



PRELIMINARY STATEMENT

**Curtailed Rights and Lack of Level Playing Field Compounded by Intimidation,
Election Day Largely Calm, but Disorderly**

Harare, 25 August 2023

This preliminary statement of the EU election observation mission (EU EOM) is delivered before the completion of the entire electoral process. Critical stages remain, including tabulation of results and adjudication of petitions. The EU EOM is now only in a position to comment on observation undertaken to date, and will later publish a final report, including full analysis and recommendations for electoral reform. The EU EOM may also make additional statements on election-related matters as and when it considers it appropriate.

Summary

The Zimbabwean Harmonised Elections of 23 August took place in a progressively tense atmosphere in some locations due to Zimbabwe Electoral Commission's (ZEC) failure to provide critical electoral material, which resulted in many polling stations opening with severe delays, some late into the night and the following day. Voters queued for long periods of time to be able to vote, reflecting their democratic aspirations. During the election process, fundamental freedoms were increasingly curtailed, both in the passing of regressive legal changes like the patriotic provisions to the Criminal Code and by acts of violence and intimidation, which resulted in a climate of fear.

The candidate registration process and the campaign led to an environment that hampered voters from making a free and informed choice on election day. The election was also impacted by significant issues regarding the independence and transparency of ZEC, which could have done more to inform the public. It also missed opportunities to increase public trust in the integrity of voting and results management. Ultimately, while election day was peaceful, the election process fell short of many regional and international standards, including equality, universality, and transparency.

On election night, there was a raid conducted across four locations in Harare, including at the Holiday Inn where the EU EOM and other international observation groups are based. In these actions, 39 people from ZESN (Zimbabwe Electoral Support Network) and ERC (Electoral Resource Centre) were arrested; a police statement the next morning clarified that it was for "coordinating the alleged release of election results". These organisations are part of the Global Network of Domestic Election Monitors (GNDEM), a network that follows the Declaration of Principles for non-partisan election observation. Their initial denial of legal counsel for some 12 hours raised significant concerns.

Despite an Administrative Arrangement between the Zimbabwean government and the European Union which stipulated freedom of access to all interlocutors, the EU EOM experienced problems in accessing official bodies. There was an extensive disinformation campaign against the EU EOM and unacceptable attempts to discredit the mission as well as other international observer organisations by some media.

The legal framework for elections could provide an adequate basis to conduct elections in line with regional and international standards espoused by Zimbabwe, if implemented properly. However, despite amendments to the constitution (2021) and the electoral act (2023), key challenges remain. Moreover, legislation recently passed eroded the separation of powers and curtailed the rights of assembly, association, and expression, limiting the civic and political space. The regulatory framework is insufficient and lacks important procedural details. ZEC's inconsistent publication of its decisions and regulations compromised the principles of transparency, accessibility, and legal certainty.

Although voters were offered a choice of political alternatives, the overall inclusivity of the candidate registration remained limited. Unreasonable registration criteria and ZEC's inconsistent and discretionary

implementation, an unduly high registration fee and ZEC's demand for USD cash payments constituted obstacles to inclusivity: one-fifth of all aspiring candidates were rejected. Court cases on registration remained outstanding until after election day, affecting the candidates' abilities to stand.

The law provides for the right to redress and judicial review for all aspects of the electoral process, however, timely and effective remedy was undermined by a lack of any timelines. The judiciary played a central part in the process given the high number of pre-election court challenges on the constitutional validity of all key legal texts, some of which remain unresolved. Many EU EOM stakeholders conveyed their opinion that trust in the judicial system is low.

ZEC's pre-electoral preparations went largely according to schedule. However, court disputes over candidate registration caused delays in ballot printing and impacted postal voting. There were significant concerns regarding ZEC's transparency. The absence of a public procedure for appointing lower-level commissions decreased public trust. Furthermore, ZEC did not consistently address public concerns related to constituency boundary delimitation, voter registration, candidate registration and ballot security; for instance, the final list of polling stations was only made public on election day. ZEC also did not have a well-organised communications strategy to deal with problems.

Voter registration was a significant point of contention. ZEC did not publicly disclose details prior to these elections of its efforts to verify the accuracy of the voter registration data. Before elections, ZEC did not provide fully analysable electronic copies of the register to political parties and civil society. After persistent requests and two legal challenges, it eventually released the electronic voters' roll to parties on 10 July. Many stakeholders alleged that ZEC amended the 'final' voter register after publication. The absence of clear communication from ZEC about changes further eroded confidence in the voter roll's accuracy.

The campaign presented voters with a range of viewpoints but there was a lack of a level playing field among contestants due to undue limitations and observed cases of coercion and intimidation. The campaign was moderately visible, and the atmosphere was calm, but underpinned by palpable tensions. Freedom of assembly was unduly restricted in many cases by arbitrary implementation of the Maintenance of Peace and Order Act (MPOA). Police used force to disperse several opposition gatherings. Despite appeals for peace by various actors some instances of violence took place, including one killing. These cases of intimidation and violence increased as election day neared.

