



Zimbabwe - Researched and compiled by the Refugee Documentation Centre of Ireland on 8 May 2013

Information on the referendum which was held in March 2013, including information on whether campaigning was free and fair.

A report issued in February 2013 by *Amnesty International* states:

“In recent months Amnesty International has documented a series of arbitrary arrests and raids targeted at key human rights groups suggesting the space for political dissent is narrowing as the country prepares for the referendum and election.”
(Amnesty International (14 February 2013) *Zimbabwe's arrest of peaceful protesters casts doubt on possibility of credible referendum*)

In March 2013 a publication issued by *Agence France Presse* points out that:

“Zimbabwe rights activists say they are suffering under a police crackdown designed to be an ominous warning ahead of a constitutional referendum this week and elections later in the year. Since late last year President Robert Mugabe's police force has detained staff from prominent civil groups and raided offices of election and human rights monitors.” (Agence France Presse (13 March 2013) *Zimbabwe police raids instil fear ahead of poll*)

A document published by *Agence France Presse* in March 2013 notes:

“On the eve of the referendum, several MDC members, including a parliamentary candidate, were beaten up as they put up posters backing the draft constitution. The authorities have also been accused of targeting pro-democracy groups by arresting their leaders and seizing equipment.” (Agence France Presse (16 March 2013) *Zimbabwe votes on constitution to curb Mugabe's powers*)

In March 2013 *BBC News* states:

“A Zimbabwean politician has been attacked in the capital, Harare, during the last day of campaigning before a referendum on a new constitution...Both Zanu-PF and MDC are campaigning for a "Yes" vote in the referendum. But the referendum campaign has been raising political tensions ahead of an election expected later in the year.” (BBC News (15 March 2013) *Zimbabwe MDC politician Sten Zvorwadza beaten in Mbare*)

A report issued in March 2013 by the *Zimbabwe Lawyers for Human Rights* points out that:

“Several incidents of intimidation, arrest and vilification of those advocating a NO vote were reported, and this is contrary to promotion of a free environment in which dissenting opinions are encouraged and welcomed.” (Zimbabwe Lawyers for Human Rights (15 March 2013) *Pre-Referendum statement*)

A report published in May 2013 by the *International Crisis Group* notes:

“...the new constitution, was accepted in a 16 March 2013 referendum.”
(International Crisis Group (6 May 2013) *Zimbabwe: Election Scenarios*, p.2)

This document also points out that:

“The figure presented by the ZEC of 3,3 million voters in the referendum, over 20 per cent more than in the 2008 election, appears incongruous in the face of numerous reports and commentaries on voting day that the turnout was low, and reported statements from the ZEC on 17 March that around two million had participated...Referendums do not require voters to be registered on the voter’s roll, which suggests that many of those who voted are not registered.” (International Crisis Group (6 May 2013) *Zimbabwe: Election Scenarios*, footnote 40/page 7)

It is also noted in this document that:

“The ZEC claims that the way in which it conducted the referendum process is testimony of its capacity to deliver a credible election process. However, Tendai Biti, finance minister and MDC-T secretary general, alleges that the voter figures presented by the ZEC in the referendum reflect an inflation of between 10 and 15 per cent compared to his party’s parallel vote tabulation. The Election Resource Centre (ERC) also questioned the high voter turnout, considered the highest in any election since independence in 1980. Its report suggests that this could have been due to coercion of voters, especially by ZANU-PF. Those who campaigned for the “no” vote also allege rigging. Verification of referendum data in these circumstances is critical and will require access to polling station specific data, which has not yet been released, despite a provision for this in the recently passed Electoral Amendment Act.” (ibid, p.7)

ZEC is an acronym for The Zimbabwe Electoral Commission.

In March 2013 a document released by the *United Kingdom Foreign and Commonwealth Office* states:

“The constitutional referendum was held successfully on 16 March. It was widely reported as well-managed and peaceful by the SADC observers and CSOs.” (United Kingdom Foreign and Commonwealth Office (31 March 2013) *Human Rights in Countries of Concern: Quarterly Update on Zimbabwe, January to March 2013*)

In March 2013 *Agence France Presse* points out in an article that:

“While the referendum was hailed by the United States and regional observers as peaceful and credible, the run-up to the vote was marred by isolated incidents of violence against both leaders’ party officials.” (Agence France Presse (19 March 2013) *Zimbabweans approve new constitution by landslide*)

