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Legal Resources Foundation

Constitution yeZimbabwe

Tsanangudzo yekuvandudzwa kweBumbiro reMutemo we Zimbabwe (No. 2) BHIRI, 2019

(Constitution of Zimbabwe Amendment (No. 2) BILL, 2019)

[*Summarised Version*]

With support from Sweden Sverige

Bhiri rinoedza kushandura izvi nekubvisa vese maMP kubva kumakanzuru edunhu. Takatarisa zvirimubhiri Metropolitan neMakanzuru enharaunda (Provincial Councils) anove nemasachigaro akasarudzwa, mameya, vatevedzeri vameya, vanasachigaro nevatevedzeri vasachigaro evatungamiriri vese venzvimbo uye vanhu gumi vakasarudzwa asi vasingavhoterwe kupinda pachigaro.

Chii chichava mhedzisiro mushure meshanduko idzi kune zvizvarwa zvemunyika?

12) Kugadzwa kweMunyori Mukuru nevatevedzeri vake kuhofisi yeMutungamiri wenyika.

Ichi chisungo chitsva mubumbiro remutemo. Idzi shanduko dzaigona kuve dzakaitwa nematare madiki epasi, kwete kuburikidza nekunatsurudzwa kweBumbiro reMutemo.

13) Shanduko pamazwi anoti sangano rekunze richinzi sangano renyika dzepasi rose

kutsviviwa kwemazwi anoti “Foreign organisation” “sangano rekunze” panzvimbo pacho pachiiswa mazwi ekuti “International organisations” “masangano enyika dzepasi rose” zvinodzikisira mabasa ehutongi hweparamende panyaya dzezvibvumirano zvepasi rese zvinova zvichakanganisa kuongororwa kwebasa rehurumende panyaya idzi.

14) Kushandurwa kweizwi rekuti kushandira hurumende richinzi kushanda kwevanhu

Bhiri riri kukurudzira kushandurwa kwemazwi aya panzvimbo pekuti “civil service” kushandira hurumende voshandura vachiti kushandira ruzhinji rwevanhu (Public Service). Idzi ishanduko dzisina kunyanya kukura uyezve hadzina kukanganisa kwakanyanya kwadzingaita kuBumbiro reMutemo.

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chekubvunza mibvunzo kune ruzhinji rwevanhu uyezve kupa masimba ose okusarudza muchuchusi mukuru kune Mutungamiri wenyika.

Mubvunzo uripo ndewekuti zvichagamuchirika here kugadzwa kwemunhu mukuru akakosha kudaro pasina kumbotanga pabvunzwa veruzhinji kana kunzwa pfungwa dzavo. Kuti veruzhinji vapewo pfungwa dzavo panezvekugadzwa uku zvinoita kuti zvinhu zvose zvive pachena uyezve vanhu vanokwanisa kuongorora kuti kugadzwa uku kwakwaitwa zvakakodzera here kana kuti pane zvimwewo zvakatariswa. Zvakare, kuti iyo hofisi yemuchuchusi mukuru ichange ichigona kuchengetedza kusununguka kwayo here kubva kuvakuru takatarisa chokwadi chekuti muchusi mukuru anenge akasarudzwa neMutungamiri wenyika ari oga pasina rubatsiro kubva kune vamwe vanhu.

11) Shanduko dzirikuitwa pahurongwa hunechekuita nemaProvincial Councils nema Metropolitan Councils.

Makanzuru ematunhu uye Metropolitan akaunzwa neBumbiro muna 2013 zvichiteerana nenongedzo yekupa masimba kumatunhu. Makanzuru ematunhu anoumbwa naSachigaro wedare, Nhengo dzeParamende, mameya pamwe nemasachigaro emakanzuru ese emadhorobha nemaruwa. Vanhu gumi vakasarudzwa nekumiriririrwa kwakanangana (proportional representation) uye Mutungamiri neMutevedzeri weMutungamiri we Council of Chiefs.

Kune rimwe divi, kanzuru reMetropolitan rinenge rina meya weBulawayo neHarare. MuHarare vanozoitawo meya kana sachigaro wedhorobha rinova rechipiri pakukura mupurovhinzi, nhengo dzeparamende nemameya, vatevedzeri vemameya, sachigaro wemakanzuru emunharaunda, wasachigaro nemutevedzeri wake wemakanzuru mudunhu remetropolitan.

1) Nyanganyaya

Muna 2013 zvizvarwa zveZimbabwe zvakavhotera Bumbiro reMutemo idzva. Izvi zvisati zvaitika, veruzhinji vakatorawo chikamu mumaitiro nemukugadzirwa kweBumbiro reMutemo nekupa maonero avo nepfungwa dzavo pane izvo zvavaida kuti zviiswewo muBumbiro. Bumbiro ndiwo mutemo wepamusoro wenyika, uye mitemo yese, tsika, maitiro nemafambiro, zvinofanirwa kuwirirana nemutemo uyu. Bumbiro rinoratidza zvido uye zvishuwo zvevanhu saka nekudaro Bumbiro harifanirwe kukanganiswa nekugara richishandurwa pamadiro.

