

SUBJECT: ZIMBABWE CONGRESS OF TRADE UNIONS (ZCTU) STATEMENT ON HARMONISED ELECTIONS OF 31 JULY 2013

I. PREAMBLE

Since the disputed elections of 2008, Zimbabwe has been run by a government of National Unity (GNU) following a disputed election whose mandate ranged from sorting out the economic mess as well as to prepare the country for a credible election, an undisputed free and election.

From the beginning, the Zimbabwe Congress of Trade Unions (ZCTU) believed that the full implementation of the Global Political Agreement (GPA) was the key to holding free and fair elections. The GPA provided key issues that needed to be implemented that included national healing and reconciliation; observance of the rule of law; freedom of expression, communication, assembly and association; free political activity, the role of traditional leaders and the reform of the security sector. In other words, the GPA set minimum conditions for holding a credible election.

Over the years Zimbabwe has failed to deliver a free and fair election. The election process has to meet minimum standards for it to be credible. These include international instruments such as:

- a. The United Nations Universal Declaration of Rights:
- b. The International Covenant on Civil and Political Rights (ICCPR):
- c. The African Charter on Human and Peoples Rights emphasizes on the right
- d. The SADC principles and Guidelines Governing Democratic Elections

The ZCTU made it clear from the beginning that it will not accept a flawed election. Free, fair and transparent elections are a necessary prerequisite for democracy. A flawed election can cause political instability

Although the ZCTU together with the Zimbabwe Elections Support Network deployed over 1000 election monitors, it also been observing the political environment before, during and after elections and this forms the basis of its opinion.

II. OBSERVATIONS

The following are the observations by the ZCTU on the 2013 Harmonised elections:

- a. Draconian laws:

Draconian laws such as POSA and AIPPA remained in place going into an election despite the fact that the GPA provided for the reform of these laws. These laws curtail the people's right to freedom of assembly, information and association

b. Violence:

For the first time in many years, the elections were done in a peaceful environment. Zimbabweans must be commended for their zero tolerance to violence in this election. However, there were negligible reports of intra and interparty violence.

c. Freedom to campaign:

Political parties were able to campaign freely although under stringent laws like POSA and AIPPA. In some areas voters shunned rallies of other political parties for fear of reprisals and this shows that there could have been tacit intimidation going on.

c. Electoral Roll:

No credible elections can take place with a voters' roll in tatters. In fact an inaccurate voters' roll is a source of rigging elections. The ZCTU notes with concern that the voters' roll used in the elections was inaccurate and distorted. There were reports of duplicate entries, voters enrolled in wrong constituencies and wards, eligible voters being left off, and, dead persons. The voters' roll was not made available to polling agents, observers and political parties in time as stipulated by law.

c. Voter Registration:

The process should have been moved with speed and transparency. There are reports of people who were frustrated whenever they want to register. Ideally, voter registration should have been removed from the Registrar-General's Office and taken over by the ZEC. The ZCTU however, doubts the impartiality of ZEC officials.

c. Voter information and voter education:

The public has the right to all information on the voting process. This include registration and place of voting. Civic organizations must be allowed to circulate information to the public to help members of the public to make informed decisions. Ideally, all material must be printed in all official local languages. Although there was an attempt to do some form of voter education, this was very limited and the educators were not visible at all. This could explain the reasons why there was high number of people who were turned away due to lack of information.

d. Ballot Papers:

To avoid speculation of cheating, ZEC should have printed ballot papers equivalent to registered voters and to disclose other such information, for example the number of ballot-boxes issued to each polling station.

e. The Voting process

The ZCTU received with concern that a number of issues that put to question the voting process:

- A number of voters were turned away for various reasons and this means many people were disenfranchised (ZESN estimates 750 000 voters).
- It was frightening that Presiding officers resorted to phoning the Command Centres (e.g in Epworth) to confirm the name of voters. This was open to abuse by presiding officers
- The arrests of people with fake voter registration slips means that there is a possibility of thousands of fake voters having voted throughout the country and this puts the credibility of elections into question.
- There were also reports of high numbers of assisted voters and this raises suspicion of intimidation.
- Village heads were reported to be leading voters in their areas, a clear intimidation strategy.

f. The media environment

The mass media have an important role to play, to a greater extent, in-between election periods, in the run-up to the election and during the election itself. Media in Zimbabwe have been largely polarised over the last 15 years.