The media legal framework largely reflects rights provided for in the constitution, but recent laws curtail these freedoms. The liberalisation of media licensing has expanded the landscape, but ownership structures undermine pluralism. EU EOM media analysis revealed that state ZBC devoted over two-thirds of its news and current affairs coverage to ZANU-PF, President Mnangagwa, and the current government. Monitored ZBC-owned radio stations gave the ruling party almost all their election-related airtime.

Digital rights are restricted by law, notably online freedom of speech, access to the internet, access to information online, right to privacy and data protection. This resulted in fear and self-censorship on the part of online users met with by EU EOM. Manipulated election-related content allegedly done by some political parties, was circulated widely on social media, especially on WhatsApp groups, limiting voter's ability to make informed decisions.

On election day, despite the overall calm environment, voter frustration was evident in some places due to long waits caused by extensive delays in the opening of numerous polling stations (PS). These delays, many exceeding 10 hours, but some lasting into the next day resulted from the late distribution of ballots and voters' rolls. The most pronounced delays were observed in Bulawayo, Harare, and Manicaland, oppositional strongholds. EU EOM observers also saw flyers falsely informing voters of electoral boycott by CCC, which may have confused some.

While the voting was generally assessed positively by EU EOM observers, unauthorized individuals tracked voters at nearly one-fifth of PS, potentially indicating pressure. Conditions in PS where voting continued into the night due to late openings were often inadequate. Voters' rolls were not consistently displayed outside PS; this, coupled with insufficient information on polling locations, made it challenging for many voters to identify their designated PS. Following the count, in some instances, PS results were neither provided to party agents nor displayed at the PS. ZEC's communication regarding the delays, its reasons, and the actual voting hours was insufficient.

The European Union Election Observation Mission (EU EOM) has been present in the Zimbabwe since 8 July following an invitation from the Zimbabwean authorities. The Mission is led by Chief Observer, Fabio Massimo Castaldo, Member of the European Parliament (Italy). In total, the EU EOM deployed some 150 observers from 27 EU Member States, plus Canada, Norway and Switzerland, across the country to assess the whole electoral process against international commitments for democratic elections as well as the laws of Zimbabwe. Over the course of the mission, the EU EOM held over 1,600 meetings with interlocutors from state authorities, judiciary, political parties and candidates, civil society organisations (CSOs), and media. A delegation of the European Parliament, headed by Andreas Schieder (Austria), MEP, also joined the mission and fully endorses this Statement. On election day, observers visited over 508 polling stations in all 10 provinces of Zimbabwe to observe voting, counting and collation of results.

This preliminary statement is delivered prior to the completion of the election process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the election process, in particular, the tabulation of results, and the handling of possible post-election day complaints and appeals. The EU EOM remains in country to observe post-election developments and will publish a final report, containing detailed recommendations, within two months of the conclusion of the electoral process.

The EU EOM is independent in its findings and conclusions and adheres to the Declaration of Principles for International Election Observation endorsed at the United Nations in October 2005.

Preliminary Findings

Background

The 23 August harmonised elections were the second after the November 2017 events that resulted in President Robert Mugabe's resignation after 37 years in office. Emmerson Mnangagwa emerged the winner of the July 2018 presidential election, and the Zimbabwe African National Congress-Patriotic Front (ZANU-PF) obtained a two-thirds majority in the National Assembly and marginally lower results in the Senate. The opposition Movement for Democratic Change Alliance (MDC-A) won 87 seats. Concerns about the results escalated into protests that were quashed by the military. The MDC-A recalled 21 of its parliamentarians after the courts stripped Nelson Chamisa of party leadership in March 2020. His newly formed Citizens Coalition for Change (CCC) won 19 -of the 28 seats contested in the March 2022 by-elections.

The adoption of the patriotic provisions of the Criminal Code in July 2023, legislative work on the Private Voluntary Organisations (PVO) bill and uneven implementation of the Maintenance of Peace and Order Act (MPOA) underlined the closing space for the exercise of freedom of association, assembly, and expression. Convictions or detentions of opposition politicians since the last elections gave rise to accusations of political prosecution and politicisation of the judiciary.

Zimbabwe stated its commitment to a holistic "Arrears Clearance and Debt Resolution" process encompassing governance, land, and economic reforms with its foreign creditors. Many interlocutors described the elections as a litmus test for its international reengagement.

Legal Framework

Overall, the legal framework could provide an adequate basis to conduct elections in line with international standards espoused by Zimbabwe, if implemented properly. Elections are governed by the 2013 Constitution, which provides for fundamental freedoms. This was last amended in 2021 and corrected in 2023, and the 2004 Electoral Act, last amended in 2023. Pertinent provisions of other laws

also apply: the 2001 Political Parties (Finance) Act, the 2004 Criminal Code, (amended 2023) and an array of media-related legislation. The legal framework is supplemented by ZEC.

