



# PRE-BUDGET HUMAN RIGHTS BRIEFING

## CALL TO HUMAN-RIGHTS CENTRED STEWARDSHIP OF THE ZIMBABWEAN ECONOMY

### Introduction

The Zimbabwe Human Rights NGO Forum (the Forum) acknowledges that the way the economy is managed greatly affects the enjoyment of human rights by the people of Zimbabwe. The past two decades of the Forum's existence in the struggle for human rights have taught us that it is almost impossible to enjoy human rights when the economy is mismanaged, when there is no equitable distribution of resources and the gap between the rich and the poor continues to widen. Economic difficulties are a breeding ground for social unrest and repression. In that regard, we share this briefing highlighting our key areas of concern ahead of the 2019 National Budget.

### General Principles

We hold firm on the belief that the budgeting process and the final product should be the result of a purposive, participatory and consultative approach that is based on standard human rights principles. The Constitution of Zimbabwe (The Constitution), as well as other pieces of international human rights law to which Zimbabwe is party to, obliges the Government of Zimbabwe to follow certain principles when designing national budgets. Some of the principles that should guide the design, implementation and assessment of all budgeting processes are: universality, equity, transparency, accountability and participation. This briefing paper outlines what human rights budgeting means generally and to Zimbabwe.

Below we share some key issues which we beg the government take into consideration.

### Human Rights-Centred Budgeting

The goal of a human rights centred budget is to guarantee the well being and dignity of every

citizen and to ensure that the most vulnerable citizens are elevated to a position of equity with the rest of the citizenry by observing human rights standards, qualities and principles when making national budgets.

### Human Rights Principles for a national budget

**i. Universality** - Resources set aside for different sectors and citizens needs such as health, education, social security, law enforcement, food, job creation and other relevant needs must be adequate and not leave anyone behind. The principle of universality emphasizes that everyone should be covered by the resources provided by government regardless of their background, origin, gender, sex or other characteristics.

**ii. Equity** - This principle emphasizes even handedness and fairness in the distribution of government resources. The Government is obliged to raise and distribute resources in an equitable way with focus on the vulnerable and disadvantaged. In this instance, regions or groups of people/citizens that are marginalised should be assessed and given an equal share when budgets are being distributed.

**iii. Transparency** - The process leading to the final budget, from the beginning, must be accessible and comprehensible to all citizens. Citizens must be able to scrutinise whatever processes or content will be in the budgets so that they can contribute to it in a transparent manner.

**iv. Accountability** - A government that respects its people will ensure that there are mechanisms that enable its citizens to be able to hold it accountable for developing and implementing a budget that meets and ensures human rights.

**v. Participation** - The government of Zimbabwe must ensure that there is meaningful, public and democratic participation by citizens in the budget decisions as they are the ones who will be directly affected by such policies. The government institutions responsible for budgeting, such as the Ministry of Finance, must ensure that it provides platforms – be it on radio, television, public gatherings, letter writing, social media and other accessible platforms – to cater for the needs of all citizens who would want to communicate and air their views with regards the budget.

**vi. Fundamental rights** - Part 2 of Chapter 4 of the Zimbabwe Constitution guarantees the protection of fundamental rights which are relevant to the national budget process. Some of them are the: right to life; rights of arrested and detained persons; property rights; right to education; right to health care; and right to food and water.

### **Adherence to the Values Outlined in our Constitution**

While the Minister is mandated by the Constitution to develop the national budget, this cannot be done in isolation of the major and fundamental principles that protect human rights enshrined in the Zimbabwe Constitution. The Constitution evokes the obligations to respect, protect, fulfil and promote human rights and freedoms set out in Chapter 4 of the Constitution - *“Duty to respect fundamental human rights and freedoms”*. When interpreting his mandate, the Minister of Finance must refer to the important obligations set in the Constitution.

