CONSTITUTE

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Zimbabwe's Constitution of 2013 with Amendments through 2021

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- Motives for writing constitution
- Source of constitutional authority
- Preamble

Preamble

We the people of Zimbabwe,

- Reference to country's history

United in our diversity by our common desire for freedom, justice and equality, and our heroic resistance to colonialism, racism and all forms of domination and oppression,

- Reference to country's history

Exalting and extolling the brave men and women who sacrificed their lives during the Chimurenga / Umvukela and national liberation struggles,

Honouring our forebears and compatriots who toiled for the progress of our country,

Recognising the need to entrench democracy, good, transparent and accountable governance and the rule of law,

Reaffirming our commitment to upholding and defending fundamental human rights and freedoms,

Acknowledging the richness of our natural resources,

Celebrating the vibrancy of our traditions and cultures,

Determined to overcome all challenges and obstacles that impede our progress,

Cherishing freedom, equality, peace, justice, tolerance, prosperity and patriotism in search of new frontiers under a common destiny,

- God or other deities

Acknowledging the supremacy of Almighty God, in whose hands our future lies,

Resolve by the tenets of this Constitution to commit ourselves to build a united, just and prosperous nation, founded on values of transparency, equality, freedom, fairness, honesty and the dignity of hard work,

- God or other deities

And, imploring the guidance and support of Almighty God, hereby make this Constitution and commit ourselves to it as the fundamental law of our beloved land.

CHAPTER 1. FOUNDING PROVISIONS

- Type of government envisioned

1. The Republic

Zimbabwe is a unitary, democratic and sovereign republic.

2. Supremacy of Constitution

- Constitutionality of legislation
- Binding effect of const rights

1. This Constitution is the supreme law of Zimbabwe and any law, practice, custom or conduct inconsistent with it is invalid to the extent of the inconsistency.
2. The obligations imposed by this Constitution are binding on every person, natural or juristic, including the State and all executive, legislative and judicial institutions and agencies of government at every level, and must be fulfilled by them.

3. Founding values and principles

1. Zimbabwe is founded on respect for the following values and principles--
  a. supremacy of the Constitution;

b. the rule of law;
c. fundamental human rights and freedoms;
d. the nation's diverse cultural, religious and traditional values;
- Human dignity

e. recognition of the inherent dignity and worth of each human being;
- General guarantee of equality

f. recognition of the equality of all human beings;
- Equality regardless of gender

g. gender equality;
h. good governance; and
i. recognition of and respect for the liberation struggle.

2. The principles of good governance, which bind the State and all institutions and agencies of government at every level, include--

a. a multi-party democratic political system;
b. an electoral system based on--
- Claim of universal suffrage

i. universal adult suffrage and equality of votes;
ii. free, fair and regular elections; and
iii. adequate representation of the electorate;

c. the orderly transfer of power following elections;
d. respect for the rights of all political parties;
e. observance of the principle of separation of powers;
f. respect for the people of Zimbabwe, from whom the authority to govern is derived;
g. transparency, justice, accountability and responsiveness;
h. the fostering of national unity, peace and stability, with due regard to diversity of languages, customary practices and traditions;
i. recognition of the rights of--
- Protection of language use
- Integration of ethnic communities
- Right to culture

i. ethnic, racial, cultural, linguistic and religious groups;
ii. persons with disabilities;
iii. women, the elderly, youths and children;
- Reference to country's history

iv. veterans of the liberation struggle;

j. the equitable sharing of national resources, including land;
k. due respect for vested rights; and
l. the devolution and decentralisation of governmental power and functions.

- National flag
- National anthem

4. National Flag, National Anthem, Public Seal and Coat of arms

Zimbabwe has a National Flag, a National Anthem, a Coat of Arms and a Public Seal, which are set out in the First Schedule.

5. Tiers of government

The tiers of government in Zimbabwe are--

a. the national Government;

- Subsidiary unit government

b. provincial and metropolitan councils; and

- Municipal government

c. local authorities, that is to say--

i. urban councils, by whatever name called, to represent and manage the affairs of people in urban areas; and

ii. rural councils, by whatever name called, to represent and manage the affairs of people in rural areas within the districts into which the provinces are divided.

- Protection of language use
- Official or national languages

6. Languages

1. The following languages, namely Chewa, Chibarwe, English, Kalanga, Koisan, Nambya, Ndau, Ndebele, Shangani, Shona, sign language, Sotho, Tonga, Tswana, Venda and Xhosa, are the officially recognised languages of Zimbabwe.

2. An Act of Parliament may prescribe other languages as officially recognised languages and may prescribe languages of record.
3. The State and all institutions and agencies of government at every level must--
    a. ensure that all officially recognised languages are treated equitably; and
    b. take into account the language preferences of people affected by governmental measures or communications.
4. The State must promote and advance the use of all languages used in Zimbabwe, including sign language, and must create conditions for the development of those languages.

7. Promotion of public awareness of Constitution

The State must promote public awareness of this Constitution, in particular by--

a. translating it into all officially recognised languages and disseminating it as widely as possible;

b. requiring this Constitution to be taught in schools and as part of the curricula for the training of members of the security services, the Public Service and members and employees of public institutions; and

c. encouraging all persons and organisations, including civic organisations, to disseminate awareness and knowledge of this Constitution throughout society.

CHAPTER 2. NATIONAL OBJECTIVES

8. Objectives to guide State and all institutions and agencies of Government

1. The objectives set out in this Chapter guide the State and all institutions and agencies of government at every level in formulating and implementing laws and policy decisions that will lead to the establishment, enhancement and promotion of a sustainable, just, free and democratic society in which people enjoy prosperous, happy and fulfilling lives.
2. Regard must be had to the objectives set out in this Chapter when interpreting the State's obligations under this Constitution and any other law.

9. Good governance

- Civil service recruitment

1. The State must adopt and implement policies and legislation to develop efficiency, competence, accountability, transparency, personal integrity and financial probity in all institutions and agencies of government at every level and in every public institution, and in particular--
    a. appointments to public offices must be made primarily on the basis of merit;
    b. measures must be taken to expose, combat and eradicate all forms of corruption and abuse of power by those holding political and public offices.
2. The State must ensure that all institutions and agencies of government at every level, in particular Commissions and other bodies established by or under this Constitution, are provided with adequate resources and facilities to enable them to carry out their functions conscientiously, fairly, honestly and efficiently.

10. National unity, peace and stability

The State and every person, including juristic persons, and every institution and agency of government at every level, must promote national unity, peace and stability.

11. Fostering of fundamental rights and freedoms

The State must take all practical measures to protect the fundamental rights and freedoms enshrined in Chapter 4 and to promote their full realisation and fulfilment.

12. Foreign policy

- International law
- Regional group(s)
- International organizations

1. The foreign policy of Zimbabwe must be based on the following principles--
    a. the promotion and protection of the national interests of Zimbabwe;
    b. respect for international law;
    c. peaceful co-existence with other nations; and
    d. the settlement of international disputes by peaceful means.
2. The State must promote regional and pan-African cultural, economic and political cooperation and integration and must participate in international and regional organisations that stand for peace and the well-being and progress of the region, the continent and humanity.

13. National development

- Reference to science

1. The State and all institutions and agencies of government at every level must endeavour to facilitate rapid and equitable development, and in particular must take measures to--
    a. promote private initiative and self-reliance;
    b. foster agricultural, commercial, industrial, technological and scientific development;
    c. foster the development of industrial and commercial enterprises in order to empower Zimbabwean citizens; and
    d. bring about balanced development of the different areas of Zimbabwe, in particular a proper balance in the development of rural and urban areas.
2. Measures referred to in this section must involve the people in the formulation and implementation of development plans and programmes that affect them.
3. Measures referred to in this section must protect and enhance the right of the people, particularly women, to equal opportunities in development.
4. The State must ensure that local communities benefit from the resources in their areas.

14. Empowerment and employment creation

- Provisions for wealth redistribution
- Right to work

1. The State and all institutions and agencies of government at every level must endeavour to facilitate and take measures to empower, through appropriate, transparent, fair and just affirmative action, all marginalised persons, groups and communities in Zimbabwe.
2. At all times the State and all institutions and agencies of government at every level must ensure that appropriate and adequate measures are undertaken to create employment for all Zimbabweans, especially women and youths.

15. Food security

The State must--

a. encourage people to grow and store adequate food;

b. secure the establishment of adequate food reserves; and

c. encourage and promote adequate and proper nutrition through mass education and other appropriate means.

- Right to culture

16. Culture

- Human dignity

1. The State and all institutions and agencies of government at every level must promote and preserve cultural values and practices which enhance the dignity, well-being and equality of Zimbabweans.
2. The State and all institutions and agencies of government at every level, and all Zimbabwean citizens, must endeavour to preserve and protect Zimbabwe's heritage.
3. The State and all institutions and agencies of government at every level must take measures to ensure due respect for the dignity of traditional institutions.

- Equality regardless of gender

17. Gender balance

1. The State must promote full gender balance in Zimbabwean society, and in particular--
  a. the State must promote the full participation of women in all spheres of Zimbabwean society on the basis of equality with men;
  b. the State must take all measures, including legislative measures, needed to ensure that--
    i. both genders are equally represented in all institutions and agencies of government at every level; and
    ii. women constitute at least half the membership of all Commissions and other elective and appointed governmental bodies established by or under this Constitution or any Act of Parliament;
  c. the State and all institutions and agencies of government at every level must take practical measures to ensure that women have access to resources, including land, on the basis of equality with men.

- Second chamber representation quotas
- First chamber representation quotas

2. The State must take positive measures to rectify gender discrimination and imbalances resulting from past practices and policies.

18. Fair regional representation

1. The State must promote the fair representation of all Zimbabwe's regions in all institutions and agencies of government at every level.
2. The State and all institutions and agencies of the State and government at every level must take practical measures to ensure that all local communities have equitable access to resources to promote their development.

- Rights of children
- State support for children

19. Children

1. The State must adopt policies and measures to ensure that in matters relating to children, the best interests of the children concerned are paramount.
2. The State must adopt reasonable policies and measures, within the limits of the resources available to it, to ensure that children--
  a. enjoy family or parental care, or appropriate care when removed from the family environment;
  b. have shelter and basic nutrition, health care and social services;
  c. are protected from maltreatment, neglect or any form of abuse; and
  d. have access to appropriate education and training.

- Rights or duties of parents

- Limits on employment of children

3. The State must take appropriate legislative and other measures--
  a. to protect children from exploitative labour practices; and
  b. to ensure that children are not required or permitted to perform work or provide services that.

3. b. i. are inappropriate for the children's age; or
ii. place at risk the children's well-being, education, physical or mental health or spiritual, moral or social development.

- State support for children
- Rights of children

20. Youths

1. The State and all institutions and agencies of government at every level must take reasonable measures, including affirmative action programmes, to ensure that youths, that is to say people between the ages of fifteen and thirty-five years--
   - Access to higher education
   a. have access to appropriate education and training;
   b. have opportunities to associate and to be represented and participate in political, social, economic and other spheres of life;
   c. are afforded opportunities for employment and other avenues to economic empowerment;
   d. have opportunities for recreational activities and access to recreational facilities; and
   e. are protected from harmful cultural practices, exploitation and all forms of abuse.
2. An Act of Parliament may provide for one or more national youth programmes.
3. Measures and programmes referred to in subsections (1) and (2) must be inclusive, nonpartisan and national in character.

- State support for the elderly

21. Elderly persons

1. The State and all institutions and agencies of government at every level must take reasonable measures, including legislative measures, to secure respect, support and protection for elderly persons and to enable them to participate in the life of their communities.
2. The State and all institutions and agencies of government at every level must endeavour, within the limits of the resources available to them--
   a. to encourage elderly persons to participate fully in the affairs of society;
   b. to provide facilities, food and social care for elderly persons who are in need;
   c. to develop programmes to give elderly persons the opportunity to engage in productive activity suited to their abilities and consistent with their vocations and desires; and
   d. to foster social organisations aimed at improving the quality of life of elderly persons.

- State support for the disabled

22. Persons with disabilities

1. The State and all institutions and agencies of government at every level must recognise the rights of persons with physical or mental disabilities, in particular their right to be treated with respect and dignity.
2. The State and all institutions and agencies of government at every level must, within the limits of the resources available to them, assist persons with physical or mental disabilities to achieve their full potential and to minimise the disadvantages suffered by them.
3. In particular, the State and all institutions and agencies of government at every level must--
   a. develop programmes for the welfare of persons with physical or mental disabilities, especially work programmes consistent with their capabilities and acceptable to them or their legal representatives;
   b. consider the specific requirements of persons with all forms of disability as one of the priorities in development plans;
   c. encourage the use and development of forms of communication suitable for persons with physical or mental disabilities; and

3. **d.** foster social organisations aimed at improving the quality of life of persons with all forms of disability.
4. The State must take appropriate measures to ensure that buildings and amenities to which the public has access are accessible to persons with disabilities.

- Reference to country's history

23. Veterans of the liberation struggle

1. The State and all institutions and agencies of government at every level must accord due respect, honour and recognition to veterans of the liberation struggle, that is to say--
   - **a.** those who fought in the War of Liberation;
   - **b.** those who assisted the fighters in the War of Liberation; and
   - **c.** those who were imprisoned, detained or restricted for political reasons during the liberation struggle.
2. The State must take reasonable measures, including legislative measures, for the welfare and economic empowerment of veterans of the liberation struggle.

- Right to work

24. Work and labour relations

- Right to reasonable standard of living

1. The State and all institutions and agencies of government at every level must adopt reasonable policies and measures, within the limits of the resources available to them, to provide everyone with an opportunity to work in a freely chosen activity, in order to secure a decent living for themselves and their families.
2. The State and all institutions and agencies of government at every level must endeavour to secure--
   - **a.** full employment;
   - **b.** the removal of restrictions that unnecessarily inhibit or prevent people from working and otherwise engaging in gainful economic activities;
   - **c.** vocational guidance and the development of vocational and training programmes, including those for persons with disabilities; and
   - **d.** the implementation of measures such as family care that enable women to enjoy a real opportunity to work.

- State support for the disabled

25. Protection of the family

The State and all institutions and agencies of government at every level must protect and foster the institution of the family and in particular must endeavour, within the limits of the resources available to them, to adopt measures for--

a. the provision of care and assistance to mothers, fathers and other family members who have charge of children; and

b. the prevention of domestic violence.

26. Marriage

The State must take appropriate measures to ensure that--

a. no marriage is entered into without the free and full consent of the intending spouses;

b. children are not pledged in marriage;

- Provision for matrimonial equality

c. there is equality of rights and obligations of spouses during marriage and at its dissolution; and

d. in the event of dissolution of a marriage, whether through death or divorce, provision is made for the necessary protection of any children and spouses.

27. Education

- Free education
- Compulsory education

1. The State must take all practical measures to promote--
  a. free and compulsory basic education for children; and
  b. higher and tertiary education.
2. The State must take measures to ensure that girls are afforded the same opportunities as boys to obtain education at all levels.

- Right to shelter

28. Shelter

The State and all institutions and agencies of government at every level must take reasonable legislative and other measures, within the limits of the resources available to them, to enable every person to have access to adequate shelter.

- Right to health care

29. Health services

1. The State must take all practical measures to ensure the provision of basic, accessible and adequate health services throughout Zimbabwe.
2. The State must take appropriate, fair and reasonable measures to ensure that no person is refused emergency medical treatment at any health institution.
3. The State must take all preventive measures within the limits of the resources available to it, including education and public awareness programmes, against the spread of disease.

30. Social welfare

The State must take all practical measures, within the limits of the resources available to it, to provide social security and social care to those who are in need.

- Right to counsel

31. Legal aid

The State must take all practical measures, within the limits of the resources available to it, to provide legal representation in civil and criminal cases for people who need it and are unable to afford legal practitioners of their choice.

32. Sporting and recreational facilities

The State must take all practical measures to encourage sporting and recreational activities, including the provision of sporting and recreational facilities for all people.

- Right to culture

33. Preservation of traditional knowledge

The State must take measures to preserve, protect and promote indigenous knowledge systems, including knowledge of the medicinal and other properties of animal and plant life possessed by local communities and people.

- International law

34. Domestication of international instruments

The State must ensure that all international conventions, treaties and agreements to which Zimbabwe is a party are incorporated into domestic law.

CHAPTER 3. CITIZENSHIP

35. Zimbabwean citizenship

1. Persons are Zimbabwean citizens by birth, descent or registration.
2. All Zimbabwean citizens are equally entitled to the rights, privileges and benefits of citizenship and are equally subject to the duties and obligations of citizenship.
3. All Zimbabwean citizens are entitled to the following rights and benefits, in addition to any others granted to them by law--
  a. to the protection of the State wherever they may be;
  b. to passports and other travel documents; and
  c. to birth certificates and other identity documents issued by the State.
4. Zimbabwean citizens have the following duties, in addition to any others imposed upon them by law--
  a. to be loyal to Zimbabwe;
  b. to observe this Constitution and to respect its ideals and institutions;
  c. to respect the national flag and the national anthem; and
  d. to the best of their ability, to defend Zimbabwe and its sovereignty.

- Duty to obey the constitution
- National anthem
- National flag

36. Citizenship by birth

- Requirements for birthright citizenship

1. Persons are Zimbabwean citizens by birth if they were born in Zimbabwe and, when they were born--
  a. either their mother or their father was a Zimbabwean citizen; or
  b. any of their grandparents was a Zimbabwean citizen by birth or descent.
2. Persons born outside Zimbabwe are Zimbabwean citizens by birth if, when they were born, either of their parents was a Zimbabwean citizen and--
  a. ordinarily resident in Zimbabwe; or
  b. working outside Zimbabwe for the State or an international organisation.
3. A child found in Zimbabwe who is, or appears to be, less than fifteen years of age, and whose nationality and parents are not known, is presumed to be a Zimbabwean citizen by birth.

- International organizations

37. Citizenship by descent

- Requirements for birthright citizenship

Subject to section 36(2), persons born outside Zimbabwe are Zimbabwean citizens by descent if, when they were born--

a. either of their parents or any of their grandparents was a Zimbabwean citizen by birth or descent; or

b. either of their parents was a Zimbabwean citizen by registration;

and the birth is registered in Zimbabwe in accordance with the law relating to the registration of births.

38. Citizenship by registration

- Requirements for naturalization

1. Any person who has been married to a Zimbabwean citizen for at least five years, whether before or after the effective date, and who satisfies the conditions prescribed by an Act of Parliament, is entitled, on application, to be registered as a Zimbabwean citizen.
2. Any person who has been continuously and lawfully resident in Zimbabwe for at least ten years, whether before or after the effective date, and who satisfies the

2. conditions prescribed by an Act of Parliament, is entitled, on application, to be registered as a Zimbabwean citizen.
3. A child who is not a Zimbabwean citizen, but is adopted by a Zimbabwean citizen, whether before or after the effective date, is entitled, on application, to be registered as a Zimbabwean citizen.

- Conditions for revoking citizenship

39. Revocation of citizenship

1. Zimbabwean citizenship by registration may be revoked if--
    a. the person concerned acquired the citizenship by fraud, false representation or concealment of a material fact; or
    b. during a war in which Zimbabwe was engaged, the person concerned unlawfully traded or communicated with an enemy or was engaged in or associated with any business that was knowingly carried on so as to assist an enemy in that war.
2. Zimbabwean citizenship by birth may be revoked if----
    a. the citizenship was acquired by fraud, false representation or concealment of a material fact by any person; or
    b. in the case of a person referred to in section 36(3), the person's nationality or parentage becomes known, and reveals that the person was a citizen of another country.
3. Zimbabwean citizenship must not be revoked under this section if the person would be rendered stateless.

40. Retention of citizenship despite marriage or dissolution of marriage

Zimbabwean citizenship is not lost through marriage or the dissolution of marriage.

41. Citizenship and Immigration Board

An Act of Parliament must provide for the establishment of a Citizenship and Immigration Board consisting of a chairperson and at least two other members, appointed by the President, to be responsible for--

a. granting and revoking citizenship by registration;

b. permitting persons, other than citizens, to reside and work in Zimbabwe, and fixing the terms and conditions under which they may so reside and work; and

c. exercising any other functions that may be conferred or imposed on the Board by or under an Act of Parliament.

42. Powers of Parliament in regard to citizenship

An Act of Parliament may make provision, consistent with this Chapter, for--

a. procedures by which Zimbabwean citizenship by registration may be acquired;

- Right to renounce citizenship

b. the voluntary renunciation of Zimbabwean citizenship;

c. procedures for the revocation of Zimbabwean citizenship by registration;

d. the restoration of Zimbabwean citizenship;

e. the prohibition of dual citizenship in respect of citizens by descent or registration; and

f. generally giving effect to this Chapter.

- Requirements for birthright citizenship

43. Continuation and restoration of previous citizenship

1. Every person who, immediately before the effective date, was a Zimbabwean citizen continues to be a Zimbabwean citizen after that date.
2. Every person who was born in Zimbabwe before the effective date is a Zimbabwean citizen by birth if--
   - International law
   a. one or both of his or her parents was a citizen of a country which became a member of the Southern African Development Community established by the treaty signed at Windhoek in the Republic of Namibia on the 17th August, 1992; and
   b. he or she was ordinarily resident in Zimbabwe on the effective date.

CHAPTER 4. DECLARATION OF RIGHTS

PART 1. APPLICATION AND INTERPRETATION OF CHAPTER 4

- Binding effect of const rights

44. Duty to respect fundamental human rights and freedoms

The State and every person, including juristic persons, and every institution and agency of the government at every level must respect, protect, promote and fulfil the rights and freedoms set out in this Chapter.

- Binding effect of const rights

45. Application of Chapter 4

1. This Chapter binds the State and all executive, legislative and judicial institutions and agencies of government at every level.
2. This Chapter binds natural and juristic persons to the extent that it is applicable to them, taking into account the nature of the right or freedom concerned and any duty imposed by it.
3. Juristic persons as well as natural persons are entitled to the rights and freedoms set out in this Chapter to the extent that those rights and freedoms can appropriately be extended to them.

46. Interpretation of Chapter 4

1. When interpreting this Chapter, a court, tribunal, forum or body--
   - Human dignity
   a. must give full effect to the rights and freedoms enshrined in this Chapter;
   b. must promote the values and principles that underlie a democratic society based on openness, justice, human dignity, equality and freedom, and in particular, the values and principles set out in section 3;
   - International law
   c. must take into account international law and all treaties and conventions to which Zimbabwe is a party;
   d. must pay due regard to all the provisions of this Constitution, in particular the principles and objectives set out in Chapter 2; and
   e. may consider relevant foreign law;

   in addition to considering all other relevant factors that are to be taken into account in the interpretation of a Constitution.

2. When interpreting an enactment, and when developing the common law and customary law, every court, tribunal, forum or body must promote and be guided by the spirit and objectives of this Chapter.

47. Chapter 4 does not preclude existence of other rights

This Chapter does not preclude the existence of other rights and freedoms that may be recognised or conferred by law, to the extent that they are consistent with this Constitution.

PART 2. FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS

- Right to life

48. Right to life

1. Every person has the right to life.
2. A law may permit the death penalty to be imposed only on a person convicted of murder committed in aggravating circumstances, and
  a. the law must permit the court a discretion whether or not to impose the penalty;
  b. the penalty may be carried out only in accordance with a final judgment of a competent court;
  c. the penalty must not be imposed on a person--
    i. who was less than twenty-one years old when the offence was committed; or
    ii. who is more than seventy years old;
  d. the penalty must not be imposed or carried out on a woman; and
  e. the person sentenced must have a right to seek pardon or commutation of the penalty from the President.
3. An Act of Parliament must protect the lives of unborn children, and that Act must provide that pregnancy may be terminated only in accordance with that law.

49. Right to personal liberty

1. Every person has the right to personal liberty, which includes the right--
  a. not to be detained without trial; and
  b. not to be deprived of their liberty arbitrarily or without just cause.
- Protection from unjustified restraint
- Rights of debtors

2. No person may be imprisoned merely on the ground of inability to fulfil a contractual obligation.

- Protection from unjustified restraint

50. Rights of arrested and detained persons

1. Any person who is arrested--
  a. must be informed at the time of arrest of the reason for the arrest;
  b. must be permitted, without delay--
    i. at the expense of the State, to contact their spouse or partner, or a relative or legal practitioner, or anyone else of their choice; and
    ii. at their own expense, to consult in private with a legal practitioner and a medical practitioner of their choice;

- Right to counsel

  and must be informed of this right promptly;

- Human dignity

  c. must be treated humanely and with respect for their inherent dignity;
- Right to pre-trial release

  d. must be released unconditionally or on reasonable conditions, pending a charge or trial, unless there are compelling reasons justifying their continued detention; and
  e. must be permitted to challenge the lawfulness of the arrest in person before a court and must be released promptly if the arrest is unlawful.
2. Any person who is arrested or detained--
  a. for the purpose of bringing him or her before a court; or
  b. for an alleged offence;

2. and who is not released must be brought before a court as soon as possible and in any event not later than forty-eight hours after the arrest took place or the detention began, as the case may be, whether or not the period ends on a Saturday, Sunday or public holiday.

3. Any person who is not brought to court within the forty-eight hour period referred to in subsection (2) must be released immediately unless their detention has earlier been extended by a competent court.

- Protection from self-incrimination

4. Any person who is arrested or detained for an alleged offence has the right--

a. to remain silent;

b. to be informed promptly--

i. of their right to remain silent; and

ii. of the consequences of remaining silent and of not remaining silent;

c. not to be compelled to make any confession or admission; and

d. at the first court appearance after being arrested, to be charged or to be informed of the reason why their detention should continue, or to be released.

5. Any person who is detained, including a sentenced prisoner, has the right--

a. to be informed promptly of the reason for their being detained;

- Right to counsel

b. at their own expense, to consult in private with a legal practitioner of their choice, and to be informed of this right promptly;

c. to communicate with, and be visited by--

i. a spouse or partner;

ii. a relative;

iii. their chosen religious counsellor;

- Right to counsel

iv. their chosen legal practitioner;

v. their chosen medical practitioner; and

vi. subject to reasonable restrictions imposed for the proper administration of prisons or places of detention, anyone else of their choice;

- Human dignity

d. to conditions of detention that are consistent with human dignity, including the opportunity for physical exercise and the provision, at State expense, of adequate accommodation, ablution facilities, personal hygiene, nutrition, appropriate reading material and medical treatment; and

e. to challenge the lawfulness of their detention in person before a court and, if the detention is unlawful, to be released promptly.

- Right to pre-trial release

6. Any person who is detained pending trial for an alleged offence and is not tried within a reasonable time must be released from detention, either unconditionally or on reasonable conditions to ensure that after being released they--

a. attend trial;

b. do not interfere with the evidence to be given at the trial; and

c. do not commit any other offence before the trial begins.

7. If there are reasonable grounds to believe that a person is being detained illegally or if it is not possible to ascertain the whereabouts of a detained person, any person may approach the High Court for an order--

a. of habeas corpus, that is to say an order requiring the detained person to be released, or to be brought before the court for the lawfulness of the detention to be justified, or requiring the whereabouts of the detained person to be disclosed; or

b. declaring the detention to be illegal and ordering the detained person's prompt release;

and the High Court may make whatever order is appropriate in the circumstances.

8. An arrest or detention which contravenes this section, or in which the conditions set out in this section are not met, is illegal.

- Protection from false imprisonment

9. Any person who has been illegally arrested or detained is entitled to compensation from the person responsible for the arrest or detention, but a law may protect the following persons from liability under this section--

9. **a.** a judicial officer acting in a judicial capacity reasonably and in good faith;
   b. any other public officer acting reasonably and in good faith and without culpable ignorance or negligence.

- Human dignity

51. Right to human dignity

Every person has inherent dignity in their private and public life, and the right to have that dignity respected and protected.

52. Right to personal security

Every person has the right to bodily and psychological integrity, which includes the right--

a. to freedom from all forms of violence from public or private sources;

b. subject to any other provision of this Constitution, to make decisions concerning reproduction;

- Reference to science

c. not to be subjected to medical or scientific experiments, or to the extraction or use of their bodily tissue, without their informed consent.

- Prohibition of torture
- Prohibition of cruel treatment

53. Freedom from torture or cruel, inhuman or degrading treatment or punishment

No person may be subjected to physical or psychological torture or to cruel, inhuman or degrading treatment or punishment.

- Prohibition of slavery

54. Freedom from slavery or servitude

No person may be subjected to slavery or servitude.

