



W/O 3/93

Campaigners for Human Rights

Fighting for Human Rights in the Face of COVID-19 Communities Speak-out on Threats Against the Constitution

Public Hearings: Constitution Amendment Bill No. 2

At a time when the country is still grappling with the adverse effects of the Coronavirus induced lockdown the parliament announced the commencement of public consultations on public on the Constitution Amendment Bill. This came at a time when the government had enactment several statutory instruments that among other rules and regulations restricted the movement of people.

ZimRights National Council Reject Amendments to the Constitution

On 12 June 2020, the ZimRights National Council met in Harare and evaluated the Constitution Amendment Bill. The Council resolved to reject the amendments in its totality. Addressing a Press statement at ZimRights House, the National Chairperson of ZimRights, Mr. Musiiwa, emphasised the following issues:

- The Amendment Bill created and promoted a culture of autocracy, anti-rights, anti-accountability and anti-transparency which was retrogressive to the much-celebrated progress brought about by the 2013 Constitution of Zimbabwe.
- The proposed changes to the process of appointing and extending the time of judges in office erodes the independence of the judiciary and subjects it to control by the executive.
- That the Amendment Bill wasn't serving the needs of the people of Zimbabwe and the society rather it was just the harnessing of power for the executive which is wasn't acceptable in a democratic state.

Parliament Holds Public Hearings

From the 15th of July to 19 June 2020, the Parliament held public hearings. A total of 18 consultations were conducted in Gwanda, Gokwe, Marondera, Mberengwa, Mutare, Plumtree, Sanyati, Bulawayo and Chivi, designated areas of all 10 National Provinces. All persons that were in attendance were given an opportunity to express their concern and share their views with representatives of the Parliament. An average number of 350 people per each district attended the consultations that were held physically in different designated areas. To kick start the event, there were members of the Zimbabwe Republic

of Police to enforce the rules and regulations of the induced lockdown, ensuring social distancing. All members of the public were sanitized and their temperature were taken as they were admitted to the venue. The proceeding was held peacefully and with respect for different opinions.

The meeting was facilitated by members of parliament who were different for each province. Member of Parliament who were in company of the parliamentary portfolio. Ideally the process would have begun with the distribution of copies the Amendment Bill with which the parliament was seeking public opinion on but no copies of the Amendment Bill were distributed. The facilitators began by reading and explaining the bill using vernacular language.

ZimRights Members Reject Amendments

“ Zano ndega akasiya jira kumasese. Parliament, as representatives of the communities they lead, must continue to oversee the fiscal agreements between the state and other institutions. This enhances accountability on the part of the government and ensures transparency” - ZimRights member

Summarise the key points for the following reasons:

- The bill consolidates power in the hands of the President which is worrisome as it creates an autocratic government and is highly likely to result in abuse of power and public offices The office of the public protector would be unnecessarily depleting the state funds which are already operating in the negative and threatens the independence of the Zimbabwe Human Rights Commission as the President will be responsible for appointing the Public Protector.
- The bill proposes the removal of the running mate clause in the Constitution which is an encroachment on civil and political rights particularly the right of citizens to elect leaders of their choice.
- The bill seeks to extent the age of retirement for the Judges which is contradicting with the youth engagement also proposed by the bill. The provision is discriminatory in that it creates special circumstances for judges against all citizens.

Conclusion

The Zimbabwe Human Rights Association (ZimRights) members rejected the bill in its totality. Participants pleaded with the representatives of the parliament to rather facilitate the implementation of the Constitution and the alignment of the Constitution with all other legislative enactments. ZimRights members stand firm and insist that the 2013 Constitution represented the voices of the majority of Zimbabweans who endorsed it and therefore the government is obligated to respect the people of Zimbabwe.

For more information on the ZimRights position, read the Statement by the National Council on the following link below:

<http://www.zimrights.org.zw/statements.html>

For more information on the Amendment Bill, read our fact sheet on:

<http://www.zimrights.org.zw/resources.html>

For more voices of communities on the Amendment Bill and on other issues, follow the link below:

<https://soundcloud.com/zimrights/community-voice-on-public-consultations-on-constitution-amendment-bill-mat-darwin>

For resources on defending the constitution, see our Handbook titled 'A citizen guide to understanding constitutionalism in Zimbabwe' on the website. Follow the link below:

<http://www.zimrights.org.zw/resources.html>



Public Consultations in Mt Darwin at Mt Darwin Sports Club

