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**Policy Commentary: Statutory Instruments (SIs) 144 and 145 of 2022, a threat to young women, men and Persons with Disabilities (PWDs) participation in electoral processes #StopRepressiveSIs #SI244 #SI245**

**22 August 2022**

The Institute for Young Women's Development (IYWD) notes with grave concern, the appalling hiking of nomination fees for prospective election candidates, coupled with increased fees for accessing the voters' roll and the attendant polling area, ward, and constituency, provincial and national maps through a basket of Statutory Instruments gazetted on 19 August 2022.

According to [Statutory Instrument \(SI\) 144 of 2022](#), the Zimbabwe Electoral Commission, with approval of the Minister of Justice, Legal and Parliamentary Affairs, hiked the nomination fees required for both the presidential and constituency Member of Parliament candidates for election by a record high 1900%, from US\$1000.00 to US\$20000.00 and US\$50.00 to US\$1000.00 respectively.

As per [SI 145 of 2022](#) the cost of accessing an electronic copy of a polling area, national and hard copy voters' roll has gone up by 900% from US\$1.00, US\$20.00 and US\$0.10 per page to US\$10.00, US\$200.00 and US\$1.00 per page respectively. For the ward and constituency voters' rolls, the cost has jumped upwards by 650% and 450%, from US\$2.00 and US\$10.00 to US\$15.00 and US\$50.00 respectively while accessing a provincial voters' roll now requires a payment of US\$150.00.

Accessing a polling area, ward and constituency electoral maps shot upwards by 1900%, 1150% and 200% from US\$1.00 to US\$20.00, US\$2.00 to US\$25.00 and US\$10.00 to US\$30.00 respectively while the provincial and national maps now require US\$60.00 and US\$100.00 respectively.

The IYWD in consultation with its regional sister partners and individual activists, carried out a scan of the nomination fees in other peer countries in Africa for the council, parliament and presidency elective positions or equivalent of those in order to allow comparative analysis. The data collected includes the nomination fees applied in the latest elections and the legal provisions on nomination fees. All data was converted to US\$ for uniformity and comparability, at the latest prevailing exchange rates.