- Prohibition of slavery

55. Freedom from forced or compulsory labour

No person may be made to perform forced or compulsory labour.

- Equality regardless of origin
- General guarantee of equality
- Equality regardless of age
- Equality for persons with disabilities
- Equality regardless of parentage
- Equality regardless of political party
- Equality regardless of social status
- Equality regardless of race
- Equality regardless of religion
- Equality regardless of gender
- Equality regardless of financial status
- Equality regardless of tribe or clan
- Equality regardless of skin color
- Equality regardless of creed or belief
- Equality regardless of nationality
- Equality regardless of language

56. Equality and non-discrimination

1. All persons are equal before the law and have the right to equal protection and benefit of the law.
2. Women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres.
3. Every person has the right not to be treated in an unfairly discriminatory manner on such grounds as their nationality, race, colour, tribe, place of birth, ethnic or social origin, language, class, religious belief, political affiliation, opinion, custom, culture, sex, gender, marital status, age, pregnancy, disability or economic or social status, or whether they were born in or out of wedlock.
4. A person is treated in a discriminatory manner for the purpose of subsection (3) if--
   a. they are subjected directly or indirectly to a condition, restriction or disability to which other people are not subjected; or
   b. other people are accorded directly or indirectly a privilege or advantage which they are not accorded.
- Human dignity
5. Discrimination on any of the grounds listed in subsection (3) is unfair unless it is established that the discrimination is fair, reasonable and justifiable in a democratic society based on openness, justice, human dignity, equality and freedom.
6. The State must take reasonable legislative and other measures to promote the achievement of equality and to protect or advance people or classes of people who have been disadvantaged by unfair discrimination, and--
   a. such measures must be taken to redress circumstances of genuine need;

6. **b.** no such measure is to be regarded as unfair for the purposes of subsection (3).

- Regulation of evidence collection
- Right to privacy

57. Right to privacy

Every person has the right to privacy, which includes the right not to have--

a. their home, premises or property entered without their permission;

b. their person, home, premises or property searched;

c. their possessions seized;

d. the privacy of their communications infringed; or

e. their health condition disclosed.

- Freedom of association
- Freedom of assembly

58. Freedom of assembly and association

1. Every person has the right to freedom of assembly and association, and the right not to assemble or associate with others.
2. No person may be compelled to belong to an association or to attend a meeting or gathering.

- Right of petition
- Freedom of assembly

59. Freedom to demonstrate and petition

Every person has the right to demonstrate and to present petitions, but these rights must be exercised peacefully.

- Freedom of opinion/thought/conscience
- Freedom of religion

60. Freedom of conscience

1. Every person has the right to freedom of conscience, which includes--
a. freedom of thought, opinion, religion or belief; and
b. freedom to practise and propagate and give expression to their thought, opinion, religion or belief, whether in public or in private and whether alone or together with others.
2. No person may be compelled to take an oath that is contrary to their religion or belief or to take an oath in a manner that is contrary to their religion or belief.

- Rights or duties of parents

3. Parents and guardians of minor children have the right to determine, in accordance with their beliefs, the moral and religious upbringing of their children, provided they do not prejudice the rights to which their children are entitled under this Constitution, including their rights to education, health, safety and welfare.
4. Any religious community may establish institutions where religious instruction may be given, even if the institution receives a subsidy or other financial assistance from the State.

- Freedom of press
- Freedom of expression

61. Freedom of expression and freedom of the media

1. Every person has the right to freedom of expression, which includes--
a. freedom to seek, receive and communicate ideas and other information;
b. freedom of artistic expression and scientific research and creativity; and

- Reference to art
- Reference to science
- Right to academic freedom

c. academic freedom.
2. Every person is entitled to freedom of the media, which freedom includes protection of the confidentiality of journalists' sources of information.

- Radio

3. Broadcasting and other electronic media of communication have freedom of establishment, subject only to State licensing procedures that--
a. are necessary to regulate the airwaves and other forms of signal distribution; and
b. are independent of control by government or by political or commercial interests.

- State operation of the media

4. All State-owned media of communication must--

4. **a.** be free to determine independently the editorial content of their broadcasts or other communications;
   b. be impartial; and
   c. afford fair opportunity for the presentation of divergent views and dissenting opinions.
5. Freedom of expression and freedom of the media exclude--
   a. incitement to violence;
   b. advocacy of hatred or hate speech;
   c. malicious injury to a person's reputation or dignity; or
   d. malicious or unwarranted breach of a person's right to privacy.

- Right to protect one's reputation

- Right to information

62. Access to information

1. Every Zimbabwean citizen or permanent resident, including juristic persons and the Zimbabwean media, has the right of access to any information held by the State or by any institution or agency of government at every level, in so far as the information is required in the interests of public accountability.
2. Every person, including the Zimbabwean media, has the right of access to any information held by any person, including the State, in so far as the information is required for the exercise or protection of a right.
3. Every person has a right to the correction of information, or the deletion of untrue, erroneous or misleading information, which is held by the State or any institution or agency of the government at any level, and which relates to that person.
4. Legislation must be enacted to give effect to this right, but may restrict access to information in the interests of defence, public security or professional confidentiality, to the extent that the restriction is fair, reasonable, necessary and justifiable in a democratic society based on openness, justice, human dignity, equality and freedom.

- Human dignity

- Right to culture

63. Language and culture

Every person has the right--

- Protection of language use

a. to use the language of their choice; and

b. to participate in the cultural life of their choice;

but no person exercising these rights may do so in a way that is inconsistent with this Chapter.

- Right to choose occupation
- Right to establish a business

64. Freedom of profession, trade or occupation

Every person has the right to choose and carry on any profession, trade or occupation, but the practice of a profession, trade or occupation may be regulated by law.

65. Labour rights

- Right to just remuneration
- Right to safe work environment

1. Every person has the right to fair and safe labour practices and standards and to be paid a fair and reasonable wage.

- Right to join trade unions

2. Except for members of the security services, every person has the right to form and join trade unions and employee or employers' organisations of their choice, and to participate in the lawful activities of those unions and organisations.

- Right to strike

3. Except for members of the security services, every employee has the right to participate in collective job action, including the right to strike, sit in, withdraw their labour and to take other similar concerted action, but a law may restrict the exercise of this right in order to maintain essential services.
4. Every employee is entitled to just, equitable and satisfactory conditions of work.

- Right to join trade unions

5. Except for members of the security services, every employee, employer, trade union, and employee or employer's organisation has the right to--
   a. engage in collective bargaining;

5. **b.** organise; and
   c. form and join federations of such unions and organisations.
6. Women and men have a right to equal remuneration for similar work.
7. Women employees have a right to fully paid maternity leave for a period of at least three months.

- Right to just remuneration

- Freedom of movement

66. Freedom of movement and residence

1. Every Zimbabwean citizen has--
   a. the right to enter Zimbabwe;
   b. immunity from expulsion from Zimbabwe; and
   c. the right to a passport or other travel document.
2. Every Zimbabwean citizen and everyone else who is legally in Zimbabwe has the right to--
   a. move freely within Zimbabwe;
   b. reside in any part of Zimbabwe; and
   c. leave Zimbabwe.

67. Political rights

1. Every Zimbabwean citizen has the right--
   a. to free, fair and regular elections for any elective public office established in terms of this Constitution or any other law; and
   b. to make political choices freely.
2. Subject to this Constitution, every Zimbabwean citizen has the right--
   a. to form, to join and to participate in the activities of a political party or organisation of their choice;
   b. to campaign freely and peacefully for a political party or cause;
   c. to participate in peaceful political activity; and
   d. to participate, individually or collectively, in gatherings or groups or in any other manner, in peaceful activities to influence, challenge or support the policies of the Government or any political or whatever cause.
3. Subject to this Constitution, every Zimbabwean citizen who is of or over eighteen years of age has the right--
   a. to vote in all elections and referendums to which this Constitution or any other law applies, and to do so in secret; and
   b. to stand for election for public office and, if elected, to hold such office.
4. For the purpose of promoting multi-party democracy, an Act of Parliament must provide for the funding of political parties.

- Right to form political parties
- Freedom of assembly
- Claim of universal suffrage
- Restrictions on voting
- Referenda
- Secret ballot
- Campaign financing

68. Right to administrative justice

1. Every person has a right to administrative conduct that is lawful, prompt, efficient, reasonable, proportionate, impartial and both substantively and procedurally fair.
2. Any person whose right, freedom, interest or legitimate expectation has been adversely affected by administrative conduct has the right to be given promptly and in writing the reasons for the conduct.
3. An Act of Parliament must give effect to these rights, and must--
   a. provide for the review of administrative conduct by a court or, where appropriate, by an independent and impartial tribunal;
   b. impose a duty on the State to give effect to the rights in subsections (1) and (2); and
   c. promote an efficient administration.

69. Right to a fair hearing

- Right to public trial
- Right to fair trial
- Right to speedy trial

1. Every person accused of an offence has the right to a fair and public trial within a reasonable time before an independent and impartial court.
2. In the determination of civil rights and obligations, every person has a right to a fair, speedy and public hearing within a reasonable time before an independent

2. and impartial court, tribunal or other forum established by law.
3. Every person has the right of access to the courts, or to some other tribunal or forum established by law for the resolution of any dispute.
- Right to counsel
4. Every person has a right, at their own expense, to choose and be represented by a legal practitioner before any court, tribunal or forum.

70. Rights of accused persons

1. Any person accused of an offence has the following rights--
- Presumption of innocence in trials
   a. to be presumed innocent until proved guilty;
   b. to be informed promptly of the charge, in sufficient detail to enable them to answer it;
   c. to be given adequate time and facilities to prepare a defence;
- Right to counsel
   d. to choose a legal practitioner and, at their own expense, to be represented by that legal practitioner;
- Right to counsel
   e. to be represented by a legal practitioner assigned by the State and at State expense, if substantial injustice would otherwise result;
   f. to be informed promptly of the rights conferred by paragraphs (d) and (e);
   g. to be present when being tried;
- Right to examine evidence/witnesses
   h. to adduce and challenge evidence;
- Protection from self-incrimination
   i. to remain silent and not to testify or be compelled to give self-incriminating evidence;
- Trial in native language of accused
   j. to have the proceedings of the trial interpreted into a language that they understand;
- Protection from ex post facto laws
- Principle of no punishment without law
   k. not to be convicted of an act or omission that was not an offence when it took place;
- Principle of no punishment without law
   l. not to be convicted of an act or omission that is no longer an offence;
- Prohibition of double jeopardy
   m. not to be tried for an offence in respect of an act or omission for which they have previously been pardoned or either acquitted or convicted on the merits;
   n. to be sentenced to the lesser of the prescribed punishments if the prescribed punishment for the offence has been changed between the time the offence was committed and the time of sentencing.
2. Where this section requires information to be given to a person--
- Trial in native language of accused
   a. the information must be given in a language the person understands; and
   b. if the person cannot read or write, any document embodying the information must be explained in such a way that the person understands it.
- Regulation of evidence collection
3. In any criminal trial, evidence that has been obtained in a manner that violates any provision of this Chapter must be excluded if the admission of the evidence would render the trial unfair or would otherwise be detrimental to the administration of justice or the public interest.
4. Any person who has been tried for an offence has the right, on payment of a reasonable fee prescribed by law, to be given a copy of the record of the proceedings within a reasonable time after judgment is delivered in the trial.
- Right to appeal judicial decisions
5. Any person who has been tried and convicted of an offence has the right, subject to reasonable restrictions that may be prescribed by law, to--
   a. have the case reviewed by a higher court; or
   b. appeal to a higher court against the conviction and sentence.

71. Property rights

1. In this section--
   - "pension benefit" means a pension, annuity, gratuity or similar allowance which is payable--
      a. to any person from the Consolidated Revenue Fund;
      b. in respect of a person's service with an employer;
      c. in respect of a person's ill-health or injury; or
      d. in respect of a person's retirement through age or ill-health or any other reason; and includes a commutation of such a pension,

d. annuity, gratuity or allowance and a refund of contributions paid towards such a pension, annuity, gratuity or allowance;

- "property" means property of any description and any right or interest in property.

- Right to transfer property
- Right to own property

2. Subject to section 72, every person has the right, in any part of Zimbabwe, to acquire, hold, occupy, use, transfer, hypothecate, lease or dispose of all forms of property, either individually or in association with others.

- Protection from expropriation

3. Subject to this section and to section 72, no person may be compulsorily deprived of their property except where the following conditions are satisfied--

a. the deprivation is in terms of a law of general application;

b. the deprivation is necessary for any of the following reasons--

i. in the interests of defence, public safety, public order, public morality, public health or town and country planning; or

ii. in order to develop or use that or any other property for a purpose beneficial to the community;

c. the law requires the acquiring authority--

i. to give reasonable notice of the intention to acquire the property to everyone whose interest or right in the property would be affected by the acquisition;

ii. to pay fair and adequate compensation for the acquisition before acquiring the property or within a reasonable time after the acquisition; and

iii. if the acquisition is contested, to apply to a competent court before acquiring the property, or not later than thirty days after the acquisition, for an order confirming the acquisition;

d. the law entitles any person whose property has been acquired to apply to a competent court for the prompt return of the property if the court does not confirm the acquisition; and

e. the law entitles any claimant for compensation to apply to a competent court for the determination of--

i. the existence, nature and value of their interest in the property concerned;

ii. the legality of the deprivation; and

iii. the amount of compensation to which they are entitled;

and to apply to the court for an order directing the prompt payment of any compensation.

4. Where a person has a vested or contingent right to the payment of a pension benefit, a law which provides for the extinction or diminution of that right is regarded, for the purposes of subsection (3), as a law providing for the compulsory acquisition of property.

- Protection from expropriation
- Provisions for wealth redistribution

72. Rights to agricultural land

1. In this section--

- "agricultural land" means land used or suitable for agriculture, that is to say for horticulture, viticulture, forestry or aquaculture or for any purpose of husbandry, including--

a. the keeping or breeding of livestock, game, poultry, animals or bees; or

b. the grazing of livestock or game; but does not include Communal Land or land within the boundaries of an urban local authority or within a township established under a law relating to town and country planning or as defined in a law relating to land survey;

- "land" includes anything permanently attached to or growing on land;

- "piece of agricultural land" means a piece of agricultural land registered as a separate piece of land in a Deeds Registry.

2. Where agricultural land, or any right or interest in such land, is required for a public purpose, including--
   a. settlement for agricultural or other purposes;
   b. land reorganisation, forestry, environmental conservation or the utilisation of wild life or other natural resources; or
   c. the relocation of persons dispossessed as a result of the utilisation of land for a purpose referred to in paragraph (a) or (b);

   the land, right or interest may be compulsorily acquired by the State by notice published in the Gazette identifying the land, right or interest, whereupon the land, right or interest vests in the State with full title with effect from the date of publication of the notice.

- Protection of environment

3. Where agricultural land, or any right or interest in such land, is compulsorily acquired for a purpose referred to in subsection (2)--
   a. no compensation is payable in respect of its acquisition, except for improvements effected on it before its acquisition;
   b. no person may apply to court for the determination of any question relating to compensation, except for compensation for improvements effected on the land before its acquisition, and no court may entertain any such application; and
   c. the acquisition may not be challenged on the ground that it was discriminatory in contravention of section 56.
4. All agricultural land which--
   a. was itemised in Schedule 7 to the former Constitution; or
   b. before the effective date, was identified in terms of section 16B(2)(a)(ii) or (iii) of the former Constitution;

   continues to be vested in the State, and no compensation is payable in respect of its acquisition except for improvements effected on it before its acquisition.

5. As soon as practicable after agricultural land is compulsorily acquired in accordance with subsection (2), the officer responsible for the registration of title over land must, without further notice, effect the necessary endorsements upon any title deed and entries in any register for the purpose of formally cancelling the title deed and registering the State's title over the land.
6. An Act of Parliament may make it an offence for any person, without lawful authority, to possess or occupy agricultural land referred to in this section or other State land.

- Reference to country's history

7. In regard to the compulsory acquisition of agricultural land for the resettlement of people in accordance with a programme of land reform, the following factors must be regarded as of ultimate and overriding importance--
   a. under colonial domination the people of Zimbabwe were unjustifiably dispossessed of their land and other resources without compensation;
   b. the people consequently took up arms in order to regain their land and political sovereignty, and this ultimately resulted in the Independence of Zimbabwe in 1980;
   c. the people of Zimbabwe must be enabled to re-assert their rights and regain ownership of their land;

   and accordingly--

- Crimes of the previous regime

   i. the former colonial power has an obligation to pay compensation for agricultural land compulsorily acquired for resettlement, through an adequate fund established for the purpose; and

   ii. if the former colonial power fails to pay compensation through such a fund, the Government of Zimbabwe has no obligation to pay compensation for agricultural land compulsorily acquired for resettlement.

8. This section applies without prejudice to the obligation of the former colonial power to pay compensation for land referred to in this section that has been acquired for resettlement purposes.

- Protection of environment

73. Environmental rights

1. Every person has the right--
    a. to an environment that is not harmful to their health or well-being; and
    b. to have the environment protected for the benefit of present and future generations, through reasonable legislative and other measures that--
        i. prevent pollution and ecological degradation;
        ii. promote conservation; and
        iii. secure ecologically sustainable development and use of natural resources while promoting economic and social development.
2. The State must take reasonable legislative and other measures, within the limits of the resources available to it, to achieve the progressive realisation of the rights set out in this section.

74. Freedom from arbitrary eviction

No person may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances.

75. Right to education

- Access to higher education
- Free education

1. Every citizen and permanent resident of Zimbabwe has a right to--
    a. a basic State-funded education, including adult basic education; and
    b. further education, which the State, through reasonable legislative and other measures, must make progressively available and accessible.
2. Every person has the right to establish and maintain, at their own expense, independent educational institutions of reasonable standards, provided they do not discriminate on any ground prohibited by this Constitution.
3. A law may provide for the registration of educational institutions referred to in subsection (2) and for the closing of any such institutions that do not meet reasonable standards prescribed for registration.
4. The State must take reasonable legislative and other measures, within the limits of the resources available to it, to achieve the progressive realisation of the right set out in subsection (1).

- Right to health care

76. Right to health care

1. Every citizen and permanent resident of Zimbabwe has the right to have access to basic health-care services, including reproductive health-care services.
2. Every person living with a chronic illness has the right to have access to basic healthcare services for the illness.
3. No person may be refused emergency medical treatment in any health-care institution.
4. The State must take reasonable legislative and other measures, within the limits of the resources available to it, to achieve the progressive realisation of the rights set out in this section.

- Right to water

77. Right to food and water

Every person has the right to--

a. safe, clean and potable water; and

b. sufficient food;

and the State must take reasonable legislative and other measures, within the limits of the resources available to it, to achieve the progressive realisation of this right.

- Regulation of marriage

78. Marriage rights

- Right to found a family

1. Every person who has attained the age of eighteen years has the right to found a family.
2. No person may be compelled to enter into marriage against their will.
3. Persons of the same sex are prohibited from marrying each other.

PART 3. ELABORATION OF CERTAIN RIGHTS

79. Application of Part 3

1. This Part elaborates certain rights and freedoms to ensure greater certainty as to the application of those rights and freedoms to particular classes of people.
2. This Part must not be construed as limiting any right or freedom set out in Part 2.

- Equality regardless of gender

80. Rights of women

- Human dignity
- Rights or duties of parents

1. Every woman has full and equal dignity of the person with men and this includes equal opportunities in political, economic and social activities.
2. Women have the same rights as men regarding the custody and guardianship of children, but an Act of Parliament may regulate how those rights are to be exercised.
3. All laws, customs, traditions and cultural practices that infringe the rights of women conferred by this Constitution are void to the extent of the infringement.

- Rights of children

81. Rights of children

1. Every child, that is to say every boy and girl under the age of eighteen years, has the right--
    a. to equal treatment before the law, including the right to be heard;
    b. to be given a name and family name;
    c. in the case of a child who is--
        i. born in Zimbabwe; or
        ii. born outside Zimbabwe and is a Zimbabwean citizen by descent;

    to the prompt provision of a birth certificate;

- Rights or duties of parents

    d. to family or parental care, or to appropriate care when removed from the family environment;

- Limits on employment of children

    e. to be protected from economic and sexual exploitation, from child labour, and from maltreatment, neglect or any form of abuse;
    f. to education, health care services, nutrition and shelter;
    g. not to be recruited into a militia force or take part in armed conflict or hostilities;
    h. not to be compelled to take part in any political activity; and

- Privileges for juveniles in criminal process

    i. not to be detained except as a measure of last resort and, if detained--
        i. to be detained for the shortest appropriate period;
        ii. to be kept separately from detained persons over the age of eighteen years; and
        iii. to be treated in a manner, and kept in conditions, that take account of the child's age.
2. A child's best interests are paramount in every matter concerning the child.
3. Children are entitled to adequate protection by the courts, in particular by the High Court as their upper guardian.

- State support for the elderly

82. Rights of the elderly

People over the age of seventy years have the right--

a. to receive reasonable care and assistance from their families and the State;

b. to receive health care and medical assistance from the State; and

c. to receive financial support by way of social security and welfare;

and the State must take reasonable legislative and other measures, within the limits of the resources available to it, to achieve the progressive realisation of this right.

- State support for the disabled

83. Rights of persons with disabilities

The State must take appropriate measures, within the limits of the resources available to it, to ensure that persons with disabilities realise their full mental and physical potential, including measures--

a. to enable them to become self reliant;

b. to enable them to live with their families and participate in social, creative or recreational activities;

c. to protect them from all forms of exploitation and abuse;

d. to give them access to medical, psychological and functional treatment;

e. to provide special facilities for their education; and

f. to provide State-funded education and training where they need it.

- Reference to country's history

84. Rights of veterans of the liberation struggle

1. Veterans of the liberation struggle, that is to say--
- **a.** those who fought in the War of Liberation;
- **b.** those who assisted the fighters in the War of Liberation; and
- **c.** those who were imprisoned, detained or restricted for political reasons during the liberation struggle;

are entitled to due recognition for their contribution to the liberation of Zimbabwe, and to suitable welfare such as pensions and access to basic health care.

2. An Act of Parliament must confer on veterans of the liberation struggle the entitlements due to them under subsection (1).

PART 4. ENFORCEMENT OF FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS

85. Enforcement of fundamental human rights and freedoms

- Ultra-vires administrative actions

1. Any of the following persons, namely--
- **a.** any person acting in their own interests;
- **b.** any person acting on behalf of another person who cannot act for themselves;
- **c.** any person acting as a member, or in the interests, of a group or class of persons;
- **d.** any person acting in the public interest;
- **e.** any association acting in the interests of its members;

is entitled to approach a court, alleging that a fundamental right or freedom enshrined in this Chapter has been, is being or is likely to be infringed, and the court may grant appropriate relief, including a declaration of rights and an award of compensation.

2. The fact that a person has contravened a law does not debar them from approaching a court for relief under subsection (1).
3. The rules of every court must provide for the procedure to be followed in cases where relief is sought under subsection (1), and those rules must ensure that--
    a. the right to approach the court under subsection (1) is fully facilitated;
    b. formalities relating to the proceedings, including their commencement, are kept to a minimum;
    c. the court, while observing the rules of natural justice, is not unreasonably restricted by procedural technicalities; and
    d. a person with particular expertise may, with the leave of the court, appear as a friend of the court.
4. The absence of rules referred to in subsection (3) does not limit the right to commence proceedings under subsection (1) and to have the case heard and determined by a court.

PART 5. LIMITATION OF FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS

86. Limitation of rights and freedoms

1. The fundamental rights and freedoms set out in this Chapter must be exercised reasonably and with due regard for the rights and freedoms of other persons.
- Human dignity
2. The fundamental rights and freedoms set out in this Chapter may be limited only in terms of a law of general application and to the extent that the limitation is fair, reasonable, necessary and justifiable in a democratic society based on openness, justice, human dignity, equality and freedom, taking into account all relevant factors, including--
    a. the nature of the right or freedom concerned;
    b. the purpose of the limitation, in particular whether it is necessary in the interests of defence, public safety, public order, public morality, public health, regional or town planning or the general public interest;
    c. the nature and extent of the limitation;
    d. the need to ensure that the enjoyment of rights and freedoms by any person does not prejudice the rights and freedoms of others;
    e. the relationship between the limitation and its purpose, in particular whether it imposes greater restrictions on the right or freedom concerned than are necessary to achieve its purpose; and
    f. whether there are any less restrictive means of achieving the purpose of the limitation.
- Inalienable rights
3. No law may limit the following rights enshrined in this Chapter, and no person may violate them--
    a. the right to life, except to the extent specified in section 48;
- Human dignity
    b. the right to human dignity;
    c. the right not to be tortured or subjected to cruel, inhuman or degrading treatment or punishment;
    d. the right not to be placed in slavery or servitude;
    e. the right to a fair trial;
    f. the right to obtain an order of habeas corpus as provided in section 50(7)(a).

- Emergency provisions

87. Limitations during public emergency

1. In addition to the limitations permitted by section 86, the fundamental rights and freedoms set out in this Chapter may be further limited by a written law providing for measures to deal with situations arising during a period of public emergency, but only to the extent permitted by this section and the Second Schedule.
2. A written law referred to in subsection (1) and any legislative measures taken under that law, must be published in the Gazette.

3. Any limitation which a written law referred to in subsection (1) imposes on a fundamental right or freedom set out in this Chapter must not be greater than is strictly required by the emergency.
4. No law that provides for a declaration of a state of emergency, and no legislative or other measure taken in consequence of such a declaration, may--
    a. indemnify, or permit or authorise an indemnity for, the State or any institution or agency of the government at any level, or any other person, in respect of any unlawful act; or
    b. limit any of the rights referred to in section 86(3), or authorise or permit any of those rights to be violated.

CHAPTER 5. THE EXECUTIVE

PART 1. EXECUTIVE AUTHORITY

- Duty to obey the constitution

88. Executive authority

1. Executive authority derives from the people of Zimbabwe and must be exercised in accordance with this Constitution.
2. The executive authority of Zimbabwe vests in the President who exercises it, subject to this Constitution, through the Cabinet.

PART 2. THE PRESIDENT AND VICE PRESIDENTS

- Designation of commander in chief
- Name/structure of executive(s)

89. The President

The President is the Head of State and Government and the Commander-in-Chief of the Defence Forces.

90. Duties of President

- Duty to obey the constitution

1. The President must uphold, defend, obey and respect this Constitution as the supreme law of the nation and must ensure that this Constitution and all the other laws are faithfully observed.
2. The President must--
    a. promote unity and peace in the nation for the benefit and well-being of all the people of Zimbabwe;
- Reference to country's history
    b. recognise and respect the ideals and values of the liberation struggle;
    c. ensure protection of the fundamental human rights and freedoms and the rule of law; and
    d. respect the diversity of the people and communities of Zimbabwe.

91. Qualifications for election as President and Vice-President

- Eligibility for head of state

1. A person qualifies for election as President or appointment as Vice-President if he or she--
    a. is a Zimbabwean citizen by birth or descent;
- Age restrictions on head of state
    b. has attained the age of forty years;
    c. is ordinarily resident in Zimbabwe; and
    d. is registered as a voter.
- Head of state term limits
2. A person is disqualified for election as President or Vice-President if he or she has already held office as President under this Constitution for two terms, whether continuous or not, and for the purpose of this subsection three or more years' service is deemed to be a full term.

- Deputy executive
- Head of state selection

92. Election of President

1. The election of a President must take place within the period specified in section 158.
2. (Repealed).
3. (Repealed).
4. The qualifications for registration as a voter and for voting at an election of a President are set out in the Fourth Schedule.
5. The election of a President must take place concurrently with every general election of members of Parliament, provincial councils and local authorities.

- Subsidiary unit government
- Municipal government

- Constitutional court powers

93. Challenge to presidential election

1. Subject to this section, any aggrieved candidate may challenge the validity of an election of a President by lodging a petition or application with the Constitutional Court within seven days after the date of the declaration of the results of the election.
2. (Repealed).
3. The Constitutional Court must hear and determine a petition or application under subsection (1) within fourteen days after the petition or application was lodged, and the court's decision is final.
4. In determining a petition or application under subsection (1), the Constitutional Court may----
    a. declare a winner;
    b. invalidate the election, in which case a fresh election must be held within sixty days after the determination; or
    c. make any other order it considers just and appropriate.
5. (Repealed).