Some of the important founding principles in the Zimbabwe constitution emphasize on the *“supremacy of the constitution”*, *“the recognition of the inherent dignity and worth of each human being”* and the *“equitable sharing of national resources, including land”*. Chapter 2 of the Constitution deals with national objectives and is instructive when it comes to the budgeting process. Key among them and relevant to the budget process include: good governance, with an emphasis on the need to expose, combat and eradicate all forms of corruption and abuse of power by those holding political and public

offices; empowerment, food security, care for children, the elderly persons, persons with disabilities, provision of education, health care, social welfare and legal aid.

### **Principles of Accountability Regarding Finance**

Chapter 17 of the Zimbabwe Constitution deals with the topic of Finance. Section 298 lists the principles that must guide all aspects of public finance in Zimbabwe. These include the need for transparency and accountability, national development focus of the public finance system, standards for fiscal reporting and responsible and transparent public borrowing. The emphasis here is on financial prudence. With the public debt soaring, the principles of fiscal responsibility are designed to deal with the *“failure to live within means and hence, the prevailing unsustainable high budget deficit, with destabilising implications not only to the financial sector but to the rest of the economy”*.

### **International Obligations and Principles**

The Constitution of Zimbabwe obliges agencies and state institutions to consider as a matter of obligation - international law and all treaties and conventions to which Zimbabwe is party and that they must be guided by principles underlying a democratic society based on openness, justice, human dignity, equality and freedom. Some of the principles that need to be observed under international law are the need for progressive realisation, non-retrogression, protecting minimum core rights as well as the principles of rights availability, affordability, accessibility and acceptability are discussed below. The Forum is raising these points because they form a core guiding principle for any government that seeks to come up with a democratic developmental budget.

### **Effective means to assess compliance to human rights obligations by finance authorities**

The Forum would like to bring to the Minister of Finance’s attention of a human rights mechanism to monitor and assess the observance of human rights standards enshrined in the Constitution. The same tools that are used in the human rights field can be used by the Minister of Finance to

inform his own budget processes in the upcoming 2019 national budget. The questions that these tools seek to answer are whether a right is protected by the State to the extent that it should be. The test assesses whether the finance budget is **adequate, affordable, accessible** and even **acceptable** to the people whom the budget allocations have been made for.

### **Independent Commissions supporting Democracy**

Chapter 12 of the Constitution provides for independent commissions that are mandated with among other objectives, the support and entrenchment of human rights and democracy, to promote transparency and accountability in public institutions as well as ensure that injustices are remedied. For these commissions to effectively deliver their duties, they need to be adequately funded so that they can employ qualified staff as well carry out their mandates without any hindrances and budgetary constraints. This is quite self-explanatory suffice to note that the Ministry of Finance in the 2019 budget allocations needs to ensure that the Commissions are made fully functional through adequate budget support.

### **Human rights challenges that need urgent attention through the budget process**

**i. Health sector** - Zimbabwe continues to face serious challenges with regards the control of preventable disease outbreaks such as cholera and typhoid. As recent as October 2018, thousands of people in some high density suburbs of Harare were infected and there was unfortunate loss of life. While, there was a widespread government information and reactive response at the highest level of the Presidency as well as an inter - Ministerial task force set up, the Forum strongly believes that the situation could have been prevented and loss of life avoided. The Forum cannot prescribe to the Government how much the health sector should receive in the upcoming budget deliberations but will urge the Minister to investigate allocations that should be able to revamp the health sector so that the right to health can be realised especially for the most vulnerable groups.

