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Campaigners for Human Rights

ZIMRIGHTS NATIONAL COUNCIL STATEMENT ON PROPOSED AMENDMENTS TO THE CONSTITUTION 11 JUNE 2020

The Zimbabwe Human Rights Association (ZimRights) National Council (the Council) met from 9 to 11 June 2020 at ZimRights House in Harare. Among other matters, the National Council reflected on the proposed Constitution of Zimbabwe Amendment (No. 2) Bill which was gazetted on 17 January 2020.

The Council noted with grave concern that in general Amendment (No. 2) Bill is anti-rights, anti-transparency and anti-accountability and therefore resolved to reject the proposed amendment in totality. The basis of this position is the realisation that most of these amendments while they are not amending the Bill of Rights, have serious negative implications on the enjoyment of human rights.

Below are some of the key issues:

- The proposal to establish the office of the Public Protector which is not independent, erodes the mandate of the independent Zimbabwe Human Rights Commission on issues of public maladministration
- The removal of the Parliament's power to approve the Government's bi-lateral loan agreements paralyses Parliament in playing its oversight role of holding the Executive to account regarding fiscal accountability
- 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 the control of the Executive

These proposed amendments represent a slide into autocracy in Zimbabwe by ring-fencing the Executive from the checks presented by other arms of government. The Council noted that since its advent, the current government has been running the country through a series of Statutory Instruments, largely running the country without the participation of other arms of government. These amendments further weaken the Parliament and the Judiciary and create an Executive that is fire-walled against transparency and accountability.

The Council further noted the notice by the Parliament of Zimbabwe of its intention to proceed with public hearings on the proposed amendments while the nation is in lockdown. The Council condemns this process as it not only endangers the public but will undermine public participation as the country is under lockdown and many members of the public will not be able to participate in the consultations.

The Council, representing over 250 000 ZimRights members in all the 10 provinces, rejects the proposed Amendments in totality. The Amendment Bill undercuts the very fabric of our democracy by creating an Executive with absolute powers. It seeks to enable the President to exercise unprecedented unilateral authority in all key national institutions such as allowing the President to appoint judges to the Supreme Court and the Constitutional Court without any public consultation and process, appointment of the Prosecutor-General as well as removing the running mate clause among a raft of other anti-democratic proposals.

While the Constitution allows for public consultations regarding Constitution amendments, the Council is appalled by the veiled attempts to hood-wink Zimbabweans through the "public consultations" to be held under the cover of the COVID-19-induced lockdown. Currently, movement is restricted for ordinary Zimbabweans with a few exemptions, and where gatherings are permitted there should not be of more than 50 people. In addition, the geographical areas covered by the public hearings are not representative of the larger Zimbabwean populace thereby rendering exclusionary the efforts by the Parliamentary Portfolio Committee on Justice, Legal and Parliamentary Affairs.

ZimRights further bemoans the short notice given to the public for these hearings and fears this is an attempt to steam roll the amendments by taking advantage of the current lockdown. Whilst ZimRights strongly believes that the Constitution must not be tampered with, the government must at least ensure democracy prevails by giving adequate notice of at least three weeks for the public hearings, publicising the notice in mainstream media channels and in all the official 16 languages. The government must ensure that all those who want to participate in the public hearings are not left out by exempting them from the lockdown travel restrictions.

In expressing its disapproval of the Amendment (No. 2) Bill, ZimRights Council announced the launch of the "Hands Off the Peoples' Constitution Campaign" aimed at encouraging the people of Zimbabwe to reject the proposed amendments as an attack on human rights, transparency and accountability. Through this campaign ZimRights is reminding all the people of Zimbabwe that they have the right to call to order their Members of Parliament against breaking their oath of office by cooperating with the Executive in tearing to shreds our sacred Constitution. ZimRights Council call all its members across the country to oppose the amendment proposals in their totality.

The ZimRights Council has authorised its Secretariat and all members to collaborate and cooperate with all forces in opposition of Amendment (No. 2) Bill.

ZIMRIGHTS NATIONAL COUNCIL

Tel: +263 242 707 278. Hotline +263 734 053 955. Email: admin@zimrights.org.zw

www.zimrights.org.zw