- Oaths to abide by constitution

94. Assumption of office by President and Vice-Presidents

1. A person elected as President assumes office when he or she takes before the Chief Justice or the next most senior judge available, the oath of President in the form set out in the Third Schedule, which oath the President must take—
    a. on the ninth day after he or she is declared to be elected; or
    b. in the event of a challenge to the validity of his or her election, within forty-eight hours after the Constitutional Court has declared him or her to be the winner.
2. The incumbent President continues in office until the assumption of office by the President-elect in terms of subsection (1).

2a. As soon as the President assumes office, he or she shall appoint not more than two persons to be Vice-Presidents, who shall be persons qualified for election as President in terms of section 91(1), and who shall take, before the Chief Justice or the next most senior judge available, the oath of a Vice-President in the form set out in the Third Schedule.

3. A Vice-President who becomes President on the death, resignation or removal from office of the President assumes office when he or she takes, before the Chief Justice or the next most senior judge available, the oath of President in the form set out in the Third Schedule, which oath he or she must take as soon as possible and in any event within forty-eight hours after the office of President became vacant.

- Head of state term length

95. Term of office of President and Vice-Presidents

1. The term of office of the President commences on the day he or she is sworn in and assumes office in terms of section 94(1)(a) or 94(3).
2. The term of office of the President extends until—
    a. he or she resigns or is removed from office; or
    b. following an election, he or she is declared to be re-elected or a new President is declared to be elected;

2. and, except as otherwise provided in this Constitution, his or her term of office are five years and coterminous with the life of Parliament.

3. The term of office of Vice-President commences on the day he or she is appointed by the President and sworn in as such in terms of section 94(2a).
4.

96. Resignation of President or Vice-President

1. The President may resign his or her office by written notice to the Speaker, who must give public notice of the resignation as soon as it is possible to do so and in any event within twenty-four hours.
2. A Vice-President may resign his or her office by written notice to the President, who must give public notice of the resignation as soon as it is possible to do so and in any event within twenty-four hours.

- Head of state removal

97. Removal of President from office

1. The Senate and the National Assembly, by a joint resolution passed by at least one-half of their total membership, may resolve that the question whether or not the President should be removed from office for--
    a. serious misconduct;
    b. failure to obey, uphold or defend this Constitution;
    c. wilful violation of this Constitution;
    d. inability to perform the functions of the office because of physical or mental incapacity; or
    e. no longer being qualified to hold office as President in terms of section 91(1)(c), or becoming a citizen (other than an honorary citizen) of another country during his or her tenure of office;

    should be investigated in terms of this section.

- Legislative committees

2. Upon the passing of a resolution in terms of subsection (1), the Committee on Standing Rules and Orders must appoint a joint committee of the Senate and the National Assembly consisting of nine members reflecting the political composition of Parliament, to investigate the removal from office of the President, as the case may be.
3. If--
    a. the joint committee appointed in terms of subsection (2) recommends the removal from office of the President; and
    b. the Senate and the National Assembly, by a joint resolution passed by at least two-thirds of their total membership, resolve that the President, as the case may be, should be removed from office;

    the President thereupon ceases to hold office.

- Head of state immunity

98. Presidential immunity

1. While in office, the President is not liable to civil or criminal proceedings in any court for things done or omitted to be done in his or her personal capacity.
2. Civil or criminal proceedings may be instituted against a former President for things done and omitted to be done before he or she became President or while he or she was President.
3. The running of prescription in relation to any debt or liability of the President arising before or during his or her term of office is suspended while he or she remains in office.
4. In any proceedings brought against a former President for anything done or omitted to be done in his or her official capacity while he or she was President, it is a defence for him or her to prove that the thing was done or omitted in good faith.

- Deputy executive

99. Functions of Vice-Presidents

The Vice-Presidents assist the President in the discharge of his or her functions and perform any other functions, including the administration of any Ministry, department or Act of Parliament, that the President may assign to them.

100. Acting President

1. Whenever the President is absent from Zimbabwe or is unable to exercise his or her official functions through illness or any other cause, those functions must be assumed and exercised--
    a. by the first Vice-President;
    b. where the first Vice-President is unable to exercise those functions, by the second Vice-President; or
    c. if there is no Vice-President who is able to exercise the functions, by a Minister--
        i. designated for such an eventuality by the President; or
        ii. nominated by the Cabinet, where no Minister has been designated by the President in terms of subparagraph (i).
2. Except in accordance with a resolution passed by a majority of the total membership of the Cabinet, a person exercising the functions of the office of President in terms of subsection (1) must not exercise the power of the President--
    a. to deploy the Defence Forces;
    b. to enter into any international convention, treaty or agreement;
    c. to appoint or revoke the appointment of a Vice-President, Minister or Deputy Minister; or
    d. to assign or reassign functions to a Vice-President, Minister or Deputy Minister, including, in the case of a Vice-President or Minister, the administration of any Act of Parliament or of any Ministry or department, or to cancel any such assignment of functions.

- International law

- Head of state replacement
- Deputy executive

101. Succession in event of death, resignation or incapacity of President or Vice-President

1. Subject to subsections (2) and (3), if the person elected President in any election dies, resigns or is removed from office—
    a. the Vice-President or, where there are two Vice-Presidents, the Vice-President who was last nominated to act in terms of section 100, acts as President until a new President assumesoffice in terms of subsection (2); and
    b. the vacancy in the office of President must be filled by a nominee of the political party which the President represented when he or she stood for election.
2. A political party which is entitled to nominate a person in terms of subsection (1) (b) must notify the Speaker of the nominee's name within ninety days after the vacancy occurred in the office of President,and thereupon the nominee assumes office as President after taking the oath of President in terms of section 94, which oath the nominee must take within forty-eight hours after the Speaker was notified of his or her name.
3. In the event of the death, resignation or removal from office of a person who is elected President in an election and who did not represent a political party when he or she stood for election, the Vice-President or, if there are two Vice-Presidents, the Vice-President who was last nominated to act in terms of section 100, assumes office as President.

102. Remuneration of President and Vice-Presidents

1. The President and Vice-Presidents are entitled to the salaries, allowances, pensions and other benefits that are prescribed under an Act of Parliament.

2. The salaries and allowances of the President and Vice-Presidents must be charged upon and paid out of the Consolidated Revenue Fund.
3. A person who has ceased to be President or Vice-President is entitled to receive--
    a. a pension equivalent to the salary of a sitting President or Vice-President, as the case may be; and
    b. such allowances and other benefits as may be prescribed under an Act of Parliament.

103. President and Vice-Presidents and former office-holders not to hold other office or employment

The President and Vice-Presidents, and any former President or Vice-President, must not, directly or indirectly, hold any other public office or be employed by anyone else while they are in office or are receiving a pension from the State as former President or Vice-President, as the case may be.

- Establishment of cabinet/ministers

PART 3. MINISTERS, DEPUTY MINISTERS AND CABINET

104. Appointment of Ministers and Deputy Ministers

- Cabinet selection

1. The President appoints Ministers and assigns functions to them, including the administration of any Act of Parliament or of any Ministry or department, but the President may reserve to himself or herself the administration of an Act, Ministry or department.
2. The President may appoint Deputy Ministers to assist any Minister in the exercise of his or her functions.

- Eligibility for cabinet

3. Ministers and Deputy Ministers are appointed from among Senators or Members of the National Assembly, but up to seven, chosen for their professional skills and competence, may be appointed from outside Parliament.
4. In appointing Ministers and Deputy Ministers, the President must be guided by considerations of regional and gender balance.
5. Ministers and Deputy Ministers who are not Members of Parliament may sit and speak, but not vote, in the Senate or the National Assembly.

- Oaths to abide by constitution

6. Before taking office, a person appointed as Minister or Deputy Minister must take before the President the appropriate Ministerial oath in the form set out in the Third Schedule.

105. Cabinet

1. There is a Cabinet consisting of the President, as head of the Cabinet, the Vice Presidents and such Ministers as the President may appoint to the Cabinet.
2. Cabinet meetings are presided over by the President or, in his or her absence, by a Vice-President or, in their absence, by a Minister referred to in section 100(1)(c).

106. Conduct of Vice-Presidents, Ministers and Deputy Ministers

- Duty to obey the constitution

1. Every Vice-President, Minister and Deputy Minister must act in accordance with this Constitution.
2. Vice-Presidents, Ministers and Deputy Ministers may not, during their tenure of office--
    a. directly or indirectly, hold any other public office or undertake any other paid work;
    b. act in any way that is inconsistent with their office, or expose themselves to any situation involving the risk of a conflict between their official responsibilities and private interests; or
    c. use their position, or any information entrusted to them, to enrich themselves or improperly benefit any other person.

3. An Act of Parliament must prescribe a code of conduct for Vice-Presidents, Ministers and Deputy Ministers.

107. Accountability of Vice-Presidents, Ministers and Deputy Ministers

1. Subject to this Constitution, every Vice-President, Minister and Deputy Minister is accountable, collectively and individually, to the President for the performance of his or her functions.
2. Every Vice-President, Minister and Deputy Minister must attend Parliament and parliamentary committees in order to answer questions concerning matters for which he or she is collectively or individually responsible.

- Legislative committees
- Legislative oversight of the executive

108. Tenure of office of Ministers and Deputy Ministers

- Cabinet removal

1. The office of a Minister or Deputy Minister becomes vacant--
    a. if the President removes him or her from office;
    b. if he or she resigns from office by written notice to the President;
    c. upon the assumption of office by a new President.
2. Subject to subsection (4), a Minister or Deputy Minister who was a Member of Parliament on appointment as Minister or Deputy Minister vacates his or her office as such upon ceasing to be a Member of Parliament.
3. Subject to subsection (4), a Minister or Deputy Minister who was not a Member of Parliament on appointment as Minister or Deputy Minister vacates his or her office as such if circumstances arise that would result in his or her seat becoming vacant were he or she a Member of Parliament.
4. Subject to this Constitution, in the event of a dissolution of Parliament, Ministers and Deputy Ministers continue to hold office as such until the President-elect assumes office after a general election.

109. Vote of no confidence in Government

- Cabinet removal

1. The Senate and the National Assembly, by a joint resolution passed by at least two-thirds of their total membership, may pass a vote of no confidence in the Government.
2. A motion for the resolution for a vote of no confidence may be moved only if--
    a. at least seven days' notice of the motion has been given to the Speaker; and
    b. the notice of motion has been signed by at least half of all the Members of the National Assembly.
3. A motion for a vote of no confidence--
    a. must be debated in a joint sitting of the two Houses of Parliament within twenty-one days after the Speaker received the notice of motion; and
    b. must be voted on within seven consecutive sittings after it was moved;

    otherwise it is regarded as lost.

- Joint meetings of legislative chambers

4. Where Parliament passes a vote of no confidence in the Government, the President must, within fourteen days after the vote--
    a. remove all Ministers and Deputy Ministers from office, unless they have already resigned as a result of the resolution, and appoint persons in their place; or
    b. dissolve Parliament and, within ninety days, call a general election.
5. If the President does not act in accordance with subsection (4) within fourteen days after the passing of the vote of no confidence in the Government, Parliament stands dissolved.

- Dismissal of the legislature

PART 4. EXECUTIVE FUNCTIONS

110. Executive functions of President and Cabinet

1. The President has the powers conferred by this Constitution and by any Act of Parliament or other law, including those necessary to exercise the functions of Head of State.
- Head of state powers
- Approval or veto of general legislation
- Constitutionality of legislation
- Constitutional interpretation
- Extraordinary legislative sessions
- Referenda
- Foreign affairs representative
- Foreign affairs representative
- Powers of cabinet
- Initiation of general legislation
- Foreign affairs representative
- International law
- International organizations
- Treaty ratification

2. Subject to this Constitution, the President is responsible for--
   a. assenting to and signing Bills;
   b. referring a Bill to the Constitutional Court for an opinion or advice on its constitutionality;
   c. summoning the National Assembly, the Senate or Parliament to an extraordinary sitting to conduct special business;
   d. making appointments which the Constitution or legislation requires the President to make;
   e. calling elections in terms of this Constitution;
   f. calling referendums on any matter in accordance with the law;
   g. deploying the Defence Forces;
   h. conferring honours and awards;
   i. appointing ambassadors, plenipotentiaries, and diplomatic and consular representatives; and
   j. receiving and recognising foreign diplomatic and consular representatives.
3. Subject to this Constitution, the Cabinet is responsible for--
   a. directing the operations of Government;
   b. conducting Government business in Parliament;
   c. preparing, initiating and implementing national legislation;
   d. developing and implementing national policy; and
   e. advising the President.
4. Subject to this Constitution, the President may conclude or execute conventions, treaties and agreements with foreign states and governments and international organisations.
5. A decision by the President must be in writing if it is taken in terms of legislation.
6. In the exercise of his or her executive functions, the President must act on the advice of the Cabinet, except when he or she is acting in terms of subsection (2) above.

- Power to declare/approve war

111. War and peace

1. The President has power to declare war and make peace, and must advise the Senate and the National Assembly within seven sitting days.
2. The Senate and the National Assembly, by a joint resolution passed by at least two-thirds of the total membership of Parliament, may resolve that a declaration of war should be revoked.
3. Where Parliament has resolved that a declaration of war should be revoked, the President must take all practical steps to disengage from the war, taking due account of the need to ensure the safety of Zimbabwean personnel and equipment.

- Power to pardon

112. Power of mercy

1. The President, after consultation with the Cabinet, may exercise the power of mercy, that is to say, may--
   a. grant a pardon to any person concerned in or convicted of an offence against any law;
   b. grant a respite from the execution of a sentence for any offence for an indefinite or specified period;
   c. substitute a less severe punishment for that imposed for any offence; or
   d. suspend for a specified period or remit the whole or part of a sentence for any offence or any forfeiture imposed in respect of any offence;

   and may impose conditions on any such pardon, respite, substitution or suspension.

2. Where a person who is resident in Zimbabwe has been convicted in another country of an offence against a law in force in that country, the President may declare that the conviction is not to be regarded as a conviction for the purposes of this Constitution or any other law in force in Zimbabwe.
3. The grant of a pardon or respite from execution of sentence or the substitution or suspension of a sentence must be published in the Gazette.

• Emergency provisions

113. States of public emergency

1. The President may by proclamation in the Gazette declare that a state of public emergency exists in the whole or any part of Zimbabwe.

• Joint meetings of legislative chambers

2. A declaration of a state of public emergency ceases to have effect after fourteen days beginning with the day of publication of the proclamation in the Gazette unless, before the end of that period, the declaration is approved by at least two-thirds of the total membership of Parliament at a joint sitting of the Senate and the National Assembly.

• Joint meetings of legislative chambers

3. If Parliament is dissolved during the period of fourteen days after a state of public emergency has been declared, the declaration ceases to have effect after twenty-one days, beginning with the day of publication of the proclamation in the Gazette, unless within that period the declaration is approved by a majority of all the Members of the new Parliament at a joint sitting of the Senate and the National Assembly.
4. A declaration of a state of public emergency which has been approved under subsection (2) or (3) remains in effect for three months from the date on which the proclamation was published in the Gazette unless it has earlier been revoked or ceased to have effect under this section.
5. If a declaration of a state of public emergency is not approved after consideration by Parliament, or if for any reason it is not considered by Parliament within the period specified in this section, the President must, within seven days, by proclamation in the Gazette, revoke the declaration.

• Joint meetings of legislative chambers

6. If, by a resolution passed by a majority of the members present at a joint sitting of the Senate and the National Assembly, Parliament resolves that a declaration of a state of public emergency.
    a. should be continued for a further period not exceeding three months, the President must without delay, by proclamation in the Gazette, extend the declaration for that further period;
    b. should be revoked or that it should apply within a smaller area, the President must without delay, by proclamation in the Gazette, revoke the declaration or provide that the declaration relates to that smaller area.

• Constitutional court powers

7. The Constitutional Court, on the application of any interested person, may determine the validity of--
    a. a declaration of a state of public emergency;
    b. any extension of a declaration of a state of public emergency.
8. Any court may determine the validity of any legislation enacted, or other action taken, in consequence of a declaration of a state of public emergency.

• Attorney general

PART 5. ATTORNEY-GENERAL

114. Attorney-General

1. There is an Attorney-General appointed by the President.

• Oaths to abide by constitution

2. A person who has been appointed as Attorney-General assumes office upon taking before the President, or a person authorised by the President, the oaths of loyalty and office in the forms set out in the Third Schedule.
3. A person is qualified for appointment as Attorney-General if he or she is qualified for appointment as a judge of the High Court.
4. The functions of the Attorney-General are
    a. to act as the principal legal adviser to the Government;
    b. to represent the Government in civil and constitutional proceedings;
    c. to draft legislation on behalf of the Government;

4. **d.** to promote, protect and uphold the rule of law and to defend the public interest; and
e. to exercise any other functions that may be assigned to the Attorney-General by an Act of Parliament;

and the Attorney-General may exercise those functions in person or through subordinate officers acting under the Attorney-General's general or specific instructions.

5. The Attorney-General may--
a. attend Cabinet meetings, but has no vote;
b. sit and speak in the Senate and the National Assembly, but has no vote; and
c. with the leave of the court concerned, appear as a friend of the court in any civil proceedings to which the Government is not a party.

115. Removal from office of Attorney-General

The President may at any time remove the Attorney-General from office.

CHAPTER 6. THE LEGISLATURE

PART 1. LEGISLATIVE AUTHORITY

116. The Legislature

The Legislature of Zimbabwe consists of Parliament and the President acting in accordance with this Chapter.

117. Nature and extent of legislative authority

1. The legislative authority of Zimbabwe is derived from the people and is vested in and exercised in accordance with this Constitution by the Legislature.
2. The legislative authority confers on the Legislature the power--
a. to amend this Constitution in accordance with section 328;
b. to make laws for the peace, order and good governance of Zimbabwe; and
c. to confer subordinate legislative powers upon another body or authority in accordance with section 134.

- Constitution amendment procedure

PART 2. PARLIAMENT

- Structure of legislative chamber(s)

118. Parliament

Parliament consists of the Senate and the National Assembly.

119. Role of Parliament

1. Parliament must protect this Constitution and promote democratic governance in Zimbabwe.
2. Parliament has power to ensure that the provisions of this Constitution are upheld and that the State and all institutions and agencies of government at every level act constitutionally and in the national interest.
3. For the purposes of subsection (2), all institutions and agencies of the State and government at every level are accountable to Parliament.

- Legislative oversight of the executive
- Legislative oversight of the executive

PART 3. THE SENATE

- Second chamber selection

120. Composition of Senate

- Second chamber representation quotas
- Size of second chamber
- Indigenous right to representation
- Indigenous right to representation

1. The Senate consists of eighty Senators, of whom--
  a. six are elected from each of the provinces into which Zimbabwe is divided, by a system of proportional representation conforming with subsection (2);
  b. sixteen are chiefs, of whom two are elected by the provincial assembly of Chiefs from each of the provinces, other than the metropolitan provinces, into which Zimbabwe is divided;
  c. the President and Deputy President of the National Council of Chiefs; and
  d. two are elected in the manner prescribed in the Electoral Law to represent persons with disabilities.

2. Elections of Senators must be conducted in accordance with the Electoral Law, which must ensure that the Senators referred to in subsection (1)(a) are elected under a party-list system of proportional representation--
  a. which is based on the votes cast for candidates representing political parties in each of the provinces in the general election for Members of the National Assembly; and
  b. in which male and female candidates are listed alternately, every list being headed by a female candidate.

- Eligibility for second chamber

121. Qualifications and disqualifications for election as Senator

1. A person is qualified for election as a Senator referred to in section 120(1)(a) or (d) if he or she--
  a. is registered as a voter; and
  b. is at least forty years of age;

- Age restrictions on second chamber

unless he or she is disqualified under subsection (4) or (5).

2. A person is qualified for election as a Senator Chief referred to in section 120(1)(b) if he or she--
  a. holds the office of Chief; and
  b. is registered as a voter;

unless he or she is disqualified under subsection (4) or (5).

3. A person is qualified for election as a Senator referred to in section 120(1)(d) if he or she is a person with a disability as defined in the Electoral Law, unless he or she is disqualified under subsection (4) or (5).

4. A person is disqualified for election as a Senator if--
  a. he or she is disqualified under the Fourth Schedule for registration as a voter; or
  b. within five years before the election, he or she vacated a seat in the Senate or the National Assembly in terms of section 129(1)(i) through having been convicted of an offence.

5. A person is disqualified for election at a by-election in the Senate if he or she is a Member of Parliament.

- Leader of second chamber

122. President of Senate

1. At its first sitting after a general election and before proceeding to any other business, the Senate must elect a presiding officer to be known as the President of the Senate.

2. Whenever there is a vacancy in the office of President of the Senate, the Senate must without delay elect a person to fill the vacancy.

3. A person is qualified for election as President of the Senate if he or she is or has been a Senator or is qualified to be elected to the Senate.

4. Elections to the office of President of the Senate must be conducted by the Clerk of Parliament under the supervision of the Zimbabwe Electoral Commission, by secret ballot in accordance with Standing Orders, and the results must be announced forthwith.

• Oaths to abide by constitution

5. Before commencing his or her duties, the President of the Senate must take before the Chief Justice or the next most senior judge available the oaths of loyalty and office in the forms set out in the Third Schedule.
6. A Senator who is elected as President of the Senate ceases to be a Senator, and the vacant seat must be filled in accordance with the Electoral Law.
7. The President of the Senate may resign by announcing his or her resignation in person to the Senate or, if the Senate is not sitting, by giving written notice to the Clerk of Parliament.
8. The President of the Senate must vacate his or her office--
    a. on the day on which the Senate first meets after a general election;
    b. upon accepting any other public office or upon entering employment with any other person;
    c. upon becoming a Member of Parliament or the Speaker;
    d. upon becoming a Vice-President, Minister or Deputy Minister;
    e. if circumstances arise that would oblige him or her to vacate his or her seat, if he or she were a Senator; or
    f. if a resolution for his or her removal from office is passed by at least two-thirds of the total membership of the Senate.

123. Deputy President of Senate

1. As soon as practicable after electing a President of the Senate following a general election, the Senate must elect a Senator to be the Deputy President of the Senate.
2. Whenever there is a vacancy in the office of Deputy President of the Senate, the Senate must without delay elect a person to fill the vacancy.
3. Elections to the office of Deputy President of the Senate must be conducted by the Clerk of Parliament under the supervision of the Zimbabwe Electoral Commission, by secret ballot in accordance with Standing Orders, and the results must be announced forthwith.

• Oaths to abide by constitution

4. Before commencing his or her duties, the Deputy President of the Senate must take before the Chief Justice or the next most senior judge available the oaths of loyalty and office in the forms set out in the Third Schedule.
5. The Deputy President of the Senate may resign his or her office by announcing his or her resignation in person to the Senate or, if the Senate is not sitting, by giving written notice to the President of the Senate or, in the absence of the President of the Senate, to the Clerk of Parliament.
6. The Deputy President of the Senate must vacate his or her office--
    a. upon ceasing to be a Senator;
    b. upon becoming the Speaker;
    c. upon becoming a Vice-President, Minister or Deputy Minister;
    d. if a resolution for his or her removal from office is passed by at least two-thirds of the total membership of the Senate.

PART 4. THE NATIONAL ASSEMBLY

• First chamber selection

124. Composition of National Assembly

• Size of first chamber
• Secret ballot

1. The National Assembly consists of--
    a. two hundred and ten members elected by secret ballot from the two hundred and ten constituencies into which Zimbabwe is divided; and

• First chamber representation quotas

    b. for the life of the first four Parliaments after the effective date, an additional sixty women members, six from each of the provinces into which Zimbabwe is divided, elected through a system of proportional representation based on the votes cast for candidates representing

1. b. political parties in a general election for constituency members in the provinces.
   c. a further additional ten youth members, that is, persons aged from twenty-one to thirty-five years of age, one from each of the provinces into which Zimbabwe is divided, elected under a party-list system of proportional representation—
      i. which is based on the votes cast for candidates representing political parties in a general election for constituency members in the provinces; and
      ii. in which male and female candidates are listed alternately:

      Provided that political parties must ensure that—

      a. ten of the sixty women members are under the age of thirty-five;
      b. women with disabilities are represented on their party lists; and
      c. young women with disabilities are represented on their party lists in terms of an Act of Parliament.
2. Elections of Members of the National Assembly must be conducted in accordance with the Electoral Law.
3. The qualifications for registration as a voter and for voting at elections of Members of the National Assembly are set out in the Fourth Schedule.

• Eligibility for first chamber

125. Qualifications and disqualifications for election to National Assembly

1. A person is qualified for election as a Member of the National Assembly if he or she--
   a. is registered as a voter; and
   b. is at least twenty-one years of age;

• Age restrictions on first chamber

unless he or she is disqualified under subsection (2) or (3).

2. A person is disqualified for election as a Member of the National Assembly if--
   a. he or she is disqualified under the Fourth Schedule for registration as a voter; or
   b. within five years before the election, he or she vacated a seat in the Senate or the National Assembly in terms of section 129(1)(i) through having been convicted of an offence.
3. A person is disqualified for election at a by-election in the National Assembly if he or she is a Member of Parliament.

• Leader of first chamber

126. Speaker of National Assembly

1. At its first sitting after a general election, and before proceeding to any other business, the National Assembly must elect a presiding officer to be known as the Speaker.
2. Whenever there is a vacancy in the office of Speaker, the National Assembly must without delay elect a person to fill the vacancy.
3. A person is qualified for election as Speaker if he or she is or has been a Member of the National Assembly or is qualified to be elected to the National Assembly.
4. Elections to the office of Speaker must be conducted by the Clerk of Parliament under the supervision of the Zimbabwe Electoral Commission, by secret ballot in accordance with Standing Orders, and the results must be announced forthwith.

• Oaths to abide by constitution

5. Before commencing his or her duties, the Speaker must take before the Chief Justice or the next most senior judge available the oaths of loyalty and office in the forms set out in the Third Schedule.
6. A Member of the National Assembly who is elected as Speaker ceases to be a Member of the National Assembly, and the vacant seat must be filled in accordance with the Electoral Law.

7. The Speaker may resign by announcing his or her resignation in person to the National Assembly or, if the National Assembly is not sitting, by giving written notice to the Clerk of Parliament.
8. The Speaker must vacate his or her office--
    a. on the day on which the National Assembly first meets after a general election;
    b. upon accepting any other public office or upon entering employment with any other person;
    c. upon becoming a Member of Parliament or the President of the Senate;
    d. upon becoming a Vice-President, Minister or Deputy Minister;
    e. if circumstances arise that would oblige him or her to vacate his or her seat, if he or she were a Member of the National Assembly; or
    f. if a resolution for his or her removal from office is passed by at least two-thirds of the total membership of the National Assembly.

127. Deputy Speaker of National Assembly

1. As soon as practicable after electing a Speaker following a general election, the National Assembly must elect one of its Members to be the Deputy Speaker.
2. Whenever there is a vacancy in the office of Deputy Speaker, the National Assembly must without delay elect a person to fill the vacancy.
3. Elections to the office of Deputy Speaker must be conducted by the Clerk of Parliament under the supervision of the Zimbabwe Electoral Commission, by secret ballot in accordance with Standing Orders, and the results must be announced forthwith.

• Oaths to abide by constitution

4. Before commencing his or her duties, the Deputy Speaker must take before the Chief Justice or the next most senior judge available the oaths of loyalty and office in the forms set out in the Third Schedule.
5. The Deputy Speaker may resign by announcing his or her resignation in person to the National Assembly or, if the National Assembly is not sitting, by giving written notice to the Speaker or, in the absence of the Speaker, to the Clerk of Parliament.
6. The Deputy Speaker must vacate his or her office--
    a. upon ceasing to be a Member of the National Assembly;
    b. upon becoming the President of the Senate;
    c. upon becoming a Vice-President, Minister or Deputy Minister; or
    d. if a resolution for his or her removal from office is passed by at least two-thirds of the total membership of the National Assembly.

PART 5. TENURE OF MEMBERS OF PARLIAMENT

• Oaths to abide by constitution

128. Oath of Member of Parliament

1. Before a Member of Parliament takes his or her seat in Parliament, the Member must take the oath of a Member of Parliament in the form set out in the Third Schedule.
2. The oath referred to in subsection (1) must be taken before the Clerk of Parliament.

