

## Now what, after Proclamation of Zimbabwe election date?



legislation made under that law, unless the Zimbabwe Electoral Commission has been consulted and any recommendations made by the Commission have been duly considered.

### Does it mean if ZEC recommends for the Amendment Bill to be made law will it apply to this election?

Section 157 (5) of the constitution further states that, after an election has been called, no change to the Electoral Law or to any other law relating to elections has effect for the purpose of that election.

### What happens to the proportional representation reforms stated in Constitutional Amendment No.2?

Since the Constitution is the supreme law of the land which supersedes all laws, the proportional representation system instituted in 2021 for women and youth as stated in Section 124 and women in local authorities (section 227) will apply in this election.

### Sources

*Extraordinary Government Gazette, May 31 2023*

*Electoral Act*

*National Constitution of Zimbabwe*

*Veritas*

*Zimbabwe Lawyers for Human Rights Related*

President Emmerson Mnangagwa issued a Statutory Instrument 85 of 2023 on May 31 which contained Proclamation 4 of 2023 setting August 23 as the polling day for Zimbabwe's general elections, with a runoff pegged for October 2 if necessary. The instrument also proclaimed June 23 as the nomination date for all candidates.

## What happens next?

### Closing of voters' rolls

According to the Electoral Act, Chapter 26 (a) registration and transfer of voters will close 2 days after the proclamation. As a result only those in the national voter's roll by June 2 will be allowed to vote in the general election. Anyone who registers after that date will not be able to vote in the August 2023 elections.

### Designation of party office-bearers

Political parties contesting the elections have between June 4 and June 19 to submit names of their designated national and provincial office-bearers to the Zimbabwe Electoral Commission (ZEC) in terms of Section 38A of the Electoral Act.

### Accreditation of election observers

Applications for accreditation of election observers must be made before August 19, in terms of Section 40I of the Electoral Act.

### What about the Electoral Amendment Bill and other Bills still before Parliament?

According to Section 157 (4) of the Constitution, no amendments may be made to the Electoral Law, or to any subsidiary

# Nomination of candidates for Zimbabwe general elections

Zimbabwe Nomination Courts will sit on June 21 to officially register candidates for national general elections set for August 23, 2023. Here are some of the key facts around the nomination process:

## What is nomination?

This is a process that requires prospective candidates to go through the nomination court which qualifies or disqualifies one to contest in any election.

## Who is nominated and where?

All nominations of Presidential Candidates are received at a single designated venue in the capital city Harare.

Nominations of National Assembly Constituency members received at designated provincial venues for all constituencies in the respective provinces.

Nominations of party-list candidates for the Senate, National Assembly and Provincial Councils will be received at designated Provincial venues.

Nominations of candidates for election to local authority councils will be received at designated offices of the various local authorities country-wide.

## Who qualifies for nomination?

Any person who meets the requisite qualifications.

## What about nomination fees?

Although the candidate registration fees for some categories have been challenged in the courts as exorbitant, no new fee structure had been announced by Wednesday, June 14, 2023.

## Presidential Candidate requirements

- Be a citizen of Zimbabwe.
- Be a registered voter.
- Be 40 years of age and above.
- Be nominated for by at least 10

registered voters from each of Zimbabwe's 10 provinces.

- Candidate registration fees-US\$20,000

## National Assembly Constituency Candidate requirements

- Be a citizen of Zimbabwe
- Be a registered voter
- Be 21 years of age and above
- Be nominated by at least 5 registered voters from the contested constituency
- Candidate registration fees - US\$1,000.

## Local Authority Candidate (Councillor)

- Be a citizen of Zimbabwe
- Be a registered voter
- Be 21 years of age and above
- Be nominated by at least 5 registered voters within the ward being contested

## Party List Candidates

A party contesting one or more National Assembly Constituency seats in a province may submit nominations for party list seats. Political Parties must submit, together with the Party-List nomination forms, a nomination fee of USD\$200 per party-list as stipulated by ZEC.

