



W/O 3/93
Campaigners for Human Rights

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Community Justice Programme

Can We Hold Members of Parliament to Account for Human Rights Violations?

During the second week of the lock-down, the Zimbabwe Human Rights Association (ZimRights) documented an incident in Masvingo Province, where an honourable Member of Parliament was alleged to have manipulated COVID 19 Aid. A ZimRights member recorded audio evidence of said MP and this evidence is now in our possession. As community members reflected on this utterly shameless conduct, it then surfaced that the same member in November 2019 has manipulated inputs for the Presidential Inputs Scheme.

The manipulation of food aid for political gain is not a new phenomenon in Zimbabwe. That however does not make it normal. Communities are beginning to reflect on ways of holding such public officials to account. It cannot be possibly acceptable for people who are supposed to serve such a high office in the nation to engage in that kind of activity with no consequences.

If we take the case of the Masvingo Member of Parliament as an example, manipulation of food aid brings out a number of issues that opens up a number of avenues for human rights advocacy, including possible criminal sanction.

The Parliament is one of the three arms of government. Its primary role according to section 118 of the Constitution is to protect the Constitution. Upon assuming office, an MP takes an oath of Office prescribed in the Third Schedule of the Constitution, where he or she affirms to observe the laws of Zimbabwe. This affirmation must be taken seriously. Withholding food aid from people who deserve it amounts to discrimination on the basis of political ideology, opinion or allegiance, in violation of section 56 of the Constitution. This is even deplorable if it is done in the midst of a crisis like COVID 19 as this exposes the victims to potential starvation. In a country where 60% of the population are food insecure, it is shameful for a public official to withhold food from anyone in need. It is the anti-thesis of leadership. A violation of Zimbabwe's supreme law, by a person sworn to protect it is certainly worth serious sanctions.

Secondly, there is a Code of Conduct and Ethics that binds members of Parliament. We are not aware if this Code of Conduct has been used but it has some interesting provisions that may help in the push for accountability. By withholding food aid for self-interest, the member has also violated the Code of Conduct and Ethics for Members of Parliament particularly the express provisions of the Principles of Public Life as outlined in section 5 of the Code.

Registered as a Welfare Organization in Zimbabwe. W/O 3/93

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But there is a criminal avenue which has been used many times against public officials who include Kumbirai Kangai and Samuel Undenge. Members of Parliament who manipulate food aid are definitely committing criminal abuse of office as defined in section 174 of the Criminal Codification and Reform Act. If this is done during elections with the motive of gaining votes, it may as well amount to vote-buying which is an electoral offence that can lead to removal of the member from Parliament.

There could be many avenues.

But if there are so many ways of holding public officials to account, why do Members of Parliament continue to offend? Is it because they are politically exposed persons hence they are untouchable? Why should a person whose political life depends on people's votes become so unaccountable to the people who are supposed to vote for them? Perhaps the approach should be to ask the office that offers protection to account for such cases of blatant human rights violations.

As we reflect on community justice options, it is perhaps time for communities to be more vigilant in pushing their leaders to be accountable. It must be unheard of for a public official to be seen stealing in broad day light from the poor. It must attract the full wrath of the law, if not the anger of the people and the chastisement of heaven.

If you have any ideas on how we can advance community justice and accountability, write to us on myvoice@zimrights.org.zw

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