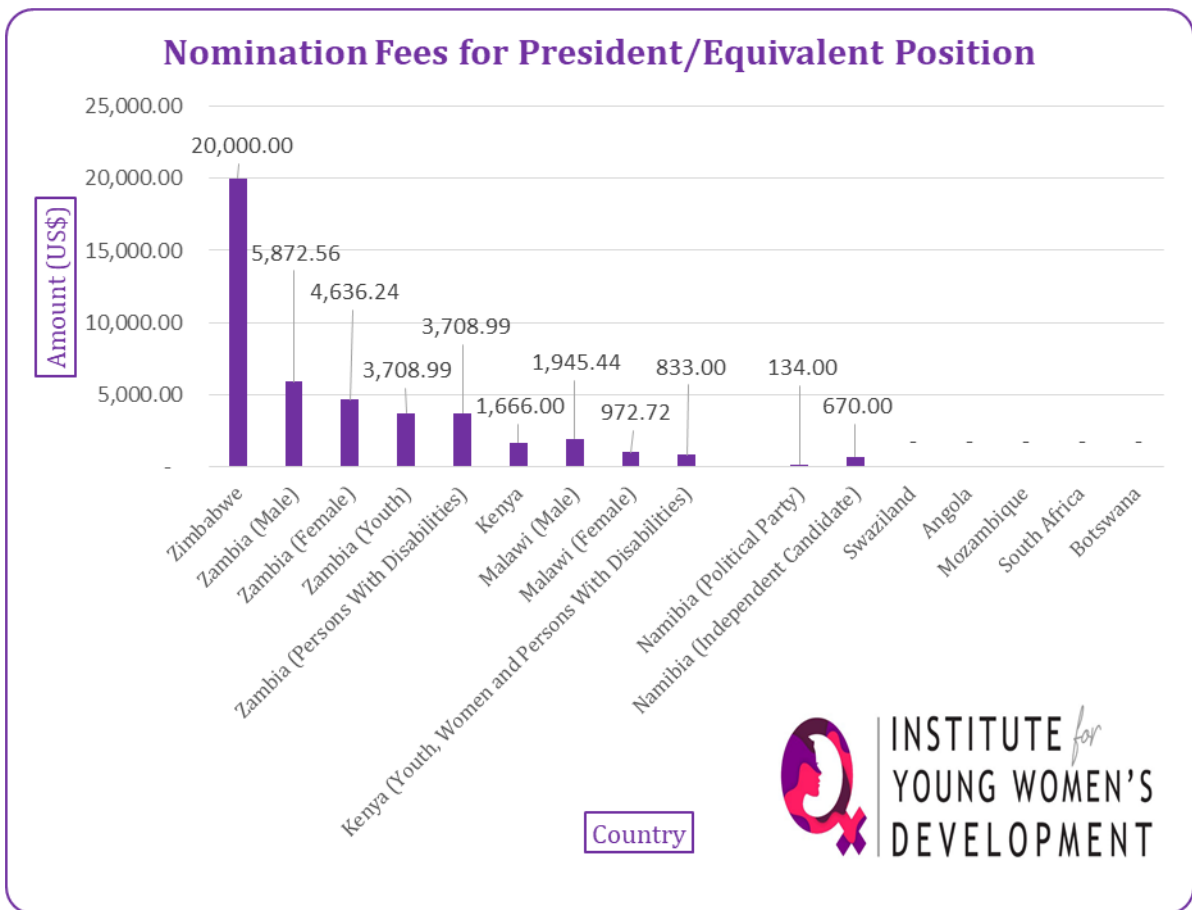


Figure 1. Nomination Fees Data for Selected African countries-Presidential Elections

As per Figure 1, Zimbabwe ranks highest in terms of nomination fees required for one to stand as a candidate for the position of President. It is almost 4 times that of Zambia which is the 2nd highest and is almost 10 times that of Kenya, which is the 3rd highest, a position which shows that the gazetted nomination fees for Zimbabwe are beyond average given that the economy of Zambia and Kenya are performing far much better than itself. Worthy to note is the progressive nature of the nomination fees for Zambia, Kenya and Malawi which are youth, disability and gender sensitive compared to their peers despite those of Zambia still remaining in the high end. It seems Namibia's nomination fees penalize those who choose to stand as independent candidates by levying a higher amount compared to a political party. Swaziland, Angola, Mozambique, South Africa and Botswana do not require nomination fees for the presidency due to the nature of their electoral systems which allows for election of the president from parliament and/or requires endorsement by a huge number of nominees for one to qualify as a

candidate.

