

RIGHTS AND RESPONSIBILITIES OF POLITICAL PARTIES AND CANDIDATES

Rights

Section 67 of the Zimbabwe Constitution sets out the political rights of Zimbabwean citizens. Subject to the Constitution, they have the right to free, fair and regular elections and referendums and, adults have the right to vote in elections and referendums. They may also stand for public office and, if elected, to hold public office.

In terms of Section 67(2)(a) of the Constitution, Zimbabweans have the right to form political parties or to belong to political parties of their choice.

Political parties and candidates for election have the right to campaign peacefully and to have access to the media to disseminate information to the electorate about their policies.

Duties

The Fourth Schedule of the Electoral Act contains a Code of Conduct which sets out the responsibilities of political parties and candidates. This Code reads as follows:

Electoral Code of Conduct for Political Parties and Candidates

Purpose of Code

1. The purpose of this Code is to promote conditions that are conducive to free and fair elections and a climate of tolerance in which electioneering activity may take place without fear or coercion, intimidation or reprisals.

General principles

2.(1) All political parties and their members and supporters, and all candidates and their supporters, must promote conditions conducive to free, fair and democratic elections conducted through a secret ballot in a climate of democratic tolerance in which political activity may take place without fear of intimidation or reprisals.

(2) All political parties and their members and supporters, and all candidates and their supporters, must accept that others have the right to present their political principles and ideas in a peaceful environment without intimidation or fear of reprisal, and must respect that right.

Application

3. This Code will apply to political parties, candidates for election, election agents for candidates and members and supporters of political parties and candidates.

Public commitment

4. Every political party and every candidate must—

- (a) give wide publicity to this Code and ensure that their members and supporters are familiar with this Code and their obligation to comply with its terms; and
- (b) publicly state that everyone has the right—
 - (i) to freely express their political beliefs and opinions;
 - (ii) to freely challenge and debate the political beliefs and opinions of others;
 - (iii) to freely canvass freely for membership and support from voters;
 - (iv) to freely attend public meetings convened by others;
 - (v) to freely distribute campaign material;
- (c) publicly condemn any action that may undermine the free and fair conduct of elections and in particular to condemn unreservedly and publicly any violence or intimidation and co-operate with the law enforcement agencies in apprehending the culprits;
- (d) disseminate accurate information on electoral processes;
- (e) accept the result of an election or challenge the result by due process of law.

Prohibited conduct: politically-motivated violence or intimidation

5. No political party or any of its members or supporters, and no candidate or any of his or her supporters, may—

- (a) use violence, or threaten violence or incite or encourage the use of violence, against anyone on account of his or her political opinions or membership or support of a political party or participation in the election;
- (b) intimidate, or incite or encourage the intimidation, of anyone on account of his or her political opinions or membership or support of a political party; act in a way that may provoke violence or intimidation;
- (c) use violence or threats or illegal pressure to force voter to refrain from voting or to vote for a candidate or political party against his or her will;
- (d) force a voter to reveal the identity of the candidate voted for or take reprisals against a person because of the way in which he or she has voted or is believed to have voted.

Prohibited conduct: other prohibited acts

6. No political party or any of its members or supporters, and no candidate or any of his or her supporters, may—

- (a) publish false or defamatory allegations about a party, its candidate(s), representatives or members;

- (b) discriminate on the grounds of race, ethnicity, sex, gender, class or religion in connection with an election or political party;
- (c) damage or deface property, including the election posters, placards, banners and other election material of another party or candidate, and any posters or other voter education materials disseminated by the Zimbabwe Electoral Commission;
- (d) bar or inhibit access to meetings or to voters for the purpose of election campaigning;
- (e) carry or display weapons at political meetings or at marches, demonstrations, rallies or other public political events;
- (f) bribe a voter to exercise his or vote in a particular manner;
- (g) bribe or intimidate an election official to induce him or her to make a false entry in the voters roll or to alter or falsify election results;
- (h) encourage a person to vote knowing that they are not entitled to do so;
- (i) use the information on the voters roll supplied by the Commission for commercial purposes or to harass or intimidate voters and they may not publish personal information about voters contained in the electoral roll.

Compliance

7.(1) Every political party and every candidate must comply with this Code and—

- (a) in the case of a political party, instruct its candidates, persons who hold political office in the party and its representatives, members and supporters to comply with this Code and any applicable electoral and general laws;
- (b) in the case of a candidate, instruct the representative and supporters of the candidate to comply with this Code and any applicable electoral and general laws.

(2) Every political party must restrain its office-bearers, members and supporters, and all candidates must restrain their representatives and supporters, from contravening this Code and any applicable electoral or general law, and must take or initiate appropriate disciplinary action against those who contravene this Code or that law.

Duty to co-operate

8. Every political party and every candidate must co-operate—

- (a) with other parties to avoid the risk of electoral-related conflict; in particular, they must endeavour not to call public meetings, marches or rallies that coincide with those called by another party or candidate contesting the election;
- (b) with the election authorities to protect and enhance their role to supervise and administer elections;
- (c) with law enforcement officers to maintain peace during the election period.

Conduct during polling period

9.(1) No political party or candidate may, from midnight twenty-four hours before polling day in any election or referendum until polling stations are closed on that day—

- (a) convene or hold a public gathering of any kind;
- (b) publish, or cause or permit the publication, of any advertisement or statement promoting or opposing a particular party or candidate;
- (c) disrupt the work of election officials at a polling station or counting centre;
- (d) campaign or display campaign material within 200 metres of a polling station or counting centre.

(2) On polling day in any election or referendum, all political parties and their members and supporters, and all candidates and their supporters, must—

- (a) co-operate with election officials to ensure that polling is peaceful and orderly and that voters are completely free to exercise their vote without being subjected to intimidation, annoyance or disturbance; and
- (b) generally, conduct themselves so as to respect the secrecy and integrity of the ballot.

Announcement of result of election

10. No candidate, and no office-bearer or member of a political party, may purport to declare or announce the results of an election before it has been declared officially by an electoral officer.

Respect for media and journalists

11. Every political party and candidate—

- (a) must respect the role of the news media before, during and after an election or referendum; and
- (b) may not prevent access by members of the news media to public political meetings, marches, demonstrations and rallies; and
- (c) must take all reasonable steps to ensure that journalists are not subjected to harassment, intimidation, threat or physical assault by any of their representatives or supporters.”.