• Removal of individual legislators

129. Tenure of seat of Member of Parliament

1. The seat of a Member of Parliament becomes vacant
    a. on the dissolution of Parliament;
    b. upon the Member resigning his or her seat by written notice to the President of the Senate or to the Speaker, as the case may be;

• Outside professions of legislators

    c. upon the Member becoming President or a Vice-President;
    d. upon the Member becoming President of the Senate or Speaker or a member of the other House;
    e. if the Member ceases to be qualified for registration as a voter;

- Attendance by legislators
- Outside professions of legislators
- Outside professions of legislators

f. if, without leave from the Speaker or the President of the Senate, as the case may be, the Member is absent from the House of which he or she is a member for twenty-one consecutive days on which the House sits, and the House concerned resolves by a vote of at least one-half of its total membership that the seat should become vacant;

g. if the Member accepts public office or office as a member of a statutory body, government-controlled entity, provincial or metropolitan council or local authority or employment as an employee of a statutory body, provincial or metropolitan council or local authority;

h. if the Member was a public officer or a member or employee of a statutory body, a government-controlled entity, a provincial or metropolitan council or a local authority on the date he or she was declared as a Member of Parliament, and he or she fails to relinquish that office, membership or employment within thirty days after that date;

i. if the Member is convicted

i. in Zimbabwe of an offence of which breach of trust, dishonesty or physical violence is an essential element; or

ii. outside Zimbabwe of conduct which, if committed in Zimbabwe, would be an offence of which breach of trust, dishonesty or physical violence is an essential element;

and sentenced to imprisonment for six months or more without the option of a fine or without the option of any other non-custodial punishment, unless on appeal the Member's conviction is set aside or the sentence of imprisonment is reduced to less than six months or a punishment other than imprisonment is substituted;

j. if the Member has been declared insolvent under a law in force in Zimbabwe and has not been rehabilitated or discharged, or if the Member has made an assignment under such a law with his or her creditors which has not been rescinded or set aside;

k. if the Member has ceased to belong to the political party of which he or she was a member when elected to Parliament and the political party concerned, by written notice to the Speaker or the President of the Senate, as the case may be, has declared that the Member has ceased to belong to it;

l. if the Member, not having been a member of a political party when he or she was elected to Parliament, becomes a member of a political party;

m. if the Member is certified to be mentally disordered or intellectually handicapped under any law in force in Zimbabwe; or

n. if the Member has been convicted of an offence under the Electoral Law and has been declared by the High Court to be disqualified for registration as a voter or from voting at any election.

2. A Member referred to in subsection (1)(i) who has noted an appeal against his or her conviction may continue, until the final determination of the appeal, to exercise his or her functions as a Member and to receive remuneration as a Member, unless a court has ordered that he or she should be detained in prison pending the outcome of the appeal.

3. A Member of Parliament who becomes a chairperson of a provincial council vacates the seat which he or she held before assuming office as chairperson.

PART 6. LEGISLATIVE AND OTHER POWERS

130. Powers and functions of Senate and National Assembly

- Initiation of general legislation

1. Except as provided in the Fifth Schedule, in the exercise of their legislative authority both the Senate and the National Assembly have power to initiate, prepare, consider or reject any legislation.

2. In addition to their functions under this Constitution, the Senate and the National Assembly may exercise any further functions conferred or imposed on them under any law.

131. Acts of Parliament and procedure for their enactment

1. Parliament's legislative authority is exercised through the enactment of Acts of Parliament.
2. An Act of Parliament is a Bill which has been--
   a. presented in and passed by both Houses of Parliament; and
   b. assented to and signed by the President;

   in accordance with this Constitution.

3. The words of enactment in Acts of Parliament are "Enacted by the Parliament and the President of Zimbabwe", or words to that effect.
4. The procedure to be followed by the National Assembly and the Senate with regard to Bills is set out in the Fifth Schedule.

- Approval or veto of general legislation

5. After a Bill has been passed by both Houses in accordance with the Fifth Schedule, the President of the Senate or the Speaker, as the case may be, must without delay-
   a. cause it to be presented to the President for assent and signature, together with any certificate which is required by this Constitution to accompany the Bill; and
   b. give public notice of the date on which the Bill was sent to the President.

- Approval or veto of general legislation
- Constitutionality of legislation

6. When a Bill is presented to the President for assent and signature, he or she must, within twenty-one days, either--
   a. assent to it and sign it, and then cause it to be published in Gazette without delay; or
   b. if he or she considers it to be unconstitutional or has any other reservations about it, refer the Bill back to Parliament through the Clerk of Parliament, together with detailed written reasons for those reservations and a request that the Bill be reconsidered.

- Veto override procedure
- Approval or veto of general legislation

7. Where a Bill has been referred back to Parliament in terms of subsection (6)(b), the Speaker must without delay convene a sitting of the National Assembly, which must--
   a. reconsider the Bill and fully accommodate the President's reservations; or
   b. pass the Bill, with or without amendments, by a two-thirds majority of the total membership of the National Assembly;

   and in either case the Speaker must cause the Bill to be presented to the President without delay for assent and signature and must give public notice of the date on which the Bill was sent to the President.

- Approval or veto of general legislation

8. If a Bill that has been presented to the President in terms of subsection (7) fully accommodates the President's reservations, the President must assent to the Bill and sign it within twenty-one days and then cause it to be published in the Gazette without delay, but if the President still has reservations about the Bill, he or she must within that period either--
   a. assent to the Bill and sign it, despite those reservations; or
   b. refer the Bill to the Constitutional Court for advice on its constitutionality.

- Constitutional interpretation
- Constitutionality of legislation
- Approval or veto of general legislation

9. If on a reference under subsection (8) the Constitutional Court advises that the Bill is constitutional, the President must assent to it and sign it immediately and cause it to be published in the Gazette without delay.

- Approval or veto of general legislation

10. If a Bill is presented to the President for assent and signature and it is not accompanied by a certificate which is required by any provision of this Constitution, the President must not assent to the Bill or sign it until the certificate is produced but must cause the Clerk of Parliament to be notified, immediately and in writing, that the certificate was not sent with the Bill.

132. Commencement of Acts of Parliament

An Act of Parliament comes into operation at the beginning of the day on which it is published in the Gazette, or at the beginning of any other day that may be specified in the Act or some other enactment.

133. Enrolment of Acts of Parliament

1. When the President has assented to and signed an Act of Parliament, the Clerk of Parliament must transmit a fair copy of it, authenticated by the President's signature and the public seal of Zimbabwe, to be enrolled in the office of the Registrar of the High Court, and that copy is conclusive evidence of the provisions of the Act unless the Act is revised under an Act of Parliament referred to in subsection (2).
2. An Act of Parliament may provide for the statute law, or any part of it, to be published in revised form and may further provide that
    a. upon being published, the revision is the sole authentic version of the statutes contained in it;
    b. a copy of the revision must be deposited in the office of the Registrar of the High Court; and
    c. the copy that is deposited in the office of the Registrar of the High Court is conclusive evidence of the provisions of the statutes contained in it.
3. The validity of an Act of Parliament or a revision of the statute law does not depend on its enrolment or deposit under this section.

134. Subsidiary legislation

Parliament may, in an Act of Parliament, delegate power to make statutory instruments within the scope of and for the purposes laid out in that Act, but--

a. Parliament's primary law-making power must not be delegated;

b. statutory instruments must not infringe or limit any of the rights and freedoms set out in the Declaration of Rights;

c. statutory instruments must be consistent with the Act of Parliament under which they are made;

d. the Act must specify the limits of the power, the nature and scope of the statutory instrument that may be made, and the principles and standards applicable to the statutory instrument;

e. statutory instruments do not have the force of law unless they have been published in the Gazette; and

- Legislative committees

f. statutory instruments must be laid before the National Assembly in accordance with its Standing Orders and submitted to the Parliamentary Legal Committee for scrutiny.

PART 7. PROCEDURE IN PARLIAMENT

135. Head of Parliament

1. The Speaker is the head of Parliament but must exercise his or her functions as such subject to Standing Orders.
2. Subject to Standing Orders, the President of the Senate is the deputy head of Parliament and acts as head whenever the Speaker is for any reason unable to do so.

136. Persons presiding in Parliament

- Leader of second chamber

1. The person presiding at any sitting of the Senate must be--
    a. the President of the Senate or, in his or her absence, the Deputy President of the Senate; or
    b. in the absence of the President and Deputy President of the Senate, a Senator elected for the purpose by the Senate, but that Senator must not

1. **b.** be a Minister or Deputy Minister.

• Leader of first chamber

2. The person presiding at any sitting of the National Assembly must be--
   - **a.** the Speaker or, in his or her absence, the Deputy Speaker; or
   - **b.** in the absence of the Speaker and Deputy Speaker, a Member of the National Assembly elected for the purpose by the National Assembly, but that Member must not be a Minister or Deputy Minister.
3. The Speaker, or in his or her absence the President of the Senate, must preside at any joint sitting of the National Assembly and the Senate.

• Quorum for legislative sessions

137. Quorum in Parliament

The Senate and the National Assembly must prescribe in Standing Orders the minimum number of Members who must be present for the conduct of business.

138. Voting and right of audience in Parliament

1. Except where this Constitution provides otherwise--
   - **a.** all questions proposed for decision in either House of Parliament are decided by a majority of the votes of the Members of that House present and voting;
   - **b.** the person presiding in either House of Parliament does not have either a deliberative or a casting vote on any issue before the House;
   - **c.** if the votes in either House of Parliament are equally divided on any motion, the motion is lost.
2. Vice-Presidents are entitled to sit and speak, but not vote, in both Houses of Parliament.
3. Ministers and Deputy Ministers are entitled to sit and speak in both Houses of Parliament but have no right to vote in a House of which they are not Members.

• Legislative committees

4. Members of the Parliamentary Legal Committee and any other joint committee of Parliament are entitled to sit and speak in either House of Parliament for the purpose of introducing or debating any report of that committee which is before the House, but have no right to vote in a House of which they are not Members.
5. Where a Member of Parliament, other than a Minister or Deputy Minister, has introduced a Bill in the House of which he or she is a Member, and the House has passed the Bill, that Member or, in his or her absence, any other Member of that House is entitled to sit and speak in the other House for the purpose of conducting the Bill through that other House, but has no right to vote in that other House.

• Legislative committees

139. Standing Orders

1. The proceedings of the Senate and the National Assembly are regulated by rules known as Standing Orders, which are made by the Houses individually or jointly on the recommendation of the Committee on Standing Rules and Orders.
2. Standing Orders may provide for--
   - **a.** the passing of Bills;
   - **b.** the appointment and functions of committees and the delegation of functions to them;
   - **c.** the way in which the powers, privileges and immunities of the Houses may be exercised and upheld;

• Legislative oversight of the executive

   - **d.** the questioning of Ministers and Deputy Ministers by Members of Parliament;
   - **e.** a code of conduct for Members of Parliament;
   - **f.** the exercise of the right of the public to petition Parliament; and
   - **g.** generally, the regulation and orderly conduct of business and proceedings in and between the Houses.
3. The procedures and processes of Parliament and its committees, as provided for in Standing Orders, must promote transparency, must encourage the involvement of members of all political parties in Parliament and the public, and must be fair and just.

4. Any committee established by or under Standing Orders must reflect, as closely as possible, the political and gender composition of Parliament or of the House to which the Standing Orders apply.

- Legislative oversight of the executive

140. Presidential addresses and messages to Parliament

- Joint meetings of legislative chambers

1. The President may at any time address either House of Parliament or a joint sitting of both Houses.
2. The President may send messages to either House of Parliament, and any such message must be read by a Vice-President or Minister or by the person presiding over the House concerned.
3. The President may attend Parliament to answer questions on any issue as may be provided in Standing Orders.

- Joint meetings of legislative chambers

4. At least once a year the President must address a joint sitting of both Houses of Parliament on the state of the nation, and the Speaker and the President of the Senate must make the necessary arrangements for Parliament to receive such an address.

- Public or private sessions

141. Public access to and involvement in Parliament

Parliament must--

- Legislative committees

a. facilitate public involvement in its legislative and other processes and in the processes of its committees;

b. ensure that interested parties are consulted about Bills being considered by Parliament, unless such consultation is inappropriate or impracticable; and

- Legislative committees

c. conduct its business in a transparent manner and hold its sittings, and those of its committees, in public, though measures may be taken--

i. to preserve order in parliamentary proceedings;

ii. to regulate public access, including access of the media, to Parliament and its committees;

iii. to exclude the public, including the media, from sittings of committees; and

iv. to provide for the searching of persons and, where appropriate, the refusal of entry to Parliament or the removal of any person from Parliament;

- Human dignity

but those measures must be fair, reasonable and justifiable in a democratic society based on openness, justice, human dignity, equality and freedom.

142. Validity of proceedings in Parliament

1. A vacancy in the membership of the Senate or the National Assembly, or the suspension of a Member of Parliament, does not prevent the Senate or the National Assembly from transacting its business.
2. The fact that a person who was not entitled to do so sat and voted in the Senate or the National Assembly or otherwise took part in the proceedings of the Senate or the National Assembly does not invalidate the proceedings.

PART 8. DURATION, DISSOLUTION AND SITTINGS OF PARLIAMENT

- Dismissal of the legislature

143. Duration and dissolution of Parliament

- Term length of second chamber
- Term length for first chamber

1. Parliament is elected for a five-year term which runs from the date on which the President-elect is sworn in and assumes office in terms of section 94(1)(a), and

1. Parliament stands dissolved at midnight on the day before the first polling day in the next general election called in terms of section 144.
2. The President must by proclamation dissolve Parliament if the Senate and the National Assembly, sitting separately, by the votes of at least two-thirds of the total membership of each House, have passed resolutions to dissolve.
3. The President may by proclamation dissolve Parliament if the National Assembly has unreasonably refused to pass an Appropriation Bill referred to in section 305.

• Constitutional court powers

4. A decision to dissolve Parliament in terms of subsection (3) may, on the application of any Member of Parliament, be set aside on review by the Constitutional Court.

• Constitutional court powers

5. An application for the review of a decision to dissolve Parliament must be filed with the Constitutional Court within seven days after the decision was published, and--
    a. the Constitutional Court must determine the application within fourteen days after it was filed; and
    b. pending the Constitutional Court's determination of the application, the decision to dissolve Parliament is suspended.

144. General election resulting from dissolution of Parliament

1. Where Parliament has not earlier passed resolutions to dissolve in terms of section 143(2), the President must by proclamation call and set dates for a general election to be held within the period prescribed in section 158.

• Scheduling of elections

2. Where--
    a. Parliament has passed resolutions to dissolve in terms of section 143(2);
    b. the President has dissolved Parliament in terms of section 143(3);
    c. the President has dissolved Parliament following a vote of no confidence in terms of section 109(4); or
    d. Parliament stands dissolved following a vote of no confidence in terms of section 109(5);

    the President must by proclamation call and set dates for a general election to be held not more than ninety days after Parliament passed the resolutions or the President dissolved Parliament or Parliament stood dissolved, as the case may be.

3. The dates for a general election called in terms of subsection (1) or (2) must be fixed by the President after consultation with the Zimbabwe Electoral Commission.

145. First sitting of Parliament following general election

1. The first sitting of Parliament after a general election must take place at a time and date determined by the President, but the date must not be later than thirty days after the President-elect assumes office in terms of section 94.
2. Until the election of a President of the Senate or a Speaker, as the case may be, the first meeting of a House of Parliament must be presided over by the Clerk of Parliament.

• Length of legislative sessions

146. Sittings and recess periods

Each House of Parliament determines the time and duration of its sittings, other than its first sitting, and its periods of recess, but--

• Extraordinary legislative sessions

a. the President may summon Parliament at any time to conduct special business;

b. no more than one hundred and eighty days may elapse between the sittings of a House.

147. Lapsing of Bills, motions, petitions and other business on dissolution of Parliament

On the dissolution of Parliament, all proceedings pending at the time are terminated, and every Bill, motion, petition and other business lapses.

PART 9. GENERAL MATTERS RELATING TO PARLIAMENT

- Immunity of legislators

148. Privileges and immunities of Parliament

- Legislative committees

1. The President of the Senate, the Speaker and Members of Parliament have freedom of speech in Parliament and in all parliamentary committees and, while they must obey the rules and orders of the House concerned, they are not liable to civil or criminal proceedings, arrest or imprisonment or damages for anything said in, produced before or submitted to Parliament or any of its committees.
2. An Act of Parliament may--
    a. provide for other privileges, immunities and powers of Parliament and its Members and officers;
    b. define conduct which constitutes contempt of Parliament, whether committed by Members of Parliament or other people; and
    c. provide for a right of reply, through the Speaker or the President of the Senate, as the case may be, for persons who are unjustly injured by what is said about them in Parliament;

    but no such Act may permit Parliament or its Members or officers to impose any punishment in the nature of a criminal penalty, other than a fine, for breach of privilege or contempt of Parliament.

- Right of petition

149. Right to petition Parliament

1. Every citizen and permanent resident of Zimbabwe has a right to petition Parliament to consider any matter within its authority, including the enactment, amendment or repeal of legislation.
2. The manner in which petitions are to be presented to Parliament, and the action that Parliament is to take on presentation of a petition, must be prescribed in Standing Orders.

150. Venue of Parliament

Parliament may sit at places other than the ordinary seat of Parliament, but only on grounds of public interest, security or convenience.

- Legislative committees

151. Committee on Standing Rules and Orders

1. Parliament must appoint a committee to be known as the Committee on Standing Rules and Orders for the purpose of--
    a. supervising the administration of Parliament;
    b. formulating Standing Orders;
    c. considering and deciding all matters concerning Parliament; and
    d. exercising any other functions that may be conferred or imposed on the committee by this Constitution or by Standing Orders or any other law.
2. The Committee on Standing Rules and Orders must consist of the Speaker and the President of the Senate and the following Members of Parliament--
    a. the Deputy Speaker;
    b. the Deputy President of the Senate;
    c. the Minister responsible for finance and two other Ministers appointed by the President;
    d. the Leader of Government Business in each House;
    e. the Leader of the Opposition in each House;

2. f. the chief whips of all the political parties represented in each House;
   g. the President of the National Council of Chiefs;
   h. two Members who are not Ministers or Deputy Ministers, one being a Senator appointed to the committee by the President of the Senate and one being a Member of the National Assembly appointed by the Speaker; and
   i. eight Members who are not Ministers or Deputy Ministers, four being elected to the committee by the Senate and four being elected by the National Assembly.
3. Members must be appointed or elected to the Committee on Standing Rules and Orders as soon as possible after the beginning of the first session of each Parliament, and they must be selected so that the committee reflects as nearly as possible the political and gender composition of the combined Houses of Parliament.
4. The Committee on Standing Rules and Orders is appointed for the life of each Parliament.
5. The Committee on Standing Rules and Orders is chaired by the Speaker or, in his or her absence, by the President of the Senate.
6. The procedure to be followed by the Committee on Standing Rules and Orders must be prescribed in Standing Orders.
7. Whenever a vacancy occurs in the Committee on Standing Rules and Orders a Member must be elected or appointed, as the case may be, as soon as possible to fill the vacancy.

- Legislative committees

152. Parliamentary Legal Committee

1. As soon as practicable after the beginning of each session of Parliament, the Committee on Standing Rules and Orders must appoint a committee to be known as the Parliamentary Legal Committee, consisting of at least three Members of Parliament who are not Ministers or Deputy Ministers.
2. A majority of the members of the Parliamentary Legal Committee must be qualified to practise in Zimbabwe as legal practitioners unless there are insufficient such persons eligible to be appointed to the Committee.
3. The Parliamentary Legal Committee must examine--
   a. every Bill, other than a Constitutional Bill, before it receives its final vote in the Senate or the National Assembly;
   b. any Bill which has been amended after being examined by the Committee, before the Bill receives its final vote in the Senate or the National Assembly;
   c. every statutory instrument published in the Gazette;
   d. every draft Bill which has been referred to the Committee by a Vice-President or a Minister; and
   e. every draft statutory instrument which has been referred to the Committee by the authority empowered to make the instrument;

   and must report to Parliament or to the Vice-President, Minister or authority, as the case may be, whether it considers any provision in the Bill, statutory instrument or draft contravenes or, if enacted, would contravene any provision of this Constitution.

4. After examining any statutory instrument or draft statutory instrument the Parliamentary Legal Committee must report to Parliament or to the Vice-President, Minister or authority concerned whether it considers any provision in the instrument is or, if enacted, would be ultra vires the enabling Act of Parliament.
5. An Act of Parliament or Standing Orders may confer further functions on the Parliamentary Legal Committee.

- Compensation of legislators

153. Remuneration of President of Senate, Speaker and Members of Parliament

1. The remuneration of the Speaker and the President of the Senate--
    a. must be prescribed in an Act of Parliament and is a charge on the Consolidated Revenue Fund;
    b. must not be reduced while they hold office; and
    c. must continue to be paid to them after a dissolution until they cease to hold office.
2. The remuneration paid to Members of Parliament must be prescribed under an Act of Parliament.

- Legislative committees

154. Clerk of Parliament and other staff

1. The Committee on Standing Rules and Orders, with the approval of the National Assembly, must appoint an officer to be known as the Clerk of Parliament to be responsible, subject to Standing Orders and to the control and supervision of the Speaker, for the day-to-day administration of Parliament.
2. The Clerk of Parliament is appointed for a six-year term, and may be re-appointed for one further such term.
3. The Clerk of Parliament must vacate his or her office--
    a. if, on the recommendation of the Committee on Standing Rules and Orders, more than half of all the Members of the National Assembly resolve that the Clerk should be removed;
    b. if the Clerk would be required to vacate his or her seat were he or she a Member of Parliament; or
    c. in any event, after holding office as Clerk for twelve years.
4. The Committee on Standing Rules and Orders must appoint such other staff of Parliament as it considers necessary.
5. The Clerk of Parliament and the other staff of Parliament.
    a. are appointed on terms of service approved from time to time by the Committee on Standing Rules and Orders; and
    b. are public officers but do not form part of the Public Service.

CHAPTER 7. ELECTIONS

PART 1. ELECTORAL SYSTEMS AND PROCESSES

- Referenda

155. Principles of electoral system

1. Elections, which must be held regularly, and referendums, to which this Constitution applies must be--
    a. peaceful, free and fair;
    b. conducted by secret ballot;
    c. based on universal adult suffrage and equality of votes; and
    d. free from violence and other electoral malpractices.
2. The State must take all appropriate measures, including legislative measures, to ensure that effect is given to the principles set out in subsection (1) and, in particular, must--
    a. ensure that all eligible citizens, that is to say the citizens qualified under the Fourth Schedule, are registered as voters;
    b. ensure that every citizen who is eligible to vote in an election or referendum has an opportunity to cast a vote, and must facilitate voting by persons with disabilities or special needs;
    c. ensure that all political parties and candidates contesting an election or participating in a referendum have reasonable access to all material and

- Secret ballot
- Claim of universal suffrage

2. **c.** information necessary for them to participate effectively;
   d. provide all political parties and candidates contesting an election or participating in a referendum with fair and equal access to electronic and print media, both public and private; and
   e. ensure the timely resolution of electoral disputes.

- Campaign financing

- Electoral commission
- Referenda

156. Conduct of elections and referendums

At every election and referendum, the Zimbabwe Electoral Commission must ensure that--

a. whatever voting method is used, it is simple, accurate, verifiable, secure and transparent;

b. the results of the election or referendum are announced as soon as possible after the close of the polls; and

c. appropriate systems and mechanisms are put in place--

i. to eliminate electoral violence and other electoral malpractices; and

ii. to ensure the safekeeping of electoral materials.

157. Electoral Law

1. An Act of Parliament must provide for the conduct of elections and referendums to which this Constitution applies, and in particular for the following matters--
   a. the periodic delimitation of constituencies and wards in accordance with section 161;
   b. the registration of voters, and requirements for registration on particular voters' rolls;
   c. a code of conduct for political parties, candidates and other persons participating in elections or referendums;
   d. a system of proportional representation for the election of persons to the seats in the Senate referred to in section 120(1)(a) and the seats reserved for women in the National Assembly referred to in section 124(1)(b), and the procedure for filling vacancies in those seats, which vacancies must be filled by persons--
      i. belonging to the same political parties as those who previously held the seats; and
      ii. of the same gender as the persons who previously held the seats;
   e. the election of representatives of persons with disabilities under section 120(1)(d);
   f. the conduct of elections to provincial and metropolitan councils and local authorities;
   g. challenges to election results.
2. The system of proportional representation provided for in terms of subsection (1)(d) must ensure equal representation of women among the Senators referred to in section 120(1)(a).
3. The Electoral Law must provide for the nomination of candidates in any election to take place at least fourteen days after the election was called and thirty days before polling in the election.
4. No amendments may be made to the Electoral Law, or to any subsidiary legislation made under that law, unless the Zimbabwe Electoral Commission has been consulted and any recommendations made by the Commission have been duly considered.
5. After an election has been called, no change to the Electoral Law or to any other law relating to elections has effect for the purpose of that election.

- Restrictions on voting
- Restrictions on political parties
- Replacement of legislators
- Municipal government
- Subsidiary unit government
- Second chamber representation quotas
- Electoral commission

PART 2. TIMING OF ELECTIONS

- Scheduling of elections

158. Timing of elections

1. A general election must be held so that polling takes place not more than--
    a. thirty days before the expiry of the five-year period specified in section 143;
    b. where Parliament has passed resolutions to dissolve in terms of section 143(2), ninety days after the passing of the last such resolution; or
    c. where Parliament is dissolved in terms of section 109(4) or (5) following a vote of no confidence, ninety days after the dissolution.
2. General elections to local authorities must take place concurrently with presidential and parliamentary general elections.

- Replacement of legislators

3. Polling in by-elections to Parliament and local authorities must take place within ninety days after the vacancies occurred unless the vacancies occur within nine months before a general election is due to be held, in which event the vacancies may remain unfilled until the general election.

159. Filling of electoral vacancies

Whenever a vacancy occurs in any elective public office established in terms of this Constitution, other than an office to which section 158 applies, the authority charged with organising elections to that body must cause an election to be held within ninety days to fill the vacancy.

PART 3. DELIMITATION OF ELECTORAL BOUNDARIES

- Electoral districts
- Electoral commission

160. Number of constituencies and wards

1. For the purpose of electing Members of Parliament, the Zimbabwe Electoral Commission must divide Zimbabwe into two hundred and ten constituencies.
2. For the purpose of elections to local authorities, the Zimbabwe Electoral Commission must divide local authority areas into wards according to the number of members to be elected to the local authorities concerned.

- Electoral commission
- Electoral districts

161. Delimitation of electoral boundaries

- Census

1. Once every ten years, on a date or within a period fixed by the Commission so as to fall as soon as possible after a population census, the Zimbabwe Electoral Commission must conduct a delimitation of the electoral boundaries into which Zimbabwe is to be divided.
2. If a delimitation of electoral boundaries is completed less than six months before polling day in a general election, the boundaries so delimited do not apply to that election, and instead the boundaries that existed immediately before the delimitation are applicable.
3. The boundaries of constituencies must be such that, so far as possible, at the time of delimitation equal numbers of voters are registered in each constituency within Zimbabwe.
4. The boundaries of wards must be such that, so far as possible, at the time of delimitation equal numbers of voters are registered in each ward of the local authority concerned.
5. In delimiting--
    a. the boundaries of wards, the Zimbabwe Electoral Commission must ensure that no ward is divided between two or more local authority areas;
    b. the boundaries of constituencies, the Zimbabwe Electoral Commission must ensure that no ward is divided between two or more constituencies.
6. In dividing Zimbabwe into wards and constituencies, the Zimbabwe Electoral Commission must, in respect of any area, give due consideration to

6. **a.** its physical features;
   b. the means of communication within the area;
   c. the geographical distribution of registered voters;
   d. any community of interest as between registered voters;
   e. in the case of any delimitation after the first delimitation, existing electoral boundaries; and
   f. its population;

   and to give effect to these considerations, the Commission may depart from the requirement that constituencies and wards must have equal numbers of voters, but no constituency or ward of the local authority concerned may have more than twenty per cent more or fewer registered voters than the other such constituencies or wards.

7. After delimiting wards and constituencies, the Zimbabwe Electoral Commission must submit to the President a preliminary report containing--
   a. a list of the wards and constituencies, with the names assigned to each and a description of their boundaries;
   b. a map or maps showing the wards and constituencies; and
   c. any further information or particulars which the Commission considers necessary;

   and the President must cause the preliminary delimitation report to be laid before Parliament within seven days.

