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Campaigners for Human Rights

Fighting for Human Rights in the Face of COVID-19 **Communities Speak-out on Threats Against the** **Constitution** **Community Dialogue Report I**

COVID 19 and Democratic Participation

Since the outbreak of COVID-19 in March 2020, the Zimbabwe Human Rights Association has insisted that fight against COVID-19 is a human rights fight. This has become clearer by day as communities continue to suffer at the hands of both the COVID-19 as well as their own governments. In its latest policy brief on COVID 19 and Human Rights, the United Nations has issued 6 key messages. These messages have been packaged and juxtaposed to the Zimbabwean context in a special report published by ZimRights under the title, 'A Human Rights Approach to Fighting COVID 19 in Zimbabwe'. One of the key messages is; *When we recover, we must be better than we were before.*

There is no doubt that COVID-19, while affecting everyone, has not been an equalising agent. Instead, it has exposed massive inequalities as ZimRights is currently documenting in other reports. These inequalities are exposed in the approach chose by the government in choosing how far they must lock-down on citizen participation. The government now decides it is okay to open and close democratic spaces for participation according to its priorities. This is why it was acceptable for them to open the courts and the Parliament only to deal with opposition matters. And yet the same spaces have remained closed for the ordinary people. This exposes the fact that COVID-19 is now being used to close democratic participation and take away the voices of the people.

At ZimRights, we believe that it is possible to combat COVID-19 and still allow citizen voices on critical matters. The ongoing attacks on the Constitution are one such area that requires citizen participation even as we fight COVID-19. This is because there are tools that can be put in place to ensure safe participation of citizens in this discourse.

Capacitating Communities to Overturn the Lockdown on Democracy

There is evidence across the despotic society that COVID-19 has given other government an opportunity to lockdown on democracy. Such machinations must be resisted. This is why last week, we launched an important resource, *A Citizen Guide to Understanding Constitutionalism in Zimbabwe*. We have gone ahead and made the guide available on our website www.zimrights.org.zw as well as on WhatsApp to ensure that everyone who care about this matter has access to the information, in case the government decides to ambush communities with surprise hearings.

Community Dialogue on Threats Against the Constitution

From the 20th to the 23th of April, ZimRights commenced community discussions on Amendment Bill Number 2 of 2020 through which the government intends to pass a series of anti-rights and anti-transparency measures. ZimRights members from all 10

provinces across the country have started speaking out on the proposed changes. We are publishing this update to encourage other communities not to be caught unaware but to go ahead and begin engaging the conversation on threats against Constitutionalism in Zimbabwe. In this brief update, we give a snap shot of their views.

General Views

There is so far an overwhelming consensus amongst members of ZimRights that the Constitution must not be amended, government must rather implement provisions of the current Constitution which since its passage, in 2013, have not been implemented. Communities also believe that the Constitution Amendment Bill No.2 threatens the progress that had been made in 2013 as it ignores the three founding values of constitutionalism namely: rule of law, separation of power and judicial independence. The group rejected amendments as they reflected the excessive and unjust harnessing of power by the executive.

Specific Issues

ZimRights members said.

- The proposed amendment that seeks to remove the Presidential Election running mate. They are of the view that citizens have a right to vote for their desired leaders and the office must be subjected to the same democratic process of allowing citizens to elect. Members were of the view that the vesting of power into the president to appoint Vice-President was a direct attack at the rights of to participate. Communities expressed their worry on the potential Presidential interference with duties of
- The President must not appoint members of the judiciary as it is a threat against its independence and impartiality. ZimRights members are gravely concerned about the intentions of this amendment as it is a threat to constitutionalism.

ZimRights members' concern is centred on the fact that as citizens they are ultimate custodians of the Constitution and the judiciary being th . ZimRights members maintain that the must be a clear and unwavering separation between the Judiciary and the Executive because the Judiciary plays central role in protecting the Constitution and its founding values.

- The proposals relating to the office of the Public Protector is a duplication of roles that are already under Zimbabwe Human Rights Commission (ZHRC). They were concerned about the potential conflict between the Public Protector and Zimbabwe Human Rights Commission as one is appointed by the President and the other who appointments are done through a consultative and nomination process respectively. The proposed amendment will create a weaker institution to handle issues relating to human rights which issues of concern to ZimRights members. The group believes that with the scarcity in resources, it is better to invest all funds in the ZHRC to effectively play its role instead.
- ZimRights members voiced about the unnecessary additions of appointment of non-constituency Ministers as it will be an strains the already depleted State financial coffers.
- The major highlight of the discussion was the overwhelming views that the government must be reminded rather about the need to invest time and money in the alignment of laws with the Constitution to ensure full compliance of every other law with the Constitution of Zimbabwe.

Conclusion

ZimRights members are confident that the amendment bill does not serve the interest of the people of Zimbabwe. that the Bill serves the undeserving wishes of the Executive as it is an indicates the consolidation of power into the hands of the Executive. Members are concerned that the Constitutional Amendment Bill No.2 undercuts the very fabric of democracy as it doesn't respect the three pillars of

Constitutionalism which are Separation of Power, Independence of the Judiciary and a limited government.

The Hands off the Peoples' Constitution Campaign is aimed at mobilising grassroots communities to stand up in defence of constitutionalism and constitutional values in Zimbabwe. Use information below to share any feedback with us. To register for the next Community Dialogue on Threats Against the Constitution get in touch with us on Whats App Number +263 734 053 955

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