



MIHR REPORT ON Access to Water and Sanitation in Polling Stations During Zimbabwe's 09 December 2023 By-Elections



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1. EXECUTIVE SUMMARY

MIHR observed the 2023 Harmonized elections and the Bulawayo by-election with a focus on water and sanitation in polling stations. In the harmonized elections MIHR noted that access to water and sanitation services in polling stations was a cause for

concern in the City of Bulawayo as voters endured long hours in polling queues without water and sanitation services due to the City's water shedding programme. The issue was further raised by the Zimbabwe Human Rights Commission (ZHRC) in their observation report and their focus was on welfare of election officials. In the 09 December Bulawayo By-election, MIHR managed to observe 120 polling stations in 5 constituencies (and 8 wards) in Bulawayo. The election management body (ZEC) made some efforts to provide water (through alternative water containers) and sanitation services (through mobile toilets for tent polling stations), but there were glaring gaps in the attempt. Of the total polling stations observed 51% did not have water and the election officials were using alternative water containers supplied by the Bulawayo City Council. There were 39 polling stations (32.5% of the observed polling stations) which were using mobile toilets. Of the 39 polling stations using mobile toilets, 100% of them had 1 mobile toilet being used by both males and females, with each polling station having an average of 13 – 18 polling officials. Of the 39 stations that were using Mobile Toilets, 11 of them (28%) had two polling stations sharing one toilet. This MIHR report on water and sanitation services in polling stations therefore suggests practical and implementable policy and implementation recommendations for both state/government and non-state stakeholders. Chiefly, the report suggests that ZEC prioritizes access to water and sanitation services in polling stations and where mobile toilets are used, each polling station should have minimum of two sex separated mobile toilets.

2. INTRODUCTION

2.1 The By-elections

Following the recall of 15 Members of Parliament, 9 Senators and 17 Councillors belonging to the Citizens Coalition for Change (CCC) by one Sengezo Tshabangu who claims to be acting on his role as the Interim Secretary General of the movement¹; the Zimbabwe President Mr Emmerson Mnangagwa, being guided by the Electoral Act, passed Statutory Instrument 188 of 2023² declaring 09 December to be the date for the by-elections in the affected areas. The by-elections were for both national assembly and local authority seats that had become vacant. In Matabeleland region of the country, the By-Election was happening in 8 Parliamentary Constituencies (5 in Bulawayo, 1 in Matabeleland South and 2 in Matabeleland North provinces) as well as 8 wards in Bulawayo. In Bulawayo province, the affected constituencies included Bulawayo South, Cowdray Park, Lobengula – Magwegwe, Mpopoma – Mzilikazi and Nketa Constituencies as well as 8 local authority wards that include wards 1, 6, 9, 18, 20, 21, 22 and 24. In Matabeleland North province, the affected constituencies were Lupane East and Binga North whilst in Matabeleland South province only Beitbridge West Constituency was affected.

2.2 By-Elections Water and Sanitation Context

The 09 December 2023 by-elections took place at a time when Zimbabwe's second largest City of Bulawayo was grappling with an acute water shortage problem that was compounded by the climate change induced El Niño phenomena. Critically, the City was implementing a 48 hours per week water shedding timetable, which in most suburbs was not being adhered to forcing residents to go for over a week without tap water. This 48 hours water shedding program had been in effect since March

¹ <https://cite.org.zw/ccm-member-recalls-elected-mps/>

² Statutory Instrument 188 of 2023 – <https://www.veritaszim.net/node/6634>





2023³. The Bulawayo City Council water shedding schedule for the election day of 09 December 2023⁴ indicated that only 2 of the 5 affected Bulawayo Constituencies had access to water on the election date.



