



Our ref: ZHRC/23/2/1

Commission Meeting on Monitoring and Inspections

Date: 10 April 2025

Venue: ZHRC Head Office, 2nd Floor Boardroom, Harare.

Monitoring Report: Norton Town Council, Local Authority by Election. Ward 3, Mashonaland West (For the 8th of March 2025)

Dates of visit: 05 to 09 March 2025

Human Rights Concerns:

- Right to vote Section 67

1. Introduction.

- 1.1. The Zimbabwe Human Rights Commission (ZHRC) is one of the five Independent Commissions created in terms of section 232 of the Constitution of Zimbabwe Amendment (No. 20) Act 2013 with a mandate to promote, protect and enforce human rights and fundamental freedoms in Zimbabwe. In terms of section 14(d) of the Electoral Code of Conduct for Political Parties and Candidates and Other Stakeholders, the ZHRC and other Constitutional Commissions are mandated to assist in the monitoring, documentation, reporting and referral of human rights issues in the electoral process. In consonance with the above, section 243(1) (c) of the Constitution mandates the ZHRC to monitor, assess and enforce observance of human rights and freedoms, inter – alia, including during elections.
- 1.2. The ZHRC conducted a human rights monitoring exercise for Norton Ward 3 Local Authority by-election. The Zimbabwe Electoral Commission (ZEC) set the 8th of March 2025 as the election date.
- 1.3. The Norton Ward 3 local authority seat fell vacant after the death of Councillor Paradzayi on the 13th of December 2024. The late Councillor held office after being elected on the Citizens Coalition for Change (CCC) ticket.

2. OBJECTIVES

- i. To monitor, assess and ensure observance of human rights and freedoms pre-elections, during and post- elections period, with reference to the rights and freedoms enshrined in the Constitution of Zimbabwe.
- ii. To continuously strengthen strategic engagements with stakeholders involved in electoral processes.
- iii. To produce a report with recommendations to the Government of Zimbabwe and all relevant stakeholders.

3. METHODOLOGY

In carrying out the mission, the ZHRC used its Monitoring and Inspection Manual and the Pre-election and Post-election Monitoring Tools. Data collection methodologies such as interviews, observations and media reports were used to gather information. Throughout the pre-election mission, interactions were highly participatory in nature and consisted of thorough engagements with the Zimbabwe Republic Police (ZRP), Zimbabwe Electoral Commission (ZEC), aspiring candidates and political party agents as well as the general populace.

4. LEGAL FRAMEWORK

It is of major importance to assess the conformity of Zimbabwe to local, regional and international instruments governing elections which have since been ratified in terms of section 327 of the Constitution. These are outlined hereunder;

- i. Universal Declaration of Human Rights 1948.
- ii. United Nations International Covenant on Civil and Political Rights.
- iii. United Nations Convention on the Elimination of all forms of Discrimination against Women.
- iv. United Nations International Convention on the Elimination of all forms of Racial Discrimination.
- v. United Nations Convention on the Rights of Persons with Disabilities.
- vi. Constitution of Zimbabwe, 2013.
- vii. Electoral Act [Chapter 2:13].
- viii. SADC Principles and Guidelines Governing Democratic Elections 2014.
- ix. African Union Declaration on the Principle Governing Democratic Elections in Africa 2002.
- x. African Charter on Human and Peoples Rights.

5. EXPECTED OUTCOMES

- i. Increased knowledge and visibility of the ZHRC, including its role and mandate in the promotion, protection and enforcement of civil and political rights.

- ii. Strengthened working relations between the Commission and other key stakeholders involved in management and support of elections.
- iii. Availability of a knowledge product in the form of a ZHRC Pre-election Monitoring Report to be shared with Parliament and other relevant stakeholders for information and implementation of recommendations.

6. FINDINGS AND OBSERVATIONS.

6.1. PRE-ELECTION PERIOD

6.1.1. The General Election Environment

The ZHRC observed a peaceful pre-election environment, which was corroborated by interviews with various stakeholders including the Zimbabwe Electoral Commission (ZEC), Zimbabwe Republic Police (ZRP), aspiring candidates and the general public.

The Commission noted that daily life went on uninterrupted, with public transport operating normally and vendors conducting business as usual around the Shopping Centre. This serene atmosphere suggested a sense of normalcy and stability ahead of the elections.