## Senate (At least 6 candidates per list in order of preference)

### Candidates for the Senate Party List must:

- Be a citizen of Zimbabwe
- Be a registered voter
- Be 40 years of age and above
- Be registered within the Province concerned

## What format is adopted for the party lists?

The Party list must adopt the Zebra format of having alternating female and male candidates with a female candidate always heading the list in order of preference. National Assembly (Women's Quota) At least 6 candidates per list in order of preference

## Candidates for the National Assembly Party List must:

- Be a citizen of Zimbabwe
- Be a registered voter
- Be 21 years of age and above
- Be registered within the Province concerned

**Provincial Council** (At least 10 candidates per list in order of preference)

## Candidates for the Provincial Council Party List must:

- Be a citizen of Zimbabwe
- Be a registered voter
- Be 21 years of age and above
- Be registered within the Province concerned

## What documentation is required for prospective candidates to be nominated?

- 3 passport size photographs (full colour)
- Original birth certificate and a copy
- Original I.D. and a copy
- Nomination fees as stipulated by ZEC
- 2 signed copies of the Code of Conduct for Political Parties and Candidates
- Endorsement by an authorized party representative, if sponsored by a political party.

## What disqualifies one from a party list?

- If on party list in more than one province;
- If on more than one party list;
- If one is standing as a candidate as a constituency member of the National assembly or as a councillor.

## Sources

*Zimbabwe Electoral Commission (ZEC) Electoral Act*

*Dashboard - Zimbabwe 2023 election timeline*

## DASHBOARD - ZIMBABWE 2023 ELECTION TIMELINE

ELECTORAL PROCESS	DATE
Proclamation of Election Date	31 May 2023
Sitting of nomination Court	21 June 2023
Meeting of the Provincial Assembly of Chiefs to elect Council of Chiefs	3 August 2023
Convening of the Council of Chiefs to elect the President and Deputy President of the Council of Chiefs	10 August 2023
Polling Date	23 August 2023
Convening of the electoral college constituted by the Provincial Council of Chiefs	24 August 2023
Day of the Run Off (If necessary)	2 October 2023

### Sources

Extraordinary Government Gazette, May 31 2023

### What does the Zimbabwe constitution say about this?

The National Constitution of Zimbabwe, in section 67 states that every citizen who is 18 years or older has the right to vote in any election or referendum. In section 155(2) (a) the Constitution implores government to take appropriate measures, including legislative measures, to ensure all citizens qualified to vote are registered as voters.

However, there are a few limitations to this right.

### Those in custody cannot vote

The High Court in *Musarurwa and others vs Minister of Justice, Legal and Parliamentary Affairs and Others (HC 4896/17)* held that those who are in prisons are allowed to vote but are limited by the residency requirement, which states that one must avail themselves for registration physically and the casting of votes according to section 23 (3) of the Electoral Act. Failure to do so, they forgo the right to vote. This affects those in the diaspora too.

NB: This applies to those awaiting trial in custody.

### What about those released from prison?

Those released from prison are considered rehabilitated citizens and enjoy their full rights in society, including voting and participating in elections.

### Are there any other countries in Africa that allow prisoners to vote?

Some countries in Africa have made substantive advances and breakthroughs in the promotion of this right with prisoners in South Africa, Ghana, Kenya, Nigeria, Zambia and Uganda being able to vote.

### Verdict: No, convicts in custody cannot vote

The 2013 Zimbabwean constitution does not prohibit prisoners from voting, as opposed to the Lancaster House Constitution which stated that those who are convicted for a period of six months and above cannot vote.

However, for those who are serving time, there are no logistical provisions to allow them to vote. So they are legally allowed but practically eliminated from the voting process.

Those convicted of crimes related to the Electoral Act are the only section of convict outrightly barred from participating in elections, as a voter or candidate.

### Source

*Electoral Act*

*Musarurwa and others Vs Minister of Justice, Legal and Parliamentary Affairs and others.*

*Veritas*

*Zimbabwe National Constitution*

# Prisoners cannot vote in Zimbabwe general election

This factsheet is part of ZimFact's response to questions on public interest issues around the Zimbabwe general elections.

### Those convicted of Electoral Laws are disqualified

The Fourth Schedule in Zimbabwe's Constitution says those convicted of an offence under the Electoral Law, can be disqualified for registration as a voter for five years. This disqualification needs to be confirmed by the High Court.

### Do convicts vote in Zimbabwe?

A convict is a person found guilty of a crime by a court of law. Depending on the nature of the crime, some convicts serve prison sentences, others are fined, given community service or suspended sentences.



# When do you risk arrest under the Patriotic Bill?

## What is in the Criminal Law (Codification and Reform) Amendment/Patriotic Bill?

Zimbabwe's Lower House of Parliament passed the "Patriotic Bill" on May 31 which amends the Criminal Law (Codification and Reform) Act to "criminalize the conduct of isolated citizens or groups who, for self-gain, co-operate or connive with hostile foreign governments to inflict suffering on Zimbabwean citizens and cause damage to national interests."

In addition to clauses on patriotism, the Amendment Bill contains other provisions setting the minimum mandatory sentence for rape, an expansion of the definition of dangerous drugs and criminal abuse of office by public officers. The Bill which was passed by the National Assembly needs to be approved by the Senate - that is the Upper House of Parliament - and to be signed by the President to become a full law.

## What does the proposed law say about engaging foreign governments?

Clause 2 of the Bill will insert a new section into the Code (section 22A), creating the crime of "wilfully damaging the sovereignty and national interest of Zimbabwe". The crime will be committed by a citizen or permanent resident of Zimbabwe who takes an active part in a meeting involving or convened by an agent of a foreign government, if the citizen or resident knows or has reason to believe that the object of the meeting is:

- to consider or plan armed intervention in Zimbabwe by the foreign government, or
- to subvert or overthrow the constitutional Zimbabwean government, or
- to consider, implement or extend sanctions or a trade boycott against Zimbabwe, or against an individual or official if the sanctions or boycott affect

a substantial section of the people of Zimbabwe.

## What are the penalties for the above crimes?

The penalties for wilfully damaging the sovereignty and national interest of Zimbabwe will attract jail terms of between 10-20 years according to the object of the meeting. Participation in meetings whose objective is to subvert or overthrow the government will attract a maximum sentence of up to 20 years.

## What does the Bill say about criminal abuse of public office?

Section 174 ("Criminal abuse of duty as a public officer") of the principal Act which is amended by the repeal of subsection (1) says an officer shall be guilty of criminal abuse of duty as a public officer and liable to a fine not exceeding level thirteen or imprisonment for a period not exceeding fifteen years or both.

The officer shall be guilty or both if he or she does anything which he or she knows is contrary to or inconsistent with his or her duty as a public officer; or if he or she omits to do anything which he or she knows it is his or her duty to do; with the intention of conferring an undue or illegal benefit on someone else or of unfairly or illegally prejudicing someone else.

## What are the fears?

The major fears are that these provisions will trample on basic civic rights and close the democratic space. It is the clauses on patriotism and criminal abuse of office that have triggered concerns due to their vagueness and potential to be misinterpreted to stifle freedom of expression.

## Sources

*Criminal Law (Codification and Reform) Amendment*  
*Veritas*

# Yes, they warned - don't use that baby powder!



**Claim** - A health alert being shared on social media purported to have been issued by the Zimbabwe government on the ban of Johnson and Johnson baby powder. Did the government warn as such?

**Source** - social media.

**Verdict** - True or False: True

Ministry of Health, and Child Care spokesperson Donald Mujiri confirmed that the statement was indeed issued by the government. The alert following an April publication on CNBC on Johnson and Johnson assuming the liability to compensate the medical industry over allegations that their baby powder product was causing cancer.

Other countries that have banned the importation and distribution on the product include Tanzania.

According to a 2022 journal article published by the BMJ, Johnson and

Johnson has over 40 000 lawsuits in the US over allegations that their baby powder was contaminated with asbestos thereby causing ovarian cancer.

The article further states that the company made a decision to end global sales of their product in 2023 and switch to a formulation based on corn starch, abandoning the talc formulation.

### What does the product contain?

The baby powder is alleged to contain talc. Talc is a mineral that contains magnesium, silicon, and oxygen. According to the American Cancer Society website, talc contains asbestos, a substance known to cause cancers in and around the lungs when inhaled.

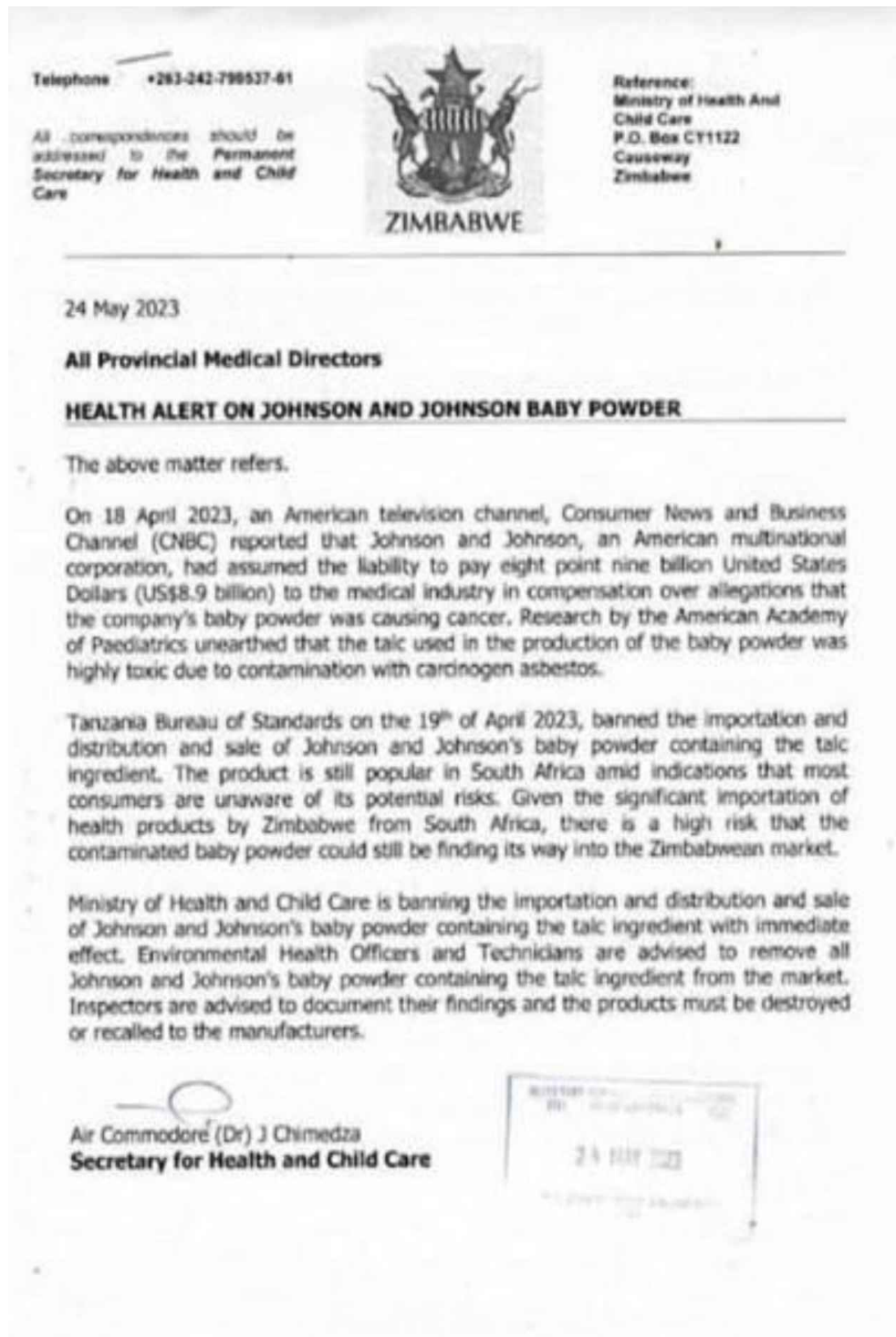
“It has been suggested that talcum powder might cause cancer in the ovaries if the powder particles (applied to the genital area or on sanitary napkins, diaphragms, or condoms) were to travel through the vagina, uterus, and fallopian tubes to the ovaries.

Many studies in women have looked at the possible link between talcum powder and ovarian cancer. Findings have been mixed, with some studies reporting a slightly increased risk and some reporting no increase,” notes the website.

**Conclusion** - The claim that Johnson and Johnson baby powder has been banned in Zimbabwe is true.

### Sources

- Ministry of Health and Child Care
- BMJ
- American Cancer Society



This bulletin is an initiative of ZimFact, Zimbabwe's first fact checking organisation.



- zimfact
- @zimfact
- @zimfact
- zimfact.org



- National Capital (1,686,000 in '99)
- over 200,000
- over 100,000
- over 25,000
- other main city
- other city
- Capital of province

**ZIMBABWE**

0 km    40    80    120 km

© 2009 Ezilon.com All Right Reserved