The media in Zimbabwe is governed by a number of laws namely;

- AIPPA
- Broadcasting Services Act
- POSA,

Besides having a section on the media, the GPA also gave fruition to the Zimbabwe Media Commission (ZMC) and under the Constitution of Zimbabwe, one of the major functions of the media is “to ensure that the people of Zimbabwe have equitable and wide access to information”.

In the period preceding the 2013 harmonised elections, the state controlled media largely devoted most of their time and space to openly campaigning for ZANU PF. In the state media’s quest to campaign for ZANU PF they had to employ the dirty tactic of name calling, hate language and character assassination of mainly the Movement for Democratic Change party and senior officials. A research done by the Media Monitoring Project of Zimbabwe (MMPZ) states that ‘hate language is endemic to the Zimbabwean mainstream media particularly the state controlled arm of the media.’

The issue of hate language in state controlled media largely went unpunished despite having a legal framework in place to curtail such acts. Section 61 subsection 5(a-d) of the new Zimbabwe Constitution says:

‘Incitement to violence; advocacy of hatred or hate speech, or malicious injury to a person’s reputation or dignity; or malicious or unwarranted breach of a person’s right to privacy.’

Even the Criminal Law (Codification Reform) Act outlaws ‘criminal insult’ where any person by words or conduct ‘seriously impairs the dignity of another person.’

For example in the month of June the Media Monitoring Project of Zimbabwe (MMPZ) says several cases in which inflammatory, offensive and intimidating language was used. A total of 26 counts of such hate speech were recorded. The Herald recorded most counts of messages of hatred and intolerance, 10 (38%), followed by the Daily News with three (12%). The Daily News’ figure represented a 57% decrease from last month’s seven counts.

The Standard and NewsDay did not record any cases. The national television station, ZTV recorded nine (35%) counts of hate language. One stemmed from a news report and the rest from its current affairs programmes, African Pride, which was aired on June 20th at 6. 30pm. Preachers of the language of hatred recorded in June 2013 mostly comprised influential people in society.

These ranged from politicians, state actors, journalists and media columnists, to political analysts. Prime Minister Morgan Tsvangirai and his MDC party were the most targeted group in the government media. These media directed hate speech at Tsvangirai and his party 12 times. Ten (83%) of the 12 counts were churned out through the government Press, while the remaining two were broadcast on ZTV.

In essence there was no equal access to electronic media as ZANU PF got most of positive coverage. Even in instances where the MDC offered to pay for air time in the form of advertisements, these advertisements never saw the light of day. The electorate had to contend with biased unbalanced information.

One of the contentious issues that the MDC was pushing before the elections, was that of reform of the media. The parties to the GPA had agreed this was essential before the country could hold a free, fair and credible election. Just like the state sector reforms, media reforms were resisted by ZANU PF hence the country went for this landmark election without the reforms.

g. The security forces:

The security forces must be as impartial as possible. Members of the security forces must stay away from political parties’ campaign and must desist from uttering words that may be deemed to intimidate or supportive of other political parties. In fact such officers must be summarily be dismissed and disciplinary action taken against them.

h. CONCLUSION

While the ZCTU commends Zimbabweans for a peaceful plebiscite, that alone cannot be used to judge the freeness and fairness of an election. Among other shortcomings earlier mentioned (including the failure to implement provisions of the GPA), the use of voting slips that could be abused as well as the non availability of the voters’ roll until the eve of an election points to a sinister motive by those running the elections. The ZCTU believes that the elections were stage managed and Zimbabweans were taken on a garden path.

On the basis of the above assessment, the ZCTU therefore concludes that the 2013 elections, besides lacking credibility, were neither free nor fair.

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SECRETARY-GENERAL