6.1.2. Zimbabwe Electoral Commission

The ZHRC had occasion to meet the District Elections Officer who informed that there were five (5) polling stations in the Ward. The Zimbabwe Electoral Commission confirmed the ZHRC's observation that the pre-election period was peaceful, with no incidents of political violence reported. To ensure a smooth electoral process, a multi-party liaison committee meeting was held and training sessions were conducted for polling agents and officers. The training covered essential topics with participants being taught about the various materials used in the voting process. The election itself saw three (3) male candidates vying for office: two independent candidates and one from the ruling party, ZANU-PF. The voters' rolls was made available for public viewing.

6.1.3. Zimbabwe Republic Police

The ZRP confirmed that the pre-election period was peaceful, with no reported incidents of politically motivated violence. The ZHRC gathered that ZANU PF was the only political

party which had notified the police of its intention to hold a public gathering, as provided for in the Maintenance of Peace and Order Act [Chapter11:23]. Meanwhile the two independent candidates opted for door-to-door campaigns which were carried out peacefully. The ZRP expressed satisfaction with the level of preparedness for the election, noting that police officers had already been deployed to polling stations. Additionally, the ZRP confirmed that sufficient motor vehicles and fuel were available for use during the election period ensuring a smooth and efficient process.

6.1.4. Aspiring candidates

a) Independent candidate 1 – Preston Paradzayi.

- i. Preston Paradzayi, confirmed that he was a member of the Citizens Coalition for Change (CCC), but opted to run as an independent candidate due to concerns that the party's secretary general, Mr. Sengezo Tshabangu might recall him, given his history of recalling party members. He highlighted that he was campaigning through door-to-door campaigns and car rallies. Paradzayi mentioned that he had a strong support system, engaging all age groups, including the elderly and persons with disabilities. He indicated that he had done charity work and helped vendors financially.

- ii. The ZHRC learnt from Paradzayi that a multi-party liaison meeting was held, and polling officer training went smoothly. However, Paradzayi expressed concern about the presence of Forever Associates of Zimbabwe (FAZ), a ZANU-PF affiliated organization, being involved in the pre-election activities, which he felt could potentially disrupt the fairness of the electoral process. He feared that FAZ was spreading misinformation to the general public about the voting process by indicating that there was a device strategically positioned in each polling station which would reveal those who did not vote for ZANU-PF. To counter this, Paradzayi stated that he had advised the electorate not to be misinformed and intimidated.

- iii. Paradzayi also alleged that another independent candidate, one Mr. Walter Munyeveri, provided false information about his residence during proceedings at the nomination court. He indicated that he planned to invoke the legal route to dispute the fraudulent candidacy.

b) Independent candidate 2 – Walter Munyeveri.

- i. The Candidate also indicated that he was a CCC party member, but due to the party's instability he chose to run as an independent candidate, believing this move would actually boost his chances of winning. He stated that preparations ahead of the election were satisfactory, and commended ZEC for furnishing the candidates with the voters' roll well on time.
- ii. However, he lamented that Paradzayi (the other independent candidate) was sabotaging his campaign by spreading false information to the electorate, claiming that he supplied false information to the Nomination Court regarding his residential status and that he did not reside at house No. 4165 Mbira Street, Nharira View, Norton. He was resolute that the issue of his residential status met the necessary requirements and he was a registered voter in Ward 3 constituency. He stated that the smear campaign was allegedly aimed at discrediting him and undermining his credibility with the voters. To combat the misinformation spread by Paradzayi, Walter Munyeveri told the ZHRC that he proactively reached out to voters through WhatsApp, urging them to disregard the false claims which were being circulated.

c) ZANU-PF candidate – Tsomondo Charamba

The ZANU-PF candidate confirmed that the political environment was peaceful and that preparations ahead of the election were at an advanced stage. He was confident of winning due to the successful pre-election preparations which went off without a hitch. He stated that the smooth process boosted his campaign momentum, allowing him to reach out to voters and promote his platform. With things going according to plan, he was optimistic that his efforts were going to pay off and lead to a victorious outcome.

6.2. Alleged Kidnapping.

6.2.1. On the night before the election, the ZHRC was advised by one of the independent candidates, Preston Paradzayi that his lawyer's messenger had been kidnapped whilst trying to serve Mr. Tsomondo Charamba, the ZANU-PF candidate, with legal documents. The ZHRC promptly reacted to the reported kidnapping by meeting with the informant, who revealed that the messenger had been released. The ZHRC inquired about the circumstances surrounding the kidnapping and the messenger explained that he was briefly detained because he failed to provide company identification documents when he was asked to identify himself. According to the messenger, Mr. Tsomondo Charamba refused to accept the documents, claiming improper service due to the messenger's inability to identify himself.

