

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 mezhvimwe zvakati wandei, Amendment 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 pakunyororanwa kwezvibvumirano zvedzimari nehupfumi pakati peZimbabwe nedzimwe nyika

Zvakakosha zvinofanira kudzamiswa pfungwa nezvazvo nekuda kweBill iri

Kuderedzwa kwemasimba eKomoshini yeZimbabwe Human Rights Commission – Amendment 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 (zvikuusei

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 – Amendment Bill ririkushuwirawozve kuti dare reParamende ribviswe simba rehunharirire, kuongorora pamwe nekupa mvumo kuti nyika ipinde muzvibvumirano, zvukurusei 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, vakazvimirira vega huye vasinganzwe sevanogombederwa kana kuzevezerwa zvekuita nevakuru vehurumende kana venyika.

Kugadzwa kwemuchuchisi mukuru wenyika (Prosecutor General) – Amendment 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 ebaso.

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. Rinotodzose kumashure zvakanaka zvatakapemberera kunyorwa kwazvo mubumbiro redu remutemo muna 2013, iro bumbiro rakaitwa kubudikidza nebasa reCOPAC rikatenderwa nekusimbiswawozve nechikamu chevana veZimbabwe chaisvika 94.5%. Amendment 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 richiswa 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 nharire 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 Amendment 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 kususinei 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. Senharirire nevachengetedzi vebumbiro remutemo, huye vaine simba rekuenzanisa vanhu nekugombodzera 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 anehumizha hunokunda vamwe akanyatsokodzera kupinda basa iroro. Pane nyaya hombe ndepekusi Prosecutor General nyakugadzwa iyeyu akapara mhosva ingaite kuti asiye basa, mutungamiriri wenyika ndiye anogadza kadare ke special tribunal kekuongorora mhosva dzaanenge achipomerwa. Kadare ikaka kanonosvitsa zvakanaka muongororo mako kumukuru wenyika, pasingashambadzi 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 kugombodzerwa kwematare edzimhosva pamwechete na Prosecutor General. Kubva patsika yakanaka iri mubumbiro yekugadzwa pazvigarro kwevatongi kubudikidza nehunyanzvi pabasa, Bill ririkukurudzira kugadzwa kunobva pachitsidzo chekuzvirereka nekuita zvinodiwa nevakuru wenyika nevematongerwe enyika. Zvino, sezvo Zimbabwe iine nhorondo refu yekumbunyikidzwa kwekodzero dzavanhu pamwechete namakatanwa anobva musarudzo dzevatungamiriri, kuti nyika ipunduke zvinotodza matare akasimba akazvimiririra ega pamashandiro izvi.

☐ Bill iri ririkuvhariridza nekukurudzira vatungamiriri wenyika nehurumende kuti vatungamire zvechimuhwande-muhwande zvisina jekerere zvisingavhenekwewo nedare reParamende, zvikuisei 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](mailto:bills@parlzim.gov.zw)

Chepiri, itai hurukuro nenhengo inokumirirai mudare reParamende (MP wenyu). Tarisai pa [www.zimrights.org.zw](http://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 Government 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 vanozoneyatsokutsanangurirai 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 nezvirikuitika maringe nehurukuro dzezve Bill irori parizvino

Munekodzero yekuziva, nekupawo mazano nepfungwa dzenyu!

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