Commenting on the referendum, a document issued in March 2013 by *Reuters* states:

“While marked by low turnout, Saturday’s vote was notably free from violence.” (Reuters (17 March 2013) *Zimbabwe police raid Tsvangirai’s office, arrest five*)

In March 2013 a document issued by the *Election Resource Centre* states:

“The pre-referendum period was largely peaceful but was punctuated by an upsurge in attacks on civil society organizations which witnessed raids and searches at the Zimbabwe Peace Project, ZimRights, ZESN, NYDT and Radio Dialogue.” (Election Resource Centre (20 March 2013) *Constitutional Referendum interim report*)

A report released in April 2013 by the *Robert F. Kennedy Center for Justice and Human Rights* states:

“The lack of compliance with GPA agreements, the increased systematic intimidation, threats, violence, and arbitrary detention of human rights activists and civil society leaders, and the violations of freedom of expression and access to information has severely compromised the electoral environment in Zimbabwe.” (Robert F. Kennedy Center for Justice and Human Rights (2 April 2013) *Pattern of Suppression in Zimbabwe a Concern for RFK Center*, p.3)

GPA is an acronym for Global Political Agreement.

Human Rights Watch in March 2013 notes in a report that:

“A referendum on March 16, 2013, for a new constitution under the Global Political Agreement for a power-sharing government between the Zimbabwe African National Union-Patriotic Front (ZANU-PF) and the Movement for Democratic Change (MDC) paves the way for elections later in the year. “Police harassment and arrests of civil society activists has worsened as elections get closer,” said Tiseke Kasambala, Africa advocacy director at Human Rights Watch. “The government needs to stop this police abuse of power and hold those responsible to account.” (Human Rights Watch (19 March 2013) *Zimbabwe: End Police Crackdown on Civil Society*)

This document also states:

“On March 8, the ZANU-PF-controlled Zimbabwe Electoral Commission (ZEC) announced that any civil society organization under police investigation would be barred from monitoring the constitutional referendum and elections. This directive would directly affect the main civil society organizations operating in the country, including ZPP, Zimbabwe Human Rights Association (ZimRights), Zimbabwe Election Support Network, and Crisis in Zimbabwe Coalition.” (ibid)

In March 2013 a report published by *Voice of America* points out that:

“The United States Embassy in Zimbabwe has endorsed the constitutional referendum held on March 16 as peaceful and credible, joining other observers which include the Zimbabwe Election Support Network and Southern African Development Community (SADC) in commending the process. In a statement, the U.S. said the “peaceful referendum”, which was observed by its five teams, including Ambassador Bruce Wharton, is a key development towards democracy and rule of law in the country. However, the embassy, said it notes with concern reports that voters in some area were instructed to vote at specific stations, or instructed to report to political party operatives after voting.” (Voice of America (18 March 2013) *U.S. Embassy Endorses Referendum as Credible, Peaceful*)

A publication issued by *Voice of America* in March 2013 notes:

“Pro-democracy groups accuse police of cracking down on Mugabe opponents ahead of the vote.” (Voice of America (19 March 2013) *Zimbabweans Approve New Constitution*)

In March 2013 a report issued by *Voice of America* notes:

“Police in Zimbabwe arrested five people in a raid on the office of Prime Minister Morgan Tsvangirai, as early results from a constitutional referendum show widespread support for laws to curb the powers of the president. Officials say Tsvangirai’s director for research and development was arrested early Sunday during a raid at his home. Three aides for Tsvangirai and top human rights lawyer Beatrice Mtetwa were also detained. The reason for their detention is unknown.” (Voice of America (17 March 2013) *Zimbabwe Clampdown Continues as Referendum Count Underway*)

In March 2013 *Voice of America* states:

“Zimbabwe’s people have approved a new constitution which paves the way for presidential elections. The charter, which contains a bill of rights and imposes term limits for the president and certain security officials, is supposed to give more power to citizens in the southern African nation. However, the vote was almost immediately followed by arrests of high-profile opponents of President Robert Mugabe. Critics accuse the government of cracking down on civil society groups, a clear sign, they say, that things are getting worse, not better.” (Voice of America (19 March 2013) *After Constitution Vote, Zimbabwe Faces Human Rights Challenges*)

A document released in March 2013 by the *Zimbabwe Election Support Network* notes:

“The Zimbabwe Election Support Network (ZESN), a network of 31 non-governmental organisations working on the promotion of democratic elections in Zimbabwe, observed the Constitutional Referendum on Saturday 16 March 2013...ZESN findings show that the process was generally, peaceful and smooth with very few recorded incidents of violations.” (Zimbabwe Election Support Network (17 March 2013) *ZESN Preliminary Statement On The Constitutional Referendum*, p.1)

This report also notes:

“During the run-up to the Referendum there was a disturbing pattern of intimidation against civic organizations involved in citizen election observation.” (ibid, p.2)

In March 2013 *The Guardian* states:

“It was, by all accounts, the most fair and trouble-free vote in recent memory. As Zimbabweans went to polling stations last Saturday to approve a new constitution – which they did, by a 95% margin – reports of intimidation and foul play were few and far between.” (The Guardian (26 March 2013) *Even Zimbabwe’s constitution waits for Mugabe to pass the baton, or pass away*)

In March 2013 a document issued by the *Zimbabwe Election Support Network* states:

“ZESN received a total of 178 voting incidents – primarily from its mobile observer teams. The largest number of incidents, 38 reports, relate to violations of the voting procedures followed by 22 reports of unauthorized persons in the polling stations. There were also isolated reports of ZEC polling officials lacking identification badges and an incident of a ZANU-PF supporter in Mataga, Midlands Province, positioned within a five-metre radius of the polling station taking down names of the people who are voting. The largest number of incident reports was received from Bulawayo, Harare and Masvingo provinces with 27, 22 and 22 reports respectively.” (Zimbabwe Election Support Network (March 2013) *Zimbabwe Constitution Referendum Report and Implications for the Next Elections*, p.14)

In 2013 a document released by the *Southern Africa Development Community* notes:

“The Mission...noted the complaints by some stakeholders who felt that the Police discretionary powers relating to sanctioning of political gatherings in Zimbabwe had the potential to affect the credibility of electoral processes through restricting freedom of assembly.” (Southern Africa Development Community (2013) *Interim Mission Statement By The SADC Parliamentary Forum Referendum Observation Mission To The 2013 Zimbabwe Constitution Referendum*, p.10)

This report also states:

“The Mission also found out that the Referendum campaigns were generally conducted in a calm, peaceful and electorally conducive atmosphere which enabled most stakeholders to freely express themselves on the Referendum issue without undue hindrance.” (ibid, p.11)

This document also points out that:

“The Mission further observed that the voting process was conducted peacefully across the country with no significant cases of disturbances.” (ibid, p.13)

It is also noted in this document that:

“Based on its overall findings, the Mission is of the view that there existed a substantially conducive and peaceful environment in which the Referendum was conducted. The Zimbabweans were accorded the opportunity to freely express their will in voting for a Referendum outcome of their choice.” (ibid, p.15)

In March 2013 a document issued by the *Electoral Commissions Forum of SADC Countries* states that the:

“Voting process was peaceful and orderly.” (Electoral Commissions Forum of SADC Countries (17 March 2013) *Preliminary Statement Of The Electoral Commissions Forum Of SADC Countries (ECF-SADC) On The Constitutional Referendum Of The Republic Of Zimbabwe 16 March 2013*, p.2)

In March 2013 *The Standard* states:

“In Harare there was a poor turnout save for Mbare where there were long and winding queues as early as 6am. The Standard crew established that most residents were voting in fear of victimisation. Residents who had voted could be seen queuing

at areas such as Block 1, Nenyere flats and Matute business centres where Zanu PF youths would record their names on registers.” (The Standard (17 March 2013) *Zimbabwe: Low Turnout Mars Referendum Hype*)

In 2013 the *Southern Africa Development Community* state in a report that:

“The SEOM noted reports of isolated cases of intimidation and harassment in some areas and in particular in Mbare, Harare.” (Southern Africa Development Community (2013) *SADC Election Observation Mission To The Republic Of Zimbabwe Statement*, p.8)

SEOM is an acronym for the SADC Election Observation Mission.

This report also notes:

“The Mission observed that the pre-referendum phase was characterized by a largely tolerant and peaceful civic atmosphere.” (ibid, p.8)

It is also pointed out in this document that:

“In general, the Mission observed that the polling process was conducted in a peaceful, transparent and smooth manner. The Mission has come to the conclusion that although some of the concerns raised are pertinent, they are, nevertheless, not of such magnitude as to affect the credibility of the overall Referendum.” (ibid, p.15)

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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