



W/O 3/93

Campaigners for Human Rights

OKUMELE UKWAZI NGE

KUGUQULWA KWESISIEKELO SOMBUSO (No.2) -H.B.23 2019

Background to the Amendment Bill

Mhla zilitshumi lasikhombisa ngo Ntulikazi idale le Phalamende laphasissa ukuthi isisekelo sombuso siguqulwe okwesibili ngokusemthetweni okuzenza ukuba kuguqulwe iziqa ezimbalwa kusisekelo sombuso seZimbabwe lesisaziso sakhutshwa kumaphephandaba mhla zingamatshumi amathathu lanye kunyunga ka Ncwabakazi 2019. Lolugwalo lwaphinda lwakhutshwa njalo emaphephandabeni mhla zilitshumi lasikhombisa ngo Zibandlela 2020 ukwenzela ukuba kuguqulwe ezinye izinto ebesezingasahambisani kuhle lesisekelo sombuso

Ukuqokwa Kwabahluleli - Izinguquko ezihlongoziwe ezinqumweni zokuqokwa kwamajaji ngaphandle kokuzithoba engxoxweni yomphakathi kanye nokwandisa iminyaka yamajaji yokuthatha umhlalaphansi zikhulisa inkululeko yokwahlulela futhi ikubeke ngaphansi kolawulo lwabaphetheyo.

Okukhangelelwe ukuba kuguqulwe kulolugwalo

Zimbalwa izinto okukhangelelwe ukuba ziguqulwe kusisekelo sombuso, okunye kwakhona kugoqela lokhu okulandelanelayo

- Ezomthethwandaba: Ukufakwa esikhundleni kwabo Mantshi, iminyaka yokuphuluma kwaMantshi
- Abatshutshisi- Ukugcotshwa lokususwa komtshutshisi jikelele
- Ukubunjwa ba : Inani labaphathi intambo bengatsha zikahulumende
- Indima edlalwa lidale lephalamende ekuhlolisiseni izinqumo lokulawula izivumelwano

Okumqhoka

Erosion of the Mandate of the Zimbabwe Human Rights Commission -

Ukugugudeka komlandu weZimbabwe Human Rights Commission - Lesi siphakamiso sifuna ukubumba ihofisi yoMvikeli Womphakathi, obekwe nguMongameli, ozathatha

imisebenzi ethile ephathelene lokuphathwa butshapha komphakathi, kusuka ku Khomishini Yamalungelo Abantu YaseZimbabwe.

Ukuphucwa Kwokuphathwa KwePhalamende – Ukuphucwa kwamandla ePhalamende kokuvumela isivumelwano sikahulumende sokubolekwa kwemali okucina sekunika iPhalamende iqhaza endimeni yalo yokwengamela ukuphatha ophethe mayelana lokuziphendulela kwezimali.

Ukukhethwa kwaboMahluli: Lolugwalo Lufisa ukuguqhula indlela oMahluli abakhethwa ngayo bengazange badlule ku kanye lokwengezelelwa keminyaka yabo yokutshiya ihofisi. Kuyaguguda ukukhululeka kwamadale emthethwandaba besekudonsela ekulawulweni koMthethwandaba ngabaphathi bentambo zengatsha zikahulumende.

Ukubekwa kukamtshutshisi jikelele – Kukhangelelwe ukuthi umtshutshisi jikelele uzagcotshwa nguMongameli welizwe njalo uzabe ekhangele ezomthetho njalo uzangena engahlolwanga nguZulu kodwa engasuswa ngabanye abatshutshisi behlangene.

Lo Mthethosivivinywa Wokugambela ngamalungelo, okulwa lamalungelo, ukulwa lentando yenengi, ukulwa lentando yenengi kanye lokulwa sobala: Lolugwalo aluhloniphi ilungelo loluntu, aluthuthukisi ukuzibusa lokuba segcekeni kwezinto. Lolugwalo lubisela muva izinto zonke ezinhle ezitholakala kusisekelo sombuso okuyilo ugwalo olwaluchaza okusegcekeni izifiso zabantu ezalotshwa phansi yi COPAC lapho inengi Labantu elavotela isisekelo ngesilinganiso esingaba yi 94.5% (Amatshumi ayisitshiyagalolunye lane lenxenye.) Lokhu kungabangela ukusebenzisa lawa mandla ngendlela engakhangelelwanga ngumongameli welizwe njalo kungenza isizwe sibuswe ngendlela engacaciyo njalo lokuziphatha kwamadale omthethwandaba kungabi ngokusuthisa uzulu.