The 2021 constitutional amendments eroded elements of the separation of powers. Judicial independence increased presidential powers of appointment and tenure extension. Subsequent legislation curtailed the rights and freedoms guaranteed in the constitution and limited civic space. The ‘patriotic provisions’ added to the criminal code on 14 July criminalise statements or participation in meetings that “wilfully injure the sovereignty and national interest”. The Cyber and Data Protection Act, in combination with the Interception of Communications Act, allow wiretapping and internet blocking without court order. Further, MPOA penalises unsanctioned gatherings and gives the police extensive powers to curtail public assembly. Interlocutors told the EU EOM that the ‘patriotic provisions’ had a chilling effect on civil society organisations (CSOs). Many of them were unwilling to meet with EU EOM observers or conveyed that they would not share information freely because of this.

Amendments to the constitution in 2021 incorporated some changes to the electoral system with provisions of women and youth quotas, and the removal of the vice-presidential ticket, with subsequent changes made to the electoral act on 19 July. However, shortcomings identified by the EU EOM in the past have not been addressed, and deficiencies pertaining to the electoral administration independence, voter equality, voter registration, candidate registration, campaign finance and complaints and appeals remain. The need for meaningful election legal reform persists as no positive reform was undertaken and no previous EU EOM recommendations taken into account.

As the 19 July amendments to the electoral act were enacted after the proclamation of elections, they will only apply for future elections. In the absence of statutory legislation, ZEC decided to apply constitutional provisions directly. However, the regulatory framework is insufficient as it lacks important procedural details. Moreover, ZEC decisions and regulations were not consistently published or on ZEC’s website. This compromised the principles of transparency, accessibility, and legal certainty. Legislative clarity was also precluded by the lack of availability of updated legal texts.

Electoral Administration

Throughout the electoral period, overall public confidence in ZEC remained low. Allegations of irregularities including gerrymandering affected the public acceptance of the newly delimited constituency boundaries. Nomination courts registered multiple CCC candidates in the same constituencies. The high fees associated with candidate registration and observer and media accreditation were widely seen as undue barriers of participation. Despite good access to lower-level offices, the EU EOM had serious difficulties to meet or receive information from ZEC at the national level.

ZEC’s pre-electoral preparations went largely according to schedule. However, there were delays in printing ballot papers for electoral constituencies impacted by court disputes over candidate registration, including for the presidential ballot. This resulted in delays in postal voting. As election day neared, transparency concerns about ZEC operations intensified. ZEC did not adequately address public concerns, including related to the accuracy of the voter register, candidate registration, and the design, printing, and delivery of ballot papers. These controversies underscored the need for ZEC to communicate more transparently to enhance public confidence.

ZEC seconded some 150,000 temporary staff, mainly civil servants, to serve in its bodies established at constituency, ward, and polling station levels. The selection process, as managed by ZEC, lacked transparency, and there were no legal or administrative measures in place to guarantee their impartiality. Positively, the training sessions for lower-level commission members were assessed by EU EOM observers as being comprehensive and effective, overall.

Election day and results management procedures were provided to polling station personnel as training manuals but not published in any other formats. The guidelines reflected recent legislative changes. Yet,

they did not fully clarify how the tabulation would be conducted, potentially leading to incoherent approaches.

To inform the electorate about election day procedures and promote peace, ZEC conducted a nationwide voter education campaign through door-to-door canvassing, roadshows, leaflets, and social networks. This campaign was carried out in multiple languages, with specific messages targeting women and youth, demonstrating inclusivity. To help voters identify their polling station locations, ZEC established an SMS inquiry service and instructed polling stations to post voter lists in accessible locations two days before voting. However, many polling stations did not post them before election day due to the late arrival of the materials. The issue of new constituency boundaries was an important issue and many EU EOM interlocutors raised concerns about whether the campaign's reach was sufficient to adequately inform voters about their corresponding polling station locations. Also, civil society voter education efforts were hampered by their very late accreditation (two weeks before election day).

Citizens on state duty outside their residence on election day were allowed to vote by post. ZEC approved 17,606 postal voting applications from police, military personnel, election officials, and diplomats stationed abroad. Due to delays in ballot printing linked to the court cases, ZEC decided to extend the deadline for receiving postal ballots by 10 days, setting the new deadline 3 days before the election day. According to reports from the opposition, on 15 and 16 August, police marked their postal ballots in an organised manner, sometimes under the supervision of their commanders, which might have compromised the secrecy of the vote. In some cases, EU EOM direct observations saw vote secrecy being compromised.