8. Within fourteen days after a preliminary delimitation report has been laid before Parliament--
   a. the President may refer the report back to the Zimbabwe Electoral Commission for further consideration of any matter or issue;
   b. either House may resolve that the report should be referred back to the Zimbabwe Electoral Commission for further consideration of any matter or issue, and in that event the President must refer the report back to the Commission for that further consideration.
9. Where a preliminary delimitation report has been referred back to it under subsection (8), the Zimbabwe Electoral Commission must give further consideration to the matter or issue concerned, but the Commission's decision on it is final.
10. As soon as possible after complying with subsections (7) and (9), the Zimbabwe Electoral Commission must submit a final delimitation report to the President.
11. Within fourteen days after receiving the Zimbabwe Electoral Commission's final report, the President must publish a proclamation in the Gazette declaring the names and boundaries of the wards and constituencies as finally determined by the Commission.
12. If there is a discrepancy between the description of the boundaries of any ward or constituency and the map or maps prepared by the Zimbabwe Electoral Commission, the description prevails.

CHAPTER 8. THE JUDICIARY AND THE COURTS

PART 1. THE COURT SYSTEM

- Structure of the courts

162. Judicial authority

Judicial authority derives from the people of Zimbabwe and is vested in the courts, which comprise--

- Establishment of constitutional court

a. the Constitutional Court;

b. the Supreme Court;

c. the High Court;

- Establishment of labor courts

d. the Labour Court;

- Establishment of administrative courts

e. the Administrative Court;

f. the magistrates courts;

g. the customary law courts; and

h. other courts established by or under an Act of Parliament.

163. The judiciary

1. The judiciary of Zimbabwe consists of--
- **a.** the Chief Justice, the Deputy Chief Justice and the other judges of the Constitutional Court;
- **b.** the judges of the Supreme Court;
- **c.** the Judge President of the High Court and the other judges of that court;
- Establishment of labor courts
- **d.** the Judge President of the Labour Court and the other judges of that court;
- Establishment of administrative courts
- **e.** the Judge President of the Administrative Court and the other judges of that court; and
- **f.** persons presiding over magistrates courts, customary law courts and other courts established by or under an Act of Parliament.

2. The Chief Justice is head of the judiciary and is in charge of the Constitutional Court and the Supreme Court.

3. The Judge President of the High Court is in charge of that court.

- Establishment of labor courts

4. The Judge President of the Labour Court is in charge of that court.

- Establishment of administrative courts

5. The Judge President of the Administrative Court is in charge of that court.

- Judicial independence

164. Independence of judiciary

1. The courts are independent and are subject only to this Constitution and the law, which they must apply impartially, expeditiously and without fear, favour or prejudice.

2. The independence, impartiality and effectiveness of the courts are central to the rule of law and democratic governance, and therefore--
- **a.** neither the State nor any institution or agency of the government at any level, and no other person, may interfere with the functioning of the courts;
- **b.** the State, through legislative and other measures, must assist and protect the courts to ensure their independence, impartiality, dignity, accessibility and effectiveness and to ensure that they comply with the principles set out in section 165.

3. An order or decision of a court binds the State and all persons and governmental institutions and agencies to which it applies, and must be obeyed by them.

4. Nothing in this section is to be construed as preventing an Act of Parliament from vesting functions other than adjudicating functions in a member of the judiciary, provided that the exercise of those functions does not compromise the independence of the judicial officer concerned in the performance of his or her judicial functions and does not compromise the independence of the judiciary in general.

165. Principles guiding judiciary

1. In exercising judicial authority, members of the judiciary must be guided by the following principles--
    a. justice must be done to all, irrespective of status;
    b. justice must not be delayed, and to that end members of the judiciary must perform their judicial duties efficiently and with reasonable promptness;
    c. the role of the courts is paramount in safeguarding human rights and freedoms and the rule of law.
2. Members of the judiciary, individually and collectively, must respect and honour their judicial office as a public trust and must strive to enhance their independence in order to maintain public confidence in the judicial system.
3. When making a judicial decision, a member of the judiciary must make it freely and without interference or undue influence.
4. Members of the judiciary must not--
    a. engage in any political activities;
    b. hold office in or be members of any political organisation;
    c. solicit funds for or contribute towards any political organisation; or
    d. attend political meetings.
5. Members of the judiciary must not solicit or accept any gift, bequest, loan or favour that may influence their judicial conduct or give the appearance of judicial impropriety.
6. Members of the judiciary must give their judicial duties precedence over all other activities, and must not engage in any activities which interfere with or compromise their judicial duties.

• International law

7. Members of the judiciary must take reasonable steps to maintain and enhance their professional knowledge, skills and personal qualities, and in particular must keep themselves abreast of developments in domestic and international law.

• Establishment of constitutional court

166. Constitutional Court

1. The Constitutional Court is a superior court of record and consists of--
    a. the Chief Justice and the Deputy Chief Justice; and
    b. five other judges of the Constitutional Court;
2. If the services of an acting judge are required on the Constitutional Court for a limited period, the Chief Justice may appoint a judge or a former judge to act as a judge of the Constitutional Court for that period.
3. Cases before the Constitutional Court--
    a. concerning alleged infringements of a fundamental human right or freedom enshrined in Chapter 4, or concerning the election of a President or Vice-President, must be heard by all the judges of the Court;
    b. other than cases referred to in paragraph (a), must be heard by at least three judges of the Court;

    but an Act of Parliament or rules of the Court may provide for interlocutory matters to be heard by one or more judges of the Court.

4. Judges or former judges appointed to act under subsection (2) may continue to sit as judges of the Constitutional Court after their appointments have expired, for the purpose of dealing with any proceedings commenced before them while they were so acting.

• Constitutional interpretation

167. Jurisdiction of Constitutional Court

1. The Constitutional Court--
    a. is the highest court in all constitutional matters, and its decisions on those matters bind all other courts;
    b. decides only constitutional matters and issues connected with decisions on constitutional matters, in particular references and applications under

1. **b.** section 131(8)(b) and paragraph 9(2) of the Fifth Schedule; and
   c. makes the final decision whether a matter is a constitutional matter or whether an issue is connected with a decision on a constitutional matter.

- Constitutional court powers

2. Subject to this Constitution, only the Constitutional Court may--
   a. advise on the constitutionality of any proposed legislation, but may do so only where the legislation concerned has been referred to it in terms of this Constitution;
   b. hear and determine disputes relating to election to the office of President;
   c. hear and determine disputes relating to whether or not a person is qualified to hold the office of Vice-President; or
   d. determine whether Parliament or the President has failed to fulfil a constitutional obligation.

- Constitutional court powers

3. The Constitutional Court makes the final decision whether an Act of Parliament or conduct of the President or Parliament is constitutional, and must confirm any order of constitutional invalidity made by another court before that order has any force.
4. An Act of Parliament may provide for the exercise of jurisdiction by the Constitutional Court and for that purpose may confer the power to make rules of court.
5. Rules of the Constitutional Court must allow a person, when it is in the interests of justice and with or without leave of the Constitutional Court--

- Constitutionality of legislation
- Right to appeal judicial decisions

   a. to bring a constitutional matter directly to the Constitutional Court;
   b. to appeal directly to the Constitutional Court from any other court;
   c. to appear as a friend of the court.

- Structure of the courts

168. Supreme Court

- Number of supreme court judges
- Number of supreme court judges
- Number of supreme court judges
- Number of supreme court judges

1. The Supreme Court is a superior court of record and consists of--
   a. the Chief Justice and the Deputy Chief Justice;
   b. no fewer than two other judges of the Supreme Court; and
   c. any additional judges appointed under subsection (2).
2. If the services of an additional judge are required on the Supreme Court for a limited period, the Chief Justice may appoint a judge of the High Court, or a former judge to act as a judge of the Supreme Court for that period.
3. Judges or former judges appointed to act under subsection (2) may continue to sit as judges of the Supreme Court after their appointments have expired, for the purpose of dealing with any proceedings commenced before them while they were so acting.

169. Jurisdiction of Supreme Court

- Right to appeal judicial decisions

1. The Supreme Court is the final court of appeal for Zimbabwe, except in matters over which the Constitutional Court has jurisdiction.
2. Subject to subsection (1), an Act of Parliament may confer additional jurisdiction and powers on the Supreme Court.
3. An Act of Parliament may provide for the exercise of jurisdiction by the Supreme Court and for that purpose may confer the power to make rules of court.
4. Rules of court may confer on a registrar of the Supreme Court any of the Court's jurisdiction and powers in civil cases--
   a. to make orders in uncontested cases, other than orders affecting status or the custody or guardianship of children;
   b. to decide preliminary or interlocutory matters, including applications for directions, but not matters affecting the liberty of any person;

   but the rules must give any person affected by the registrar's order or decision a right to have it reviewed by a judge of the Supreme Court, who may confirm it, amend it or set it aside or give any other order or decision he or she thinks fit.

- Structure of the courts

170. High Court

The High Court is a superior court of record and consists of--

a. the Chief Justice, the Deputy Chief Justice and the Judge President of the High Court; and

b. such other judges of the High Court as may be appointed from time to time.

171. Jurisdiction of High Court

1. The High Court--
- **a.** has original jurisdiction over all civil and criminal matters throughout Zimbabwe;
- **b.** has jurisdiction to supervise magistrates courts and other subordinate courts and to review their decisions;
- Constitutional interpretation
- **c.** may decide constitutional matters except those that only the Constitutional Court may decide; and
- Right to appeal judicial decisions
- **d.** has such appellate jurisdiction as may be conferred on it by an Act of Parliament.

2. An Act of Parliament may provide for the exercise of jurisdiction by the High Court and for that purpose may confer the power to make rules of court.

3. An Act of Parliament may provide for the High Court to be divided into specialised divisions, but every such division must be able to exercise the general jurisdiction of the High Court in any matter that is brought before it.

4. Rules of court may confer on a registrar of the High Court power in civil cases--
- **a.** to make orders in uncontested cases, other than orders affecting status or the custody or guardianship of children;
- **b.** to decide preliminary or interlocutory matters, including applications for directions, but not matters affecting the liberty of any person;

but the rules must give any person affected by the registrar's order or decision a right to have it reviewed by a judge of the High Court, who may confirm it, amend it or set it aside or give any other order or decision he or she thinks fit.

- Establishment of labor courts

172. Labour Court

1. The Labour Court is a court of record and consists of--
- **a.** a senior judge; and
- **b.** such other judges of the Labour Court as may be appointed from time to time.

2. The Labour Court has such jurisdiction over matters of labour and employment as may be conferred upon it by an Act of Parliament.

3. An Act of Parliament may provide for the exercise of jurisdiction by the Labour Court and for that purpose may confer the power to make rules of court.

- Establishment of administrative courts

173. Administrative Court

1. The Administrative Court is a court of record and consists of--
- **a.** a senior judge; and
- **b.** such other judges of the Administrative Court as may be appointed from time to time.

2. The Administrative Court has such jurisdiction over administrative matters as may be conferred upon it by an Act of Parliament.

3. An Act of Parliament may provide for the exercise of jurisdiction by the Administrative Court and for that purpose may confer the power to make rules of court.

174. Other courts and tribunals

1. An Act of Parliament may provide for the establishment, composition and jurisdiction of--
- **a.** magistrates courts, to adjudicate on civil and criminal cases;

1. **b.** customary law courts whose jurisdiction consists primarily in the application of customary law;
   c. other courts subordinate to the High Court; and
   d. tribunals for arbitration, mediation and other forms of alternative dispute resolution.
2. For the purpose of this section and section 171(1)(b), it is declared, for the avoidance of doubt, that the Labour Court and Administrative Court are courts subordinate to the High Court.

- Constitutional interpretation
- Constitutionality of legislation

175. Powers of courts in constitutional matters

1. Where a court makes an order concerning the constitutional invalidity of any law or any conduct of the President or Parliament, the order has no force unless it is confirmed by the Constitutional Court.
2. A court which makes an order of constitutional invalidity referred to in subsection (1) may grant a temporary interdict or other temporary relief to a party, or may adjourn the proceedings, pending a decision of the Constitutional Court on the validity of the law or conduct concerned.
3. Any person with a sufficient interest may appeal, or apply, directly to the Constitutional Court to confirm or vary an order concerning constitutional validity by a court in terms of subsection (1).
4. If a constitutional matter arises in any proceedings before a court, the person presiding over that court may and, if so requested by any party to the proceedings, must refer the matter to the Constitutional Court unless he or she considers the request is merely frivolous or vexatious.
5. An Act of Parliament or rules of court must provide for the reference to the Constitutional Court of an order concerning constitutional invalidity made in terms of subsection (1) by a court other than the Constitutional Court.
6. When deciding a constitutional matter within its jurisdiction a court may--
   a. declare that any law or conduct that is inconsistent with the Constitution is invalid to the extent of the inconsistency;
   b. make any order that is just and equitable, including an order limiting the retrospective effect of the declaration of invalidity and an order suspending conditionally or unconditionally the declaration of invalidity for any period to allow the competent authority to correct the defect.

176. Inherent powers of Constitutional Court, Supreme Court and High Court

The Constitutional Court, the Supreme Court and the High Court have inherent power to protect and regulate their own process and to develop the common law or the customary law, taking into account the interests of justice and the provisions of this Constitution.

PART 2. APPOINTMENT AND TENURE OF MEMBERS OF JUDICIARY

- Eligibility for const court judges

177. Qualifications of judges of Constitutional Court

- Age restrictions on constitutional court judges

1. A person is qualified for appointment as a judge of the Constitutional Court if he or she is a Zimbabwean citizen, is at least forty years old and has a sound knowledge of constitutional law and, in addition, possesses one of the following qualifications--
   a. he or she has been a judge of a court with unlimited jurisdiction in civil or criminal matters in a country in which the common law is Roman-Dutch or English, and English is an officially recognised language; or
   b. for at least twelve years, whether continuously or not, he or she has been qualified to practise as a legal practitioner--
      i. in Zimbabwe; or

1. b. ii. in a country in which the common law is Roman-Dutch or English and English is an officially recognised language;

and is currently so qualified to practise.

183. Judicial officers not to be appointed to more than one court

Except as otherwise provided in this Constitution, a person must not be appointed as a judicial officer of more than one court.

184. Judicial appointments to reflect society

Appointments to the judiciary must reflect broadly the diversity and gender composition of Zimbabwe.

2. To be appointed as a judge of the Constitutional Court a person must be a fit and proper person to hold office as a judge.

- Eligibility for supreme court judges

178. Qualifications of judges of Supreme Court

- Age restrictions on supreme court judges

1. A person is qualified for appointment as a judge of the Supreme Court if he or she is a Zimbabwean citizen and at least forty years old and, in addition--
   a. is or has been a judge of a court with unlimited jurisdiction in civil or criminal matters in a country in which the common law is Roman-Dutch or English and English is an officially recognised language; or
   b. for at least ten years, whether continuously or not, he or she has been qualified to practise as a legal practitioner--
      i. in Zimbabwe; or
      ii. in a country in which the common law is Roman-Dutch or English and English is an officially recognised language;

   and is currently so qualified to practise.

2. To be appointed as a judge of the Supreme Court a person must be a fit and proper person to hold office as a judge.

- Eligibility for ordinary court judges
- Eligibility for administrative judges
- Attorney general

179. Qualifications of judges of High Court, Labour Court and Administrative Court

- Age restrictions on ordinary court judges
- Age restrictions on administrative judges

1. A person is qualified for appointment as a judge of the High Court, the Labour Court or the Administrative Court if he or she is at least forty years old and, in addition--
   a. is or has been a judge of a court with unlimited jurisdiction in civil or criminal matters in a country in which the common law is Roman-Dutch or English and English is an officially recognised language; or
   b. for at least seven years, whether continuously or not, he or she has been qualified to practise as a legal practitioner--
      i. in Zimbabwe;
      ii. in a country in which the common law is Roman-Dutch and English is an officially recognised language; or
      iii. if he or she is a Zimbabwean citizen, in a country in which the common law is English and English is an officially recognised language;

   and is currently so qualified to practise.

2. To be appointed as a judge of the High Court, the Labour Court or the Administrative Court a person must be a fit and proper person to hold office as a judge.

- Ordinary court selection
- Supreme court selection
- Constitutional court selection
- Establishment of judicial council
- Administrative court selection

180. Appointment of judges

1. The Chief Justice, the Deputy Chief Justice, and the Judge President of the High Court and all other judges are appointed by the President in accordance with this section.
2. The Chief Justice, the Deputy Chief Justice, and the Judge President of the High Court shall be appointed by the President after consultation with the Judicial Service Commission.
3. If the appointment of a Chief Justice, Deputy Chief Justice or Judge President of the High Court is not consistent with any recommendation made by the Judicial Service Comnnission in terms of subsection (2), the President shalt cause the Senate to be informed as soon as is practicable:
4. Subject to subsection (4a), whenever it is necessary to appoint a judge, other than the Chief Justice, Deputy Chief Justice, Judge President or a sitting judge of the Supreme Court, High Court, Labour Court or Administrative Court to be a judge of the next higher court, the Judicial Service Commission must—
    - **a.** advertise the position; and
    - **b.** invite the President and the public to make nondnations; and
    - **c.** conduct public interviews of prospective candidates; and
    - **d.** prepare a list of three qualified persons as nominees for the office; and
    - **e.** submit the list to the President, whereupon, subject to subsection (5), the President must appoint one of the nominees to the office concerned.

4a. Notwithstanding subsection (4) the President, acting on the recommendation of the Judicial Service Commission may, at any time whenever it is necessary to do so, appoint a sitting judge of the Supreme Court, High Court, Labour Court or Administrative Court to be a judge of the next higher court.

5. If the President considers that none of the persons on the list submitted to him or her in terms of subsection (4)(e) are suitable for appointment to the office, he or she must require the Judicial Service Commissionto submit a further list of three qualified persons, whereupon the President must appoint one of the nominees to the office concerned.
6. The President must cause notice of every appointment under this section to be published in the Gazette.
7. The offices of senior judge of the Labour Court and senior judge of the Adrninistrative Court must be filled by another judge or an additional or acting judge, as the case may be, of the court concemed, and are appointed by the Chief Justice after consultation with the Judicial Service Commission.

181. Acting judicial appointments

1. If the office of Chief Justice is vacant or if the office-holder is unable to perform the functions of the office, the Deputy Chief Justice acts in his or her place, but if both offices are vacant or both office-holders are unable to perform their functions, the next most senior judge of the Constitutional Court acts as Chief Justice.
2. If the office of--
    - **a.** Judge President of the High Court;
    - **b.** senior judge of the Labour Court; or
    - **c.** senior judge of the Administrative Court;

    is vacant or if the office-holder is unable to perform the functions of that office, the next most senior judge of the court concerned acts as Judge President.

- Establishment of judicial council

3. If the services of an additional judge of the High Court, the Labour Court or the Administrative Court are required for a limited period the President, acting on the advice of the Judicial Service Commission, may appoint a former judge to act in that office for not more than twelve months, which period may be renewed for one further period of twelve months.
4. Persons appointed to act under subsection (3) may continue to sit as judges after their appointments have expired, for the purpose of dealing with any proceedings commenced before them while they were so acting.

- Ordinary court selection
- Establishment of judicial council

182. Appointment of magistrates and other members of judiciary

An Act of Parliament must provide for the appointment of magistrates and other judicial officers other than judges, but--

a. magistrates must be appointed by the Judicial Service Commission;

b. judicial officers other than magistrates or judges must be appointed with the approval of the Judicial Service Commission;

c. all such appointments must be made transparently and without fear, favour, prejudice or bias.

- Oaths to abide by constitution

185. Oath of office

1. Before the Chief Justice or Deputy Chief Justice assumes office, he or she must take, before the President or a person authorised by the President, the judicial oath in the form set out in the Third Schedule.
2. Before a judge, other than the Chief Justice or Deputy Chief Justice, assumes office, he or she must take, before the Chief Justice or the next most senior judge available, the judicial oath in the form set out in the Third Schedule.
3. The Acts of Parliament under which magistrates and other members of the judiciary, other than judges, are appointed must prescribe the oath to be taken by those members of the judiciary.

186. Tenure of office of judges

1. The Chief Justice and the Deputy Chief Justice hold office from the date of their assumption of office until they reach the age of seventy years, when they must retire unless, before they attain that age,they elect to continue in office for an additional five years:

Provided that such election shall be subject to the submission to, and acceptance by the President, after consultation with the Judicial Service Commission, of a medical report as to their mental and physical fitness so to continue in office.

2. Judges of the Constitutional Court are appointed for a non-renewable term of not more than fifteen years, but—

a. they must retire earlier if they reach the age of seventy years unless, before they attain that age, they elect to continue in office for an additional five years:

Provided that such election shall be subject to the submission to, and acceptance by the President, after consultation with the Judicial Service Commission, of a medical report as to the mental and physical fitness of the judge so to continue in office;

b. after the completion of their term, they may be appointed as judges of the Supreme Court or the High Court, at their option, if they are eligible for such appointment.

3. Judges of the Supreme Court hold office from the date of their assumption of office until they reach the age of seventy years, when they must retire unless, before they attain that age, they elect to continue in office for an additional five years:

Provided that such election shall be subject to the submission to, and acceptance by the President, after consultation with the Judicial Service Commission, of a medical report as to the mental and physical fitness of the judge so to continue in office.

4. Notwithstanding subsection (7) of section 328, the provisions of subsections (1), (2) and (3) of this section shall apply to the continuation in office of the Chief

4. Justice, Deputy Chief Justice,judges of the Constitutional Court and judges of the Supreme Court.
5. Judges of the High Court and any other judges hold office from the date of their assumption of office until they reach the age of seventy years, when they must retire.
6. A person may be appointed as a judge of the Supreme Court,the High Court or any other court for a fixed term, but if a person is so appointed, other than in an acting capacity, he or she ceases to be a judge on reaching the age of seventy-five years (in the case of a judge of the Supreme Court) or seventy years (in the case of a judge of the High Court or any other court) even if the term of his or her appointment has not expired.
7. Even though a judge has resigned or reached the age of retirement or, in the case of a judge of the Constitutional Court, reached the end of his or her term of office, he or she may continue to sit as a judge for the purpose of dealing with any proceedings commenced before him or her while he or she was a judge.
8. A judge may resign from his or her office at any time by written notice to the President given through the Judicial Service Commission.
9. The office of a judge must not be abolished during his or her tenure of office.

- Supreme/ordinary court judge removal

187. Removal of judges from office

1. A judge may be removed from office only for--
    a. inability to perform the functions of his or her office, due to mental or physical incapacity;
    b. gross incompetence; or
    c. gross misconduct;

   and a judge cannot be removed from office except in accordance with this section.

2. If the President considers that the question of removing the Chief Justice from office ought to be investigated, the President must appoint a tribunal to inquire into the matter.

- Establishment of judicial council

3. If the Judicial Service Commission advises the President that the question of removing any judge, including the Chief Justice, from office ought to be investigated, the President must appoint a tribunal to inquire into the matter.
4. A tribunal appointed under this section must consist of at least three members appointed by the President, of whom--
    a. at least one must be a person who--
        i. has served as a judge of the Supreme Court or High Court in Zimbabwe; or
        ii. holds or has held office as a judge of a court with unlimited jurisdiction in civil or criminal matters in a country whose common law is Roman-Dutch or English, and English is an officially recognised language;
    b. at least one must be chosen from a list of three or more legal practitioners of seven years' standing or more who have been nominated by the association, constituted under an Act of Parliament, which represents legal practitioners in Zimbabwe.
5. The association referred to in subsection (4)(b) must prepare the list referred to in that subsection when so required by the President.
6. The President must designate one of the members of a tribunal appointed under this section to be chairperson of the tribunal.
7. A tribunal appointed under subsection (2) or (3) must inquire into the question of removing the judge concerned from office and, having done so, must report its findings to the President and recommend whether or not the judge should be removed from office.
8. The President must act in accordance with the tribunal's recommendation in terms of subsection (7).
9. A tribunal appointed under this section has the same rights and powers as commissioners under the Commissions of Inquiry Act [Chapter 10:07], or any law that replaces that Act.

10. If the question of removing a judge from office has been referred to a tribunal under this section, the judge is suspended from office until the President, on the recommendation of the tribunal, revokes the suspension or removes the judge from office.

- Establishment of judicial council

11. An Act of Parliament may empower the Judicial Service Commission or a tribunal appointed under this section to require any judge to submit to a medical examination by a medical board established for that purpose, in order to ascertain his or her physical or mental health.

188. Conditions of service and tenure of members of judiciary

- Establishment of judicial council

1. Judges are entitled to the salaries, allowances and other benefits fixed from time to time by the Judicial Service Commission with the approval of the President given after consultation with the Minister responsible for justice and on the recommendation of the Minister responsible for finance.

2. An Act of Parliament must provide for the conditions of service of judicial officers other than judges and must ensure that their promotion, transfer and dismissal, and any disciplinary steps taken against them, take place--

- Establishment of judicial council

a. with the approval of the Judicial Service Commission; and

b. in a fair and transparent manner and without fear, favour or prejudice.

3. The salaries, allowances and other benefits of members of the judiciary are a charge on the Consolidated Revenue Fund.

- Protection of judges' salaries

4. The salaries, allowances and other benefits of members of the judiciary must not be reduced while they hold or act in the office concerned.

- Establishment of judicial council

PART 3. JUDICIAL SERVICE COMMISSION

189. Establishment and composition of Judicial Service Commission

1. There is a Judicial Service Commission consisting of--

a. the Chief Justice;

b. the Deputy Chief Justice;

c. the Judge President of the High Court;

d. one judge nominated by the judges of the Constitutional Court, the Supreme Court, the High Court, the Labour Court and the Administrative Court;

e. the Attorney-General;

f. the chief magistrate;

g. the chairperson of the Public Service Commission;

h. three practising legal practitioners of at least seven years' experience designated by the association, constituted under an Act of Parliament, which represents legal practitioners in Zimbabwe;

i. one professor or senior lecturer of law designated by an association representing the majority of the teachers of law at Zimbabwean universities or, in the absence of such an association, appointed by the President;

j. one person who for at least seven years has practised in Zimbabwe as a public accountant or auditor, and who is designated by an association, constituted under an Act of Parliament, which represents such persons; and

k. one person with at least seven years' experience in human resources management, appointed by the President.

2. The Chief Justice or, in his or her absence, the Deputy Chief Justice presides at meetings of the Judicial Service Commission, and in the absence of both of them at any meeting the members present elect one of their number to preside at the meeting.

3. The members of the Judicial Service Commission referred to in paragraphs (d), (h), (i), (j) and (k) of subsection (1) are appointed for one non-renewable term of six years.

190. Functions of Judicial Service Commission

1. The Judicial Service Commission may tender advice to the Government on any matter relating to the judiciary or the administration of justice, and the Government must pay due regard to any such advice.
2. The Judicial Service Commission must promote and facilitate the independence and accountability of the judiciary and the efficient, effective and transparent administration of justice in Zimbabwe, and has all the powers needed for this purpose.
3. The Judicial Service Commission, with the approval of the Minister responsible for justice, may make regulations for any purpose set out in this section.
4. An Act of Parliament may confer on the Judicial Service Commission functions in connection with the employment, discipline and conditions of service of persons employed in the Constitutional Court, the Supreme Court, the High Court, the Labour Court, the Administrative Court and other courts.

191. Fairness and transparency of proceedings of Judicial Service Commission

The Judicial Service Commission must conduct its business in a just, fair and transparent manner.

PART 4. GENERAL

192. Law to be administered

The law to be administered by the courts of Zimbabwe is the law that was in force on the effective date, as subsequently modified.

193. Criminal jurisdiction of courts

Only the following courts may exercise or be given jurisdiction in criminal cases--

a. the Constitutional Court, the Supreme Court, the High Court and magistrates courts;

b. a court or tribunal that deals with cases under a disciplinary law, to the extent that the jurisdiction is necessary for the enforcement of discipline in the disciplined force concerned.

CHAPTER 9. PRINCIPLES OF PUBLIC ADMINISTRATION AND LEADERSHIP

194. Basic values and principles governing public administration

1. Public administration in all tiers of government, including institutions and agencies of the State, and government-controlled entities and other public enterprises, must be governed by the democratic values and principles enshrined in this Constitution, including the following principles--
    a. a high standard of professional ethics must be promoted and maintained;
    b. efficient and economical use of resources must be promoted;
    c. public administration must be development-oriented;
    d. services must be provided impartially, fairly, equitably and without bias;

1. e. people's needs must be responded to within a reasonable time, and the public must be encouraged to participate in policy-making;
   f. public administration must be accountable to Parliament and to the people;
   g. institutions and agencies of government at all levels must co-operate with each other;
   h. transparency must be fostered by providing the public with timely, accessible and accurate information;
   i. good human-resource management and career-development practices, to maximise human potential, must be cultivated;
   j. public administration must be broadly representative of the diverse communities of Zimbabwe;
   k. employment, training and advancement practices must be based on merit, ability, objectivity, fairness, the equality of men and women and the inclusion of persons with disabilities;

   and the State must take measures, including legislative measures, to promote these values and principles.