CITY OF BULAWAYO		
tcdept@citybyo.co.zw www.citybyo.co.zw		
PROVISIONAL WATER SUPPLY RESTORATION STRATEGY FOR SATURDAY, 09 DECEMBER 2023.		
AREAS	RESERVOIR	COMMENT
Nketa 6, 7, 8 Nkulumane 1-5 & Nkulumane 10-12, Nkulumane Sedgemore	CRITERION	Water Supplies Closed
Sizinda, Tshabalala, Southwold, Bellevue, Newton West		Water Supplies Closed
Montrose, Nketa 9, Emganwini		Water Supplies Closed
Pumula North, Pumula East, Pumula South Phase 3		Water Supplies Closed
Pelandaba West (Glendening) Old Pumula A, B & C		Water Supplies Closed
Pumula South 1&2 Pumula South Habek, Khami, Mpopoma South, Old Pelandaba Iminyela.	MAGWEGWE	Water Supplies Open
Cowdray Park (Hlalani Kuhle – Hawkflight) Entumbane, Lobengula Gwabalanda, Emakhandeni		Water Supplies Closed
Pelandaba West (Hawkflight), Magwegwe, Luveve Matshobane, Njube, Mpopoma Mabutweni, Cowdray Park.	RIFLE RANGE	Water Supplies Closed
Harrisvale, Trenance, Richmond, Sauerstown		Water Supplies Open 1600hrs
Barbourfields, Mzilikazi, Makokoba, Nguboyenja		Water Supplies Open 1600hrs
Morningside, Four Winds, Barham Green Greenhill, Burnside	6J	Water Supplies Open 1600hrs
Hillside, South Riding, Burnside (West of Burnside RD)		Water supplies Closed
Ilanda, Romney Park, Bradfield, Tegela, Emhlangeni Sunnyside Paddonhurst, Northend	HILLSIDE	Water Supplies Closed
Lockview, Sunninghill, Riverside Marlands, Glencoe, Waterford, Manningdale, Willsgroove, Beuna Vista, Douglasdale, Fortunes Gate, Selborne Park, Matshemhlophe Burnside (East of Burnside Rd) Mqabuko heights	TULI	Water Supplies Closed
Khumalo Parklands, Queens Park, Suburbs, Mahatshula		Water Supplies Open
Woodville, Ascot		Water Supplies Open
Killarney, Fairbridge		Water Supplies Open
Industry, Mines & CBD		Exempted

Note: Although all attempts will be made to adhere to the provisional schedule, it is subject to change without notice in case of emergency and operational challenges as the City continues to work towards stabilising the water system.

Date: Saturday, 09 December 2023

C Dube
Town Clerk

In rural communities of Matabeleland, the By-elections took place at a time when the 2023/24 Elnino drought situation was already worsening with shortage of water causing death of livestock especially in Matabeleland South province⁵ whose hottest district is Beitbridge where there was a by-election. The Elnino period did not come as a surprise in December 2023 as it was predicted by weather experts before in June 2023⁶ and reinforced in September 2023⁷. Furthermore, in Bulawayo, the country had held the August 23 Harmonized General Elections at a time when the City was already facing a 48 hours per week water shedding period.

2.3 Historical underpinnings

On 23 August 2023, Zimbabwe held a countrywide harmonized general election for the election of the President, House of Assembly representatives (MPs) and local authority representatives (Councilors). This election occurred in all the wards and constituencies of the country as guided by Statutory Instrument 85 of 2023 on May 31 which contained Proclamation 4 of 2023⁸. Matabeleland Institute for Human Rights (MIHR) participated in the electoral process focusing in Bulawayo and noted that though the City was having an official 48 hours per week water shedding programme, the

³ <https://www.zimeye.net/2023/03/19/water-rich-bulawayo-starts-water-load-shedding/>

⁴ BCC Official water restoration schedule

⁵ <https://www.newsday.co.zw/theindependent/local/article/200020372/drought-ravages-region>

⁶ <https://docs.wfp.org/api/documents/WFP-0000152700/download/>

⁷ <https://reliefweb.int/report/zimbabwe/zimbabwe-key-message-update-september-2023-el-nino-expected-impact-upcoming-202324-agricultural-season-negatively-2023>

⁸ SI 85 of 2023 - <https://www.veritaszim.net/node/6361>



electoral management body, the Zimbabwe Electoral Commission (ZEC) had no solid and succinct mechanism of providing water and sanitation services in polling stations that were in water shedding areas. This observation was confirmed by the Zimbabwe Human Rights Commission (ZHRC) in their 2023 Harmonized Elections Observation