Voter Registration

ZEC is responsible for maintaining and updating the permanent biometric voter register. Voters could scrutinize the accuracy of their data and request corrections from 27 to 31 May. By law, voters who actively registered by 2 June were included in the voters' roll for these elections. ZEC announced the total number of registered voters as 6,619,690.

The integrity of the voters' roll remained a significant point of contention. ZEC did not inform the public of its efforts to verify the accuracy of the voter registration data, remove potential duplicates or erroneous entries, or protect voters' personal data. Despite a legal obligation to initiate the deregistration of voters residing abroad for over 18 months, this provision was not enforced, which authorities attributed to a lack of information. ZEC has periodically announced the removal of deceased people from the voters' roll, based on monthly information from the Registrar General. The most recent update was published in February 2023.

The law entitles stakeholders to obtain both electronic and hard copies of the voters' roll "within a reasonable period of time after calling an election". Leading up to the elections, ZEC refrained from providing electronic copies of the register to political parties and civil society, citing concerns over potential data manipulation. Additionally, in contradiction to legal provisions that mandate a fee reflecting reasonable cost, ZEC imposed a charge of USD 187,000 for each hard copy (USD 1 per page). After persistent requests and two legal challenges by CCC against ZEC, it eventually released the final electronic voters' roll to parties on 10 July.

An analysis by concerned citizens, initiated in mid-July, alleged several inconsistencies and inaccuracies in the voters' roll. These included voters listed to vote in incorrect constituencies and wards, discrepancies between the gazetted constituency boundaries and voter registration data, the use of duplicate or non-existent identification numbers, and a potentially excessive number of voters registered at certain residential addresses. While some of these issues might have impacted the right to vote for a potentially high number of voters, ZEC did not publicly address these concerns.

Many stakeholders alleged that ZEC amended the 'final' voter register after its publication at the beginning of July. The absence of clear communication from ZEC about these potential changes further eroded stakeholder confidence. In light of these concerns, on 11 August, the CCC formally submitted a request to the electoral court, seeking the most recent electronic versions of both the voter register and the polling station list. The request was rejected on 22 August on technical grounds. ZEC did not publish the complete PS list data with codes and voter numbers, in a database-friendly format. This prevented cross-verification with the published voter registration data, reducing transparency.

Registration of Candidates

The inclusivity of registration was hampered by undue requirements. ZEC was also inconsistent in its application of the rules. An unreasonably high fee and ZEC's insistence on USD cash payments in most cases constituted an unreasonable obstacle. One fifth of all aspiring candidates were rejected. Court cases pertaining to candidate registration remained outstanding until election day, affecting the candidates' possibilities to participate.

Candidate registration requirements include supporting signatures from registered voters and a fee of USD 20,000 for presidential candidates and USD 1,000 for candidates to the parliament. This is a 20-fold increase and numerous parties and candidates stated that this is an unreasonable hurdle of candidacy. Moreover, in most cases, only cash payments were accepted, preventing many candidates from registering and triggering numerous court cases. At least 170 were denied on this basis, but Elisabeth Valerio won her appeal to become the only woman presidential candidate.

The law provides that the rejection of a nomination can be appealed before the electoral court within four days, but there are no legal time limits to challenge the nomination of a candidate registered through regular court proceedings. Moreover, courts are not bound by any deadlines to render a decision. Appeals were lodged against both the registration and rejection of candidates.

Noteworthy appeals included a challenge from a ZANU-PF activist against independent presidential hopeful Saviour Kasukuwere, who was rejected on the grounds that he had not resided in Zimbabwe for the preceding 18 months. An appeal before the constitutional court was rejected. CCC also went to court alleging that multiple aspirants that had not been put forward by the party were nonetheless able to register in the CCC name with the aim of splitting the vote. In 20 constituencies, these were dismissed. In Bulawayo, all 12 CCC parliamentary candidate registrations and 6 other opposition candidates were disputed on the grounds of late submission, but the decision was overturned by the Supreme Court on 3 August.

Nomination papers for candidacies had to be filed before nomination courts on 21 June. Eleven presidential and 636 NA candidates were registered, with CCC and ZANU-PF being the only parties fielding candidates in all constituencies. Party lists contained 144 senatorial candidates, 138 women to fill the quota and 42 youths. Almost 5,000 candidates registered to contest the 1,970 local ward seats; only ZANU-PF nominated candidates in all wards. In 91 wards and in Bulawayo provincial council, ZANU-PF candidates stand unopposed, thus automatically elected.