MunaZvita 2019, Mutungamiri wenyika, Vatevedzeri veMutungamiri wenyika uye Makurukota (Kabhineti) vakakurudzira shanduko kubumbiro. Idzo shanduko dzakataurwa dzakaziviswa kuruzhinji mubepanhau reHurumende (*Government Gazette*) musi wa 31 Zvita uye 17 Ndira 2020 kuburikidza neBumbiro iro rinodaidzwa kuti Constitution Amendment Bill (No. 2) 2019. Bhiri mutemo wakatemerwa uyo usati wabvumidzwa neparamende uye neMutungamiri wenyika.

Paramende isati yakurukura nezveBumbiro iri, ivo vachaenda kunotsvaga maonero evanhu vachitenderera nyika yese. Kuti iwe uve neruzivo uye kuwedzera pfungwa kana izwi rako, unofanirwa kuziva zvinotaurwa neBhiri. Iri pepa rinopfupikisa izvo zvinotaurwa mubhiri.

2) Kubviswa kwezvikamu zvine chekuita neVatevedzeri veMutungari wenyika vakasarudzwa

Bhiri riri kuda kubvisa chikamu icho chinoita kuti avo varikukwikwidza kuvamutungamiri wenyika vasarudze vanhu vaviri vachamira musarudzo pamwe chete navo sevatevedzeri veMutungamiri wenyika vari ivo mutevedzeri wekutanga uye wechipiri. Ichi chikamu hachisati chatanga kushanda.

Chinofanirwa kutanga kushanda muna 2023. Izvi zviri kukurudzirwa kubudikidza neshanduko yekuti vatevedzeri veMutungamiri wenyika havafanirwe kusarudzwa pamwe chete neMutungamiri asi Mutungamiri akasarudzwa anofanirwa kugadza vatevedzeri vake ega. Naizvozvo, kana Bhiri rikapasiswa, vatevedzeri vaviri ava vachagadzwa neMutungamiri, zvichireva kuti Mutungamiri anokwanisa kuvabvisa pachigaro panguva chero yaanoda kuita saizvozvo.

3) Shanduko dzechikamu chinotaura nezvenyaya dzeanosara pachigaro mushure mekunge Mutungamiri wenyika afa, asiya chigaro kana kusakwanisa basa kweMutungamiri wenyika

Bumbiro reMutemo rinoti kana Mutungamiri wenyika achinge afa, aregera basa kana kutadza basa nekuda kwehutano husina kumira zvakanaka kana nechimwewo chikonzero chingamutadzisa kuenderera mberi seMutungamiri wenyika, Mutevedzeri weMutungamiri wenyika wekutanga anenge akasarudzwa nevanhu pamwe chete neMutungamiri wenyika ndiye anozova Mutungamiri kusvika nguva yekuva pachigaro yakanga yakatarwa yeMutungamiri wenyika aivepo yapera. Hurongwa uhwu huchatanga muna2023 kana zvikasashandurwa nebhiri iri. Bhiri rinemuono wekuda kushandura izvi nekupa masimba ekusarudza Mutungamiri wenyika, kubato reaimbove mutungamiri wenyika. Saizvozvo bato iri rakasununguka kusarudza chero munhu kubva mubato ravo kunyangwe munhu iyeye anga asingafarirwi neruzhinji rwevanhu vari munyika.

Ko bato rezvematongerwo enyika rinofanirwa kusarudza achatsiva Mutungamiri weNyika here kana kuti izvi zvinofanirwa kuitwa nevanhu veruzhinji kuburikidza nehurongwa hwakaita sehwemuBumbiro remutemo riripo?

kusina kunaka kana kusarongeka pane chero chikamu chehurumende masangano everuzhinji kana vashandi vakuru vebazi kana masangano. Kana bhiri iri rikapasiswa, basa reHuman Rights Commission rinenge risisina chekuita nezvenyaya dzekushandiswa kwemasimba zvisiri pamutemo apo masangano ehurumende nevashandi vehurumende varivo vanopara dzimwe mhosva pamwe nekukanganisa.

Shanduko idzi zvakare dzichagadzira hofisi yeMudziviriri Weruzhinji iyo ichabata nenyaya dzese dzine chekuita nekusarongeka nekushandiswa kwesimba uye kushandisa masimba zvisizvo

Hofisi iyi yaivepo pebumbiro remutemo riri kushanda ikozvino risati ravepo uye basa rayo parizvino riri kuitwa neZimbabwe Human Rights Commission.