Lu Mthethosivivinywa uhlose ukwethula ihofisi lehofisi loMvikeli Womphakathi. Lapho owonileyo eyisisebenzi sikahulumende, uMvikeli woMphakathi angathola imisebenzi elandelayo evela kuZimbabwe Human Rights Commission (ZHRC):

Umthethosivivinywa uthi kumele kube lehofisi ka Mvikeli Womphakathi

- Ukwamukela lokucubungulisiwa kwezikhalazo ezivela emphakathini
- Phenya ukuhlukunyezwa kwamalungelo abantu yizisebenzi zikahulumende
- Bathole ukuqondiswa lokuvikelwa kwalabo abahlukuluzekileyo yiziphathamandla zikahulumende
- Ukuqondisa uMphathi wamapholisa ukuthi acubungule amacala okwepulwa kwamalungelo abantu

Akula zizatho ezimqoka zokususa lawa mandla kugatsha oluzimele lodwa njenge ZHRC kusiya nikezwa isisebenzi esikhethwe ngumongameli welizwe Lokhu kusongela ukuvela obala kanye lokwehlukaniswa kwamandla, Iphinde isongele inkululeko kanye lokungakhethi kwabo bobabili uMvikeli Womphakathi leKhomishini Yamalungelo Abantu yaseZimbabwe.

Lu Mthethosivivinywa awuvezi mgceke ukwenzeka kwezinto kanjalo ithatha amandla kudale lephalamende ekuvumeleni ukukweledwa kwezemali. Lokho kukhubaza njalo kwenza kubenzima ukuthi idale lephalamende lenelise ukugwema ukusetshenziswa kwezimali yi Ziphathamandla.

Njengamanje, abehluleli bafakwa engxoxweni yomphakathi evame ukuvezwa kumabona kude wezwelonke. Isigambelo sijonge ukwesula lo mkhuba futhi esikhundleni salokho kube laBehluli abakhethwe nguMongameli ngokubonisana leKhomishini Yamadale omthethwandaba omthetho. Ngaphezu kwalokho, ukugambela kukhangelelwe ukwandisa iminyaka yaboMahluli yokuthatha umhlalaphansi ufinyelele eminyakeni yobudala engamakhulu ayisikhombisa lanhlano (75) uma ukuhlolwa kokuqina komzimba ngokungacaciswanga. Lokhu kugambela okujongiweyo kukhangelela phansi ukuzimela kwaboMahluli. Ngeke besabekwa ngemfanelo kodwa bacina ngothembeke kwezombanzwe. Ngaphezu kwalokho, noma yikuphi ukwandiswa kwesikhathi sokusebenza esikhundleni ngaphambi kokuthatha umhlalaphansi kungakhangelelwa intando kaMongameli. Kuyabe kungasela migoqo yesikhathi besemsebenzini ngakho bangaphazamiswa ngabezombanzwe ekusebenzeni kwabo. Ukuzimela kokwahlulela kudinga 'ukungabikhona kokuxhumeke okuthile' phakathi kwezomthetho lezinye ingatsha zikahulumende ukuvikela ukungakhethi ekuqhubekeni kwendima yokwahlulela. Njengabagcini besisekelo sombuso, abalesibopho sokusebenzisa izinhlinzeko zesisekelo sombuso kanye lenani, ukuze amandla ezokulungiswa akwazi ukusebenzisa umthetho ngaphandle kokwesaba loba ukwenzelela, igunya akufanelanga amandla ekhanye esvela kuMongameli kuphela.

Kuwo lowo msakazo, kuzabekwa loMtshutshisi Jikelele ngaphandle kokufakwa engxoxweni. Ngokuphawulekileyo, uma umtshutshisi Jikelele esenza icala elingase ligunyaze ukuba asuswe esikhundleni, nguMongameli okhetha idale ekhethekileyo ukuthi licubungule ngalolu daba. Idale elinjalo libike ukuthi alitholanga emphakathini, kodwa lisitsho kuMongameli welizwe hatshi kuZulu njalo bazatsho ukuba engehliswa kumbe ayekelwe kuMongameli kodwa uMongameli nguye othatha isinqumo sokucina phezu kwakho konke.

Kungani lulugwalo lubisela inqubekela phambili

- Iphikisana lokukhululeka kwenkundla kanye lomtshutshisi omkhulu. kweleZimbabwe kufunakala ukhetho olugcizelela ukwenelisa kwabahluleli njalo kodwa lesi siqondiso sizagcizelelo ukuthembeka kumongameli. Isizwe seZimbabwe silembali yokuhlukuluzwa kwamalungelo abantu lokunga phathi ukhetho ngendlela esuthisayo ngakho kufuneka inkundla enesizotha njalo ezimele yodwa.