Campaign Environment

The campaign presented voters with alternative viewpoints but was marred by a lack of level playing field among contestants in terms of resources, security, and enjoyment of fundamental freedoms. The campaign was not uniformly visible, with candidate posters displayed on trees, lampposts, and walls in both urban and rural areas. Billboards were limited and mainly portrayed the incumbent president. Defacement of materials from many parties was commonplace and was one of the highest subjects of

lower-level court cases.¹ ZANU-PF ran the most lavish campaign and held the highest number of rallies with the largest audiences, with bussing by a public transport company noted countrywide.²

Overall, the environment was not always conducive to the making of a free and informed choice. The atmosphere was subdued but underpinned by palpable tensions. Despite appeals for peace by national and international actors, instances of violence, including battery, arson and kidnappings were noted by EU EOM, especially in rural areas.³ Cases increased as election day neared. A CCC supporter was killed in a so-called opposition no-go area; 15 people were arrested and charged, pending trial. The intimidating presence of Forever Associates of Zimbabwe (FAZ), was observed by the EU EOM at many rallies.⁴ Several observers received first-hand reports of coerced/incentivised attendance at ZANU-PF events.⁵ Cases of the latter's supporters disturbing other parties' rallies were observed in several areas.⁶

Freedom of assembly was unduly restricted in most cases by arbitrary implementation of MPOA provisions. On some occasions, police used force to disperse opposition gatherings that extended past the timeframes specified in assembly notifications.⁷ CCC told the EU EOM that over 100 notifications were rejected since January. The police told the EU EOM that it denied 14 percent of CCC and 33 percent of MDC-T events, while disallowing 10 percent of ZANU-PF's events. As a result, the CCC focused on meeting voters door-to-door or in the evenings, but police also sanctioned some of these activities.⁸ EU EOM observed that opposition politicians were not always free to travel to campaign locations because of physical attacks and roadblocks.⁹ The provincial roads authority in Mashonaland Central said that billboard content be submitted for pre-approval, having a detrimental effect on free expression: some ad agencies stopped accepting political advertising from opposition parties.

Fiscal measures, salary increases, and other support for groups such as civil servants and the security sector were announced by the government before elections. Despite the newly elected head of the Council of Chiefs's pledge to ensure the impartiality of traditional leaders, these were present at most rallies, as

¹ This was observed by EU EOM in Harare, Mashonaland West (Chinhoyi and Morumbedzi, Makonde), Manicaland (Nyanga, Matasa North, Matasa Central, Matasa South, Shingirai Muponda, Tsunga Regai), Bulawayo, Matabeleland North; Midlands (Gowke Town, Kwekwe Town), Chitungwiza South, Harare; Mashonaland West (Chinhoyi, Zvimba North); Marondera, Mashonaland East; Matabeleland South; Mashonaland Central; Masvingo (Chiredzi); and Midlands.

² Amongst places observed by EU EOM, this occurred in Harare throughout; Mashonaland Central (Bindura); Manicaland, (Buhera, Makoni Rusape); Masvingo; Matabeleland South; Mashonaland North; Midlands; Mashonaland West throughout; Mashonaland Central; Mashonaland East (Mutawatawa); Matabeleland North (Hwange); Midlands throughout; Bulawayo; Gutu in Masvingo; amongst other locations.

³ EU EOM observers noted such instances in Harare (Chitungwiza), Mashonaland West (Zvimba East), Mashonaland East (Marondera), Manicaland (Burma Valley); Masvingo (Gutu), Bulawayo, Mashonaland West; Mashonaland Central; Midlands; Mashonaland East; Masvingo (Chivi); and Harare South.

⁴ Areas where this was observed by EU EOM included Mashonaland Central, Manicaland, Masvingo, Mashonaland North, Hurunge, Mashonaland West; Sanyati and Chegutu in Harare; Mashonaland East; Makoni in Manicaland; Buhera in Manicaland; Marondera, Mashonaland East; Hwange, Matabeleland North; Mutawatawa in Mashonaland East; Chirumanzu in Midlands; Chiredzi in Masvingo; Zaka, Masvingo; Kariba, Mashonaland West; Mount Darwin in Mashonaland Central; Gweru in Midland; Gutu in Masvingo; Muzarabani in Mashonaland Central; Goromonzi in Mashonaland East; Bindura in Mashonaland Central; Mutoko in Mashonaland East; Hwange in Matabeleland North; and Bubi in Matabeleland North.

⁵ For instance, in Manicaland; Mashonaland Central; Mashonaland East; and Matabeleland North.

⁶ EU EOM observers saw this in Mashonaland West; Mashonaland East; Masvingo; Mashonaland West; and Manicaland.

⁷ In Masvingo (Mawungawa); Masvingo urban, Masvingo; Midlands; Marondera in Mashonaland East, for instance.

⁸ In Mashonaland West (Hurungwe), Mangwe in Matabeleland South; Hurungwe, Mashonaland West; Matabeleland South; Midlands. Please note that the ZRP has announced that it would not tolerate nightly assemblies.

⁹ In Mashonaland Central; Masvingo; Manicaland; Marondera in Mashonaland East.

observed by EU EOM.¹⁰ According to interlocutors, they were there to help secure votes for ZANU-PF. Handouts from the ruling party included regularisation of property deeds, borehole drilling and other services.¹¹

Campaign finance is unregulated, with no income or expenditure limits, reporting requirements or oversight, thus not ensuring transparency and a level playing field. The international community's initiative to support party agent training was rejected shortly before elections, deemed as foreign financing, which is prohibited.

Media

Most of the media legal framework is in line with freedoms defined in the constitution. However, multiple interlocutors stated that recent legal provisions such as the 'patriotic provisions' contravene these freedoms, leading to self-censorship. The liberalisation of media licensing since 2020 has expanded the media landscape to 7 television (TV) channels, 16 public service or commercial radios, 14 licenced community radios, and 7 university campus radio stations. There are 13 newspapers, and all of them have online editions. However, media ownership curtails pluralism. The government fully owns or is a majority shareholder in 10 radios, 2 TVs, and 7 newspapers. Two TVs are controlled by the National Army. Two radios are owned by a former minister/current ZANU-PF parliamentarian.

EU EOM media analysis showed that state ZBC devoted over two-thirds of news and current affairs coverage to ZANU-PF, President Mnangagwa, and the government. Monitored ZBC-owned radio stations gave them almost all their election related airtime. Coverage of the president, government, and the ruling party by the state broadcaster was overwhelmingly positive, with no negative stories. The CCC did not take up free airtime on ZBC due to their history of negative reporting on the party and thus had minimal coverage on ZBC, a third of which was negative in tone. Mr. Chamisa barely received any mentions on state TV and most of his features on the channel were also negative.

Government-controlled media group, Zimpapers, provided more diverse coverage on their TV and radio channels. ZTN afforded ZANU-PF and the government a quarter of election-related airtime, versus a fifth for CCC, whilst its monitored radio stations gave almost equal amounts of coverage to the incumbent and to opposition parties. The vast majority of ZTN TV coverage was neutral in tone, with some positive stories about ZANU-PF and the current government, whilst opposition parties CCC and MDC-T received several negative mentions. Zimpapers radios had more praise for the ruling party and president but remained largely neutral on Mr. Chamisa and the CCC. Its newspapers devoted nearly two-thirds of their space to the incumbent, mostly of positive tone. The CCC was given notably less print space in the newspapers, and more than half of the articles about them were negative.

Private media groups Alpha Media Holding (AMH), and Associated Newspapers of Zimbabwe (ANZ) provided a more egalitarian spread of coverage between the main contestants in their print publications, although ZANU-PF and the incumbent were given more space by both. AMH covered CCC and Mr. Chamisa in a positive light in most articles, whilst writing about the ruling party, president, and government in a negative tone. ANZ publications provided more praise than criticism to most contestants in the elections. 3KTV coverage of the president and ZANU-PF was overwhelmingly positive, whilst the CCC was covered in a largely neutral manner.

The Young Journalists' Association went to court seeking clarity about the composition of ZEC's Media Monitoring Committee and the ignored / rejected applications for journalist accreditations. On the day

¹⁰ For example, in Harare, Mashonaland West (Hurungwe), Manicaland, Masvingo, and in Matabeleland South, but in all locations, barring the two metropolitan provinces.

¹¹ For instance, in Harare (Kuwadza West), Mashonaland West (Zvimba West), Harare (Chitungwiza); Manicaland; Mount Darwin, Mashonaland Central.

before elections, the electoral court ruled that the matter is not urgent and would be dealt with after the elections.

Digital Communication and Social Media

Although the constitution guarantees the rights to freedom of expression, access to information and privacy, including online, a number of laws restrict digital rights. Laws targeting free speech instilled fear and resulted in self-censorship by online users. The Cyber and Data Protection Act criminalises the publication of false data intending to cause harm. Internet shutdowns and disruptions, state surveillance and interception of communications without a court order are provided for, placing excessive powers in the state. A Cybersecurity and Monitoring of Interception of Communications Centre operates within the Office of the President. Ahead of the elections, ZANU PF allegedly sent unsolicited canvassing SMS messages to voters, raising concerns among interlocutors over undue access to voters' data.

On social media, the CCC, their presidential and NA candidates were the most active, using online platforms to campaign. WhatsApp was the dominant channel, followed by X and Facebook. The EU EOM analysed the electoral and non-electoral contestant accounts of over 1,500 election-related posts on Facebook and X. Official political parties accounts were largely informational, but over 35 percent of CCC's posts had content denouncing political violence and state abuse, with some accusatory and harsh language towards government, ZANU-PF, and its supporters. Divisive narratives were observed, although social media users exercised caution under a legal framework that criminalizes undermining authority or insulting the president.

The EU EOM identified unverified claims and falsehoods being disseminated online. The use of manipulated content was a common technique, notably videos and images taken out of context, including of injured people to denounce political violence. Manipulated election-related information circulated widely on social media, especially in WhatsApp groups. This limited voter's ability to make an informed choice. Independent national fact-checking initiatives such as ZIMFACT noted being unable to fact-check all WhatsApp messages. Doctored images of rallies making small crowds seem large and of CCC campaign posters containing false information also circulated. Manipulated videos of both the president and Mr. Chamisa, with their voices edited to give wrong messages were published.

Participation of Women, Youth and Persons with Disabilities (PWD)

Women's participation decreased in the 2023 election. Only one woman is among the 11 presidential candidates, Ms. Valerio. A second woman was denied registration on the grounds of not paying the registration fee. Only 45 out of 647 NA candidates (6.96 percent) nominated for the general elections were women. And in local authorities, out of the 4,925 candidates, only 755 (16 percent) were women.

The constitution introduced a quota system to guarantee the presence of women in parliament. However, the quotas benefit the party elites by creating representatives without constituency that are pre-selected by the party rather than ensuring effective women and youth representation. These quotas seats do not represent constituencies or wards and lack financial and reputational parity. Moreover, since women have guaranteed seats, male party members seem to discourage women from contesting in constituency contests. Nomination fees were also a barrier to many women aspirants. For senate, party lists must be headed by a woman, and then the genders listed alternately. One of the two senators representing PwD is to be a woman. This guarantees 31 seats for women out of 62.

Women candidates and activists experienced intimidation and violence, within their extended communal families and on social media. Subsequently, several women CSOs formed a women's situation room, launched under the hashtag #EndViolenceVoteForHer, a campaign to support women candidates. Further, the campaign deployed women election observers, with a specific focus on gender in the electoral process.

PwD remain marginalized. The legal framework reflects welfare rather than a rights-based perspective. The constitution prohibits unfair discrimination against PwD, creating two senator seats (one man, one

woman) that are to be elected on 26 August. According to CSOs, there were three PwD candidates contesting local elections, four on the quota lists, and one contesting as an MP. ZEC has one commissioner with a disability.

Participation of National Minorities and Other Marginalized Groups

While almost all minorities live in underdeveloped and remote areas, a substantial number are also considered stateless. According to the United Nations High Commissioner for Refugees (UNHCR), there are currently approximately 300,000 stateless people some of whom do not enjoy citizen rights, including the right to vote as they are unable to obtain documentation such as birth certificates. Those are necessary to get an identity document, which is a prerequisite to register as voters, to study, access jobs or to open bank accounts. Many of them are unable to prove their citizenship. Political parties and candidates are silent on people of diverse sexual identities. During the campaign, LGBTIQ+ phobic insults circulated and there is no openly LGBTIQ+ candidate or public official. According to CSOs, community members are harassed.

Civil Society and Domestic Observers / Citizen Observation

Numerous civil society and church-based organizations actively observed the electoral process. The Zimbabwe Election Support Network (ZESN), the main election observation organization, deployed some 7,500 observers on election day. However, most organisations consistently voiced concerns about the shrinking space for civil society activities and the challenges of obtaining accreditation from ZEC. The USD 10 accreditation fee per observer was highlighted as an additional obstacle. Further, ZEC denied accreditation to some citizen and international observers without justification. Overall, the accreditation process, outsourced by law to an accreditation committee including to various state actors, lacked transparency.

ZEC required special accreditation for organisations wishing to conduct voter education. ZESN, after applying in May, only received this accreditation on 8 August; the Election Resource Centre was unable to obtain such accreditation. This restriction on CSOs' activities represented a missed opportunity to inform voters more comprehensively about the electoral process.

Various international organizations, including the African Union (AU) in collaboration with the Common Market for Eastern and Southern Africa (COMESA), the Commonwealth of Nations, the Southern African Development Community (SADC), and The Carter Center (TCC), deployed election observation missions. ZEC imposed a USD 400 fee per person for the accreditation of observers from certain international organizations. This fee is excessively high, and limits observer activity, resulting in diminished transparency.

On election night, there was a raid conducted across four locations in Harare, including at the Holiday Inn where the EU EOM and other international observation groups are based. In these actions, 39 people from ZESN (Zimbabwe Electoral Support Network) and ERC (Electoral Resource Centre) were arrested; a police statement the next morning clarified that it was for "coordinating the alleged release of election results". These organisations are part of the Global Network of Domestic Election Monitors (GNDEM), a network that follows the Declaration of Principles for non-partisan election observation. Their initial denial of legal counsel for some 12 hours raised significant concerns.

Electoral Dispute Resolution

The complaints and appeals process is in line with the principles of judicial review and second instance. The right to legal remedy is provided for in the constitution, which empowers ZEC to receive and act on citizens' complaints. ZEC decisions can be challenged before the electoral court whose decisions can be further appealed before the Supreme Court. The electoral court has jurisdiction over all election-related matters except for petitions on the presidential election which are heard by the constitutional court. Electoral courts were established on 1 June with the appointment of 35 high court judges.

While role of the judiciary in elections is limited to the resolution of electoral disputes, the acute lack of confidence expressed by many interlocutors in the judiciary raised concerns about the role of courts in settling electoral disputes and on public confidence in its rulings.

The pre-election process was characterised by an unprecedented level of litigation with ZEC being respondent in some 140 cases. Not all of them had been resolved before election day, including on candidate registration. In addition, legislation on key aspects of the election, including constitutional provisions on the electoral system and eligibility criteria were challenged and remain unresolved. The lack of timeframes to resolve pre-election cases hampered the right to an effective remedy.

Polling and Counting

Election day was free from violence, overall, although marked by evident voter frustration, occasionally long queues, and overcrowding due to delayed openings in the affected areas. EU EOM observers saw flyers in Bulawayo and Harare, falsely informing voters that the CCC was boycotting elections.

The EU EOM observed that 18 of the 55 polling stations (PS) visited opened after the scheduled 7:00 start because of the late delivery of ballot papers and some had still not opened by the late evening, which significantly impacted citizens' ability to vote. The most pronounced delays were observed in Bulawayo, Harare, and Manicaland, with the opposition alleging the delays disproportionately affected their strongholds. While ZEC attributed the delay to the late printing of ballots, in most cases, it was local authority ballots that were absent, which were purportedly printed earlier. The EU EOM is not aware that the wards concerned were impacted by court proceedings related to candidate registration. Most PS adhered to opening procedures; however, in 16 cases of 55, ballot paper serial numbers were not announced, undermining an important measure for integrity.

The EU EOM observed voting at 488 PS. In most observations during the regular operating hours, the voting process was assessed positively. PS staff largely demonstrated a good understanding of the voting process. The secrecy of the vote was largely respected. Procedures, such as voter identification and inking of voters' fingers, were mostly implemented in line with provisions. Nevertheless, in 19 percent of observations, voters' fingers were not consistently checked for ink upon entering PS. During observations, almost all PS abided by the regulations regarding assisted voting, although in some instances, EU EOM observers found the number of assisted voters to be unrealistically high. Contrary to legal provisions, approximately 21 percent of the PS visited lacked independent access for wheelchair users. Some 63 percent of the PS staff, including 38 percent of the presiding officers, were women. On election day, EU EOM observers were prevented from accessing the Women's Situation Room.

Political party agents, predominantly from CCC and ZANU-PF, were present at nearly all PS. Citizen observers, largely from ZESN and, to a lesser degree, faith-based groups, were present in more than half of the observed PS, enhancing transparency. In 19 percent of the PS observed, unauthorised individuals, mainly associated with 'ZANU-PF exit poll survey' stands in the vicinity of polling stations, tracked voters both before and after voting. This, combined with a police presence inside of 18 percent of PS may have been intimidatory to voters and an undue pressure to support ruling party candidates.

On election day, a presidential decree extended voting to the next day in 27 wards in Manicaland, 11 in Harare, and 2 in Mashonaland Central. In these areas, voting often took place during night-time hours, under inadequate conditions. The ZEC did not share any information about the affected polling stations and the actual voting hours, hindering transparency. Throughout the entire voting process, the EU EOM observed numerous voters at different PS having difficulty identifying their PSs, underscoring the need for better voter information. In a quarter of observed PS, voters were turned away because they were not on the voters' roll of the respective PS. Contrary to ZEC guidelines, 6 percent of PS did not display the voters' roll outside.

EU EOM observers observed counting in 51 PS. In numerous places, the counting started with a significant delay, often the next day. While the majority of counts were assessed positively, there were 5 instances with negative evaluations. Ballot papers were not always shown to all present in 12 cases. In 15 cases of 51 cases, unused, spoiled ballots, counterfoil of used ballots, counterfoils of spoiled ballots and the register of assisted voting were not packed and sealed properly. Counting staff experienced difficulties completing the protocols in one third of all observed PS (17 cases). In 11 cases, the PS results were not posted outside the PS; in 5 instances, party agents did not receive a copy of the results, and in 3 cases, they did not sign the results protocol. Results collation started in most of the places in the morning hours of 24 August and was assessed as smooth in the first hours of the process.

On the eve of elections, there were credible organisations reporting that internet speeds had been significantly downgraded. This throttling affected the country's four main Internet service providers. The EU EOM also identified hundreds of troll accounts highly active on X, pushing disinformation and counter-narratives in support of the main two parties. The EU EOM was also trolled by these accounts, with disinformation campaigns that included defamatory and malicious accusations.

An electronic version of this Preliminary Statement is available on the EU EOM website:
<http://zimbabwe2023.eueom.eu>

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