Report which noted that:

The rights of polling officials at tent polling stations remained an issue of concern with limited potable water and ablution facilities. Though mobile toilets were provided, in some areas, an average of 30 people (polling and security officers) were sharing a single toilet, and there was no gender-specific ablution facility. The non-availability of potable water posed health hazards for the polling officers.⁹

This observation by MIHR and the ZHRC motivated the focus of the MIHR By-Election Observation Mission as the organization strategically chose to focus on observing access to water and sanitation services in polling stations.

3. SCOPE AND OBJECTIVES OF THE MIHR OBSERVER MISSION

3.1 Goal

The MIR By-Election Observer Mission's main goal was to observe and document water and sanitation issues in polling stations with the ultimate aim of informing future electoral processes in order to improve the Zimbabwe democratic electoral processes.

3.2 Objectives

To achieve the above stated goal, the Observer Mission was guided by the following objectives:

- (a) To observe and document state of water and sanitation services in all polling stations in Bulawayo Province.
- (b) To establish evidence based strategies of improving access to water and sanitation services in polling stations during acute water shortage situations and in mobile polling stations in Zimbabwe.
- (c) To inform Zimbabwe's electoral policy and decision making in as far as access to water and sanitation in polling stations is concern, in order to strengthen the dignity of the electoral and democratic processes in Zimbabwe.

4. SAMPLING AND DATA COLLECTION METHODS

4.1 Sampling

In conducting this election observation study, MIHR employed the **purposive sampling model** to choose the polling stations to be observed. Purposive sampling is also referred to as criterion-based sampling (Ritchie et al., 2003)¹⁰ or strategic sampling (Mason, 2002)¹¹. Ritchie et al. (2003) explains that, sample units are chosen because they have particular features or characteristics which will enable detailed exploration. Fretchette et al (2020)¹² further argues that purposive sampling is

⁹ ZHRC 2023 Harmonized Elections Observation and Monitoring Report - <https://www.zhrc.org.zw/elections/>

¹⁰ Ritchie, Jane; Lewis, Jane and Elam, Gillian (2003). Designing and selecting samples. In Jane Ritchie & Jane Lewis (Eds.), *Qualitative research practice. A guide for social science students and researchers* (pp.77-108) Thousand Oaks, CA: Sage.

¹¹ Mason, J. (2002). *Qualitative Researching*. London: Sage. (Chapter 9: Making convincing arguments with qualitative data). 173-204. 31.

¹² Frechette, J.; Bitzas, v.; Aubry, M.; Kilpatrick, K.; and Lavoie-Tremblay, M. (2020). Capturing Lived Experience: Methodological Considerations for Interpretive Phenomenological Inquiry. In *International Journal of Qualitative Methods*, Volume 19: 1–12.



concerned with selecting research elements with rich knowledge of the phenomenon. MIHR used purposive sampling to identify polling stations where by-elections were taking place and with specific focus to those polling stations in areas where there was water shedding. Furthermore, purposive sampling was also used to identify mobile polling stations where ZEC had pitched tents as polling stations.



4.2 Data Collection Methods

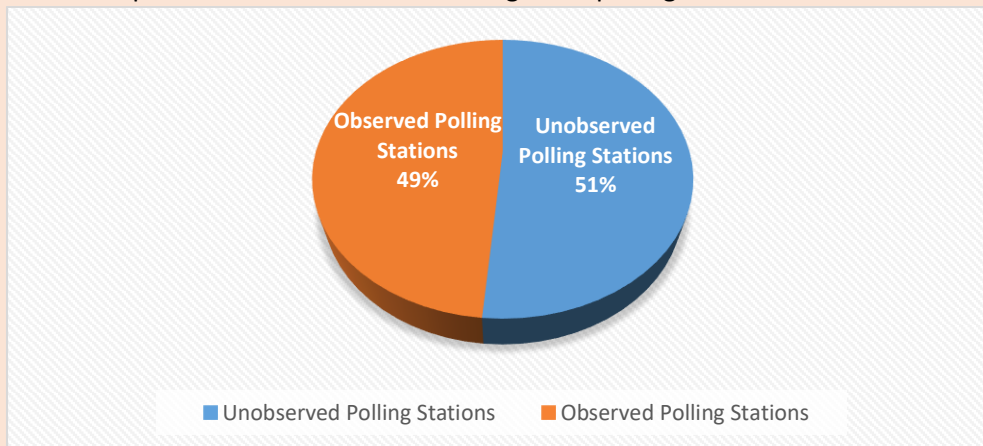
The organization utilized various complimentary data collection methods during the observation process in order to triangulate the observed facts. The key data collection methods utilized were:

- (a) Observation of water and sanitation services using an MIHR designed Observation Tool to capture key data;
- (b) Conversations with key focal persons and personnel in the community to verify observed facts;
- (c) Recording of the observed realities by capturing of pictures.

5. KEY OBSERVATION FINDINGS

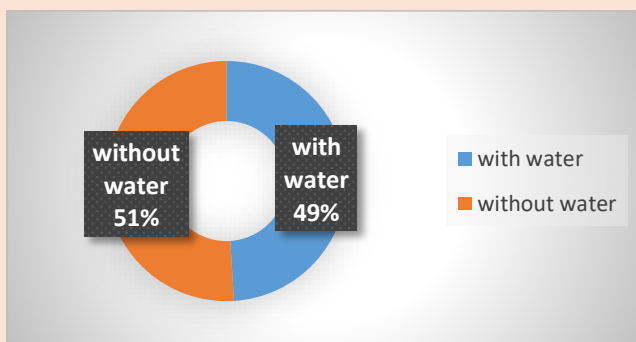
5.1 Observed Polling Stations

The organization managed to observe 120 polling stations out of the 247 designated polling stations. The observed polling stations were in all the 5 constituencies and 8 wards. The observed polling stations represented 49% of the total designated polling stations.



5.2 State of Water and Sanitation Services in Observed Polling Stations

Of the 120 polling stations that MIHR observed, 51% did not have water services and the election officials (inclusive of ZEC officials, security officials, political party officials and local observers) were relying on alternative water containers (buckets and bin containers) which were delivered to them by Bulawayo City Council officials.





In the majority of polling stations that did not have water, MIHR gathered the following challenges on the alternative water containers that were provided:

(a) Water Delivery:

- The alternative water provision came very late, in 2 polling stations, MIHR observers gathered that the alternative water was supplied around 12 noon. This means that for about half of the day, the polling station officials had no water to use;
- In some polling stations it was observed that whilst initial containers were supplied, the refilling of the containers was not done for the whole day resulting in the containers running out of water and rendering those in the polling station desperate for water.

(b) Potable Water Concerns

- ❖ In all polling stations with alternative water provided, there were concerns from the election official regarding the quality of the water and whether it was potable water or not. This concern was based on the fact that the water was delivered by bowsers and was placed in bin containers. In some areas, it was in 20 litres gallons whose cleanliness was not guaranteed. The election officials then resorted to use the provided alternative water for toilet purposes and had to either bring potable water in small 2 litre containers from home or buy. MIHR Observers attended 5 polling stations where officials had run out of the potable water they brought from their homes and were desperate to get clean drinking water.
- ❖ In 3 polling stations, the polling officials were convinced the alternative water was good for drinking but had problems of how to draw it safely as the containers used were not user friendly for drawing drinking water.
- ❖ The need for potable water on the day was exacerbated by the weather conditions that were prevailing on the day. The day was very hot with temperatures ranging upto 33 degrees Celsius on the day.



(c) Lack of water drawing containers for sanitation services

- Though alternative toilet water was provided, polling station officials were complaining that they are struggling to actually pour the water in the toilets as they were not provided with smaller buckets that will enable them to draw water from the 20 litre gallons or the bin container to the toilet.