Zvakakosha here kugadzira imwe hofisi apo hurumende iri kunetsekana nekupa mari kuHuman Rights Commission?

Hakuna here njodzi uye mukana wekudzokororwa kwebasa raitwa kare uye kutambiswa kwemari?

10) Shanduko kune maitirwo ekugadzwa kwaMuchuchusi-Mukuru (Prosecutor-General)

Prosecutor-General ndiye muchuchusi mukuru wevachuchusi vose. Vachuchusi ndivo vanoona nezvekuparwa kwedzimhosva vakamirira nyika ivo vachitungamirwa neMuchuchusi mukuru. Vachuchisi vari kugona izvi kudarikidza zvikwaniso zvemu Bumbiro zvinotaura kuti kana pachidiwa kugadzwa muchuchusi mukuru, JSC inoshambadza chigaro vokoka Mutungamiri wenyika neruzhinji kuti vasarudze vanhu vavanoda kuti vatore chinzvimbo chemuchuchusi mukuru vobvunza mubvunzo kuruzhinji. Vanozopa mukuru wenyika mazita evanhu pavatatu vadomwa kuti pazosarudzwa muchusi mukuru. Bhiri riri kuda kushandura izvi nekubvisa chikamu

8) Shanduko kuchiga chenguva inopihwa kumutongi aripachinzvimbo muhofisi yeVatongi veDare rinoona nezveBumbiro remutemo (Constitutional Court) uye Dare Repamusoro (Supreme Court)

Bumbiro rinoti vatongi veDare rinoona nezveBumbiro remutemo vanogona kungoshanda kwenguva imwe chete yemakore gumi nemashanu. Kana vakasvika zera ramakore makumi manomwe nguva yavo yekugara muhofisi isati yapera vanofanirwa kuenda pamudyandigere. Zvinopawo zvekare kuti vatongi veDare rePamusoro (Supreme Court) vanozorora kuenda pamudyandigere pazera remakore makumi manomwe. Bhiri rinofunga kushandura izvi nekutendera avo vange vasvitsa makore makumi manomwe ekuenda kunozorora pamudya ndigere asi vachiri kuda havo kuenderera mberi nekushanda sevatongi kuti varambe vari pabasa. Kana Bhiri rikapasiswa vanobvumidzwa kuti vawedzere nguva yavo muhofisi sevatongi pagore rega rega kusvika makore anoita mashanu. Ivo vanozodikanwa gore rimwe nerimwe kuti vape magwaro ehutano anotsanangura kusimba kwavo kwepfungwa uye kwepanyama. Izvi zvinogona kureva kuti vatongi vanogona kuramba vari muhofisi kwenguva yakareba kunyange zvavo nguva yavo yakatarwa yekunozorora pamudyandigere yakwana, uyezve avo vanonzi nevakuru havashandike navo vanobva vaenda pazororo pamudyandigere nenguva yakatarwa.

9) Shanduko kumabasa eKomisheni Yekodzero Dzevanhu nekugadzirwa kwehofisi yeMudziviri Weruzhinji (Public Protector).

Bhiri riri kuunza hofisi itsva ya Public Protector chekuita nezvekugamuchirwa uye kuongororwa kwezvichemo zvinobva kune veruzhinji, kuferefeta mafambiro emasimba kana munhu nekuwana zvikundiso zvakafanira. Kana nyaya iri kutaurwa ine chekuita nezve kunyunyuta kwekushandiswa kwemasimba

4) Kuwedzera huwandu hweMakurukota asina kusarudzwa seNhengo dzeParamende nana maSeneta, anokwanisa kugadzwa neMutungamiri.

Bumbiro rinotendera Mutungamiri weNyika kugadza vanhu vashanu vasiri mu nhengo yeParamende kana maSeneta seMakurukota. Vanhu ava vanosarudzirwa hunyanzvi hwavo neruzivo rwavo. Shanduko idzi dzakatariswa kana dzikatambirwa zvichaita kuti Mutungamiri weNyika agone kusarudza vanhu vanomwe vasiri nhengo dzeparamende kana maSeneta kuti vagadzwe seMakurukota. Kuwedzera kwehuwandu hweMakurukota kunoreva kuti kuchave nekuwedzera kwekushandiswa kwemari yehurumende. Mubvunzo unofanirwa kupindurwa ndewekuti, kuwedzera kwemari inoshandiswa nehurumende, zvinodikanwa here panguva iyo hurumende yakatarisana nematambudziko anosanganisira mari dzakawanda dziri kubhadharwa vashandi vehurumende?

5) Kuwedzeredza chirongwa icho chinochengetedza zvigaro makumi matanhatu zvevanhukadzi muNational Assembly kwemaparamende maviri (2023 na 2028) uye kuunza hurongwa hunochengeta zvigaro gumi zvakachengeterwa vechidiki.

