ZVAMUNOFANIRA KUZIVA MARINGE NEZVIRIKUDA KUSHANDURWA MUBUMBIRO REMUTEMO KUBUDIKIDZA NE

CONSTITUTION AMENDMENT BILL (No.2)-H.B.23 2019

Nhanganyaya

Nemusi wa17 Zvita mugore ra2019 dare remakurukota ehurumende (cabinet) rakadzika chibvumirano chekuti panyorwe nekuparurwa gwaro reConstitutional Amendment Bill (No.2)-H.B.23, 2019 iro raizotarisirwa kuva riine zvikamu zvinechitsama zvakanangana nekushandura imwe yemitemo iri mubumbiro remutemo weZimbabwe. Gwaro irori rakakurumidza kugadzirwa ndookutoparurwa mubepanhau reGovernment Gazette Extraordinary musi wa 31 Zvita 2019. Zvisinei rakazodzokorora kuparurwazve mubepanhau rimwechetero musi wa 17 Ndira 2020 senzira yekugadzirisa mhosho yainge yaitika pakutanga yekuti mabharani (clerk) wedare reParamende ndiye ainge ariparura kubepanhau, asi zvichifanira kunge zvakaitwa nemubati wechigaro (speaker) wedare irori, sezvinorehwa mubumbiro remutemo.

Zvirikuda kushandurwa neAmendment Bill irori

Mukati mezvimwe zvakati wandei, Ammendment Bill irori ririkutsvaga kushandura zviri mubumbiro remutemo kusanganisira zvinotevera:

- Zvekumatare ekutongwa kwedzimhosva (Judiciary): Zvinechekuita nekugadzwa kwevatongi (majudge) kumatare makuru, makore ekushanda nekuenda pamudyandigere kwevatongi vedzimhosva

- Kuendeswa kwenyaya dzevarikupomerwa mhosva pamberi pematare (Prosecution): Zvinechekuita nekugadzwa pamwe nekubviswa pabasa kwemuchuchisi mukuru munyika (Prosecutor General)

- Zvine maringe nedare remakurukota ehurumende (cabinet): Zvinechekuita nehuwandu hwemakurukota iwaya mudare irori

- Basa redare reParamende mukuongorora kushanda kwehurumende: Zvinechekuita nekupa mvumo pakunyoreranwa kwezvibvumirano zvedzimari nehupfumi pakati peZimbabwe nedzimwe nyika

Zvakakosha zvinofanira kudzamiswa pfungwa nezvazvo nekuda kweBill iri

Kuderedzwa kwemasimba eKomoshini yeZimbabwe Human Rights Commission – Ammendment Bill iri ririkutsvaga kuti kugadzwe hofisi yeanenge achinzi Public Protector uyo anogadzwa nemutungamiriri wenyika. Public Prosecutor uyu anezenge achitora rimwe rebasa rinechekuita nekuongorora pamwe nekugadzirisa kusafamba zvakanaka kwemashandiro ehurumende (zvikurusei

maringe nekodzero dzevanhu negutsaruzhinji), iro ranga rakatarirwa Komishini ye Zimbabwe Human Rights Commission kuti iite.

Kubviswa kwehunharirire nesimba reongororo (Parliamentary Oversight) muzvibvumirano zvedzimari kubva kudare reParamende – Ammendment Bill ririkushuwirawozve kuti dare reParamende ribviswe simba rehunharirire, kuongorora pamwe nekupa mvumo kuti nyika ipinde muzvibvumirano, zvikurusei zvekukwereteswa dzimari kwenyika. Dambudziko riripo ipapa nderekuti dare reParamende rinenge risingachakwanisi kuongororra, kubvunza nekunan'anidza matorerwe ezvikwereti zvenyika huye mafambisirwe akanaka ezvedzimari kuvatungamiriri nekuhurumende. Mukana mukuru wekuti nyika ive neziso rinoongorora kufamba zvakanaka nekushandiswa zvinenduramo kwehupfumi hwayo unenge watoraswa ipapa

Kugadzwa kwevatongi vedzimhosva (ma judge) – Amendment Bill ririkuda kuti vatongi vedzimhosva vagadzwe vasina kumboitiswa mainterview pajekerere zvinoonekwa neruzhinji. Ririkudawo zvekare kuti vatongi ivava vatenderwe kuramba varipabasa nyangwe vapfuura zera rekuenda pamudyandigere kusika kumakore anokwana iwo kuita 75. Kuita uku kunogona kukanganisa kushanda kwevatongi ivava zvakanaka, vakazvimiririra vega huye vasinganzwe sevanogombedzerwa kana kuzevezerwa zvekuita nevakuru vehurumende kana venyika.