- Ivikele amalunga abaPhathi bakahulumende ekusebenzeni ngeqiniso langokuzikhandla njalo ithatha amandla ephalamende okukhangela ukwenziwa kwezinto ngendlela eqondileyo. ilizwe leZimbabwe libhekane libugwelegwele lokuhlukumezwa kwezikhundla kodwa kubalulekile ukwenza izinto ngendlela ecacayo njalo
- Kuyaphazamisa imisebenzi yeZHRC okulugatsha oluzimele lodwa olwasungulwa kulandelwa isisekelo sombuso welizwe befuna ukunikeza inkundla ezavikela uzulu. Kusizwe seZimbabwe akufuneki ezinye ingatsha kuhulumende kodwa kufuneka kuqiniseke lezi ezikhona njalo zisebenze ngokuzimela zodwa.

Kuyini Okumele uHulemende akwenze

Uhulumende kumele axwayane lokugambela isisekelo sombuso futhi aphanjise inqubo yokuhambisana kwesisekelo sombuso leminyane imithetho yaseZimbabwe.

Kuyini okungenziwa ngumphakathi /nguzulu

Abantu kumele balahle lo mthethosivivinywa. Lokhu kungenziwa ngezindlela ezahlukahlukeni.

Okwakuqala, uzulu ulakho ukubhalela idale lePhalamende ye Zimbabwe, befaka imibono yabo ngamthethosivivinywa. Bhalela ku 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; Or email: bills@parlzim.gov.zw

Okwesibili, Khulumisana/xoxisana lomeli wakho wedale lePhalamemende. Loba uvakatshele ebulenjini kukheli elithi www.zimrights.org.zw uthole inombolo zikamakhalekhukhwini kameli wakho wePhalamende

Umphakathi kumele uzinikele ukuyakuba yingxenye yalo umhlangano wokugambelwa kwesisekelo sombuso (Constitution Amendment Bill No. 2). Itafula elandelayo phansi ilolwazi olugcweleyo mayelana lomhlangano.

Ilanga	Idolobha	Indawo yokuhlalanga	Isikhathi
15 Nhlangua	Chinhoyi	Cookie Hall	10:00-12:00pm
16 Nhlangua	Gokwe	Nembudziya Government Complex & Open Space	10am-12:00pm
17 Nhlangua	Sanyati	Nyimo Growth Point Hall Chief Court	10am-12:00pm

18 Nhlangula	Ngezi- Zimplats	Baobob Stadium	10am-12:00pm
15 Nhlangula	Gweru	Chiundura Business Centre	10:00am- 12:00pm
16 Nhlangula	Mberengwa	Mberengwa Education Service	10:00am- 12:00pm
17 Nhlangula	Chivi	Chivi RDC Centre	10:00am- 12:00pm
18 Nhlangula	Masvingo	Mucheke Hall	10:00am- 12:00pm
15 Nhlangula	Lupane	Lupane Community Hall	10:00am- 12:00pm
16 Nhlangula	Gwanda	Gwanda Municipality Hall	10:00am- 12:00pm
17 Nhlangula	Plumtree	TMB Hall	10:00am- 12:00pm
17 Nhlangula	Bulawayo	Bulawayo Selbourne Hotel	14:30pm- 16:30pm
18 Nhlangula	Mbembezi	Fingo Hall	10:00am- 12:00pm
15 Nhlangula	Mt Darwin	Mt Darwin Sports Club	10:00am- 12:00pm
16 Nhlangula	Marondera	Mbuya Nehanda Hall	10:00am- 12:00pm
17 Nhlangula	Mutare	Queens Hall	10:00am- 12:00pm
18 Nhlangula	Rusape	602 Hall	10:00am- 12:00pm

Iyanelisa yini ukuncedisa iZimrights?

Amalunga lezisebenzi ze ZimRights azabe ekhona kuzabelo zonke zelizwe. Xumana lamalunga ukuze wazi lapho abazabe bekhona ukuze uthole lolo lwazi. Abaqondisa ngokusebenzisana kwe ZimRights bazanelisa ukunikeza ulwazi olubalulekileyo ngalokhu njalo baphe laleso siqondiso esibiswa nguhulumende, bazanelisa ukuchasisa ngokugcweleyo ukuthi sijongeni leso siqondiso. Uma ungenelisi ukufinyelela iphalamende, Izisebenzi zeZimRights zizimisele ukwamukela izikhalazo lembono yakho ukuze idluliselwe phambili. Okwakathesi abanelisa ukulandela imbiko ngokuqhubeka lesigaba sesiqondiso leso abenze njalo.

Ulelungelo lokwazi njalo lokuphatheka kulesi sigaba !

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