5.2 Mobile Toilet Polling Stations

The MIHR By-Election Observer Mission was keenly interested in observing the water and sanitation situation in tent polling stations because of their unique position and vulnerable to water and sanitation needs. The keen interest was also due to the observations of the ZHRC 2023 Harmonized Elections Report observation that (1) though mobile toilets were provided in some instances about 30 officials were sharing a single mobile toilet; and (2) there were no gender specific mobile toilets. MIHR therefore observed 39 polling stations that were using mobile toilets. These constituted 32.5% of the total observed polling stations.



The following are the observations that were made regarding polling stations using mobile toilets:



(a) Mobile Toilet Inadequacy

- ❖ Of the 39 polling stations that were observed using mobile toilets, all of them (100%) had only 1 mobile toilet being used. The single mobile toilet was to be used by an average of 13 – 18 polling officials, though the officials were indicating that it is also open to be used by the members of the public.
- ❖ Eleven of the polling stations using mobile toilets (28% of them) had two polling tents sharing one toilet and this was equating to about 26 – 36 polling officials (and members of the public) using a single mobile toilet.
- ❖ MIHR observed that whilst the polling stations had inadequacy of mobile toilets, there were many mobile toilets at the ZEC offices which could have been added to the single ones delivered to the tent polling stations considering that it was a by-election and few tent polling stations had the need for mobile toilets compared to during the general harmonised elections.

(b) Sex specific Mobile Toilets

- ❖ Because of the single mobile toilet facilities provided per polling station (in some instances at 2 adjacent polling stations) there was no provision for gender specific toilets in the tent polling stations. This was despite the fact that in all polling stations there was a proportionate ratio of male and female officials who had need for the toilet facilities.
- ❖ Some female polling station officials were raising concerns with sharing toilets with their male counterparts raising issues of hygiene and congestion.





(c) Functionality of the mobile toilets

In some mobile toilet polling stations, the mobile toilets were malfunctioning. In Makokoba for instance, an observation done in the morning showed that the mobile toilet was filling up very fast and the mobile toilet (which was being used by 2 polling stations) was releasing a foul smell and being unusable. Officials were unclear if the chemicals that breakdown the waste were added or not and how the toilet should function. In Cowdray Park the mobile toilet was leaking internally and making it difficult for officials to use it.



(d) Officials' knowledge/awareness/education on mobile toilets system

In all the 39 polling stations that had mobile toilets, polling station officials that were there indicated lack of knowledge on how the mobile toilets function. They were not sure how the mobile toilet system operates and had not been educated on the operational modalities of the mobile toilets.

(e) Hand washing facilities

None (0%) of the mobile toilets had a hand-washing facility situated outside the toilet for the mobile toilet users to wash their hands. The mobile toilets also had no inbuilt hand washing facility inside them. This was despite the fact that the by-election took place at a time when Zimbabwe was experiencing a widespread nationwide cholera outbreak since February 2023 and had spread to all the 10 provinces of the country, including Bulawayo. As of 03 December 2023 (6 days before the by-election), Zimbabwe was said to have recorded 10 263 suspected cholera cases, 1 409 confirmed cases (total 11 672 cases) and 230 deaths. The number of recorded weekly new cases remained above 1 000¹³. It was therefore anticipated that ZEC will prioritize cholera preventive measures in polling stations, and installing handwashing facilities in polling stations using mobile toilets could have been one of the critical measures.

6.1 KEY RECOMMENDATIONS

6.1 Civic society

- 6.1.1 Civic society in Zimbabwe and Africa in general need to advocate for the adoption of national and international standards/benchmarks on potable water and sanitation services in polling stations.
- 6.1.2 Continue to develop empirical evidence and data for improved decision making, public policy making and electoral funding in order to ensure adequate potable water and sanitation services provisions in all polling stations.
- 6.1.3 Build local and national solidarity to improve electoral dignity through improvements in potable water and sanitation services provision in polling stations.
- 6.1.4 Partner with ZEC and the Government of Zimbabwe (GoZ) to improve potable water and sanitation services in polling stations in order to improve democratic process.

¹³ <https://reliefweb.int/report/zimbabwe/zimbabwe-cholera-outbreak-dg-echo-who-icasa-moh-echo-daily-flash-5-december-2023>



6.2 ZEC and Government of Zimbabwe

- 6.2.1 ZEC needs to develop human rights based standards for the provision of potable water and sanitation services in all polling stations and ensure that such standards are adhered to in all electoral processes.
- 6.2.2 ZEC needs to ensure that each polling station has a minimum of 2 mobile toilets and they are sex separated in order to improve the rights of the voters and the polling station officials at all times.
- 6.2.3 During water shortage situations and where there are tents, ZEC needs to ensure that there is enough potable water for every polling station official (including ZEC officials, security officials, party agents and observers) to have access to the required minimum amount of potable water to meet their drinking and personal hygiene needs.
- 6.2.4 The provision of water and sanitation service should be part of the electoral planning and budget making processes.
- 6.2.5 Consider contracting private sector players to monitor and maintain mobile toilets in polling stations regularly.

6.3 ZHRC and ZGC

- 6.3.1 Consider this issue of access to water and sanitation services in all their election observation and monitoring processes and reports
- 6.3.2 Urge ZEC and the Government of Zimbabwe to improve the availability of mobile toilets to a minimum of 2 per polling station and have sex specific mobile toilets.
- 6.3.3 Compel ZEC and the GoZ to ensure the provision of adequate potable water to meet the standard potable water needs per person in all polling stations during water shortage periods and tent polling stations.

6.4 Parliament of Zimbabwe

- 6.4.1 Expedite the amendment of the Zimbabwe Electoral Act and ensure that there are human rights based standards for the provision of potable water and sanitation services in all polling stations. The provisions/standards should also be specific for both general and emergency situations.

6.5 Media

- 6.5.1 Monitor and report on water and sanitation services in polling stations and not only focus on the actual voting and voter turnout, as access to water and sanitation is part of the critical voting process.

6.6 Political Parties

- 6.6.1 Demand that ZEC improve access to water and sanitation services in polling stations as this enhances the credibility and dignity of the vote and the voting process.

7.0 Challenges Faced by the Observer Mission

In conduction the 09 December 2023 By-lection observation process, MIHR encountered a number of challenges which affected the observation process and the extent and reach the organization would have wanted to operate in. Critical challenges faced included:

- 7.1 **Observer Accreditation Process:** the organization first approached ZEC on 28th of November with an application letter seeking to accredit as observers. The process was adversely delayed and MIHR got the official response on the 8th of December 2023 at around 1600hrs. The major delaying factors observed included:



(a) **Centralization of Power** – as the process is vetted in Harare and the local office does not have power to make critical decisions of that magnitude. It is therefore imperative for ZEC to abide by the provisions of the Constitution of Zimbabwe and devolve voter observation decision making powers to provincial or regional centres.



(b) **Delayed setting up of accreditation office** – when the organization first engaged the local office it was told that the observer accreditation office had not yet been setup at the local office. It is thus imperative that the local observer accreditation offices (even for by-elections) be setup atleast a month before in order to allow for those who may be interested in observing the campaign period.

7.2 Resource constraints: MIHR had some resource challenges which affected the by-election observation process in a number of ways that include:

- (a) Deployment of a lean team of observers
- (b) Failing to cover all the polling stations where elections were happening, especially the tent polling stations.

8.0 CONCLUSION

MIHR is driven by a commitment to ensuring that all key decision making and public policy processes are conducted in a human rights sensitive manner and have the best interests of the people at their core. By choosing to focus its by-election observation process on access to water and sanitation services in polling stations, MIHR is aligning to its Strategic Plan and also to its core mandate. Whilst appreciating that this report and its findings may be unique compared to the norm in election observation reports, MIHR believes that the dignity and sacrosanct of the electoral and democratic processes in Zimbabwe is not only based on the political processes, but also the fulfilment of social rights issues that aid the political processes. MIHR therefore hopes that all the relevant stakeholders will find this report enriching and useful to improving the conduct of elections in Zimbabwe and Africa.