Kugadzwa kwemuchuchisi mukuru wenyika (Prosecutor General) – Ammendment Bill iri ririkuda kuunza shanduko yekuti kugadzwa kwaProsecutor General kuve kunoitwa nemutungamiriri wenyika (nyangwezvo achipihwa hake mazano neboka reJudicial Services Commission) asi asina kumboitwa ma interview pajekerere zvichionekwa neruzhinji rweZimbabwe. Mabvisirwo ake kurikunzi atadza basa zvinobva mukugadzwa kwedare reTribunal rinofanira kumuongorora nekunopa pfungwa dzaro kumukuru wenyika, uyo anozovezve neshoko rekupedzisira kuti Prosector General asiye basa here kana kuti kwete. Izvi zvinewo dambudziko pakuti Prosecutor General anenge ogadzwa zvisina kunyatsobuda pachena huye mumwe mubvunzi ndewekuti anozokwanisa kunyatoshanda zvinemwero wekuenzanisa here asingatsvagi kufadza vakamupa matomhu ebasa.

Mhosho huru dziri mu Amendment Bill

Zvirokwazvo Amendment Bill iri harivandudze kodzero dzevanhu, harikoshese hutongi hwegutsaruzhinji huye harisimudzire kuvepo kwehutungamiriri hwuri pajekerere husina zvekuhwanda-hwanda. Rinotodzosera kumashure zvakanaka zvatakapemberera kunyorwa kwazvo mubumbiro redu remutemo muna 2013, iro bumbiro rakaitwa kubudikidza nebasa reCOPAC rikatenderwa nekusimbiswawozve nechikamu chevana veZimbabwe chaisvika 94.5%. Ammendment Bill iri rinounganidza nekusosera masimba mumaoko memutungamiriri wenyika zvisina tsananguro kana chikonzero. Izvi zvinozoita kuti pave nehurumende yehudzvanyiriri isina mamwe mapazi ehutongi (akaita sedare reParamende kana madzitare edzimhosva) anoiongorora nekuinan'anidza mashandiro ayo kuti anenduramo here.

Sezvamborehwa pamusoro apo, Bill irori ririkuda kuti pave nehofisi inotungamirwa naPublic Protector. Kuri kunzi munhu apara mhosva mushandi kana mukuru muhurumende, Public Protector anenge zvino otarisirwa kuchienda pamberi nekuita basa rinotarisirwa kuitwa neKomishini ye Zimbabwe Human Rights Commission (ZHRC) serinotevera:

- Kugamushira nekutora matanho pazvichemo zvinenge zvabva kuruzhinji
- Kuongorora nekupepeta nyaya dzekutyorwa kwekodzero dzevanhu nevari muhurumende
- Kuona kuti vakatyorerwa nekumbunyikidzwa kodzero nevashandi vehurumende varinganiswa nekudzoreredzwa pamutemo
- Kutuma nekukomekedza mukuru wemapurisa, Commissioner General of Police kuti aongorore nyaya dzekutyorwa kwekodzero dzevanhu

Mukanyatsozvicherechedza, hapana chikonzero chakanyatsoti tsvikiti chekuti basa riri pamusoro iro ribviswe mumaoko eKomishini yakazvimiririra yega seZHRC richiiswa mumaoko emunhu nehofisi inogadzwa nemukuru wenyika. Izvi zvirikutoda hazvo kutokanganisa kupatsanurwa kwemasimba ekutonga pamwe nekutungamirira kuripachena kwegutsaruzhinji. Zvinotokanganisawozve kuzvimiririra kwega pamashandiro kwaiye Prosecutor General wacho pamwewo neKomishini yeZimbabwe Human Rights Commission.

Bill iri rinokurudzira hutongi hwechimuhwande-muhwande sezvo richibvisa simba kudare reParamende rekuongorora nekupa mvumo mukukweretwa kwedzimari nehurumende kubva kudzimwe nyika kana mapoka. Zvinoremadza basa reParamende rekuva nharirire nekunan'anidza kuti hurumende irikufambisa hupfumi nemari dzenyika zvakajeka here huye zvinobatsira nyika.