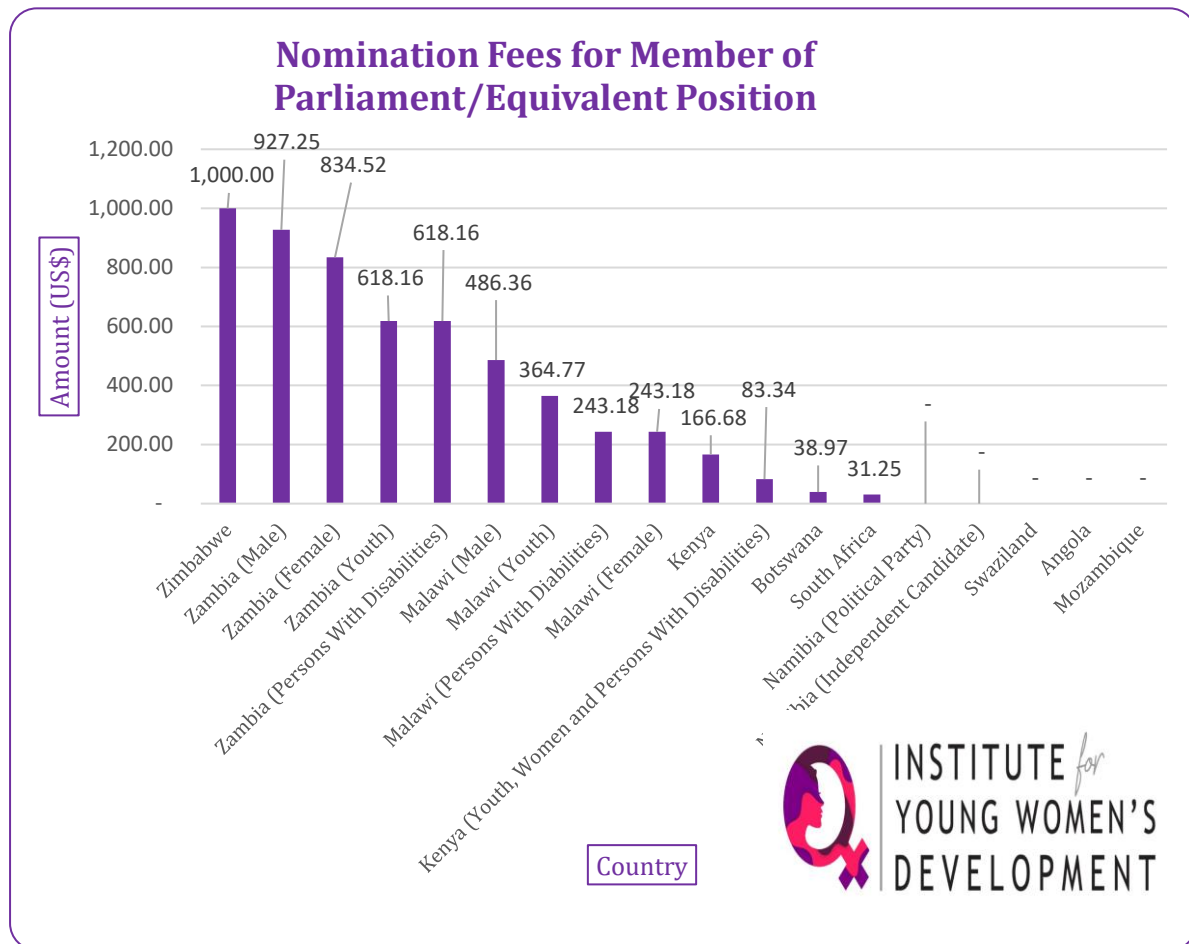


Figure 2 Nomination Fees Data for Selected African countries-Member of Parliament

As shown in Figure 2, Zimbabwe also ranks high in terms of the required nomination fees for one to stand as a constituency Member of the Parliament, followed by Zambia, with a marginal difference, Malawi, Kenya, Botswana and South Africa. Swaziland, Angola and Mozambique do not require nomination fees for the constituency Member of Parliament due to the nature of their electoral systems which allows for election of the president from parliament and/or requires endorsement by a huge number of nominees for one to qualify as a candidate. Zambia, Malawi and Kenya provide gender, youth and disability sensitive nomination fees even though Zambia and Malawi have relatively higher fees compared to Botswana and South Africa.