**ii. Shortages of critical staff in key government issues** - There has been sustained talk about a bloated civil service in Zimbabwe. While this has been proven to be true through various researches carried out by the government, it is also true that cosmetic and convenient changes were made to critical sectors such as health and education. The teacher to pupil ratio in Zimbabwe remains unreasonably high with dire consequences for both teacher and pupil in terms of performance. The same can be said about the health sector. There are serious shortages of medical staff in Zimbabwe which have reportedly been justified by averments that the Government of Zimbabwe is not in a sound financial state to recruit more teachers, nurses and specialised medical staff. The Forum maintains again that the Government of Zimbabwe needs to look at its priorities vis a vis the rights protected in the Constitution of Zimbabwe as well as guidelines set by international treaties to which it is party to when deliberating on what allocations need to be given to critical areas such as education and health. We aver that savings can be made in several obsolete Government functions including the bloated diplomatic service, opaque procurement deals by and with Government through corruption as well as clear misuse of public funds through a conflation of party and Government business in several instances.

**iii. Deliberate failure to protect and compensate victims of state abuse** - The Forum has been in operation since 1998, litigating and supporting victims of torture, which is a state sponsored violence against citizens. In the two decades, the Forum has won cases where the courts found against the state and its security services officials. Where sums of money have been awarded to victims who have been left maimed with serious bodily injuries, suffering Post Traumatic Stress Disorders as well loss of income the government has failed to pay citing incapacity and a poor economy.

The government cannot continue to plead that it does not have resources, or it cannot afford to pay compensation to victims when it is known that the Government has the capacity to do so. Even if the Government did not have the means,

an acknowledgement through the budget processes would be indicative of a Government that is willing to redress and compensate victims. The official message that goes out is that there never is money availed from the Finance Ministry to make such compensations. The Forum therefore takes this opportunity to encourage 'the new dispensation' to live up to its claims that it will respect human rights and rule of law and to acknowledge past violations through a vote in the next budget. A failure to carry out such processes signals the lack of the rule of law and observance of the protections afforded to citizens by the constitution of Zimbabwe.

### **Dealing with past financial and economic injustices by the Government and private corporations**

The duty to protect rights enshrined in the Zimbabwe Constitution explained above rightly seeks to protect citizens from private institutions that interact with the citizenry through the provision of services and goods. What Zimbabwe has witnessed since 2009 after the commencement of the multi-currency strategy can be described as at best impoverishing and at worst a gross economic injustice. Situations that have received token government attention are the (a) dollarization scheme and (b) the loss of pensions after dollarization. Millions of citizens continue to suffer in Zimbabwe because of these measures but the government has not taken heed and has failed to pay attention to these issues whenever they have been raised for their attention. Key among the issues that the Forum would like addressed in the upcoming 2019 budget statement seeks to address in this document are issues around the pensions that

were lost because of the conversion system that was used at the time, deposits that were lost due to closed banks and finally the demonetisation process that occurred in 2015.

### **Safeguards against misuse of public funds**

One of the most critical areas that the Minister of Finance will have to address is that of the protection of public funds from marauding tenderpreneurs, recalcitrant public officials, and rampant corruption at all levels of society especially where public funds are concerned. The Forum is more than convinced that with the right attitude from the Minister, the right set of legislation and regulations as well as political power, public funds that are meant for national development and the achievement of Vision 2030 will not be pilfered and diverted for personal use.

### **Conclusion**

The human rights approach to budgeting can and should be implemented by the Government of Zimbabwe to ensure a greater level of fairness and respect for human rights, even during times of economic difficulty as currently experienced in Zimbabwe. The principles of international and domestic law such as democratic participation, transparency accountability, minimum core provision and equality and non-discrimination are important tests that must be utilised when budget decisions are made. The Forum urges the Government of Zimbabwe to embrace such a culture so that it also becomes easier for the general populace to hold its elected representatives and government officials accountable in pursuit of national development that is equal and non-discriminatory.



Zimbabwe  
**HUMAN RIGHTS**  
NGO Forum

Zimbabwe Human Rights NGO Forum  
Suite 4, No. 1 Raleigh Street, Kopje. P.O. Box 9077,  
Harare, Zimbabwe. Tel: +263 242 770177  
Email: [research@hrforum.co.zw](mailto:research@hrforum.co.zw)  
[www.hrforumzim.org](http://www.hrforumzim.org)