- Civil service recruitment

2. Appointments to offices in all tiers of government, including government institutions and agencies and government-controlled entities and other public enterprises, must be made primarily on the basis of merit.

195. State-controlled commercial entities

1. Companies and other commercial entities owned or wholly controlled by the State must, in addition to complying with the principles set out in section 194(1), conduct their operations so as to maintain commercial viability and abide by generally accepted standards of good corporate governance.
2. Companies and other commercial entities referred to in subsection (1) must establish transparent, open and competitive procurement systems.

196. Responsibilities of public officers and principles of leadership

1. Authority assigned to a public officer is a public trust which must be exercised in a manner which--
   a. is consistent with the purposes and objectives of this Constitution;
   b. demonstrates respect for the people and a readiness to serve them rather than rule them; and
   c. promotes public confidence in the office held by the public officer.

- Duty to obey the constitution

2. Public officers must conduct themselves, in public and private life, so as to avoid any conflict between their personal interests and their public or official duties, and to abstain from any conduct that demeans their office.
3. Public officers in leadership positions must abide by the following principles of leadership--
   a. objectivity and impartiality in decision making;
   b. honesty in the execution of public duties;
   c. accountability to the public for decisions and actions; and
   d. discipline and commitment in the service of the people.

197. Terms of office of heads of government-controlled entities

An Act of Parliament may limit the terms of office of chief executive officers or heads of government-controlled entities and other commercial entities and public enterprises owned or wholly controlled by the State.

198. Legislation to enforce Chapter 9

An Act of Parliament must provide measures to enforce the provisions of this Chapter, including measures--

a. requiring public officers to make regular disclosures of their assets;

b. establishing codes of conduct to be observed by public officers;

c. specifying the standards of good corporate governance to be observed by government-controlled entities and other commercial entities owned or wholly controlled by the State;

d. providing for the disciplining of persons who contravene the provisions of this Chapter or of any code of conduct or standard referred to in paragraph (b).

CHAPTER 10. Public SERVICE

199. Public Service

1. There is a single Public Service to implement the policies of the Executive branch of the Government, to assist it in the administration of Zimbabwe and to deliver public services to the people.
2. The Public Service consists of persons employed by the State other than—
  a. members of the security services and any other security service that may be established;
  b. judges, magistrates and persons presiding over courts established by an Act of Parliament;
  c. members of Commissions established by this Constitution;
  d. the staff of Parliament; and
  e. any other person whose office or post is stated, by this Constitution or an Act of Parliament, not to form part of the Public Service.
3. An Act of Parliament must provide for the organisation, structure, management, regulation, discipline and, subject to section 203, the conditions of service of members of the Public Service.

200. Conduct of members of Public Service

- Duty to obey the constitution

1. Members of the Public Service must act in accordance with this Constitution and the law.
2. No member of the Public Service may obey an order that is manifestly illegal.
3. No member of the Public Service may, in the exercise of their functions--
  a. act in a partisan manner;
  b. further the interests of any political party or cause;
  c. prejudice the lawful interests of any political party or cause; or
  d. violate the fundamental rights or freedoms of any person.
4. Members of the Public Service must not be office-bearers of any political party.
5. An Act of Parliament must make provision to ensure the political neutrality of the Public Service.

201. Minister responsible for Public Service

The President must appoint a Minister to be responsible for the Public Service.

202. Establishment and composition of Public Service Commission

1. There is a Public Service Commission consisting of--
    a. a chairperson and deputy chairperson; and
    b. a minimum of two and a maximum of five other members;

   appointed by the President.

2. Members of the Public Service Commission must be chosen for their knowledge of or experience in administration, management or the provision of public services.

203. Functions of Public Service Commission

1. The Public Service Commission has the following functions--
    a. to appoint qualified and competent persons to hold posts in the Public Service, of whom ten *per centum* shall be persons with disabilities;
    b. subject to section 65(5), to fix and regulate conditions of service, including salaries, allowances and other benefits, of members of the Public Service;
    c. to exercise control and disciplinary powers over members of the Public Service;
    d. to investigate grievances and to remedy the grievances of members of the Public Service concerning official acts or omissions;
    e. to implement measures to ensure effective and efficient performance within, and the general well-being of, the Public Service;
    f. to ensure that members of the Public Service carry out their duties efficiently and impartially;
    g. to advise the President and the Minister on any matter relating to the Public Service;
    h. to promote throughout the Public Service the values and principles set out in this Constitution; and
    i. to exercise any other function that is conferred or imposed on the Commission by this Constitution or an Act of Parliament.
2. The Public Service Commission, with the approval of the Minister responsible for the Public Service, may make regulations for any of the purposes set out in subsection (1).
3. The Public Service Commission must exercise its functions in accordance with any general written policy directives which the Minister responsible for the Public Service may give it.
4. In fixing the salaries, allowances and other benefits of members of the Public Service, the Public Service Commission must act with the approval of the President given on the recommendation of the Minister responsible for finance and after consultation with the Minister responsible for the Public Service.

- International organizations
- Foreign affairs representative

204. Ambassadors and other principal representatives of Zimbabwe

The President may appoint persons to be ambassadors or other principal representatives of Zimbabwe in other countries or to be accredited to international organisations and may, at any time, remove those persons from their posts.

204A. Chief Secretary to Office of President and Cabinet

1. The Chief Secretary to the Office of the President and Cabinet and his or her deputies are appointed by the President after consultation with the Public Service Commission.

2. The Chief Secretary to the Office of the President and Cabinet is the most senior member of the Public Service, and Permanent Secretaries of ministries appointed in terms of section 205 shall report to the Chief Secretary on any matter affecting them as a class.
3. The terms of office and conditions of service of the Chief Secretary to the Office of the President and Cabinet and his or her deputies shall be as fixed by the President.

205. Permanent Secretaries

1. Permanent Secretaries of Ministries are appointed by the President after consultation with the Public Service Commission.
2. The term of office of a Permanent Secretary is a period of up to five years, and is renewable once only subject to competence, performance and delivery.

CHAPTER 11. SECURITY SERVICES

PART 1. GENERAL PROVISIONS

206. National security

1. The national security objectives of Zimbabwe must reflect the resolve of Zimbabweans to live as equals in liberty, peace and harmony, free from fear, and in prosperity.
2. The national security of Zimbabwe must be secured in compliance with this Constitution and the law.
3. In particular, the protection of national security must be pursued with the utmost respect for--
    a. the fundamental rights and freedoms and the democratic values and principles enshrined in this Constitution; and
    b. the rule of law.

207. Security services

1. The security services of Zimbabwe consist of--
    a. the Defence Forces;
    b. the Police Service;
    c. the intelligence services;
    d. the Prisons and Correctional Service; and
    e. any other security service established by Act of Parliament.
2. The security services are subject to the authority of this Constitution, the President and Cabinet and are subject to parliamentary oversight.
3. Membership of the security services must reflect the diversity of the people of Zimbabwe.

- Restrictions on the armed forces

208. Conduct of members of security services

- Duty to obey the constitution

1. Members of the security services must act in accordance with this Constitution and the law.
2. Neither the security services nor any of their members may, in the exercise of their functions--
    a. act in a partisan manner;
    b. further the interests of any political party or cause;
    c. prejudice the lawful interests of any political party or cause; or
    d. violate the fundamental rights or freedoms of any person.

3. Members of the security services must not be active members or office-bearers of any political party or organisation.
4. Serving members of the security services must not be employed or engaged in civilian institutions except in periods of public emergency.

- Advisory bodies to the head of state

209. National Security Council

1. There is a National Security Council consisting of the President as chairperson, the Vice-Presidents and such Ministers and members of the security services and other persons as may be determined in an Act of Parliament.
2. The functions of the National Security Council are--
    a. to develop the national security policy for Zimbabwe;
    b. to inform and advise the President on matters relating to national security; and
    c. to exercise any other functions that may be prescribed in an Act of Parliament.
3. The commanders of the security services must provide the National Security Council with such reports on the security situation in Zimbabwe as the Council may reasonably require.

210. Independent complaints mechanism

An Act of Parliament must provide an effective and independent mechanism for receiving and investigating complaints from members of the public about misconduct on the part of members of the security services, and for remedying any harm caused by such misconduct.

PART 2. DEFENCE FORCES

211. Defence Forces

1. The Defence Forces of Zimbabwe consist of an Army, an Air Force and any other services that may be established under an Act of Parliament.
2. The Defence Forces are the only lawful military forces in Zimbabwe.
3. The Defence Forces must respect the fundamental rights and freedoms of all persons and be non-partisan, national in character, patriotic, professional and subordinate to the civilian authority as established by this Constitution.
4. The Defence Forces must be maintained as disciplined military forces.
5. An Act of Parliament must provide for the organisation, structure, management, regulation, discipline and, subject to section 218, the conditions of service of members of the Defence Forces.

212. Function of Defence Forces

The function of the Defence Forces is to protect Zimbabwe, its people, its national security and interests and its territorial integrity and to uphold this Constitution.

- Designation of commander in chief

213. Deployment of Defence Forces

1. Subject to this Constitution, only the President, as Commander-in-Chief of the Defence Forces, has power--
    a. to authorise the deployment of the Defence Forces; or
    b. has power to determine the operational use of the Defence Forces.
2. With the authority of the President, the Defence Forces may be deployed in Zimbabwe--
    a. in defence of Zimbabwe;
    b. in support of the Police Service in the maintenance of public order; or
    c. in support of the Police Service and other civilian authorities in the event of an emergency or disaster.

3. With the authority of the President, the Defence Forces may be deployed outside Zimbabwe--
   - a. on peace-keeping operations under the auspices of the United Nations Organisation or any other international or regional organisation of which Zimbabwe is a member;
   - b. to defend the territorial integrity of a foreign country;
   - c. in fulfilment of an international commitment; or
   - d. in defence of Zimbabwe's national security or national interests.
4. By a two-thirds majority of the total membership of Parliament at a joint sitting of the Senate and the National Assembly, Parliament may resolve that a deployment of the Defence Forces outside Zimbabwe should be rescinded.
5. Where Parliament has resolved that a deployment of the Defence Forces outside Zimbabwe should be rescinded, the President must take all practical steps to withdraw the Defence Forces, taking due account of the need to ensure the safety of Zimbabwean personnel and equipment.

- International organizations
- International law
- Joint meetings of legislative chambers

214. Political accountability for deployment of Defence Forces

- Designation of commander in chief

When the Defence Forces are deployed--

- a. in Zimbabwe to assist in the maintenance of public order; or
- b. outside Zimbabwe;

the President must cause Parliament to be informed, promptly and in appropriate detail, of the reasons for their deployment and--

- i. where they are deployed in Zimbabwe, the place where they are deployed;
- ii. where they are deployed outside Zimbabwe, the country in which they are deployed.

215. Minister responsible for Defence Forces

The President must appoint a Minister to be responsible for the Defence Forces.

216. Command of Defence Forces

1. An Act of Parliament may provide that--
   - a. the Defence Forces are to be under the command of a single Commander; or
   - b. each service of the Defence Forces, or any two or more of them jointly, are to be under the command of a separate Commander.
2. Every Commander of the Defence Forces, and every Commander of a service of the Defence Forces, is appointed by the President after consultation with the Minister responsible for the Defence Forces.
3. Commanders of the Defence Forces and Commanders of services of the Defence Forces, are appointed for a term of not more than five years, and a person must not serve in any one of those offices for more than two terms.
4. A person who has served as Commander of a service of the Defence Forces may be appointed as Commander of the Defence Forces, but a person who has served as Commander of the Defence Forces may not be appointed as Commander of a service of the Defence Forces or to the command of any other security service.
5. Every Commander of the Defence Forces, and every Commander of a service of the Defence Forces, must exercise his or her command in accordance with general written policy directives given by the Minister responsible for the Defence Forces acting under the authority of the President.

- Selection of active-duty commanders

217. Establishment and composition of Defence Forces Service Commission

1. There is a Defence Forces Service Commission consisting of a chairperson who must be the chairperson of the Public Service Commission, and a minimum of two and a maximum of six other members appointed by the President.
2. Members of the Defence Forces Service Commission must be chosen for their knowledge of or experience in administration, management, military affairs, their professional qualifications or their general suitability for appointment, and--
    a. at least half of them must be persons who are not and have not been members of the Defence Forces;
    b. at least one of them must have held senior rank in the Defence Forces for one or more periods amounting to at least five years.

218. Functions of Defence Forces Service Commission

1. The Defence Forces Service Commission has the following functions--
    a. to appoint qualified and competent persons to hold posts or ranks in the Defence Forces;
    b. to fix and regulate conditions of service, including salaries, allowances and other benefits, of members of the Defence Forces;
    c. to ensure the general well-being and good administration of the Defence Forces and their maintenance in a high state of efficiency;
    d. to ensure that members of the Defence Forces comply with section 208;
    e. to foster harmony and understanding between the Defence Forces and civilians;
    f. to advise the President and the Minister on any matter relating to the Defence Forces; and
    g. to exercise any other function conferred or imposed on the Commission by this Constitution or an Act of Parliament.
2. The Defence Forces Service Commission, with the approval of the Minister responsible for the Defence Forces, may make regulations for any of the purposes set out in subsection (1).
3. In fixing the salaries, allowances and other benefits of members of the Defence Forces, the Defence Forces Service Commission must act with the approval of the President given on the recommendation of the Minister responsible for finance and after consultation with the Minister responsible for the Defence Forces.

PART 3. POLICE SERVICE

219. Police Service and its functions

1. There is a Police Service which is responsible for--
    a. detecting, investigating and preventing crime;
    b. preserving the internal security of Zimbabwe;
    c. protecting and securing the lives and property of the people;
    d. maintaining law and order; and
    e. upholding this Constitution and enforcing the law without fear or favour.

- Duty to obey the constitution

2. The Police Service must exercise its functions in co-operation with--
    a. any intelligence service that may be established by law;
    b. any body that may be established by law for the purpose of detecting, investigating or preventing particular classes of offences; and
    c. regional and international bodies formed to combat crime.

- International organizations

3. The Police Service must be non-partisan, national in character, patriotic, professional and subordinate to the civilian authority as established by this Constitution.
4. An Act of Parliament must provide for the organisation, structure, management, regulation, discipline and, subject to section 223, the conditions of service of

4. members of the Police Service.

220. Minister responsible for Police Service

The President must appoint a Minister to be responsible for the Police Service.

221. Commissioner-General of Police

1. The Police Service is under the command of a Commissioner-General of Police appointed by the President after consultation with the Minister responsible for the police.
2. The Commissioner-General of Police is appointed for a five-year term which may be renewed once.
3. A person who has served as Commissioner-General of Police may not be appointed to the command of any other security service.
4. The Commissioner-General of Police must exercise his or her command in accordance with any general written policy directives given by the Minister responsible for the police acting under the authority of the President.

222. Establishment and composition of Police Service Commission

1. There is a Police Service Commission consisting of a chairperson, who must be the chairperson of the Public Service Commission, and a minimum of two and a maximum of six other members appointed by the President.
2. Members of the Police Service Commission must be chosen for their knowledge of or experience in the maintenance of law and order, administration, or their professional qualifications or their general suitability for appointment, and--
    a. at least half of them must be persons who are not and have not been members of the Police Service;
    b. at least one of them must have held a senior rank in the Police Service for one or more periods amounting to at least five years.

223. Functions of Police Service Commission

1. The Police Service Commission has the following functions--
    a. to appoint qualified and competent persons to hold posts or ranks in the Police Service;
    b. to fix and regulate conditions of service, including salaries, allowances and other benefits, of members of the Police Service;
    c. to ensure the general well-being and good administration of the Police Service and its maintenance in a high state of efficiency;
    d. to ensure that members of the Police Service comply with section 208;
    e. to foster harmony and understanding between the Police Service and civilians;
    f. to advise the President and the Minister on any matter relating to the Police Service; and
    g. to exercise any other function conferred or imposed on the Commission by this Constitution or an Act of Parliament.
2. The Police Service Commission, with the approval of the Minister responsible for the Police Service, may make regulations for any of the purposes set out in subsection (1).
3. In fixing the salaries, allowances and other benefits of members of the Police Service, the Police Service Commission must act with the approval of the President given on the recommendation of the Minister responsible for finance and after consultation with the Minister responsible for the Police Service.

PART 4. INTELLIGENCE SERVICES

224. Establishment of intelligence services

1. Any intelligence service of the State, other than an intelligence division of the Defence Forces or the Police Service, must be established in terms of a law or a Presidential or Cabinet directive or order.
2. Any intelligence service of the State must be non-partisan, national in character, patriotic, professional and subordinate to the civilian authority as established by this Constitution.

225. Minister responsible for national intelligence service

The President must appoint a Minister to be responsible for any national intelligence service.

226. Command or control of national intelligence service

1. A national intelligence service must be under the command or control of a Director-General of Intelligence Services who must be appointed by the President for a five-year term which may be renewed once.
2. The Director-General of Intelligence Services must exercise his or her command or control in accordance with any general written policy directives given by the Minister responsible for the national intelligence service acting under the authority of the President.
3. A person who has served as Director-General of Intelligence Services may not be appointed to the command of any other security service.

PART 5. PRISONS AND CORRECTIONAL SERVICE

227. Prisons and Correctional Service and its functions

1. There is a Prisons and Correctional Service which is responsible for--
    a. the protection of society from criminals through the incarceration and rehabilitation of convicted persons and others who are lawfully required to be detained, and their reintegration into society; and
    b. the administration of prisons and correctional facilities.
2. The Prisons and Correctional Service must be non-partisan, national in character, patriotic, professional and subordinate to the civilian authority as established by this Constitution.
3. An Act of Parliament must provide for the organisation, structure, management, regulation, discipline and, subject to section 231, the conditions of service of members of the Prisons and Correctional Service.

228. Minister responsible for Prisons and Correctional Service

The President must appoint a Minister to be responsible for the Prisons and Correctional Service.

229. Commissioner-General of Prisons and Correctional Service

1. The Prisons and Correctional Service is under the command of a Commissioner-General of the Prisons and Correctional Service appointed by the President after consultation with the Minister responsible for the Prisons and Correctional Service.
2. The Commissioner-General of the Prisons and Correctional Service is appointed for a five-year term which may be renewed once.
3. A person who has served as Commissioner-General of the Prisons and Correctional Service may not be appointed to the command of any other security service.

4. The Commissioner-General of the Prisons and Correctional Service must exercise his or her command in accordance with general written policy directives given by the Minister responsible for the Prisons and Correctional Service acting under the authority of the President.

230. Establishment and composition of Prisons and Correctional Service Commission

1. There is a Prisons and Correctional Service Commission consisting of a chairperson, who must be the chairperson of the Civil Service Commission, and a minimum of two and a maximum of six other members appointed by the President.
2. Members of the Prisons and Correctional Service Commission must be chosen for their knowledge of or experience in administration, management, security affairs, or for their professional qualifications or their general suitability for appointment, and--
    a. at least half of them must be persons who are not and have not been members of the Prisons and Correctional Service;
    b. at least one of them must have held senior rank in the Prisons and Correctional Service for one or more periods amounting to at least five years.

231. Functions of Prisons and Correctional Service Commission

1. The Prisons and Correctional Service Commission has the following functions--
    a. to appoint qualified and competent persons to hold posts or ranks in the Prisons and Correctional Service;
    b. to fix and regulate conditions of service, including salaries, allowances and other benefits, of members of the Prisons and Correctional Service;
    c. to ensure the general well-being and good administration of the Prisons and Correctional Service and its maintenance in a high state of efficiency;
    d. to ensure that members of the Prisons and Correctional Service comply with section 208;
    e. to foster harmony and understanding between the Prisons and Correctional Service and civilians;
    f. to advise the President and the Minister on any matter relating to the Prisons and Correctional Service; and
    g. to exercise any other function conferred or imposed on the Commission by this Constitution or an Act of Parliament.
2. The Prisons and Correctional Service Commission, with the approval of the Minister responsible for the Prisons and Correctional Service, may make regulations for any of the purposes set out in subsection (1).
3. In fixing the salaries, allowances and other benefits of members of the Prisons and Correctional Service, the Prisons and Correctional Service Commission must act with the approval of the President given on the recommendation of the Minister responsible for finance and after consultation with the Minister responsible for the Prisons and Correctional Service.

CHAPTER 12. INDEPENDENT COMMISSIONS SUPPORTING DEMOCRACY

PART 1. GENERAL

232. Independent Commissions

The following are the independent Commissions--

- Electoral commission
- Human rights commission
- Media commission
- Truth and reconciliation commission

a. the Zimbabwe Electoral Commission;

b. the Zimbabwe Human Rights Commission;

c. the Zimbabwe Gender Commission;

d. the Zimbabwe Media Commission; and

e. the National Peace and Reconciliation Commission.

233. Objectives of independent Commissions

The independent Commissions have the following general objectives in addition to those given to them individually--

a. to support and entrench human rights and democracy;

b. to protect the sovereignty and interests of the people;

c. to promote constitutionalism;

d. to promote transparency and accountability in public institutions;

e. to secure the observance of democratic values and principles by the State and all institutions and agencies of government, and government-controlled entities; and

f. to ensure that injustices are remedied.

234. Staff of independent Commissions

The independent Commissions have power to employ staff and, subject to the law, to regulate their conditions of service.

235. Independence of Commissions

- Duty to obey the constitution

1. The independent Commissions--
   a. are independent and are not subject to the direction or control of anyone;
   b. must act in accordance with this Constitution; and
   c. must exercise their functions without fear, favour or prejudice;

   although they are accountable to Parliament for the efficient performance of their functions.

2. The State and all institutions and agencies of government at every level, through legislative and other measures, must assist the independent Commissions and must protect their independence, impartiality, integrity and effectiveness.

3. No person may interfere with the functioning of the independent Commissions.

236. Members of independent Commissions to be non-political

1. Members of the independent Commissions must not, in the exercise of their functions--
   a. act in a partisan manner;
   b. further the interests of any political party or cause;
   c. prejudice the lawful interests of any political party or cause; or
   d. violate the fundamental rights or freedoms of any person.

2. Persons who are members of a political party or organisation on their appointment to an independent Commission must relinquish that membership without delay and in any event within thirty days of their appointment.

3. If a member of an independent Commission--
   a. becomes a member of a political party or organisation; or

3. **b.** having been a member of a political party or organisation on his or her appointment to the commission, fails to relinquish that membership within thirty days of the appointment;

he or she ceases immediately to be a member of the Commission concerned.

- Media commission
- Electoral commission
- Human rights commission

237. Appointment and removal from office of members of independent Commissions

- Legislative committees

1. For the purpose of nominating persons for appointment to any independent Commission, the Committee on Standing Rules and Orders must--
    - **a.** advertise the position;
    - **b.** invite the public to make nominations;
    - **c.** conduct public interviews of prospective candidates;
    - **d.** prepare a list of the appropriate number of nominees for appointment; and
    - **e.** submit the list to the President.
2. A member of an independent Commission may be removed from office only on the ground that the member concerned--
    - **a.** is unable to perform the functions of his or her office because of physical or mental incapacity;
    - **b.** has been grossly incompetent;
    - **c.** has been guilty of gross misconduct; or
    - **d.** has become ineligible for appointment to the Commission concerned.
3. The procedure for the removal of judges from office applies to the removal from office of a member of an independent Commission.

- Electoral commission

PART 2. ZIMBABWE ELECTORAL COMMISSION

238. Establishment and composition of Zimbabwe Electoral Commission

- Legislative committees
- Establishment of judicial council

1. There is a commission to be known as Zimbabwe Electoral Commission consisting of--
    - **a.** a chairperson appointed by the President after consultation with the Judicial Service Commission and the Committee on Standing Rules and Orders; and
    - **b.** eight other members appointed by the President from a list of not fewer than twelve nominees submitted by the Committee on Standing Rules and Orders.
2. The chairperson of the Zimbabwe Electoral Commission must be a judge or former judge or a person qualified for appointment as a judge.

- Legislative committees
- Establishment of judicial council

3. If the appointment of a chairperson to the Zimbabwe Electoral Commission is not consistent with a recommendation of the Judicial Service Commission, the President must cause the Committee on Standing Rules and Orders to be informed as soon as practicable.
4. Members of the Zimbabwe Electoral Commission must be Zimbabwean citizens and chosen for their integrity and experience and for their competence in the conduct of affairs in the public or private sector.
5. Members of the Zimbabwe Electoral Commission are appointed for a six-year term and may be re-appointed for one such further term, but no person may be appointed to or serve on the Commission after he or she has been a member for one or more periods, whether continuous or not, that amount to twelve years.

239. Functions of Zimbabwe Electoral Commission

The Zimbabwe Electoral Commission has the following functions--

- **a.** to prepare for, conduct and supervise--
    - **i.** elections to the office of President and to Parliament;

a. **ii.** elections to provincial and metropolitan councils and the governing bodies of local authorities;

iii. elections of members of the National Council of Chiefs established by section 285; and

- Referenda

iv. referendums;

and to ensure that those elections and referendums are conducted efficiently, freely, fairly, transparently and in accordance with the law;

b. to supervise elections of the President of the Senate and the Speaker and to ensure that those elections are conducted efficiently and in accordance with the law;

c. to register voters;

d. to compile voters' rolls and registers;

e. to ensure the proper custody and maintenance of voters' rolls and registers;

- Electoral districts

f. to delimit constituencies, wards and other electoral boundaries;

g. to design, print and distribute ballot papers, approve the form of and procure ballot boxes, and establish and operate polling centres;

h. to conduct and supervise voter education;

i. to accredit observers of elections and referendums;

j. to give instructions to persons in the employment of the State or of a local authority for the purpose of ensuring the efficient, free, fair, proper and transparent conduct of any election or referendum; and

k. to receive and consider complaints from the public and to take such action in regard to the complaints as it considers appropriate.

240. Disqualifications for appointment to Zimbabwe Electoral Commission

In addition to the persons mentioned in section 320(3), the following persons are ineligible for appointment to the Zimbabwe Electoral Commission--

a. public officers, other than judges;

b. employees of provincial and metropolitan councils and local authorities; and

c. members and employees of statutory bodies and government-controlled entities.

241. Zimbabwe Electoral Commission to report on elections and referendums

In addition to the report it is required to submit in terms of section 323, the Zimbabwe Electoral Commission must without delay, and through the appropriate Minister, submit a report to Parliament on the conduct of every election and every referendum.

- Human rights commission

PART 3. ZIMBABWE HUMAN RIGHTS COMMISSION

242. Establishment and composition of Zimbabwe Human Rights Commission

- Legislative committees
- Establishment of judicial council

1. There is a commission to be known as the Zimbabwe Human Rights Commission consisting of--
  a. a chairperson appointed by the President after consultation with the Judicial Service Commission and the Committee on Standing Rules and Orders; and
  b. eight other members appointed by the President from a list of not fewer than twelve nominees submitted by the Committee on Standing Rules and Orders.

2. The chairperson of the Zimbabwe Human Rights Commission must be a person who has been qualified for at least seven years to practise as a legal practitioner in Zimbabwe.

- Establishment of judicial council
- Legislative committees

3. If the appointment of a chairperson to the Zimbabwe Human Rights Commission is not consistent with a recommendation of the Judicial Service Commission, the President must cause the Committee on Standing Rules and Orders to be informed as soon as practicable.

4. Members of the Zimbabwe Human Rights Commission must be chosen for their integrity and their knowledge and understanding of, and experience in, the promotion of human rights.

243. Functions of Zimbabwe Human Rights Commission

1. The Zimbabwe Human Rights Commission has the following functions--
  a. to promote awareness of and respect for human rights and freedoms at all levels of society;
  b. to promote the protection, development and attainment of human rights and freedoms;
  c. to monitor, assess and ensure observance of human rights and freedoms;
  d. to receive and consider complaints from the public and to take such action in regard to the complaints as it considers appropriate;
  e. to protect the public against abuse of power and maladministration by State and public institutions and by officers of those institutions;
  f. to investigate the conduct of any authority or person, where it is alleged that any of the human rights and freedoms set out in the Declaration of Rights has been violated by that authority or person;
  g. to secure appropriate redress, including recommending the prosecution of offenders, where human rights or freedoms have been violated;
  h. to direct the Commissioner-General of Police to investigate cases of suspected criminal violations of human rights or freedoms and to report to the Commission on the results of any such investigation;
  i. to recommend to Parliament effective measures to promote human rights and freedoms;
  j. to conduct research into issues relating to human rights and freedoms and social justice; and
  k. to visit and inspect--
    i. prisons, places of detention, refugee camps and related facilities; and
    ii. places where mentally disordered or intellectually handicapped persons are detained;

  in order to ascertain the conditions under which persons are kept there, and to make recommendations regarding those conditions to the Minister responsible for administering the law relating to those places.

2. The Commissioner-General of Police must comply with any directive given to him or her by the Zimbabwe Human Rights Commission under subsection (1)(h).

244. Reports to and by Zimbabwe Human Rights Commission

- International organizations
- International law

1. The Zimbabwe Human Rights Commission may require any person, institution or agency, whether belonging to or employed by the State or otherwise--
  a. to inform the Commission of measures they have taken to give effect to the human rights and freedoms set out in the Declaration of Rights; and
  b. to provide the Commission with information it needs to prepare any report required to be submitted to any regional or international body under any human rights convention, treaty or agreement to which Zimbabwe is a party.

2. In addition to the report it is required to submit in terms of section 323, the Zimbabwe Human Rights Commission may, through the appropriate Minister, submit reports to Parliament on particular matters relating to human rights and freedoms which, in the Commission's opinion, should be brought to the attention of Parliament.

PART 4. ZIMBABWE GENDER COMMISSION

245. Establishment and composition of Zimbabwe Gender Commission

- Legislative committees

1. There is a commission to be known as the Zimbabwe Gender Commission consisting of--
  a. a chairperson appointed by the President after consultation with the Committee on Standing Rules and Orders; and
  b. eight other members, of whom--
    i. seven are appointed by the President from a list of not fewer than twelve nominees submitted by the Committee on Standing Rules and Orders; and
    ii. one is a nominee of the National Council of Chiefs, appointed by the President.

2. Members of the Zimbabwe Gender Commission must be chosen for their integrity and their knowledge and understanding of gender issues in social, cultural, economic and political spheres, and the genders must be equally represented on the Commission.

246. Functions of Zimbabwe Gender Commission

The Zimbabwe Gender Commission has the following functions--

a. to monitor issues concerning gender equality to ensure gender equality as provided in this Constitution;

b. to investigate possible violations of rights relating to gender;

c. to receive and consider complaints from the public and to take such action in regard to the complaints as it considers appropriate;

d. to conduct research into issues relating to gender and social justice, and to recommend changes to laws and practices which lead to discrimination based on gender;

e. to advise public and private institutions on steps to be taken to ensure gender equality;

f. to recommend affirmative action programmes to achieve gender equality;

g. to recommend prosecution for criminal violations of rights relating to gender;

h. to secure appropriate redress where rights relating to gender have been violated; and

i. to do everything necessary to promote gender equality.

247. Reports by Zimbabwe Gender Commission

In addition to the report it is required to submit in terms of section 323, the Zimbabwe Gender Commission may, through the appropriate Minister, submit reports to Parliament on particular matters relating to gender issues which, in the Commission's opinion, should be brought to the attention of Parliament.

- Media commission

PART 5. ZIMBABWE MEDIA COMMISSION

248. Establishment and composition of Zimbabwe Media Commission

- Legislative committees

1. There is a commission to be known as the Zimbabwe Media Commission consisting of--
  a. a chairperson appointed by the President after consultation with the Committee on Standing Rules and Orders; and
  b. eight other members appointed by the President from a list of not fewer than twelve nominees submitted by the Committee on Standing Rules and Orders.

2. Members of the Zimbabwe Media Commission must be chosen for their integrity and their competence in administration and their knowledge and understanding of human rights issues and the best practices in media matters.

249. Functions of Zimbabwe Media Commission

1. The Zimbabwe Media Commission has the following functions--
  a. to uphold, promote and develop freedom of the media;
  b. to promote and enforce good practices and ethics in the media;
  c. to monitor broadcasting in the public interest and, in particular, to ensure fairness and diversity of views broadly representing Zimbabwean society;
  d. to encourage the formulation of codes of conduct for persons employed in the media and, where no such code exists, to formulate and enforce one;
  e. to receive and consider complaints from the public and, where appropriate, to take action against journalists and other persons employed in the media or broadcasting who are found to have breached any law or any code of conduct applicable to them;
  f. to ensure that the people of Zimbabwe have fair and wide access to information;
  g. to encourage the use and development of all the officially recognised languages of Zimbabwe;
  h. to encourage the adoption of new technology in the media and in the dissemination of information;
  i. to promote fair competition and diversity in the media; and
  j. to conduct research into issues relating to freedom of the press and of expression, and in that regard to promote reforms in the law.

- Radio

2. An Act of Parliament may confer power on the Zimbabwe Media Commission to--
  a. conduct investigations and inquiries into
    i. any conduct or circumstance that appears to threaten the freedom of the media; and
    ii. the conduct of the media; and
  b. take or recommend disciplinary action against media practitioners who are found to have breached any law or any code of conduct applicable to them.

- Radio

3. An Act of Parliament may provide for the regulation of the media.

250. Reports of Zimbabwe Media Commission

In addition to the report it is required to submit in terms of section 323, the Zimbabwe Media Commission may, through the appropriate Minister, submit reports to Parliament on particular matters relating to the media which, in the Commission's opinion, should be brought to the attention of Parliament.

- Truth and reconciliation commission

PART 6. NATIONAL PEACE AND RECONCILIATION COMMISSION

251. Establishment and composition of National Peace and Reconciliation Commission

- Legislative committees
- Establishment of judicial council

1. For a period of ten years after the effective date, there is a commission to be known as the National Peace and Reconciliation Commission consisting of--
  a. a chairperson appointed by the President after consultation with the Judicial Service Commission and the Committee on Standing Rules and Orders; and
  b. eight other members appointed by the President from a list of not fewer than twelve nominees submitted by the Committee on Standing Rules and Orders.

2. The chairperson of the National Peace and Reconciliation Commission must be a person who has been qualified for at least seven years to practise as a legal practitioner in Zimbabwe.

- Legislative committees
- Establishment of judicial council

3. If the appointment of a chairperson to the National Peace and Reconciliation Commission is not consistent with a recommendation of the Judicial Service Commission, the President must cause the Committee on Standing Rules and Orders to be informed as soon as practicable.

4. Members of the National Peace and Reconciliation Commission must be chosen for their integrity and their knowledge and understanding of, and experience in, mediation, conciliation, conflict prevention and management, post-conflict reconciliation or peace-building.

252. Functions of National Peace and Reconciliation Commission

The National Peace and Reconciliation Commission has the following functions--

a. to ensure post-conflict justice, healing and reconciliation;

b. to develop and implement programmes to promote national healing, unity and cohesion in Zimbabwe and the peaceful resolution of disputes;

c. to bring about national reconciliation by encouraging people to tell the truth about the past and facilitating the making of amends and the provision of justice;

d. to develop procedures and institutions at a national level to facilitate dialogue among political parties, communities, organisations and other groups, in order to prevent conflicts and disputes arising in the future;

e. to develop programmes to ensure that persons subjected to persecution, torture and other forms of abuse receive rehabilitative treatment and support;

f. to receive and consider complaints from the public and to take such action in regard to the complaints as it considers appropriate;

g. to develop mechanisms for early detection of areas of potential conflicts and disputes, and to take appropriate preventive measures;

h. to do anything incidental to the prevention of conflict and the promotion of peace;

i. to conciliate and mediate disputes among communities, organisations, groups and individuals; and

j. to recommend legislation to ensure that assistance, including documentation, is rendered to persons affected by conflicts, pandemics or other circumstances.

253. Reports of National Peace and Reconciliation Commission

In addition to the report it is required to submit in terms of section 323, the National Peace and Reconciliation Commission may, through the appropriate Minister, submit reports to Parliament on particular matters relating to national peace and reconciliation which, in the Commission's opinion, should be brought to the attention of Parliament.

CHAPTER 13. INSTITUTIONS TO COMBAT CORRUPTION AND CRIME

- Counter corruption commission

PART 1. ZIMBABWE ANTI-CORRUPTION COMMISSION

254. Establishment and composition of Zimbabwe Anti-Corruption Commission

- Legislative committees

1. There is a commission to be known as the Zimbabwe Anti-Corruption Commission consisting of--
  a. a chairperson appointed by the President after consultation with the Committee on Standing Rules and Orders; and
  b. eight other members appointed by the President from a list of not fewer than twelve nominees submitted by the Committee on Standing Rules and Orders.

2. Members of the Zimbabwe Anti-Corruption Commission must be chosen for their integrity and their knowledge of and experience in administration or the prosecution or investigation of crime or for their general suitability for appointment, and--
  a. at least one must be qualified to practise as a legal practitioner in Zimbabwe, and have been so qualified for at least seven years;
  b. at least one must be qualified to practise as a public accountant or public auditor in Zimbabwe, and have been so qualified for at least seven years; and
  c. at least one must be a person with at least ten years' experience in the investigation of crime.

255. Functions of Zimbabwe Anti-Corruption Commission

1. The Zimbabwe Anti-Corruption Commission has the following functions--
  a. to investigate and expose cases of corruption in the public and private sectors;
  b. to combat corruption, theft, misappropriation, abuse of power and other improper conduct in the public and private sectors;
  c. to promote honesty, financial discipline and transparency in the public and private sectors;
  d. to receive and consider complaints from the public and to take such action in regard to the complaints as it considers appropriate;
  e. to direct the Commissioner-General of Police to investigate cases of suspected corruption and to report to the Commission on the results of any such investigation;
  f. to refer matters to the National Prosecuting Authority for prosecution;

1. g. to require assistance from members of the Police Service and other investigative agencies of the State; and
   h. to make recommendations to the Government and other persons on measures to enhance integrity and accountability and prevent improper conduct in the public and private sectors.
2. The Commissioner-General of Police must comply with any directive given to him or her by the Zimbabwe Anti-Corruption Commission under subsection (1) (e).
3. The Government must ensure, through legislative and other means, that the Zimbabwe Anti-Corruption Commission has power to recommend the arrest and secure the prosecution of persons reasonably suspected of corruption, abuse of power and other improper conduct which falls within the Commission's jurisdiction.

256. Application of certain provisions of Chapter 12 to Zimbabwe Anti-Corruption Commission

Sections 234, 235, 236 and 237 apply to the Zimbabwe Anti-Corruption Commission and its members as if it were an independent Commission established by Chapter 12.

257. Reports by Zimbabwe Anti-Corruption Commission

In addition to the report it is required to submit in terms of section 323, the Zimbabwe Anti-Corruption Commission may, through the appropriate Minister, submit reports to Parliament on particular matters relating to improper conduct in the public and private sectors which, in the Commission's opinion, should be brought to the attention of Parliament.

- Attorney general

PART 2. NATIONAL PROSECUTING AUTHORITY

258. Establishment and functions of National Prosecuting Authority

There is a National Prosecuting Authority which is responsible for instituting and undertaking criminal prosecutions on behalf of the State and discharging any functions that are necessary or incidental to such prosecutions.

259. Prosecutor-General and other officers

1. There is a Prosecutor-General who is the head of the National Prosecuting Authority.
2. The office of the Prosecutor-General is a public office but does not form part of the Public Service.

- Establishment of judicial council

3. The Prosecutor-General is appointed by the President on the advice of the Judicial Service Commission.
4. The Prosecutor-General must be a person qualified for appointment as a judge of the Supreme Court.
5. The term of office of the Prosecutor-General is a period of six years and is renewable for one further such term.
6. Before taking office, the Prosecutor-General must take, before the President or a person authorised by the President, the oath of office in the form set out in the Third Schedule.
7. The Prosecutor-General may be removed from office on the following grounds—
   a. inability to perform the functions of his or her office due to mental or physical incapacity; or
   b. gross incompetence; or
   c. serious misconduct.

7a. If the President considers that the question of removing the Prosecutor-General from office ought to be investigated, the President must appoint a tribunal to inquire into the matter.

7b. A tribunal appointed under subsection (7a) must consist of at least three members appointed by the President, of whom—
- **a.** two must qualify to be or have served as Supreme Court judges; and
- **b.** one must qualify to be or has served as a High Court judge or holds or has held office as a judge of a court with unlimited jurisdiction in criminal or civil matters in a country whose common law is Roman-Dutch or English, and English is an officially recognised language

7c. The President must designate one of the members of the tribunal to be chairperson of the tribunal.

7d. The tribunal must inquire into the question of removing the Prosecutor-General concerned from office and, having done so, must report its findings to the President and recommend whether or not the Prosecutor-General should be removed from office.

7e. A tribunal appointed under this section has the same rightsand powers as commissioners under the Commissions of Inquiry Act *[Chapter 10:07]*, or any law that replaces that Act.

7f. If the question of removing the Prosecutor-General from office has been referred to a tribunal under this section, the Prosecutor-General is suspended from office until the President, on the recommendation of the tribunal, revokes the suspension of or removes the Prosecutor-General from office.

7g. The Act of Parliament referred to in subsection (10)may empower the Board of the National Prosecuting Authority or a tribunal appointed under this section to require the Prosecutor-General to submit to a medical examination by a medical board established for that purpose, in order to ascertain his or her physical or mental health.

8. The conditions of service of the Prosecutor-General, including his or her remuneration, must be provided for in an Act of Parliament, but the remuneration must not be reduced during the Prosecutor-General's tenure of office.

9. The remuneration of the Prosecutor-General is a charge on the Consolidated Revenue Fund.

10. An Act of Parliament must provide for the appointment of a board to employ persons to assist the Prosecutor-General in the exercise of his or her functions, and must also provide--
- **a.** for the qualifications of those persons;
- **b.** for the conditions of service, conduct and discipline of those persons;
- **c.** that in exercising their functions, those persons must be independent and impartial and subject only to the law and to the direction and control of the Prosecutor-General;
- **d.** for the structure and organisation of the National Prosecuting Authority; and
- **e.** generally, for the efficient performance and well-being of the National Prosecuting Authority.

11. The Prosecutor-General may direct the Commissioner-General of Police to investigate and report to him on anything which, in the Prosecutor-General's opinion, relates to an offence or alleged or suspected offence, and the Commissioner-General of Police must comply with that direction.

260. Independence of Prosecutor-General

1. Subject to this Constitution, the Prosecutor-General--
- **a.** is independent and is not subject to the direction or control of anyone; and
- **b.** must exercise his or her functions impartially and without fear, favour, prejudice or bias.

2. The Prosecutor-General must formulate and publicly disclose the general principles by which he or she decides whether and how to institute and conduct criminal proceedings.

261. Conduct of officers of National Prosecuting Authority

- Duty to obey the constitution

1. The Prosecutor-General and officers of the National Prosecuting Authority must act in accordance with this Constitution and the law.
2. No officer of the National Prosecuting Authority may, in the exercise of his or her functions--
    a. act in a partisan manner;
    b. further the interests of any political party or cause;
    c. prejudice the lawful interests of any political party or cause; or
    d. violate the fundamental rights or freedoms of any person.
3. Officers of the National Prosecuting Authority must not be active members or office-bearers of any political party or organisation.
4. An Act of Parliament may make further provision to ensure the political neutrality of officers of the National Prosecuting Authority.

262. Prosecutor-General to report annually to Parliament

The Prosecutor-General must submit to Parliament, through the appropriate Minister, an annual report on the operations and activities of the National Prosecuting Authority, the report being submitted not later than six months after the beginning of the year following the year to which the report relates.

263. Other powers of prosecution

An Act of Parliament may confer powers of prosecution on persons other than the National Prosecuting Authority, but those powers must not limit or conflict with the Authority's powers under this Part.

CHAPTER 14. PROVINCIAL AND LOCAL GOVERNMENT

Preamble

Whereas it is desirable to ensure:

a. the preservation of national unity in Zimbabwe and the prevention of all forms of disunity and secessionism;

b. the democratic participation in government by all citizens and communities of Zimbabwe; and

c. the equitable allocation of national resources and the participation of local communities in the determination of development priorities within their areas;

there must be devolution of power and responsibilities to lower tiers of government in Zimbabwe.

PART 1. PRELIMINARY

264. Devolution of governmental powers and responsibilities

1. Whenever appropriate, governmental powers and responsibilities must be devolved to provincial and metropolitan councils and local authorities which are competent to carry out those responsibilities efficiently and effectively.

2. The objectives of the devolution of governmental powers and responsibilities to provincial and metropolitan councils and local authorities are--
    a. to give powers of local governance to the people and enhance their participation in the exercise of the powers of the State and in making decisions affecting them;
    b. to promote democratic, effective, transparent, accountable and coherent government in Zimbabwe as a whole;
    c. to preserve and foster the peace, national unity and indivisibility of Zimbabwe;
    d. to recognise the right of communities to manage their own affairs and to further their development;
    e. to ensure the equitable sharing of local and national resources; and
    f. to transfer responsibilities and resources from the national government in order to establish a sound financial base for each provincial and metropolitan council and local authority.

- Municipal government
- Subsidiary unit government

265. General principles of provincial and local government

1. Provincial and metropolitan councils and local authorities must, within their spheres--
    a. ensure good governance by being effective, transparent, accountable and institutionally coherent;
    b. assume only those functions conferred on them by this Constitution or an Act of Parliament;
    c. exercise their functions in a manner that does not encroach on the geographical, functional or institutional integrity of another tier of government;
    d. co-operate with one another, in particular by--
        i. informing one another of, and consulting one another on, matters of common interest;
        ii. harmonising and co-ordinating their activities;
    e. preserve the peace, national unity and indivisibility of Zimbabwe;
    f. secure the public welfare; and
    g. ensure the fair and equitable representation of people within their areas of jurisdiction.
2. All members of local authorities must be elected by registered voters within the areas for which the local authorities are established.
3. An Act of Parliament must provide appropriate mechanisms and procedures to facilitate co-ordination between central government, provincial and metropolitan councils and local authorities.

266. Conduct of employees of provincial and local governments

- Duty to obey the constitution

1. Employees of provincial and metropolitan councils and local authorities must act in accordance with this Constitution and the law.
2. No employee of a provincial or metropolitan council or a local authority may, in the exercise of their functions--
    a. act in a partisan manner;
    b. further the interests of any political party or cause;
    c. prejudice the lawful interests of any political party or cause; or
    d. violate the fundamental rights or freedoms of any person.
3. Employees of provincial and metropolitan councils and local authorities must not be office-bearers of any political party.
4. An Act of Parliament must make provision to ensure the political neutrality of employees of provincial and metropolitan councils and local authorities.

PART 2. PROVINCES AND PROVINCIAL AND METROPOLITAN COUNCILS

267. Provinces and districts of Zimbabwe

1. The provinces into which Zimbabwe is divided are--
- **a.** Bulawayo Metropolitan Province;
- **b.** Harare Metropolitan Province;
- **c.** Manicaland Province;
- **d.** Mashonaland Central Province;
- **e.** Mashonaland East Province;
- **f.** Mashonaland West Province;
- **g.** Masvingo Province;
- **h.** Matabeleland North Province;
- **i.** Matabeleland South Province; and
- **j.** Midlands Province;

whose boundaries are fixed under an Act of Parliament.

2. An Act of Parliament--
- **a.** must provide for the division of provinces into districts; and
- **b.** may provide for the alteration of provincial and district boundaries;

after consultation with the Zimbabwe Electoral Commission and the people in the provinces and districts concerned.

- Subsidiary unit government

268. Provincial and metropolitan councils

1. There is a provincial council for each province and a metropolitan council for each metropolitan province, consisting of—
- **a.** a chairperson of the council, elected in terms of section 272; and
- **b.** the mayors and chairpersons, by whatever title they are called, of all urban and rural local authorities in the province concerned; and
- **c.** ten women elected by a system of proportional representation referred to in subsection (3).

2. A person is qualified to be elected to a provincial council in terms of subsection (1)(f) if he or she is qualified for election as a Member of the National Assembly.

3. Elections to provincial and metropolitan councils must be conducted in accordance with the Electoral Law, which must ensure that the women referred to in subsection (1)(c) are elected under a party list system of proportional representation
- **a.** which is based on the votes cast for candidates representing political parties in the province concerned in the general election for Members of the National Assembly; and
- **b.** in which women with disabilities are included.

4. The seat of a member of a provincial or metropolitan council referred to in
- **a.** paragraph (b) of subsection (1) becomes vacant if the member ceases to be a mayor or chairperson of a local authority in the province concerned;
- **b.** (b) paragraph (c) of subsection (1) becomes vacant in thecircumstances set out in section 129, as if the member werea Member of Parliament.

- Subsidiary unit government

269. Metropolitan councils

(Repealed).

- Subsidiary unit government

270. Functions of provincial and metropolitan councils

1. A provincial or metropolitan council is responsible for the social and economic development of its province, including--
- **a.** planning and implementing social and economic development activities in its province;
- **b.** co-ordinating and implementing governmental programmes in its province;

- Protection of environment

c. planning and implementing measures for the conservation, improvement and management of natural resources in its province;
d. promoting tourism in its province, and developing facilities for that purpose;
e. monitoring and evaluating the use of resources in its province; and
f. exercising any other functions, including legislative functions, that may be conferred or imposed on it by or under an Act of Parliament.

2. An Act of Parliament must provide for the establishment, structure and staff of provincial and metropolitan councils, and the manner in which they exercise their functions.

3. Members of a provincial or metropolitan council are accountable, collectively and individually, to residents of their province and the national government for the exercise of their functions.

271. Committees of provincial and metropolitan councils

For the better exercise of their functions, provincial and metropolitan councils may establish committees, but each such committee must be presided over by a member referred to in section 268(1)(c).

- Subsidiary unit government

272. Chairpersons of provincial and metropolitan councils

1. At its first sitting after every general election, a provincial or metropolitan council must elect a chairperson from a list of at least two qualified persons submitted by--
a. the political party which gained the highest number of National Assembly seats in the province concerned; or
b. if there is no political party such as is referred to in paragraph (a), the political party which received the highest number of votes cast in the province in that general election for Members of the National Assembly.

2. A person is qualified for election as the chairperson of a provincial or metropolitan council if he or she is qualified for election as a Member of the Senate.

3. The office of chairperson of a provincial or metropolitan council is a public office but does not form part of the Public Service.

- Oaths to abide by constitution

4. Before commencing his or her duties, the chairperson of a provincial or metropolitan council must take before the clerk of the provincial or metropolitan council the oaths of loyalty and office in the forms set out in the Third Schedule.

5. The chairperson of a provincial or metropolitan council may resign by announcing his or her resignation in person to the provincial or metropolitan council.

6. The chairperson of a provincial or metropolitan council must vacate his or her office--
a. on the day on which the provincial or metropolitan council first meets after a general election;
b. if he or she becomes disqualified to be a member of the provincial or metropolitan council;
c. if a resolution for his or her removal from office is passed by at least two-thirds of the total membership of the provincial or metropolitan council; or
d. if he or she is removed from office by a tribunal referred to in subsection (7).

7. An Act of Parliament must provide for the establishment of an independent tribunal to exercise the function of removing chairpersons of provincial or metropolitan councils from office, but any such removal must only be on the grounds of--
a. inability to perform the functions of their office due to mental or physical incapacity;
b. gross incompetence;
c. gross misconduct;
d. conviction of an offence involving dishonesty, corruption or abuse of office; or
e. wilful violation of the law, including a local authority by-law.

8. A chairperson of a provincial or metropolitan council does not vacate his or her office except in accordance with this subsection.
9. (Repealed).

- Subsidiary unit government

273. General provisions relating to provincial and metropolitan councils

1. An Act of Parliament must make provision, consistent with this Chapter, for the establishment and functions of provincial and metropolitan councils and, in particular, for--
    a. the procedures of provincial and metropolitan councils;
    b. the functions of chairpersons of provincial and metropolitan councils;
    c. the conditions of service of members of provincial and metropolitan councils; and
    d. the appointment, conditions of service and removal of employees of provincial and metropolitan councils.
2. The Electoral Law must make provision, consistent with this Chapter, for the filling of vacancies in the seats of the members of provincial councils referred to in section 268(1)(f) and in the offices of chairpersons of provincial councils, which vacancies must be filled--
    a. by persons belonging to the same political parties as those who previously held the seats or offices; and
    b. except in the case of chairpersons, by a person of the same gender as the persons who previously held the seats.

- Municipal government

PART 3. LOCAL GOVERNMENT

274. Urban local authorities

1. There are urban local authorities to represent and manage the affairs of people in urban areas throughout Zimbabwe.
2. Urban local authorities are managed by councils composed of councillors elected by registered voters in the urban areas concerned and presided over by elected mayors or chairpersons, by whatever name called.
3. Different classes of local authorities may be established for different urban areas, and two or more different urban areas may be placed under the management of a single local authority.
4. The qualifications and procedure for the election of persons referred to in subsection (2) must be set out in the Electoral Law.
5. An Act of Parliament may confer executive powers on the mayor or chairperson of an urban local authority, but any mayor or chairperson on whom such powers are conferred must be elected directly by registered voters in the area for which the local authority has been established.

275. Local authorities for rural areas

1. There are rural local authorities, established in accordance with this section, to represent and manage the affairs of people in rural areas.
2. An Act of Parliament must provide for--
    a. the establishment of rural local authorities;
    b. the election, by registered voters in the rural areas concerned, of councils to manage the affairs of the local authorities referred to in paragraph (a);
    c. the election of chairpersons, by whatever title they may be called, to preside over the councils referred to in paragraph (b); and
    d. the qualifications of members of the councils referred to in paragraph (b).
3. Different classes of local authorities may be established for different rural areas, and two or more different areas may be placed under the management of a single local authority.

276. Functions of local authorities

1. Subject to this Constitution and any Act of Parliament, a local authority has the right to govern, on its own initiative, the local affairs of the people within the area for which it has been established, and has all the powers necessary for it to do so.
2. An Act of Parliament may confer functions on local authorities, including--
    a. a power to make by-laws, regulations or rules for the effective administration of the areas for which they have been established;
    b. a power to levy rates and taxes and generally to raise sufficient revenue for them to carry out their objects and responsibilities.

277. Elections to local authorities

1. Elections of councillors of local authorities must be held--
    a. in the case of a general election of mayors and councillors, concurrently with a general election of Members of Parliament and President;
    b. in the case of an election, other than a general election, to fill one or more casual vacancies, as soon as practicable after the vacancies have occurred.
2. Elections of mayors and chairpersons of local authorities, other than mayors or chairpersons on whom executive powers have been conferred under section 274(5), must be held at the first sitting of the councils concerned following a general election.
3. Except as otherwise provided in subsection (2) or an Act of Parliament, mayors, chairpersons and councillors of local authorities assume office on the ninth day after the announcement of the results of the general election in which the councillors were elected.
4. An Act of Parliament may provide for the election, by a system of proportional representation referred to in subsection (5), of at least thirty *per centum* of the total members of the local council elected on ward basis as women.
5. Elections to local authority councils must be conducted in accordance with the Electoral Law, which must ensure that the persons referred to in subsection (4) are elected under a party list system of proportional representation which is based on the votes casts for candidates representing political parties in the local authority concerned in the general election for Members of the local authority.

278. Tenure of seats of members of local authorities

1. The seat of a mayor, chairperson or councillor of a local authority becomes vacant in the circumstances set out in section 129, as if he or she were a Member of Parliament, any reference to the Speaker or President of the Senate in section 129(1)(k) being construed as a reference to the Minister responsible for local government.
2. An Act of Parliament must provide for the establishment of an independent tribunal to exercise the function of removing from office mayors, chairpersons and councillors, but any such removal must only be on the grounds of--
    a. inability to perform the functions of their office due to mental or physical incapacity;
    b. gross incompetence;
    c. gross misconduct;
    d. conviction of an offence involving dishonesty, corruption or abuse of office; or
    e. wilful violation of the law, including a local authority by-law.
3. A mayor, chairperson or councillor of a local authority does not vacate his or her seat except in accordance with this section.

279. Procedure of local authorities

An Act of Parliament must provide for the procedure to be followed by councils of local authorities.

- Right to culture
- Indigenous right to self governance

CHAPTER 15. TRADITIONAL LEADERS

280. Traditional leadership

1. The institution, status and role of traditional leaders under customary law are recognised.
2. A traditional leader is responsible for performing the cultural, customary and traditional functions of a Chief, headperson or village head, as the case may be, for his or her community.

281. Principles to be observed by traditional leaders

- Duty to obey the constitution

1. Traditional leaders must--
  a. act in accordance with this Constitution and the laws of Zimbabwe;
  b. observe the customs pertaining to traditional leadership and exercise their functions for the purposes for which the institution of traditional leadership is recognised by this Constitution; and
  c. treat all persons within their areas equally and fairly.
2. Traditional leaders must not--
  a. be members of any political party or in any way participate in partisan politics;
  b. act in a partisan manner;
  c. further the interests of any political party or cause; or
  d. violate the fundamental rights and freedoms of any person.

282. Functions of traditional leaders

1. Traditional leaders have the following functions within their areas of jurisdiction--
  a. to promote and uphold cultural values of their communities and, in particular, to promote sound family values;
  b. to take measures to preserve the culture, traditions, history and heritage of their communities, including sacred shrines;
  c. to facilitate development;
- Protection of environment

  d. in accordance with an Act of Parliament, to administer Communal Land and to protect the environment;
  e. to resolve disputes amongst people in their communities in accordance with customary law; and
  f. to exercise any other functions conferred or imposed on them by an Act of Parliament.
2. Except as provided in an Act of Parliament, traditional leaders have authority, jurisdiction and control over the Communal Land or other areas for which they have been appointed, and over persons within those Communal Lands or areas.
3. In the performance of their functions, traditional leaders are not subject to the direction or control of any person or authority, except as may be prescribed in an Act of Parliament.
4. An Act of Parliament must provide for the regulation of the conduct of traditional leaders.

283. Appointment and removal of traditional leaders

An Act of Parliament must provide for the following, in accordance with the prevailing culture, customs, traditions and practices of the communities concerned--

a. the appointment, suspension, succession and removal of traditional leaders;

b. the creation and resuscitation of chieftainships; and

c. the resolution of disputes concerning the appointment, suspension, succession and removal of traditional leaders; but--

i. the appointment, removal and suspension of Chiefs must be done by the President on the recommendation of the provincial assembly of Chiefs through the National Council of Chiefs and the Minister responsible for traditional leaders and in accordance with the traditional practices and traditions of the communities concerned;

ii. disputes concerning the appointment, suspension and removal of traditional leaders must be resolved by the President on the recommendation of the provincial assembly of Chiefs through the Minister responsible for traditional leaders;

iii. the Act must provide measures to ensure that all these matters are dealt with fairly and without regard to political considerations;

iv. the Act must provide measures to safeguard the integrity of traditional institutions and their independence from political interference.

284. Remuneration and benefits of traditional leaders

1. An Act of Parliament must provide for the remuneration and benefits of traditional leaders to be fixed with the approval of the President given on the recommendation of the Minister responsible for finance and after consultation with the Minister responsible for traditional leaders.
2. The remuneration of a traditional leader must be charged upon and paid out of the Consolidated Revenue Fund.
3. The remuneration of a traditional leader must not be reduced while he or she holds or acts in the office concerned.

285. National Council and provincial assemblies of Chiefs

1. There is a National Council of Chiefs constituted in accordance with an Act of Parliament, to represent all chiefs in Zimbabwe.
2. An Act of Parliament must establish for each province, other than the metropolitan provinces, a provincial assembly of Chiefs consisting of the Chiefs in that province.
3. So far as practicable the Chiefs in each province must be equitably represented in the National Council of Chiefs.
4. Elections of the President, Deputy President and members of the National Council of Chiefs must be conducted by the Zimbabwe Electoral Commission.
5. Each provincial assembly of Chiefs must elect, in accordance with the Electoral Law, Chiefs to represent the province in the Senate in terms of section 120(1)(b).
6. The President and Deputy President of the National Council of Chiefs are elected for a term of five years and are eligible for re-election for one further such term, but a person who has served two terms as Deputy President is eligible for election as President.
7. An Act of Parliament must provide for--

- Oaths to abide by constitution

a. the election of chiefs to the National Council of Chiefs, and the qualifications and disqualifications of candidates for election;
b. the oath of office to be taken by members of the National Council of Chiefs and provincial assemblies of Chiefs;
c. the tenure of office of members of the National Council of Chiefs;
d. the remuneration, pension and other benefits of the President, Deputy President and members of the National Council of Chiefs;
e. the procedure to be followed at meetings of the National Council of Chiefs and provincial assemblies of Chiefs; and

7. **f.** the establishment of a secretariat for the National Council of Chiefs and provincial assemblies of Chiefs.

286. Functions of National Council and provincial assemblies of Chiefs

1. The National Council of Chiefs and, within its province, a provincial assembly of Chiefs have the following functions--
    - **a.** to protect, promote and develop Zimbabwe's culture and traditions;
    - **b.** to represent the views of traditional leaders and to maintain the integrity and status of traditional institutions;
    - **c.** to protect, promote and advance the interests of traditional leaders;
    - **d.** to consider representations and complaints made to it by traditional leaders;
    - **e.** to define and enforce correct and ethical conduct on the part of traditional leaders and to develop their capacity for leadership;
    - **f.** to facilitate the settlement of disputes between and concerning traditional leaders;
    - **g.** to perform any other functions that may be conferred or imposed on it by an Act of Parliament.
2. An Act of Parliament must ensure that--
    - **a.** the National Council of Chiefs and all provincial assemblies of Chiefs are able to carry out their functions independently and efficiently; and
    - **b.** persons employed by the National Council of Chiefs and provincial assemblies of Chiefs carry out their duties conscientiously and impartially.

287. Integrity and Ethics Committee

An Act of Parliament must provide for the establishment, membership and procedures of an Integrity and Ethics Committee of Chiefs, to exercise the following functions--

- **a.** to develop and enforce integrity and ethical conduct on the part of traditional leaders;
- **b.** to resolve disputes between traditional leaders;
- **c.** to deal with complaints against traditional leaders.

- Provisions for wealth redistribution

CHAPTER 16. AGRICULTURAL LAND

288. Interpretation of Chapter 16

In this Chapter "agricultural land" has the meaning given to it by section 72.

- Reference to country's history

289. Principles guiding policy on agricultural land

In order to redress the unjust and unfair pattern of land ownership that was brought about by colonialism, and to bring about land reform and the equitable access by all Zimbabweans to the country's natural resources, policies regarding agricultural land must be guided by the following principles--

- **a.** land is a finite natural resource that forms part of Zimbabweans' common heritage;
- **b.** subject to section 72, every Zimbabwean citizen has a right to acquire, hold, occupy, use, transfer, hypothecate, lease or dispose of agricultural land

- Right to own property
- Right to transfer property
- Ownership of natural resources

b. regardless of his or her race or colour;

c. the allocation and distribution of agricultural land must be fair and equitable, having regard to gender balance and diverse community interests;

d. the land tenure system must promote increased productivity and investment by Zimbabweans in agricultural land;

- Protection of environment

e. the use of agricultural land should promote food security, good health and nutrition and generate employment, while protecting and conserving the environment for future generations;

f. no person may be deprived arbitrarily of their right to use and occupy agricultural land.

290. Continuation of rights of State in agricultural land

- Ownership of natural resources

1. All agricultural land which--
  a. was itemised in Schedule 7 to the former Constitution; or
  b. before the effective date, was identified in terms of section 16B(2)(a)(ii) or (iii) of the former Constitution;

continues to be vested in the State.

2. Any inconsistency between anything contained in--
  a. a notice itemised in Schedule 7 to the former Constitution; or
  b. a notice relating to agricultural land and published in terms of section 16B(2)(a)(ii) or (iii) of the former Constitution;

and the title deed to which it refers or is intended to refer, and any error whatsoever contained in such a notice, does not affect the operation of subsection (1) or invalidate the State's title to the agricultural land concerned in terms of that subsection.

291. Continuation of rights of occupiers of agricultural land

Subject to this Constitution, any person who, immediately before the effective date, was using or occupying, or was entitled to use or occupy, any agricultural land by virtue of a lease or other agreement with the State continues to be entitled to use or occupy that land on or after the effective date, in accordance with that lease or other agreement.

292. Security of tenure for occupiers of agricultural land

The State must take appropriate measures, including legislative measures, to give security of tenure to every person lawfully owning or occupying agricultural land.

293. Alienation of agricultural land by State

1. The State may alienate for value any agricultural land vested in it, whether through the transfer of ownership to any other person or through the grant of a lease or other right of occupation or use, but any such alienation must be in accordance with the principles specified in section 289.
2. The State may not alienate more than one piece of agricultural land to the same person and his or her dependants.
3. An Act of Parliament must prescribe procedures for the alienation and allocation of agricultural land by the State, and any such law must be consistent with the principles specified in section 289.

- Right to transfer property

294. Alienation of agricultural land by owners or occupiers

Subject to any limitation imposed by law, an owner or occupier of agricultural land has the right to transfer, hypothecate, lease or dispose of his or her right in agricultural land.

- Protection from expropriation

295. Compensation for acquisition of previously-acquired agricultural land

1. Any indigenous Zimbabwean whose agricultural land was acquired by the State before the effective date is entitled to compensation from the State for the land and any improvements that were on the land when it was acquired.
- International law
2. Any person whose agricultural land was acquired by the State before the effective date and whose property rights at that time were guaranteed or protected by an agreement concluded by the Government of Zimbabwe with the government of another country, is entitled to compensation from the State for the land and any improvements in accordance with that agreement.
3. Any person, other than a person referred to in subsection (1) or (2), whose agricultural land was acquired by the State before the effective date is entitled to compensation from the State only for improvements that were on the land when it was acquired.
4. Compensation payable under subsections (1), (2) and (3) must be assessed and paid in terms of an Act of Parliament.

296. Establishment and composition of Zimbabwe Land Commission

1. There is a commission to be known as Zimbabwe Land Commission consisting of--
    a. a chairperson and deputy chairperson; and
    b. a minimum of two and a maximum of seven other members;

    appointed by the President.

2. Members of the Zimbabwe Land Commission must--
    a. be chosen for their integrity and competence in, and knowledge and understanding of, the best practices in land management and administration; and
    b. reflect the diversity of Zimbabwe's population, in particular its regional interests and gender balance.
3. Section 237 applies in relation to the removal from office of members of the Zimbabwe Land Commission as if it were an independent Commission established by Chapter 12.

297. Functions of Zimbabwe Land Commission

1. The Zimbabwe Land Commission has the following functions--
    a. to ensure accountability, fairness and transparency in the administration of agricultural land that is vested in the State;
    b. to conduct periodical audits of agricultural land;
    c. to make recommendations to the Government regarding
        i. the acquisition of private land for public purposes;
        ii. equitable access to and holding and occupation of agricultural land, in particular--
            A. the elimination of all forms of unfair discrimination, particularly gender discrimination;
            B. the enforcement of any law restricting the amount of agricultural land that may be held by any person or

1. c. ii. B. household;
   iii. land usage and the size of agricultural land holdings;
   iv. the simplification of the acquisition and transfer of rights in land;
   v. systems of land tenure; and
   vi. fair compensation payable under any law for agricultural land and improvements that have been compulsorily acquired;
   vii. allocations and alienations of agricultural land;
   d. to investigate and determine complaints and disputes regarding the supervision, administration and allocation of agricultural land.
2. The Zimbabwe Land Commission, with the approval of the Minister responsible for land, may make regulations for any of the purposes set out in subsection (1).
3. The Zimbabwe Land Commission must exercise its functions in accordance with any general written policy directives which the Minister responsible for land may give it.
4. In discharging its functions, the Zimbabwe Land Commission must be guided by the principles set out in section 289.
5. The State and all institutions and agencies of government at every level, through legislative and other measures, must assist the Zimbabwe Land Commission in carrying out its functions and must protect its independence, impartiality, integrity and effectiveness.
6. The Government must make adequate and suitable provision, through legislation and other appropriate means, to ensure that--
   a. the Zimbabwe Land Commission is able to exercise its functions efficiently and independently; and
   b. persons employed by the Zimbabwe Land Commission carry out their duties conscientiously, fairly and impartially.

CHAPTER 17. FINANCE

PART 1. FINANCIAL MANAGEMENT

298. Principles of public financial management

- Subsidiary unit government
- Municipal government

1. The following principles must guide all aspects of public finance in Zimbabwe--
   a. there must be transparency and accountability in financial matters;
   b. the public finance system must be directed towards national development, and in particular--
      i. the burden of taxation must be shared fairly;
      ii. revenue raised nationally must be shared equitably between the central government and provincial and local tiers of government; and
      iii. expenditure must be directed towards the development of Zimbabwe, and special provision must be made for marginalised groups and areas;
   c. the burdens and benefits of the use of resources must be shared equitably between present and future generations;
   d. public funds must be expended transparently, prudently, economically and effectively;
   e. financial management must be responsible, and fiscal reporting must be clear; and
   f. public borrowing and all transactions involving the national debt must be carried out transparently and in the best interests of Zimbabwe.
2. No taxes may be levied except under the specific authority of this Constitution or an Act of Parliament.

299. Parliamentary oversight of State revenues and expenditure

1. Parliament must monitor and oversee expenditure by the State and all Commissions and institutions and agencies of government at every level, including statutory bodies, government-controlled entities, provincial and metropolitan councils and local authorities, in order to ensure that--
    a. all revenue is accounted for;
    b. all expenditure has been properly incurred; and
    c. any limits and conditions on appropriations have been observed.
2. An Act of Parliament must provide mechanisms for Parliament to monitor and oversee expenditure referred to in subsection (1).

300. Limits of State borrowings, public debt and State guarantees

1. An Act of Parliament must set limits on--
    a. borrowings by the State;
    b. the public debt; and
    c. debts and obligations whose payment or repayment is guaranteed by the State;

    and those limits must not be exceeded without the authority of the National Assembly.

2. An Act of Parliament must prescribe terms and conditions under which the Government may guarantee loans.
3. Within sixty days after the Government has concluded a loan agreement or guarantee, the Minister responsible for finance must cause its terms to be published in the Gazette.
4. The Minister responsible for finance must--
    a. at least twice a year, report to Parliament on the performance of--
        i. loans raised by the State; and
        ii. loans guaranteed by the State;
    b. at the same time as the estimates of revenue and expenditure are laid before the National Assembly in terms of section 305, table in Parliament a comprehensive statement of the public debt of Zimbabwe.

- Subsidiary unit government
- Municipal government

301. Allocation of revenues between provincial and local tiers of government

1. An Act of Parliament must provide for--
    a. the equitable allocation of capital grants between provincial and metropolitan councils and local authorities; and
    b. any other allocations to provinces and local authorities, and any conditions on which those allocations may be made.
2. The Act referred to in subsection (1) must take into account, amongst other factors--
    a. the national interest;
    b. any provision that must be made in respect of the national debt and other national obligations;
    c. the needs and interests of the central government, determined by objective criteria;
    d. the need to provide basic services, including educational and health facilities, water, roads, social amenities and electricity to marginalised areas;
    e. the fiscal capacity and efficiency of provincial and metropolitan councils and local authorities;
    f. developmental and other needs of provincial and metropolitan councils and local authorities; and
    g. economic disparities within and between provinces.

3. Not less than five per cent of the national revenues raised in any financial year must be allocated to the provinces and local authorities as their share in that year.

PART 2. CONSOLIDATED REVENUE FUND

302. Consolidated Revenue Fund

There is a Consolidated Revenue Fund into which must be paid all fees, taxes and borrowings and all other revenues of the Government, whatever their source, unless an Act of Parliament--

a. requires or permits them to be paid into some other fund established for a specific purpose; or

b. permits the authority that received them to retain them, or part of them, in order to meet the authority's expenses.

303. Withdrawals from Consolidated Revenue Fund

1. No money may be withdrawn from the Consolidated Revenue Fund except to meet expenditure authorised by this Constitution or by an Act of Parliament.
2. Money withdrawn from the Consolidated Revenue Fund must be paid only to the person to whom the payment is due.
3. An Act of Parliament must prescribe the way in which--
    a. withdrawals are to be made from the Consolidated Revenue Fund and any other public fund; and
    b. money in the Consolidated Revenue Fund and any other fund is to be held and invested.

304. Charges upon Consolidated Revenue Fund

1. All debt charges for which the State is liable must be charged upon the Consolidated Revenue Fund.
2. The costs and expenses incurred in collecting and managing the Consolidated Revenue Fund form the first charge on the Fund.
3. For the purposes of subsection (1) "debt charges" includes interest, sinking fund charges, the repayment or amortisation of debt and all expenditure related to the raising of loans on the security of the Consolidated Revenue Fund and the service and redemption of debt created by those loans.

PART 3. AUTHORISATION OF EXPENDITURE FROM CONSOLIDATED REVENUE FUND

- Budget bills
- Spending bills

305. Appropriations from Consolidated Revenue Fund

1. Every year the Minister responsible for finance must present to the National Assembly a statement of the estimated revenues and expenditures of the Government in the next financial year.
2. The estimates of revenue and expenditure must be presented to the National Assembly in terms of subsection (1) on a day on which the Assembly sits before or not later than thirty days after the start of each financial year, but if Parliament is dissolved and it is impossible to lay estimates before the Assembly by that time, then they must be laid before the Assembly within thirty days after the Assembly first meets following the dissolution.
3. Separate estimates of revenue and expenditure must be given for each of the following--
    a. each Commission established by this Constitution;
    b. the office of the Auditor-General;

3. **c.** the National Prosecuting Authority;
   d. the Council of Chiefs; and
   e. any other institution prescribed in an Act of Parliament.
4. When the National Assembly has approved the estimates of expenditure for a financial year, other than expenditure that is specifically charged on the Consolidated Revenue Fund by this Constitution or an Act of Parliament, the Minister responsible for finance must cause a Bill to be known as an Appropriation Bill to be introduced into the National Assembly, and that Bill must--
   a. provide for money to be issued from the Consolidated Revenue Fund to meet the approved expenditure; and
   b. appropriate the money to the purposes specified in the estimates, under separate votes for the different heads of expenditure that have been approved.
5. If the money appropriated to a purpose under an Appropriation Act is insufficient or if expenditure is needed for a purpose for which no money has been appropriated, the Minister responsible for finance must cause an additional or supplementary estimate to be presented to the National Assembly, and if the National Assembly approves the estimate the Minister must cause an additional or supplementary appropriation Bill to be introduced into the Assembly providing for the necessary money to be issued from the Consolidated Revenue Fund.

306. Authorisation of expenditure in advance of appropriation

1. An Act of Parliament may allow the President to authorise the withdrawal of money from the Consolidated Revenue Fund to meet expenditure which was unforeseen or whose extent was unforeseen and for which no provision has been made under any other law, but--
   a. the Act must not allow the withdrawal of money in excess of one and one-half per cent of the total amount appropriated in the last main Appropriation Act;
   b. any money withdrawn under the Act must be included in additional or supplementary estimates of expenditure laid without delay before the National Assembly and, if the Assembly approves the estimates, the money must be charged upon the Consolidated Revenue Fund by an additional or supplementary Appropriation Act.

- Budget bills

2. If the Appropriation Act for a financial year has not come into operation by the beginning of that financial year, an Act of Parliament may allow the President to authorise the withdrawal of money from the Consolidated Revenue Fund to meet expenditure necessary to carry on the services of the Government for the first four months of the financial year, but--
   a. the Act must not allow the withdrawal of money in excess of one-third of the amounts included in the estimates of expenditure for the previous financial year;
   b. any money withdrawn under the Act must be included in an Appropriation Act for the financial year concerned, under separate votes for the different heads of expenditure.
3. If Parliament is dissolved before adequate financial provision has been made for carrying on the services of the Government, an Act of Parliament may allow the President to authorise the withdrawal of money from the Consolidated Revenue Fund to meet expenditure needed to carry on those services until three months after the National Assembly first meets after the dissolution, but any money withdrawn under the Act must be included in an Appropriation Act under separate votes for the different heads of expenditure.

307. Unauthorised expenditure

1. If it is found that more money has been expended on a purpose than was appropriated to it in terms of this Part, or that money has been expended on a purpose for which no money was appropriated under this Part, the Minister

1. responsible for finance must introduce a Bill into the National Assembly seeking condonation of the unauthorised expenditure.
2. The Bill referred to in subsection (1) must be introduced into the National Assembly without delay and in any event no later than sixty days after the extent of the unauthorised expenditure has been established.

PART 4. SAFEGUARDING OF PUBLIC FUNDS AND PROPERTY

308. Duties of custodians of public funds and property

1. In this section--
   - "public funds" includes any money owned or held by the State or any institution or agency of the government, including provincial and local tiers of government, statutory bodies and government-controlled entities;
   - "public property" means any property owned or held by the State or any institution or agency of the government, including provincial and local tiers of government, statutory bodies and government-controlled entities.
2. It is the duty of every person who is responsible for the expenditure of public funds to safeguard the funds and ensure that they are spent only on legally authorised purposes and in legally authorised amounts.
3. It is the duty of every person who has custody or control of public property to safeguard the property and ensure that it is not lost, destroyed, damaged, misapplied or misused.
4. An Act of Parliament must provide for the speedy detection of breaches of subsections (2) and (3) and the disciplining and punishment of persons responsible for any such breaches and, where appropriate, the recovery of misappropriated funds or property.

PART 5. AUDITOR-GENERAL

309. Auditor-General and his or her functions

1. There must be an Auditor-General, whose office is a public office but does not form part of the Public Service.
2. The functions of the Auditor-General are--
   a. to audit the accounts, financial systems and financial management of all departments, institutions and agencies of government, all provincial and metropolitan councils and all local authorities;
   b. at the request of the Government, to carry out special audits of the accounts of any statutory body or government-controlled entity;
   c. to order the taking of measures to rectify any defects in the management and safeguarding of public funds and public property; and
   d. to exercise any other functions that may be conferred or imposed on him or her by or under an Act of Parliament.
3. Public officers must comply with orders given to them by the Auditor-General in terms of subsection (2)(c).

310. Appointment of Auditor-General

1. The Auditor-General is appointed by the President with the approval of Parliament.
2. The Auditor-General must be a Zimbabwean citizen chosen for his or her integrity, and must have been qualified to practise as an auditor for at least ten years.
3. The term of office of the Auditor-General is a period of not more than six years and a person must not be appointed as Auditor-General after he or she has

3. served for one or more periods, whether continuous or not, amounting to twelve years.
4. Before entering office, the Auditor-General must take, before the President or a person authorised by the President, the oaths of loyalty and office in the forms set out in the Third Schedule.

- Oaths to abide by constitution

311. Independence of Auditor-General

In the exercise of his or her functions the Auditor-General is independent and subject only to the law.

312. Remuneration of Auditor-General

1. An Act of Parliament must provide for the remuneration and benefits of the Auditor-General to be fixed with the approval of the President on the recommendation of the Minister responsible for finance.
2. The remuneration of the Auditor-General must be charged upon and paid out of the Consolidated Revenue Fund and must not be reduced during his or her tenure of office.

313. Removal of Auditor-General from office

1. The Auditor-General may be removed from office only for--
    a. inability to perform the functions of his or her office because of mental or physical incapacity;
    b. gross incompetence; or
    c. gross misconduct.
2. If the Minister responsible for finance, with the concurrence of the parliamentary committee responsible for public accounts, informs the President that the question of removing the Auditor-General from office ought to be investigated, the President must appoint a tribunal to inquire into the matter.
3. A tribunal appointed under subsection (2) must consist of at least three members appointed by the President, of whom--
    a. at least one must be a person who has served as a judge; and
    b. at least one must be chosen from a panel of at least three persons who have been nominated by the institute or association established by law to represent public auditors in Zimbabwe.
4. The institute or association referred to in subsection (3)(b) must nominate the panel referred to in that subsection when called upon to do so by the President.
5. A tribunal appointed under subsection (2) must inquire into the question of removing the Auditor-General from office and, having done so, must report its findings to the President and recommend whether or not the Auditor-General should be removed, and if the tribunal so recommends the President must, by order under the public seal, remove the Auditor-General from office.
6. A tribunal appointed under subsection (2) has the same rights and powers as commissioners under the Commissions of Inquiry Act [Chapter 10:07], or any law that replaces that Act.

- Legislative committees

314. Staff of Auditor-General

An Act of Parliament must provide for the appointment of a board to employ persons to assist the Auditor-General in the exercise of his or her functions, and must also provide for--

a. the qualifications of those persons;

b. the conditions of service, conduct and discipline of those persons;

c. the independence, impartiality and integrity of those persons; and

d. the organisation, efficiency and well-being of the Auditor-General's office.

PART 6. GENERAL

315. Procurement and other governmental contracts

1. An Act of Parliament must prescribe procedures for the procurement of goods and services by the State and all institutions and agencies of government at every level, so that procurement is effected in a manner that is transparent, fair, honest, cost-effective and competitive.
2. An Act of Parliament must provide for the negotiation and performance of the following State contracts--
    a. joint-venture contracts;
    b. contracts for the construction and operation of infrastructure and facilities; and
    c. concessions of mineral and other rights;

    to ensure transparency, honesty, cost-effectiveness and competitiveness.

316. Management of statutory bodies

An Act of Parliament must provide for the competent and effective operation of statutory bodies and, in particular, must ensure that their chief executive officers serve for limited periods whose renewal is dependent on the efficient performance of their duties.

- Central bank

317. Reserve Bank of Zimbabwe

1. There is a central bank, to be known as the Reserve Bank of Zimbabwe, whose objects are--
    a. to regulate the monetary system;
    b. to protect the currency of Zimbabwe in the interest of balanced and sustainable economic growth; and
    c. to formulate and implement monetary policy.
2. An Act of Parliament may provide for the structure and organisation of the Reserve Bank of Zimbabwe and confer or impose additional functions on it.

CHAPTER 18. GENERAL AND SUPPLEMENTARY PROVISIONS

PART 1. GENERAL PROVISIONS AS TO COMMISSIONS

318. Application of Part 1

This Part applies to the Commissions established by this Constitution, and to the members of every such Commission.

319. Commissions to be bodies corporate

The Commissions are bodies corporate with perpetual succession and are capable of suing and being sued in their own names.

320. Membership of Commissions and conditions of service of members

1. Except as otherwise provided in this Constitution, every member of a Commission is appointed for a term of five years which is renewable for one additional term only.
2. Members of Commissions, other than--
    a. the independent Commissions;
    b. the Judicial Service Commission;
    c. the Zimbabwe Anti-Corruption Commission; and
    d. the Zimbabwe Land Commission;

    hold office at the pleasure of the President.

- Outside professions of legislators

3. Subject to this Constitution, Members of Parliament and members of provincial or metropolitan councils, local authorities and Government-controlled entities are not eligible to be appointed as members of a Commission.
4. Where a Commission has a chairperson and a deputy chairperson, they must be of different genders.

- Oaths to abide by constitution

5. Before entering office, members of Commissions must take before the President, or a person authorised by the President, the oaths of loyalty and office in the forms set out in the Third Schedule.
6. Members of Commissions are entitled to such remuneration, allowances and other benefits as may be fixed by or under an Act of Parliament, and their remuneration must not be reduced during the members' tenure of office.
7. The remuneration and allowances of members of Commissions are a charge on the Consolidated Revenue Fund.

321. Functions and procedure of Commissions

1. An Act of Parliament may confer additional functions on a Commission and may regulate the manner in which a Commission exercises its functions, provided that the Commission's independence or effectiveness is not compromised.
2. An Act of Parliament referred to in subsection (1) may permit a Commission to delegate its functions, but a Commission must not delegate its power to make appointments to, or to make recommendations or give advice on, any office established by this Constitution.
3. Subject to this Constitution, any decision of a Commission requires the concurrence of a majority of the Commission's members who are present when the decision is taken.
4. An Act of Parliament may provide for the procedures to be adopted by a Commission, and in any respect that is not so provided for the Commission may determine its own procedures, but any such procedures must be fair and promote transparency in the performance of the Commission's functions.

322. Funding of Commissions

Parliament must ensure that sufficient funds are appropriated to the Commissions to enable them to exercise their functions effectively.

323. Commissions to report annually to Parliament

1. Every Commission must submit to Parliament, through the responsible Minister, an annual report describing fully its operations and activities, the report being submitted not later than the end of March in the year following the year to which the report relates.
2. An Act of Parliament may require a Commission to submit further reports in addition to the annual report specified in subsection (1), and may prescribe the way in which such reports are to be submitted.

PART 2. GENERAL

324. Diligent performance of constitutional obligations

All constitutional obligations must be performed diligently and without delay.

325. Funding of constitutional bodies and other institutions

- