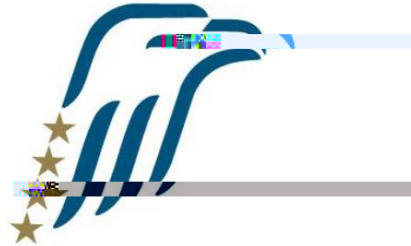


THE  
CARTER CENTER



Republic of Zimbabwe  
2018 Presidential, Parliamentary and Local Council  
(Harmonized) Elections

Election Expert Mission  
Final Report

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The Carter Center  
July 2020

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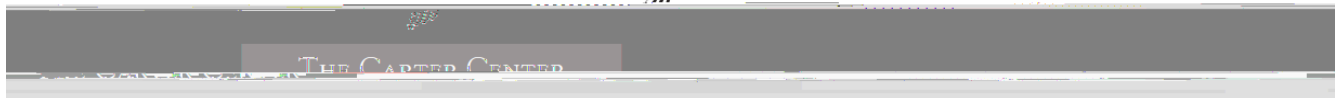
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Map of the Republic of Zimbabwe



## Executive Summary

### Mission Background

The Carter Center deployed a mission to Zimbabwe from March 28, 2018, to assess the pre-election environment and preparations for July 30, 2018, presidential, parliamentary, and local council elections (collectively called the harmonized elections). The mission met with key political and electoral stakeholders as well as civil society organizations and international technical assistance providers. The Center subsequently received an invitation from the Ministry of Foreign Affairs and International Trade to observe the harmonized elections. Because of a lack of funds, the Center deployed only a small expert mission. The team arrived on July 10 and conducted assessment activities for seven weeks. The Carter Center's election expert team was based in Harare and consisted of a field office director, senior political analyst, legal and election analyst, civil society and technology analyst, and an IT analyst and data verification specialist.

The Center's mission was limited in scope and did not conduct a comprehensive assessment of the



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missions in issuing joint statement on Aug. 2 about the incident. Representatives of the organizations that signed the joint statement met with presidential candidates of the Zimbabwe African National Union- Patriotic Front (ZANU-PF) and the Movement for Democratic Change Alliance (MDC-A ), as well as the Zimbabwe Electoral Commission (ZEC) chairperson and other ZEC members to deliver this message and underscore the importance of the public and timely

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State violence marked the postelection period and intimidation eroded the limited gains made in the preelection period. On Aug. 1, Zimbabwean soldiers and anti-riot police fired on demonstrators marching near ZEC's Election Results Center, killing six and injuring more than a dozen. On the same day, security forces raided the headquarters of the opposition MDC, arrested several members, and seized its equipment. The events and acts of violence and intimidation directed at opposition supporters and others created an environment of fear and uncertainty.

Election results were released by the legal deadline, but the results management process was undermined by problems with the ZEC's website and inaccuracies in the official results tables provided to the public. According to official ZEC results, ZANU-PF attained a two-thirds majority in the parliament, and Emmerson Mnangagwa was declared winner of the presidential race with 50.8 percent of votes. The MDC-A challenged the results of the presidential race to the Constitutional Court, which dismissed the charges on grounds of insufficient evidence.

While there were notable improvements in the preelection environment over past polls, some aspects of the electoral process were not consistent with international standards for democratic elections. More than 18 months after the election, the Zimbabwean government has failed to take concrete action to increase protections for the fundamental rights of its citizens and to strengthen the country's rule of law. The government should make efforts to build confidence in Zimbabwe's commitment to democracy and to building credible democratic institutions before the 2023 elections. The international community should continue to support improved elections and honest efforts to support a democratic transition in Zimbabwe.

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shortcomings, bring the law into alignment with the constitution and ensure the right of effective legal remedy throughout the electoral process. Enforcement of the electoral code of conduct should be strengthened, including by introducing sanctions for parties and candidates that violate its principles.

*Election Administration*

The Zimbabwe Electoral Commission (ZEC) prepares, conducts and supervises the presidential and parliamentary elections, as well as other referenda and other elective offices in Zimbabwe. Its members are appointed by the president, after consultation with the Standing Rules and Orders Committee in parliament and for the chairperson the Judicial Service Commission.

Several amendments to the Electoral Act introduced changes that positively impacted the administration of the 2018 elections, including an increase in the number of polling stations countrywide; the assignment of each voter to a specific polling station; a cap on the number of extra ballot papers printed for voters.

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Zimbabwe Election Support Network (ZESN) concluded that despite noncritical problems and mistakes, the 2018 voter roll was an improvement over that of 2013.

*Campaign Environment*

Despite a limited number of high profile incidents, including the bombing of a Mnangagwa rally on June 23 in Bulawayo, the 2018 campaign was most notable for being less violent than previous elections. However, freedom of assembly was undermined by widespread reports of the ruling party's use of state resources as well as actions by village chiefs to exert pressure on voters to support the ruling party and to dissuade them from attending opposition rallies. This demonstrated the absence of a clear distinction between the state and the ruling party, and negatively affected the ability of candidates to compete under equal conditions. While the campaign period was more competitive and peaceful than in previous elections, these factors coupled with a lack of campaign finance regulations, negatively affected the electoral process.

*Civil Society Engagement*

The opening of political space for participation in public affairs after the November 2017 coup was a positive step that allowed civil society organizations (CSOs) to conduct meaningful activities throughout the pre-election period and on election day. CSOs said the pre-election and election day environment was more open than during the past elections and that the ZEC largely helped to facilitate observation. The accreditation process was inclusive and free from the difficulties experienced in the past. Regrettably, post-election intimidation and state-sponsored violence reduced trust built during the pre-election period and raised concerns among civil society leaders that the space opened around the elections closed and that they could be targeted for their activities.

*Social Media and Information Communication Technologies (ICT)*

Various stakeholders embraced information and communication technologies (ICTs) and social media platforms to campaign and organize. These platforms provided alternatives in a media landscape largely dominated by the state. Candidates, political parties, and opinion leaders used social media to campaign and convey messages in real time. Government agencies and NGOs also utilized social media to inform and organize. However, it was frequently difficult to discern the source and accuracy of information available through social media. The spread of misinformation and “fake news” was also a key concern of many stakeholders throughout the elections. Steps taken by the government to gain greater control over the ICT market, and to

The Center issued a short statement indicating that the pre-election period fell short of international standards and was “seriously flawed.”

In 2013, The Carter Center carried out a pre-election visit to Zimbabwe in advance of the polls to assess whether Carter Center engagement in the elections would be welcomed by stakeholders. During the visit, key stakeholders, including representatives of the three major political parties, indicated they would welcome a Carter Center observation presence in Zimbabwe. However, the Zimbabwe Electoral Commission later declined the Center’s application for observer accreditation, and the Carter Center was unable to deploy an observer mission.

### Historical and Political Background

Zimbabwe has held regular elections since its independence in 1980. Although the ruling party, ZANU-PF, briefly considered the idea of a de jure party state, Zimbabwe has maintained a multiparty system. Elections in the 1980s and 1990s saw the steady consolidation of the ruling party’s power, as it drew on the substantial resources of incumbency. These include virtually exclusive access to the state-owned media, the ability to dispense food aid in poor rural areas typically in the form of maize or seed, and control over political and electoral institutions. In the elections of the 1990s, ZANU-PF also enjoyed sole access to an electoral fund amounting to about US\$4 million mid-decade, which was not subject to public audit.

The formation of the Movement for Democratic Change (MDC) in September 1999 and its participation in the June 2000 parliamentary elections ushered in an era of political competition. Despite facing ZANU-PF’s entrenched advantages, as well as serious intimidation and violence, the MDC performed well in national elections in 2000, 2002, and 2008.<sup>3</sup> ZANU-PF’s determination to maintain power, coupled with a deepening economic crisis, contributed to election cycles that were marked by violent partisan clashes and sharp increases in state-sponsored violence.<sup>4</sup> ZANU-PF regularly used the state security apparatus and quasi-state actors to intimidate and often brutalize the opposition and its supporters.

In 2008, Movement for Democratic Change-Tsvangirai (MDGT) presidential candidate Morgan Tsvangirai is widely believed to have won the first round on March 29. However, when results were finally released six weeks later, neither Tsvangirai nor the incumbent president, Robert Mugabe, had received the necessary majority for a first-round victory (Tsvangirai and Mugabe received 47.87 percent and 43.24 percent of the vote, respectively), precipitating a run-off. State-sponsored violence escalated between the two rounds, resulting in some 50 deaths, over 2,000 beatings and cases of torture, and tens of thousands of internally displaced people. Electoral

<sup>3</sup> MDC garnered approximately 47 percent (57 seats) in the 2000 parliament to ZANU-PF’s 48.6 percent (62 seats).

manipulation and new waves of violence directed against the MDC and its supporters, Tsvangirai withdrew as a candidate and boycotted the runoff.

In the wake of the 2008 crisis, international pressure, especially from the Southern African Development Community (SADC) and South Africa, helped bring about the Global Political Agreement, which created a government of national unity (GNU).<sup>5</sup> The powersharing agreement was discontinued after the 2013 elections, when ZANU-PF won two-thirds of the vote in both the presidential and parliamentary contests.

Unlike in other elections since 2000, there was relatively little violence during the 2013 polls. The Zimbabwe Research Advocacy Unit reported that ZANU-PF's increased vote was a result of manipulations of the voter roll, assisted voting, voters being turned away, and illicit voting, including by security forces.

The ruling party has traditionally received its strongest support in rural areas, where over half of the population resides. ZANU-PF has used public resources effectively, particularly in targeting rural voters to harness support. Some of the party's support can be attributed to its liberation war credentials and post-1980 land and agricultural policies.

The harmonized national elections of 2018 pitted a reinvigorated, competitive, and substantially ZANU

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Religions (2015 est.)

for official business), 13 minority languages (official includes Chewa, Chibarwe, Kalanga, Koisian, Nambya, Ndau, Shangani, sign language, Sotho, Tonga, Tswana, Venda, and Xhosa).  
Protestant 74.8percent (includes Apostolic - 37.5 percent Pentecostal 21.8



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Convention on the Political Rights of Women	Ratified/Acceded	June 5, 1995
Convention on the Rights of Persons with Disabilities	Ratified/Acceded	



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existing or new legislation in order for the laws of the country to be aligned with the constitution. The constitution expanded civil and political rights, rights of the press, and increased government transparency. It also introduced public funding of political parties in order to support multiparty democracy and changed the electoral system from a first-past-the-post system to a mixed electoral system.

The constitution promotes key principles for conducting democratic elections, including the right of all political parties to function and campaign freely within the law, the will of the people to be demonstrated through elections that are conducted in a free, fair, transparent, and efficient manner, and state-owned media to be impartial and afford fair opportunity for the presentation of divergent views and opinions.

While the 2013 Constitution improved some aspects of the legal framework, certain drawbacks are apparent. For example, the Constitution of Zimbabwe Amendment (No. 1) Act of 2017 enhanced presidential powers at t

station results be displayed outside the polling station so that it is visible to the public. In addition, the 2014 Amendment to the Electoral Act provided for the creation of multiparty liaison committees on the national, district, constituency, and local levels. These forums provided political parties and the electoral commission an opportunity for dialogue as well as a mechanism for conflict management. The National Prosecuting Authority Act further amended the Electoral Act in 2015, as did the General Laws Amendment Act in 2016.

The Electoral Amendment Act was amended and reauthorized on May 28, 2018. The latest amendments, introduced only two months before election day failed to establish the stability of the legal framework for the elections in advance of the polls. This is contrary to international good practice, which stipulates that fundamental elements of the electoral framework should not be open to amendment in the year before an election.<sup>11</sup> While the reforms helped to bring the law into greater alignment with the constitution and also provided a firm basis to protect the credibility and integrity of the elections, further reforms to the amendments also have in some ways weakened the Electoral Act by making procedures and definitions inconsistent and ambiguous. As such, measures should be taken not only to align the Electoral Act with the 2013 Constitution, but also to ensure that the various amendments are in alignment with one another.

Despite the short timeframe, a number of the May 2018 amendments introduced positive changes to bring the Electoral Act in line with the constitution and international standards. The amended law improved the legal framework to enhance the credibility and integrity of the elections, including by assigning voters to specific polling stations.<sup>12</sup> Previous elections in Zimbabwe used ward-based voting, which resulted in long queues as one could vote at any polling station in the ward and caused concerns about the opportunity for multiple voting. Further, the amendment called for the allocation of additional polling stations in highly populated areas to alleviate pressure on poll workers and lessen waiting times. The law also established a biometric voter registration system.

The amendments required the ZEC to ensure that the number of extra ballot papers printed for any election does not exceed 10 percent of the number of registered voters eligible to vote in the election.<sup>13</sup> Overall, these reforms introduced some important safeguards against possible multiple voting. The amendments also repealed a section of the Electoral Act that prohibited foreign contributions or donations in support of voter education.<sup>14</sup>





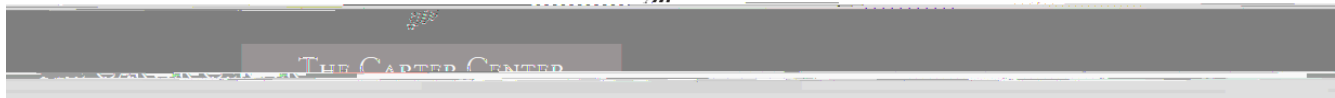




## Election Administration

An independent and impartial electoral authority that functions transparently and <sup>27</sup>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. The election management body is responsible for ensuring that the electoral process is in compliance with Zimbabwe's obligations for democratic elections and human rights. The body also should ensure accountable, efficient, and effective public administration as it relates to elections.<sup>28</sup>

The 2013 Constitution provides that the ZEC be an independent in



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forbid employment of former military members, provided that they are not in active service were still concerned about public perceptions of the independence of the institution.

The ZECs


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election operations and media monitoring. They also provided financial support to supplement funding provided by the Zimbabwean government. The African Union (AU) supported the training of election administration officials and production of some training materials.

A number of legal reforms were enacted in 2013 and 2018, which improved the electoral process substantially. Following the disagreements between contesting political parties in 2013 over transparency and management of the voter roll, the implementation of biometric

information would be published after the elections which contributed to the image of the ZEC as lacking openness.

### Stakeholder Outreach Efforts

The ZEC used its discretionary powers to decide, without consulting contestants, to design the presidential ballot in a way that divided candidates into two columns and placed the incumbent on the top of the second column. A number of stakeholders perceived this political decision that favored the incumbent and discriminated against other contestants. In the same manner, some 15 days prior to the elections, the ZEC decided to change the position of polling booths such that the voters' backs would be visible to everyone present at a polling station, which would compromise the secrecy of the vote. The ZEC defended this decision by noting their lack of alternative mechanisms to detect potential attempts by voters to photograph the ballot paper, which is a criminal offense. In response to requests from the majority of contestants put forward at the MPLC meeting, the ZEC reversed its decision and conveyed the message to all polling station officials in a timely manner.

some interlocutors, the cascade training did not adequately cover the counting process, which resulted in presiding officers following inconsistent practices while counting the ballot papers at polling stations.

The ZECs training provided inconsistent clarifications of some procedures. For example, the electoral officer's manual distributed during trainings included information that indicated that copies of the voter roll should be placed outside polling stations. However, the ZEC later decided that copies of the voter roll would not be placed outside the polling stations on election day and informed the polling station officials accordingly. Moreover, the manual did not always align with the procedures laid out in the Electoral Act and acts. For example, Article 65–6-A of the Electoral Act states that the ward elects officer shall provide a copy of the completed ward return to every candidate, election agent and observer who requests one, but the electoral officer's manual did not reflect this. One of the forms, such as the polling station return form (V11), lacked detail, causing confusion during the tallying process. Also, V11 form itself does not include a space to record the total number of registered voters at the polling station, which is necessary to check that the total number of votes is less than or equal to the number of registered voters.

#### Recommendation

*The ZEC should consider enhancing the effectiveness of its training on election-day procedures, with a particular focus on vote counting and how to complete summary result forms, by dedicating more time and attention to practical exercises on these issues.*

#### Ballot Design

According to the Electoral Act and the electoral officer's manual, ballot papers for presidential, parliamentary and local council elections have serial numbers on the back for the purpose of preventing fraud. This practice is contrary to international best practices which indicate that the presence of a serial number on ballot paper could compromise the secrecy of the vote.<sup>33</sup>

#### Recommendation

*Authorities should consider removing the serial number on the back of ballots, which allows for vote tracing and therefore challenges the principle of secrecy of the vote.*

#### Postal Voting

The Electoral Act provides for postal voting to facilitate the participation of police, diplomats and their spouses abroad, and others on official duty. The ZEC confirmed receipt of 7,200 postal voting applications. Of those approved, a majority – 4,500 applications – were submitted by members of the police. Postal voters were provided with voting material and required to send their votes in sealed envelopes to the constituency's chief elections officer at least 14 days before election day July 30. The chief elections officers distributed the postal votes to respective constituencies polling stations before election day. Opposition contestants stated that the postal voting process is vulnerable to abuse and expressed concerns about the conduct of postal voting, particularly by police forces at the Bulawayo Ros Camp. Some international election observation missions and

<sup>33</sup> ACE – The Electoral Knowledge Network



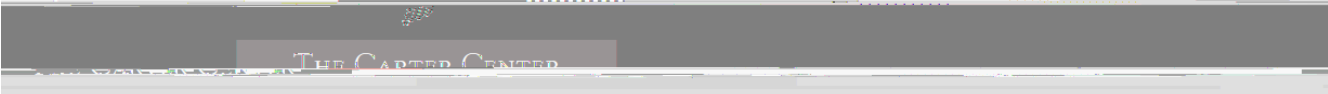


citizen observers reported that the practices during postal voting in some locations were not always consistent with the law.

### 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.

Two weeks in advance of the elections, the ZEC conducted a general voter education campaign to encourage inclusive elections. The outreach included materials and messages targeting women, youth, and disabled persons to raise electoral awareness among these groups and encourage their participation. The ZEC developed voter education materials that were broadcast on national television and radio as well as advertisements published in print media and on the ZEC's website. Posters and leaflets were produced, and billboards were put up in urban areas. The materials were translated into 13 local languages. While stakeholders generally emphasized the importance of increased public awareness about the elections and welcomed the voter education, concerns were raised about the ZEC's ability to provide sufficient-6 (n)-4 ( [(ovi)-2 (ded6 (a)4 (n0)-2 ( -j1.15')3



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the electoral process.<sup>36</sup> Under the 2013 Constitution, every Zimbabwean citizen over the age of 18 has the right to vote in all elections and referenda<sup>37</sup> and to cast a secret ballot

While the right to vote is protected by the constitution, voter registration and the voter roll have historically been

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were not as severe as 2006, when the MDC split over whether to take part in the Senate elections, or as in 2013, when former Finance Minister Tendai Biti (then MDC secretary general) left to

instead refers to sanctions that appear in other sections of the electoral law including for violence, intimidation, and corrupt practices. These sanctions include imprisonment, fines, and disqualification from voting or holding public office.<sup>45</sup>

The Electoral Act does not include any ~~as~~ provisions regarding the misuse of state resources during electoral campaigns. This is inconsistent with international obligations and best practices that ban “the use of State property for purposes other than those for which they were intended for the benefit of the public official or a third party.”<sup>46</sup>





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At the same time, ZANUFP has dominated Zimbabwe politics for nearly four decades. An incumbent regime with entrenched and intersecting individual and institutional interests seeks to maintain power. The 2018 campaign period was characterized by softer forms of intimidation and influence than in the past according to reports from other international and domestic election observer missions.<sup>50</sup>



### The Role of Social Media and Information and Communication Technology (ICT)

Over half of the Zimbabwe's population use the internet, and the growing availability and use of information and communication technologies (ICTs) and social media has increased access to information and provided new ways to communicate.<sup>52</sup>

In the context of the 2018 harmonized elections, various stakeholders embraced ICTs and social mediaplatforms– including WhatsApp, Facebook, and Twitter, among others to campaign and organize. These platforms provided citizens alternatives in a media landscape largely dominated by the state.<sup>53</sup> They also posed new and difficult challenges for Zimbabwe's elections, not unlike those experienced today across Africa and around the world.

platforms during monitoring.<sup>55</sup> It often was difficult for citizens to verify the information they received.

The opportunities and challenges created by ICTs and social media during the elections will remain – and likely grow. Recent steps taken by the government to gain greater control over the ICT market and to regulate social media and those using it have raised concerns about the future of internet freedom in Zimbabwe.<sup>56</sup>

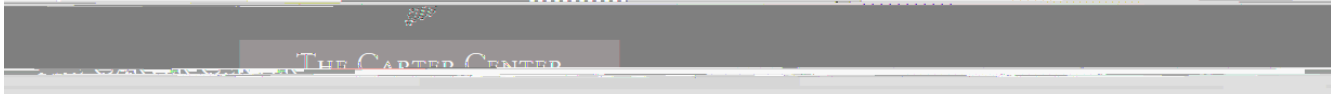
### Recommendation

*Any steps taken to further regulate ICTs and social media in Zimbabwe should be given careful consideration, and solutions should ensure that the internet remains open and accessible for all citizens, which is essential today to maintaining a democratic society. Increased civic education and fact-checking efforts should be encouraged to help ensure responsible political engagement in this arena.*

### Civil Society Engagement

According to public international law, all people have the right to participate in the public affairs of their country.<sup>57</sup> This includes the right of citizens to participate in nongovernmental organizations (NGOs), including citizen observer organizations, and contribute to voter education efforts.<sup>58</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.

The opening of political space for participation in public affairs after the November 2017 coup was a positive step that allowed civil society organizations (CSOs) to conduct meaningful activities throughout the preelection period and election. The Center applauds these advancements. Regrettably, postelection intimidation and violence directed toward election stakeholders undermined that



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participation of citizens in the civic and political affairs of their country strengthens democratic

ZESN, a coalition of 36 nongovernmental organizations, conducted observation throughout the election cycle. During the pre-election period, ZESN conducted an audit of the voter roll and also deployed 210 long-term observers on May 18 to report on the pre-election environment and campaign period. On election day, 6,500 short-term ZESN observers observed at polling stations across the country. A sample-based observation was also conducted to provide an assessment of the quality of election day procedures and a projection of the results of the presidential election. According to ZESN, the sample-based observation included data from 750 polling stations and had a margin of error of +2% for the presidential candidates. The ZEC's official presidential results fell within the margins of error of the sample-based observation.<sup>62</sup>

ZESN was a convener of the Election Situation Room (ESR), a prominent effort by more than 40 civil society organizations to receive and share information related to the elections and to respond to incidents as they arose. The ESR advertised its efforts across Zimbabwe, provided toll-free numbers for citizens to report information, escalate reports of serious incidents to relevant stakeholders, and released frequent statements about election-related developments. The ESR expanded its operations to respond to an expected increase in reported incidents immediately around and on election days in 2013, the ESR's main operations were based in Harare. However, a hub office was also opened in Bulawayo to better coordinate groups in the southern half of the country.

Several additional groups expanded their normal activities to support the elections. Church organizations engaged their memberships and the broader public to promote peaceful elections. For example, the Catholic Commission for Justice and Peace Zimbabwe (CCJPZ) deployed several hundred election observers and the Zimbabwe Council of Churches (ZCC) conducted dialogue across its membership and commissioned a survey on voter behavior and participation.<sup>63</sup> Several groups worked to monitor and support the media, including Media Monitor, which assessed election-related media coverage, and the Media Institute of Southern Africa, which advocated for freedom of expression and tracked violations, among other activities.

Zimbabwe's civil society made significant contributions to holding more accountable, transparent, inclusive, and peaceful elections. These groups are well-positioned to support the country through the next election cycle, including toward electoral and democratic reform. However, steps need to be taken to rebuild the trust lost after election day and all stakeholders will have to work to support an environment conducive to these groups continuing to serve as a main resource for the country.

## Recommendation

*Efforts should be taken to protect space for participation in public affairs for all stakeholders and to reassure civil society and other stakeholders that they are free to operate and can do so without repercussions.*

## Election Day

The Carter Center expert mission did not observe election proceedings in a systematic and comprehensive manner. The team visited only a small number of polling stations in two provinces, assessed the tallying process at command centers at wards and constituencies in and around Harare and followed tallying of the results at the national level.

## Tallying, Transmission of Results

Reporting and transmission of results should be transparent, with partisan and nonpartisan observers having meaningful access to the voting and results tallying process. By law, representatives of the contestants may observe the tallying and the transmission of the results at all levels of election administration.

According to the ZEC, transmission of the presidential election results was conducted according to an “urgent transmission route” which bypassed certain levels of election administration. District election offices transmitted the ward presidential results directly to the national collation and results center. Tallying of the results was done on an Excel spreadsheet provided by the ZEC.

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*standards, full accountability would require publishing the results of the elections for all races down to the polling-station level, which would greatly increase the transparency and credibility of the polls.*

As noted above, the ZEC provided the presidential results at the polling level on a CD ROM to stakeholders upon request within 24 hours of the announcement of these results.

The Center reviewed the presidential election results for all 10 provinces and compared the totals provided by the ZEC in its summary tables with the data included in the individual tables. The Center identified technical mistakes in the tables for four provinces that affected all presidential candidates. The errors did not impact the final result of the presidential election. Nevertheless, these mistakes indicated that the system used for tallying results is vulnerable to a human error.

The statistical-based observation conducted by ZESN found that the presidential election results announced by the ZEC were within a credible statistical range given the margin of error in the statistical sampling, which straddled the 50 percent threshold, ZESN not definitively determine whether the leading candidate had attained enough votes to win in the first round of voting.<sup>69</sup>

The ZEC announced the results of the presidential election late in the evening on Aug 3. The ZANU-PF candidate, Emmerson Mnangagwa was declared the winner in the first round with 50.8 percent of the total valid votes. Opposition leader Nelson Chamisa placed second with 44.3 percent of the votes.

#### Recommendation

*The ZEC should review the software for tallying the results; inconsistencies and factual mistakes should be reviewed and corrected before the official election results are announced. Tabulation procedures should be reviewed to ensure party agents and candidate representatives have meaningful access to cross-check the results received from the lower levels with those entered into*

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won 185 seats. The 60 seats reserved for women through the proportional representation system were allocated as follows: 35 seats for ZANU-PF, 24 seats for MDC-A, and one seat for MDC. The female representation in the National Assembly after adding the 60 reserved seats is 31.5%. While this percentage is almost 8% above the world average for women representation in parliaments (23.8%), it is a decrease of 3.5% from 2013, and it remains well below the 50% required by the constitution.<sup>70</sup> The 60-seat women quota will be applied for the last time in the 2023 elections.

### Recommendation

*Zimbabwe political leaders should adopt additional measures to reinforce the constitutional requirement and institutional mechanisms to achieve gender parity in government institutions.*

Numerous pre-election reports, including one from Afrobarometer, suggested that third parties might play a spoiler role, particularly by forcing a presidential runoff. But despite the factionalism within the two leading parties, third parties ultimately had little impact on the outcome. Zimbabwean voters largely selected candidates from ZANU-PF and MDGA. ZANU-PF factionalism did not appear to have an adverse effect on the party's cohesiveness at the polls. In the end, NPF won just a single parliamentary seat and a tiny share of the presidential vote (fewer than 5,000 votes).<sup>71</sup> Whereas it is clear that MDC did not yield substantially larger seat totals for MDC (63 seats vs. 49 in 2013), the alliance largely held. Among third-party candidates, Thokosani Khupe got the highest number of votes (45,573), representing just 0.9 percent of the vote. Her MDGT party did considerably better at the National Assembly level, winning 3.4% (161,824) of votes although this resulted in no seats.

ZANU-PF attained a two-thirds majority in the parliament with 66.6 percent of the seats. The 60 Senate seats, elected through proportional representation, were allocated as follows: 35 seats for ZANU-PF, 24 seats for MDC Alliance, and one seat for MDC. Women candidates were awarded 34 seats, and men 26 seats.

Local council results were declared and announced at the ward level by a ward election officer, made public and posted in an aggregated form on the ZECs website.

### Post-Election Political Environment





2018 Presidential, Parliamentary, and Local Council Elections in Zimbabwe

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“invoked the provisions of Section 37 (1) of the Public Order and Security Act Chapter 11.17 and approached the Minister of Home Affairs and Cultural Heritage to request the assistance of the Defense Forces [ZDF] for the suppression of the commotion and disturbances in Harare Central Business District,” and that the ZDF “remain under the command and supervision of the Commissioner General of Police.”<sup>78</sup> Just days later, however, some government officials, including Army Chief Philip Sibanda, denied that the perpetrators were even actual military, perhaps in an effort to obscure blame and responsibility. No one but the principals know precisely who ordered the troops to deploy and, importantly, authorize



perceive that they possess –a voice in the quality of the electoral process if the process is to retain credibility.<sup>82</sup>

The constitution provides for the right to a legal remedy and allows the ZEC to receive and resolve complaints throughout the electoral cycle. However, the Electoral Act does not include the mechanisms and procedures for receiving and resolving complaints those related to voter registration.

In one of its statements, ZEC said that it did not receive any complaints during the pre-election phase. The 2018 amendments to the Electoral Act introduced a six month timeframe for courts to rule on election petitions and appeals related to parliamentary elections, which is a improvement over past elections, in which there were no time limits for a court to rule on electoral disputes. Time limits for court rulings in pre-election disputes should also be clearly specified to ensure timely remedy.<sup>83</sup>

The Electoral Act provides that the security fees prescribed by the Commission, in consultation with the chief justice, should be paid not later than seven days following the submission of a petition.<sup>84</sup> The fees which range from US\$1,000 to US\$5,000, are so high that they could restrict parties' right to justice.<sup>85</sup> The Electoral Act and electoral officers manual for the 2018 harmonized elections do not include any instructions, procedures or forms for party agents to file complaints during polling and counting on election day.

Stakeholders generally expressed a lack of confidence in judicial impartiality because of the limited constitutional independence and transparency in the appointments of the chief justice, the deputy chief justice and the judge president of the High Court and the system of allocation of election-related matters to judges by the judge president of the High Court.

More than 50 applications were filed with the courts, beginning several months before the proclamation of the elections and continuing until two days before the polls. Only a small number

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shall have his right thereto determined by competent judicial, administrative or legislative authority, or by the courts of law, in accordance with the law, and shall have the right to a fair and public hearing by an independent and impartial tribunal established by law. The hearing shall be fair and public, and shall be conducted within a reasonable time. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence at the time it was committed, nor shall a heavier penalty be imposed than the one applicable at the time the offence was committed. If a person is found guilty of a criminal offence, he or she shall be liable to a penalty which does not exceed that which was applicable at the time the offence was committed. (Article 17 of the Zimbabwean Constitution)

of cases were upheld by the courts.<sup>86</sup> The vast majority of these cases were rejected, most for technical reasons.<sup>87</sup>

### Recommendation

*A comprehensive review of the electoral framework should be conducted well in advance of the next elections to further clarify, update, and harmonize laws concerning electoral dispute resolution procedures.*

*Time limits should be introduced for courts to issue rulings on pre-election electoral disputes to provide complainants with an effective and timely remedy to protect their right to stand. Security fees for filing petitions should be reduced in order to allow for equal access to justice.*

*Candidate and party agents should be provided the opportunity to file complaints at the polling-station level on election day; instructions on the required procedures and forms to do so should be included in the guidance provided to polling staff and agents.*

### Postelection Petition and Constitutional Court Decision

Following the declaration of the results by the ZEC, the MDC lodged an official complaint with the Constitutional Court challenging the outcome of the presidential election. The official complaint alleged systematic fraud in the elections process, resulting in a lead vote for the incumbent candidate. All the parties concerned submitted their written responses. The presentation of arguments by the parties concerned took place. Parties had an opportunity to answer the court's questions. The complainant failed to submit supporting materials for some of the claims included in the complaint and submitted only 1 percent of all V11 forms as supporting evidence.

A number of inconsistencies and factual errors in the tabulation identified by the opposition contestant who challenged the presidential results were brought to the ZEC's attention through the MDC-A petition filed with the Constitutional Court. While the ZEC members acknowledged the mistakes and corrected them, no clear explanation for the mistakes was provided to the public. The ZEC pointed out that these mistakes had no impact on the final result.

<sup>86</sup>E.g. The 2013 Constitution bars traditional leaders from engaging in partisan politics, but this has not stopped the practice. However, the High Court ruled on May 16 that all traditional leaders must refrain from engaging in partisan activities and required a public retraction from the president of the Zimbabwe Council of Chiefs, who publicly pledged his support to the ruling party.

<sup>87</sup> E.g. An application filed by three Zimbabweans, who sought that Zimbabweans abroad be allowed to participate in the country's electoral processes, challenging some restrictive provisions of the Electoral Act. The Constitutional Court on May 30, 2018, dismissed the case on technical grounds. Another case related to the Electoral Resource Centre (ERC), which filed a petition demanding the ZEC provide it with a copy of the provisional voter roll. The High Court ruled in ERC's favor; however, the Supreme Court overturned this decision. The Amalgamated Rural Teachers Union of Zimbabwe (Artuz) filed a petition accusing ZANU-FU party of forcing school children and teachers to attend its political rallies and commandeering school resources such as buses and furniture for its rallies. The High Court ruled on June 28, 2018, that political parties should not abuse learners, teachers, and property in pursuit of private political interests. However, ZANU-FU appealed the High Court's decision to the Supreme Court, which, on July 27, 2018, suspended the High Court order on technical grounds.

The court dismissed the petition unanimously, concluding that “the applicant has failed to place before it clear, sufficient, direct and credible evidence that the irregularities that it alleged in its petition marred the election process, indeed materially existed.” The court declared Emmerson Dambudzo Mnangagwa duly elected president of the Republic of Zimbabwe. The court issued its ruling within 14 days of its filing as prescribed by the legal framework, and the inauguration of Mnangagwa took place within 48 hours of the ruling, as required by the constitution. Because of limited space in the courtroom, access to court premises was granted to the contestants, the ZEC, their legal teams and one international election observer per organization, upon request and accreditation of these observers. The court proceedings were broadcast live on state television and a tent housing large screens was set up in front of the court to accommodate political party representatives, additional members of the ZEC, citizen observers, etc.

While the court proceedings were conducted in an orderly and transparent manner, and adhered to procedures, the timeframe did not allow for the conduct of a proper investigation of the alleged violations included in the petition, undermining the right to effective remedy and public confidence in the resolution. Following the elections, police raids on MDC leaders’ homes and party headquarters, confiscation of party resources, as well as the arrests of party officials further undermined the opposition’s opportunity to build a case, as the party was forced to collect evidence in hostile environment.

## Recommendation











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Postelection Political Environment:

30. Judiciary. U

# Terms and Abbreviations

ACDEG	African Charter on Democracy, Elections and Governance	IFES	, Q W H U Q D W L R Q D O ) R X Q G D W
AIPPA	Access to Information and Protection of Privacy Act	IPU	Inter- 3 D U O L D P H Q W D U \ 8 Q L R Q
ARTUZ	The Amalgamated Rural Teachers Union of Zimbabwe	IRI -NDI	International Republican InstituteNational Democratic Institute
AU	African Union	JSC	Judicial Services Commission
BVR	Biometric voterregistration	MDC -A	Movement for Democratic ChangeAlliance
CCJPZ	Catholic Commission for Justice and Peace = L P E D E Z H x	MDC	Movement for Democratic Change
CEO	Chief elections officer	MDC -T	Movement for DemocratiChangeTsvangirai
CIO	& H Q W U D O , Q W H O O L J H Q F H M P L C		Multiparty liaison committees
CITE	Center for Innovation and Technology	NGO	Non-governmental organization
COMESA	Common Market for Eastern and Southern \$ I U L F D x	NPF	National Patriotic Front
CSO	Civil society organizations	POSA	Public Order and Security Act
CoE	Code of ethics	PPP	Purchasing Power Parity
ECF-SADC	Electoral Commissions Forum of SADC countries	PYD	Platform for YouthDevelopment
EISA	Electoral Institute for Sustainable Democracy in Africa	SADC	Southern African Development Community
ELMO	Election Monitoring	UN ICCPR	United Nations International Covenant on Civil and Political Rights
EOM	Election observation mission	UNDP HDR	United Nations Development Program Human Development Reports
ERC	Electoral Resource Centre	UNHRC	United Nations Human Rights Council
ESR	Election Situation Room	USSD	UnstructuredSupplementary Service Data
EU	European Union	ZANU -PF	Zimbabwe African National UnionPatriotic Front
FPTP	First-pastthe- S R V W P D M R U L W D L Z C C		Zimbabwe Council of Churches
GDP	Gross Domestic Product	ZDF	ZimbabweDefense Force
GNU	Government of National Unity	ZEC	Zimbabwe Electoral Commission
ICT	Information Communication Technologies	ZESN	Zimbabwe Election Support Network
IDEA	International Institute for Democracy and Electoral Assistance		

## Election Results

### Presidential Results(The Commonwealth)

Candidat 1 Tf 11.04

### National Alliance of

	Brian Mteki	Independent	2,732	0.06
	LovemoreMadhuku Noah Ngoni Manyika	National Constitutional Assembly	2,692	0.06

	National Constitutional Assembly Mtwakazi		9,736	0.21	0
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Senate Results(ZEC):

	Party	Seats
	ZANU-PF	34
	MDC-A	25
	MDC-T	1
	Chiefs	18
	People with disabilities	2
Total		80

# Carter Center Condemns Violence in Zimbabwe; Calls for Responsible Leadership, Peaceful Participation, and Transparency

August 01, 2018

FOR IMMEDIATE RELEASE

Contact: In Atlanta, Soyia Ellison, [soyia.ellison@cartercenter.org](mailto:soyia.ellison@cartercenter.org)

HARARE, ZIMBABWE – The Carter Center expresses grave concern about post-election tensions and the violent clashes that occurred today between armed security forces and protestors in Harare, which resulted in multiple casualties. The Center calls on Zimbabwe’s political leaders to set an example by refraining from inflammatory rhetoric, which could incite further violence. Security forces should protect citizens and avoid disproportionate use of force.

“The Carter Center stands with Zimbabwe in its commitment to peace and democracy,” former U.S. President Jimmy Carter said. “I urge political actors to demonstrate responsible leadership, Zimbabweans to exercise their politic

demonstrate patience and to avoid making premature declarations about t

Although the legal deadline for announcing electoral results is Aug. 4, The on the ZEC to publish the results expeditiously and in a transparent manner at the polling-station level to allow political parties to verify the integrity of the res public confidence.

This election marks a critical juncture in Zimbabwe’s history, as it seeks gr freedom, and prosperity. The Center shares the Zimbabwean people’s cor ideals.

The Carter Center deployed an expert mission to observe the 2018 harmo Center conducted a pre-election assessment in March 2018 and establish 2018 to assess the electoral process. The team’s work is limited in nature analysis of Zimbabwe’s legal and electoral framework, election administrat electoral environment, campaign period, women’s participation, civil societ electoral dispute resolution. The Center did not conduct election day obser and comprehensive manner. The expert mission will remain in Zimbabwe will issue a final report on its findings.

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- x His Excellency Hailemariam Dessalegn Boshe, Head of the African Union Election Observation Mission (AUEOM)
- x His Excellency John Dramani Mahama, Head of the Commonwealth Election Observation Mission
- x His Excellency Tete Antonio, Secretary of State for External Relations of the Republic of Angola and Head of the SADC Election Observation Mission
- x Justice Dr. Patrick Matibini, Head of the SADC Parliamentary Forum Election Observation Mission
- x Judge Semistocles Kaijage, Head of Mission, ECF - SADC
- x Ambassador Ashraf Rashed, Head of COMESA Election Observation Mission
- x Elmar Brok, Head of the European Union Election
- x Masa Janjusevic, Head of the Carter Centre Election Observation Mission
- x Joint International Observation Delegation of IRI and NDI