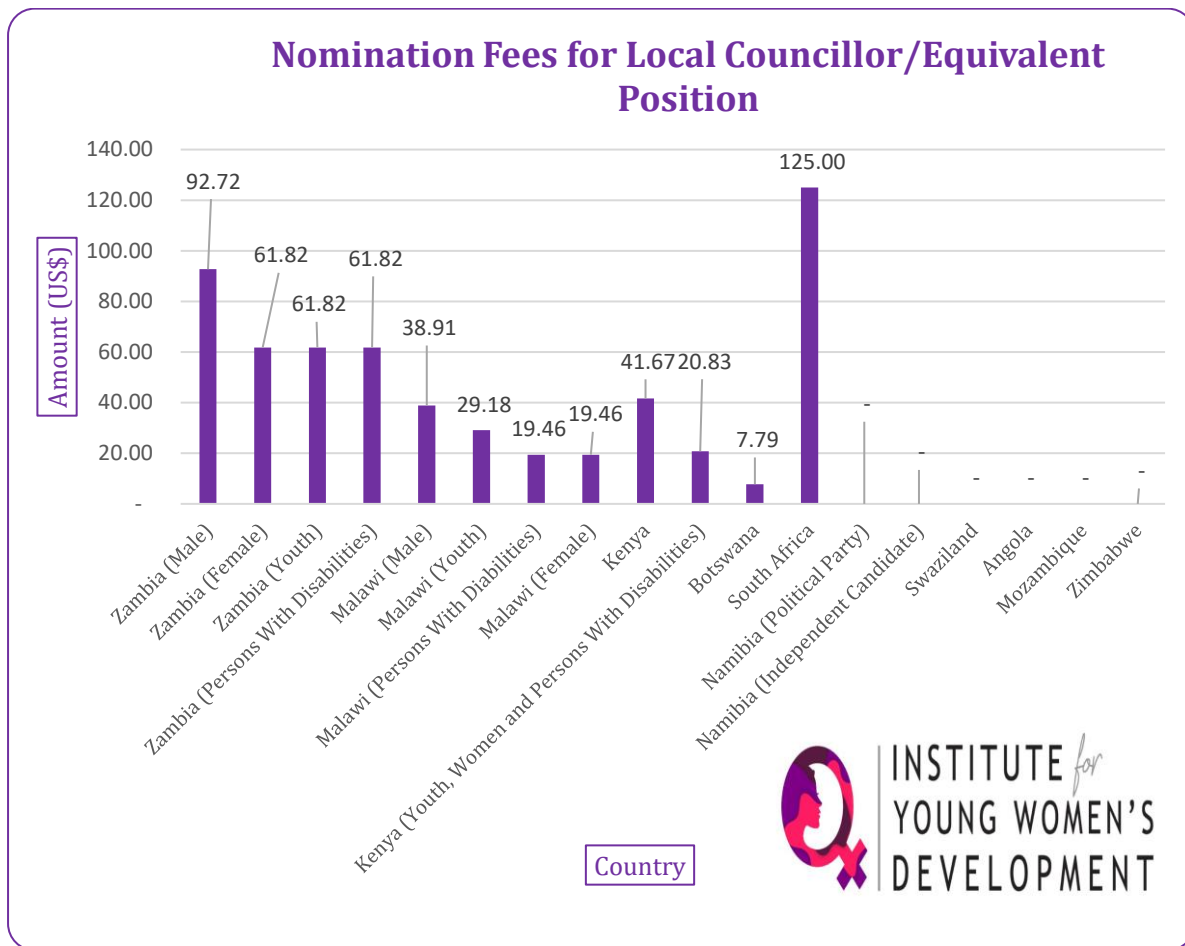


Figure 3 Nomination Fees Data for Selected African countries-Local Councillor

Figure 3 shows that South Africa ranks high in terms of nomination fees for local government elections, followed by Zambia, Kenya, Malawi, Botswana and countries which do not require a nomination fee, to include Zimbabwe. Zimbabwe's position on this is progressive and if adopted for the presidency, constituency Member of Parliament and proportional representation seats, will be a huge milestone in entrenching constitutional democracy and promoting participation of all, without leaving anyone behind on any aspect.

The prevailing and deteriorating economic situation in the country, characterized by currency woes, paltry remuneration for those working, inflation and high levels of unemployment among others, places the gazetted nomination, voters' roll and maps access fees beyond the reach of the majority, especially young women, men, women and PWDs who are already largely excluded from accessing, owning and controlling economic resources. Increasing the cost of participation may only yield apathy, resistance and has potential to escalate the already alarming levels of corruption and capture of policy makers and state institutions by the few elite capitalists at the expense of the general populace.

From a political economy point of view, the purpose of taxation, which is very high in Zimbabwe is to generate **Revenue** for use by the government, **Reprice** products with a negative bearing on the society, **Redistribute** wealth in a way that ensures young women, men, women and Persons with Disabilities (PWDs) among other citizens have access to descent socio-economic and political services and ensure their **Representation** by granting them the right to elect their representatives and be elected, enshrined in Section 67 of the constitution. Zimbabweans are already directly and indirectly contributing to the financial well-being of the country through the different taxes levied by the government and it is such funding which should be utilised to significantly subsidise electoral processes.

The IYWD also takes note of utterances by some electoral officials justifying the gazetted astronomical nomination fees as a measure by which candidates for election show commitment and would like to categorically reiterate that any regulation which excludes vulnerable groups to include young women, men, women and Persons With Disabilities (PWDs) among others from fully exercising their political rights as enshrined in the country's constitution under Section 67 is retrogressive. It erodes democracy given that the process involved in electing and being elected is equally important as the outcome of an election when it comes to assessing whether elections are free, fair and credible.

Zimbabwe is a constitutional and representative democracy, governed by the constitution with elected public office officials representing the needs and aspirations of the electorate. Section 3 of the country's constitution, Founding Values and Principles, embraces gender equality, an electoral system based on universal adult suffrage and equality of votes, free, fair and regular elections and adequate representation of the electorate and recognition of the rights of vulnerable groups to include young women, men, women and Persons with Disabilities (PWDs) among others. It is impossible to fulfil the aforementioned values and principles if the requirements for one to exercise their rights effectively takes that right away.

Section 2 of the country's constitution provides for supremacy of the constitution and renders void any law, practice, custom and conduct inconsistent with it, to the extent of the inconsistency. Therefore, setting nomination fees which may only be afforded by people in certain social classes and of a sound economic status grossly violates Section 56 of the country's constitution which enshrines the right to Equality and Non-Discrimination and is thus constitutionally devoid.

Regarding the fees to access the voters' roll and maps, the IYWD is of the view that these will hinder the access to information rights which are provided for by the country's constitution in terms of Section 62 and also supported by an act of Parliament, the Freedom of Information Act No. 1 of 2020. Restriction on the access to information rights limits young women's ability to demand accountability and transparency, enjoy and defend other rights.

Informed by the preceding exposition and experience working primarily with young women, the IYWD in addition to its sustained efforts on promoting constitutionalism and feminist leadership, unequivocally asserts and calls for the following;

1. The Zimbabwe Electoral Commission (ZEC) and the responsible Minister of Legal and Parliamentary Affairs must, in consultation with citizens, stakeholders, effect a downward revision of the gazetted nomination and access to the voters' roll and electoral maps fees and ensure that any set amounts are affordable, gender, youth and disability sensitive.
2. The Parliament of Zimbabwe must ensure that adequate funds are appropriated to the ZEC and in a way that totally removes or ensures that prospective candidates pay a minimal affordable fee.
3. The urgent alignment of all electoral laws to the country's constitution to include enactment of a Gender Equality Act which shall provide for equal representation in local government, parliament and the presidium in line with Section 17, 20, 56 and 80 of the constitution.

**//The End**

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