Parizvino, vatongi vedzimhosva (ma judges) vanofanirwa kuitwa ma interview ekupinda basa pajekerere zvinoonekwa neruzhinji paZBC TV. Zvino Ammendment Bill ririkuda kuti maitiro iwaya aregedzwe, kuti mukuru wenyika, mushure mekunge anzwa mazano kuboka reJudicial Services Commission, achingogadza iye vatongi vedzimhosva vacho. Pedzezvo, imwe shanduko irikuda kuunzwa ne Bill irori ndeyekuti vatongi vedzimhosva (ma judge) vagare pabasa kusvika makore ekuberekwa anoita 75 zvichienderana nekuti nyama nepfungwa dzavo zvichirikuonekwa sezvinotendera here. Zvirikuda kuitwa izvi zvinokanganisa kusununguka nekuzvimiririra mumashandiro kwevatongi vedzimhosva ivava. Zvinoreva izvo kuti kugadzwa kwavo kunogona kusisinei nekugona basa, asi nekuzvirereka kwavo huye nekuita zvinodiwa nevanotungamira nyika.

Pamusoro pazvo, kuwedzerwa makore ekuramba munhu ari pabasa asati aendeswa pamudyandigere zvinogona zvobva mutsvete yemutungamiriri wenyika. Zvikamira zvakadai, hugari pabasa hwavo husisina kunyatsojeka, vatongi vedzimhosva ivava vanenjodzi yekugombodzerwa nekukaganiswa mashandiro akanaka nevakuru vematongerwe enyika. Kushanda kune nduramo nekuzvimiririra kuvatongi vedzimhosva mumatare kunoda pasina kudyidzana, kurairwa kana kuudzwa zvekuita nemamwe mapazi ehurumende. Senhariririre nevachengetedzi vebumbiro remutemo, huye vaine simba rekuenzanisa vanhu nekugombedzera kukosheswa kwezviripamutemo wenyika , vatongi vedzimhosva havafanire kungoita sevanongopihwa tsvete nemasimba kubva pakugadzwa kana kutenderwa kuramba varipabasa kwavo nemukuru wenyika. Vakafanira kuzvimiririra pamashandiro avo, simba ravo richibva pakusarudzwa kwavo kubudikidza nehumizha nemagonero ebasa kwavo, zvichionekwa nekutonga nyaya mumatare pasina kutya kana kuzengurira.

Zvichidawo kungonoenderana, Prosecutor General anezenge aakungogadzwa pasina kumboitiswa interview yekutsvaga anehumhizha hunokunda vamwe akanyatsokodzera kupinda basa iroro. Pane nyaya hombe ndepekuti Prosecutor General nyakugadzwa iyeyu akapara mhosva ingaite kuti asiye basa, mutungamiriri wenyika ndiye anogadza kadare ke special tribunal kekuongororora mhosva dzaanenge achipomerwa. Kadare ikaka kanonosvitsa zvakawana muongororo mako kumukuru wenyika, pasingashambadzwi kuruzhinji zvabuda muongororo iyoyi bodo. Nyangwe kadare ikaka kakapa maonero ako ekuti Prosecutor General vosiya basa here kana kuti kwete, mukuru wenyika ndiye anezenge aine simba rekugumisira kuti oramba aripo here kana kuti osiya basa.

Bill iri ririkudzorera nyika kumashure nenzira dzipiko?

- Rinogona kuparadza kuzvimiririra nekushanda pasina kugombedzerwa kwematare edzimhosva pamwechete na Prosecutor General. Kubva patsika yakanaka iri mubumbiro yekugadzwa pazvigaro kwevatongi kubudikidza nehunyanzvi pabasa, Bill ririkukurudzira kugadzwa kunobva pachitsidzo chekuzvirereka nekuita zvinodiwa nevakuru venyika nevematongerwe enyika. Zvino, sezvo Zimbabwe iine nhoroondo refu yekumbunyikidzwa kwekodzero dzavanhu pamwechete namakakatanwa anobva musarudzo dzevatungamiriri, kuti nyika ipunduke zvinotodza matare akasimba akazvimiririra ega pamashandiro izvi.

- Bill iri ririkuvharirida nekukurudzira vatungamiriri venyika nehurumende kuti vatungamire zvechimuhwande-muhwande zvisina jekerere zvisingavhenekwewo nedare reParamende, zvikurusei munezvedzimari nehupfumi hwenyika. Nyika irikuda hutungamiriri huri pajekerere kuti iende mberi.

