoral staff would be fatigued; voters would experience challenges casting their vote in inadequately lit polling stations; observers would not be able to fulfill their responsibilities; and the voting operations could be vulnerable to manipulation.

The ZEC undertook efforts to assist voters to identify their polling stations with the use of an app. This was especially useful in light of the changes following the boundary delimitation process that preceded the elections. However, on election day, observers noted that a significant number of voters experienced challenges in identifying their polling stations and were at times turned away after spending hours in lines.

The Carter Center observers observed vote counting at 19 polling stations in nine of 10 provinces. According to the Center's data, urban polling stations had a turnout roughly 10% higher than rural ones. It is reasonable to expect that significant delays in delivering ballot papers and extensive queuing throughout the day negatively impact voter turnout and voters' perception of the ZEC's ability to effectively facilitate voting. The Carter Center commends the country's many polling station personnel for their professionalism despite logistical challenges.

The environment remained calm after the opening of polling stations despite delays and understandable frustrations, with no reports of disruptions inside or around the polling stations from any of the 148 observer reports from the polling process. Voters generally had sufficient understanding of voting procedures. The 300-meter prohibition on campaign material was respected in most polling centers. Of the polling stations visited by the Carter Center on election day, 89% were accessible for voters with disabilities

At their core, elections are political contests and *should* be peaceful competitions fully accessible to citizens, party agents, and observers. Carter Center reports noted the presence of ZANU-PF and CCC party agents in nearly all polling stations observed. In nearly 80% of observations (239 of 301), the two parties had an equal number of agents present. Citizen observers, such as ZESN and several others, also had a widespread presence in the country. Despite concerns expressed that COVID-19 procedures would restrict observation, there were no reports of accredited observers or party agents being turned away, and all reported having good access to view the process. Observers from the Forever Associates of Zimbabwe (FAZ)<sup>132</sup> were present in 10% of polling stations observed and, in some locations, its representatives conducted exit polls, which reportedly had an intimidating effect on the electorate.

The Carter Center observers generally rated voting as positive and effectively implemented in most of the polling stations they visited. However, a relatively small number of polling stations concentrated in a few key areas reported significant problems or incidents concerning lack of materials and long delays in poll openings. In areas where there were shortages of ballots, surrounding polling stations in the ward also were affected. In addition, observers reported prohibited or disruptive circumstances, instances of assisted voting (beyond needed), and instances of voters not being able to find themselves on the voter roll in some locations. The Carter Center observers reported many instances of assisted voting, and particularly elevated numbers in some polling stations, including one in which polling officials reported as many as 131 voters requesting assistance, which constitutes more than 13% of the maximum number of voters in that station. Some interlocutors expressed concerns about the overutilization of voter assistance, especially in rural areas, which could have compromised the secrecy of vote. Also, the presence of local chiefs – and their involvement in registering voters – raised concerns regarding potential unfair influence.

Overall, the Center’s observers assessed compliance with voting laws and regulations as positive in polling stations observed. While the Center observed closing procedures in a smaller number of polling stations, observers noted that polling stations fully followed those procedures. There were no officially lodged complaints at the polling stations observed, and observers and party agents present did not informally report any problems. Compliance with legal procedures was slightly lower for ballot counting, which occurred at the same polling stations.

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<sup>132</sup> FAZ is a civil society organization affiliated with ZANU-PF, accredited to observe the 2023 elections. See <https://faztrust.com/about/>.

During this phase, two teams observed inadequate application of procedures for ballot counting, reconciliation, recounting, contested ballots, and posting results at the center.

The Carter Center observers assessed tabulation at the ward, constituency, and provincial levels. These processes were assessed as very good in 67 % of observations and as reasonable in 31% of observations. The process took place without reported interference in the tabulation process.

ZANU-PF and CCC again had general parity in the number of party agents deployed at tabulation centers. In Mashonaland West, party agents complained that they did not receive their accreditation to observe, however, ZEC staff resolved the issue for them. FAZ observers were present in half of the centers observed. On average, women made up 66% of staff at polling stations observed – 62% in rural areas and 71% in urban areas. Women served as presiding officers in 43% of polling stations observed – 33% in rural areas and 53% in urban areas.

The Carter Center acknowledges the country's many polling station personnel for their professionalism despite logistical challenges.

### ***ANNOUNCEMENT OF ELECTION RESULTS***

The ZEC held a brief press conference late on Aug. 26 to announce the results of the presidential election. Incumbent Emmerson D. Mnangagwa received 2,350,711 votes (52.6%), and the leading opposition candidate Nelson Chamisa received 1,967,343 votes (44%). It released a picture of the collation of return forms from provincial command centers on its Facebook and X accounts, providing information on the number of ballots cast for each candidate at the provincial level.<sup>133</sup> The presidential candidates and their chief election agents were invited to witness the collation of presidential results. Some international observers were also present. Shortly after, the defeated CCC candidate rejected the presidential results, arguing that the party was in possession of V11 and V23 forms that differed from the ones used by the ZEC and announcing his intention to challenge the results.<sup>134</sup> The results for the National Assembly FPTP seats and the local authority were announced at the constituency and the ward level, respectively. The ZEC published the results on its webpage; however, technical problems made the site difficult to access and led to limited public access to information. Voter turnout was reported at 68.9%.

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<sup>133</sup> See picture of the presidential results by province published by the ZEC, Aug. 27, 2023 <https://twitter.com/ZECzim/status/1695559127118807092/photo/1>.

<sup>134</sup> See CCC statement, Aug. 27, 2023 <https://twitter.com/CCCZimbabwe/status/1695576909839487050/photo/1>.

The observer organizations ZESN and ERC further released a joint statement calling on the ZEC to make disaggregated polling station results available online in order to increase transparency of the tabulation process.<sup>135</sup>

## CONCLUSION

In light of its overall findings, The Carter Center concludes that the 2023 electoral process did not adequately respect Zimbabwe's regional and international commitments for democratic and inclusive elections, undermining contestants' ability to compete on an equal basis and preventing the genuine expression of the will of the Zimbabwean people.

***The Carter Center conducts election observation in accordance with the Declaration of Principles of International Election Observation and Code of Conduct for International Election Observation adopted at the United Nations in 2005.***

*The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in more than 65 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production. Visit: [www.cartercenter.org](http://www.cartercenter.org) to learn more about The Carter Center.*

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<sup>135</sup> See ZESN and ERC Joint statement, Aug. 27, 2023, <https://twitter.com/ZESN1/status/1695790504590426302/photo/1>.