Bumbiro rine chikamu chinochengetedza zvigaro zvevanhukadzi. Kuita uku kunozivikanwa se *quota system* uye inoshandiswa kuedza kugadzirisa kuti madzimai vakurumidze kuwani mikana yekupinda muparamende. Takatarisana nehurongwa uhwu, chirongwa che *quota system* chakaitirwa kuti pave nechokwadi chekuti madzimai vapinde mu National Assembly uye muzvigaro zvavanogona kupa pfungwa dzavo. Izvi zvakashanda munguva yeparamende yemuna 2013 pamwe chete neparamende ya 2018. Bhiri riri kuda kuwedzerwa

kwemukana uyu kuti urambe uripo kusvikira maparamende a2023 neya2028. Hakuna here dzimwe nzira here dzekuwanisa vanhukadzi mikana wakafanana mukutora chikamu muparamende kunze kwekugadzirisa Bumbiro?

6) Kubvisa chikamu chakapuhwa icho chinopa kuti kuganhurwa kana kutarwa kwenzvimbo kwepanogumira nharaunda dzesarudzo kunofanira kuitwa nekukurumidza mushure mekuverengwa kwevanhu munyika (Census).

Bhiri ririkuda kushandura gadziriro inotaura kuti miganhu yenzvimbo dzesarudzo inofanirwa kutarwa nekukurumidza mushure mekuverengwa kwevanhu. Kana shanduko iyi ikagamuchirwa kuiswa kwemiganhu yedunhu hakuzoitwe pamwe chete nekuverengwa kwehuwandu hwevanhu. Chikonzero chekuisa miganhu kumatunhu mushure mesarudzo ndechekuti Zimbabwe Electoral Commission inozotungamirwa nehuwandu hwevanhu mudunhu pakuisa miganhu. Kuverengwa kwehuwandu hwevanhu (Census) kunotevera kuri kuitwa muna 2022 uye hurumende iri kupokana nekutarwa kwemiganhu maererano nehuhwandu hwevanhu mudunhu kuti kuve chekuita nekuvuverengwa kwevanhu, zvinoreva kuti ZEC haizowana nguva yakakwana yekuganhura nzvimbo maringe nehuwandu hwevanhu takatarisana nesarudzo dzirikuuya pamberi apo dza2023

7) Kubvisa mutemo unoti vatongi vasarudzwe neJSC mushure mekuita sarudzo dzacho pajekerere. Vatongi vanoda kugadzwa kuDare rePamusoro (Supreme Court) uye mudare nerinoona nezveBumbiro reMutemo (Constitutional Court) vanenge vave kugadzwa neMutungamiri wenyika.

Bumbiro remitemo rinechiga chekuti pese panodiwa kugadzwa vatongi Judicial Service Commission inova komisheni inoona nezve nyaya dzese dzine chekuita nevatongi inoshambadza chinzvimbo chacho. Vanozokoka Mutungamiri pamwe neruzhinji kuti vadome mazita eavo vavanotarisira kuti vaite vatongi. Pashure peizvozvo kubvunzurudzwa kwevatongi kuchaitwa pachena ruzhinji ruchiona. JSC ichazopa mazita evanhu vatatu vanokodzera kuita vatongi. Mutungamiri wenyika anozofanirwa kugadza munhu mumwechete kubva pane mazita anenge akanyorwa.

Aya ndiyo maitiro aiteedzerwa kwemakore matanhatu apfuura uye ruzhinji rwaikwanisa kupawo pfungwa dzavo pamaitirwo azvo nekuita hurukuro dzinechekuita nemaitiro nekugadzwa kwevatongi. Bhiri riri kupa zano rekubvisa maitiro aya ropa simba kuMutungamiri wenyika kugadza vatongi kuDare Repamusoro (Supreme Court) uye dare rinotonga nyaya dzemubumbiro (Constitutional Court) mushure mekukurukurirana neJudicial Service Commission. Zvakakosha kuti uzive kuti kunyangwe Mutungamiri wenyika achifanira kubvunza nekukurukura neJSC haasungirwe kutevedzera kurudziro yavo.

Shanduko iyi inoreva kuti veruzhinji vanogona kupa pfungwa dzavo mukugadzwa kwevatongi veDare rePamusoro (Supreme Court) uye Constitutional Court. Izvi zvinoreva zvakare kuti kugadzwa kunogona kunge kusiri pachikonzero chekuti munhu anokodzera here sezvo pasina nzira yekuti veruzhinji vazive kana vanhu vakagadzwa vaine hunyanzvi uye nezvinodiwa kuti vave vakakodzera. Kune zvakare njodzi yekuti vatongi vanogadzwa neMutungamiri vanogona kuona zvichinetsa kuzvimirira pachezvavo sezvo vaine chikwereti chekufanira kuvimbika kuMutungamiri akavasarudza.