- Bill iri ririkuda kutora masimba nekukanganisa kushanda zvakanaka kweZHRC, Komishini inoshanda yakazvimirira sezvainotarirwa mubumbiro remutemo , richimaisa kuhofisi ya Public Protector. Parizvino nyika haisi kuda kuti kurambe kuchigadzirwa mamwe mahofisi nemapoka ekuvandudza kodzero nehutongi hwegutsaruzhinji bodo, aripo inechekare iwayo ngaambosimbiswa nekutsigirwa kuti anyatsoshanda zvomene akazvimiririra.

Hurumende irikufanira kuitei parizvino?

Deno hurumende yambosiyana nezvekuda kushandurudza zvimwe zvezvakanyorwa mubumbiro remutemo izvi yawedzera simba nekukurumidza kugadzirisa mitemo yenyika idyidzane nekuwirirana nezvakatarwa mubumbiro irori.

Veruzhinji vangaitewo chii parizvino?

Veruzhinji ngavarambe Bill irori. Izvi zvinokwanisa kuitwa nenzira dzakasiyana.

Chekutanga, veruzhini vanokwanisa kunyora kudare reParamende yeZimbabwe vachipa pfungwa dzavo nezveBill irori. Nyorai pakero inoti: The Clerk of Parliament- Attention: Portfolio Committee on Justice Legal and Parliamentary Affairs; Thematic Committee on Peace and Security; Thematic Committee on Human Rights, P.O. Box CY 298, Causeway, Harare; kana kutumira tsambambozha ye email: bills@parlzim.gov.zw

Chepiri, itai hurukuro nenhengo inokumirirai mudare reParamende (MP wenyu). Tarisai pa www.zimrights.org.zw kuti muwane kero kana nhamba dzefoni pamungakwanisa kumubata MP wenyu iyeye.

Pedzezvo, veruzhinji vanofanira kuzvipira kuenda kunopawo mafungiro nemaonero avo pamisangano yema Public Hearings akanangana neBill irori, iyo yakarongwa sezvinotevera.

Date	Place	Venue	Time
15 June	Chinhoyi	Cookie Hall	10:00-12:00pm
16 June	Gokwe	Nembudziya Governement Complex & Open Space	10am-12:00pm
17 June	Sanyati	Nyimo Growth Point Hall Chief Court	10am-12:00pm
18 June	Ngezi-Zimplats	Baobob Stadium	10am-12:00pm
15 June	Gweru	Chiundura Business Centre	10:00am-12:00pm
16 June	Mberengwa	Mberengwa Education Service	10:00am-12:00pm
17 June	Chivi	Chivi RDC Centre	10:00am-12:00pm
18 June	Masvingo	Mucheke Hall	10:00am-12:00pm

15 June	Lupane	Lupane Community Hall	10:00am-12:00pm
16 June	Gwanda	Gwanda Municipality Hall	10:00am-12:00pm
17 June	Plumtree	TMB Hall	10:00am-12:00pm
17 June	Bulawayo	Bulawayo Selbourne Hotel	14:30pm-16:30pm
18 June	Mbembezi	Fingo Hall	10:00am-12:00pm
15 June	Mt Darwin	Mt Darwin Sports Club	10:00am-12:00pm
16 June	Marondera	Mbuya Nehanda Hall	10:00am-12:00pm
17 June	Mutare	Queens Hall	10:00am-12:00pm
18 June	Rusape	602 Hall	10:00am-12:00pm

ZimRights ine zvaingabatsirawo here?

Nhengo dzeboka reZimRights dzinenge dziriko kumisangano iyoyi kumaprovince ese. Tibatei pakero inotevera kuti muzive patinowanikwa pedyo nenzvimbo dzamugere. Vanotimiririra kana vatinoshanda navo ikoko vanozonyatsokutsanangurirai nezve Constitutional Amendment Bill, zvirikuitika parizvino nezvaro nekukupai tsananagudzo yezvarinoreva nezviri mariri. Kurikunzi mune dambudziko rekusvitsa pfungwa kana maonero enyu kudare reParamende, veZimRights varipedyo nemi vangafare chose kutora nhunha dzenyu kuti vadzisvitseko. Parizvino, endai pama peji edu e social media kana muchida kuwana mashoko nezvirikuitka maringe nehurukuro dzezve Bill irori parizvino

Munekodzero yekuziva, nekupawo mazano nepfungwa dzenyu!

Zimbabwe Human Rights Association

Tel: +263 242 707278

Hotline: +263 734 053 955

www.zimrights.org.zw

info@zimrights.org.zw