6.2.2. The ZHRC got in touch with Mr. Paradzayi's lawyer, who revealed that he had since enlisted the services of a Messenger of Court from Norton to serve the legal documents after the failed service by the messenger from his office. Further investigations by the ZHRC showed that Preston Paradzayi had filed an urgent chamber application for a declaratory order at the Harare High Court. The ZHRC contacted the Messenger of Court who indicated that all parties in the matter had been successfully and properly served with the urgent chamber application and that the matter had been set down for hearing at 2300 hours that same evening. He indicated that the relief being sought in the court application did not affect Mr. Tsomondo Charamba but he was an interested party by virtue of being a contestant in the election.

6.3. Court application and the outcome.

6.3.1. Preston Paradzayi filed an urgent chamber application for a declaratory order under case number HCH 1052/25 on the 7th of March 2025, the night before the Election Day. The 1st Respondent was Walter Munyeveri, who was one of the independent candidates in the election. The 2nd Respondent was ZEC. The 3rd Respondent was Mr. A. Taranja who presided over the nomination court. The 4th Respondent was Mr. T. Charamba who was the ZANU-PF candidate in the election. The matter was presided over by Honourable Justice Chikowore J.

6.3.2. The applicant (Preston Paradzayi) claimed urgency and provided sufficient evidence to justify an expedited hearing. The major reason put to the court's attention in order to justify urgency was the fact that the election was going to be held the following day. As a result the matter was heard at 2300 hours. The applicant also clearly specified the declaratory relief sought, specifically being the disqualification of Mr. Munyeveri from contesting in the election because he did not satisfy the status as a voter in Ward 3, Norton Town Council. He was not a resident of the said Ward.

6.3.3. Mr. Munyeveri and Mr. Charamba neither attended nor were they represented when the matter was heard. The application by Mr. Preston Paradzayi was granted and it was declared that Mr. Munyeveri was disqualified from nomination as a candidate by operation of the law in that he wilfully supplied false information regarding his residency. It was declared that Mr. Munyeveri's status as a voter in Ward 3 Norton Constituency was set aside. It was also declared that the decision by Mr. Taranja who presided over the nomination court violated Mr. Paradzayi's rights as enshrined in Section 67 (1) (a) and 67 (1) (b) of the Constitution. As such nomination was declared a nullity. It was further declared that ZEC was going to proceed with the By Election without the candidature of Mr. Munyeveri.

7. Election Day.

7.1. Delayed voting process.

7.1.1. Most voters arrived at the polling station at 7 -am, and learnt from the ZEC officials that voting was going to be delayed because ballot papers were being reprinted due to a court case that disqualified one of the candidates. As a result of the delay, only a handful voters waited patiently, while a multitude returned home.

7.1.2. Most voters acknowledged the delay was genuine having learnt about the court ruling upon arrival. ZHRC commends the ZEC officials for the concerted efforts shown in explaining to the electorate in detail the causes of the delay and the assurance that voting was to commence before mid-day. The electorate was also assured that voting was going to be conducted for the stipulated 12 hours from

commencement of the voting process. However, many expressed concerns about returning to vote later, citing other commitments.

- 7.1.3. Some voters criticized ZEC for not using various electronic platforms including the social media to inform voters about the delay as a result of the court case outcome. They opined that a statement from ZEC was crucial in dispelling false information from being spread by rogue agents, which would lead to voter abstention. In addition, voters indicated that this was particularly important in maintaining the integrity of the electoral process and ensuring that voters make informed decisions.

7.2. Commencement of the voting process.

The voting process finally commenced at 11am, following the arrival of the reprinted ballot papers at all the five (5) polling stations. A few voters could be seen trickling in the polling stations to cast their vote. The number of voters who came to cast their vote as the Election Day unfolded was insignificant. A vivid example to explicate this point was that as at 1400 hours, at Dudley Hall A polling station, only sixty-three (63) voters out of five hundred and thirty-four (534) registered voters, had cast their vote. Similarly, as at 1400 hours, at Norton Farm Club, only thirteen (13) voters out of two-hundred and fourteen (214) registered voters had cast their votes.

7.3. Alleged case of assault

The ZHRC was approached by the Chief Elections officer of the disqualified independent candidate at the entrance of Dudley Hall Primary School. He alleged that he had been pushed vigorously on his chest by the Chief Elections Officer of the contesting independent candidate (Mr. P. Paradzayi). The circumstances surrounding the assault were that the assailant accused the victim of coming to the polling station yet his candidate had been disqualified. The victim was also accused of persuading the voters not to vote for their rival who had caused his candidate's disqualification, but rather cast their vote in favour of the ZANU-PF candidate.

The ZHRC enquired whether he had made a police report for assault, but he indicated that he was actually on his way to the police station. Efforts by the ZHRC to ascertain the

veracity of the allegations from the alleged assailant were futile as his contact number was unreachable.

7.4. End of Election Day and the Results

Polling stations closed at 11 pm and there were no queues outside by the time of closure. The number of voters had not improved significantly at most polling stations as the time of closure approached. For instance, At Dudley Hall polling station A, as at 9 pm, one-hundred and twenty-seven (127) voters had cast their vote. At Norton Farm Club polling station, as at 9 pm, only thirty-three (33) votes had been cast. The results came out after collation and it emerged that Preston Paradzayi (independent) had garnered two hundred and twenty-two (222) votes and Tsomondo Charamba (ZANU-PF) got two hundred and thirty-three (233) votes. The latter emerged the winner of the by election. There were three (3) spoilt ballot papers and the percentage poll was 19.7 %.

7.5. ZHRC Analysis

7.5.1. The ZHRC noted that there was voter apathy in the By Election as evidenced by the percentage poll of 19.17 %. The build up to the election exhibited great enthusiasm amongst the electorate and the eagerness to participate actively in the election, regardless of the fact that it was a contest for a local authority seat. This assessment was endorsed by the multitude of people who went back home upon realizing that vote casting had been delayed by the need to reprint the ballot papers. It is accepted that the delayed arrival of the ballot papers caused the voter apathy. The same urgency that was accorded to the urgent chamber application by the High Court Harare should have been equally emulated by ZEC especially considering that the judgement was handed down a few hours after mid-night. This highlighted the need for contingency planning on the part of ZEC for example establishing relationships with multiple printing companies.

7.5.2. The ZHRC also noted that the number of spoilt ballot papers was so insignificant. Only three (3) ballot papers were spoilt and this exhibited the positive results of extensive voter education by ZEC which should be commended.

8. Post-election.

- 8.1. The entire election period was marked by peaceful political environment. This tranquility was a welcome continuation of the calm atmosphere experienced on Election Day itself. Notably, there were zero reported cases of politically motivated violence, allowing citizens to go about their daily lives without interruption.
- 8.2. The ZHRC observed that election results were properly displayed at all polling stations, with a small number of voters visiting the stations to verify the results. The ZHRC successfully engaged with the electorate and confirmed that they accepted the election results without any uncertainties. They indicated that the electoral process in their view was transparent and credible notwithstanding the delays caused by the reprinting of the ballot papers.

9. Conclusion.

It is profound that the by election was generally peaceful, with the electoral process proceeding calmly. The untroubled political environment can indeed be imputed to the collaborative efforts of all stakeholders involved in the by election. This collective effort fosters an atmosphere of trust, respect and open communication, allowing the electoral process to unfold smoothly. However, the delays in delivering and reprinting of ballot papers resulted in some voters being unable to cast their ballots, leading to voter abstention. A significant number of the voters indicated the impossibilities of returning to vote as a result of having to fulfil other commitments. This highlighted the need for efficient electoral processes and contingency planning to prevent such delays in future.

10. Recommendations.

Zimbabwe Electoral Commission.

- 10.1. To utilize social media, SMS alerts, and email updates to keep voters, candidates, and observers informed about any developments that may have impacted the electoral process.

Women's Rights Civil Society Organisations – Women's Coalition of Zimbabwe

- 10.2. To encourage women to stand for public office and be elected into political offices.

Parliament of Zimbabwe

10.3. To amend the Electoral Act so as to ensure electoral gender parity

ZANU-PF and the Independent Candidates

10.3. To encourage the electorate to promptly report cases of politically motivated violence to the ZRP.

10.4. To encourage the electorate to exercise patience in the case of delays by ZEC to commence the voting process, and ensure that the voters exercise their constitutional right to vote.



Adopted by the Commission

Signed by

A handwritten signature in black ink, appearing to be "F. J. Majome", written over a horizontal line.

MS F. J. MAJOME (CHAIRPERSON)

14.11.25

DATE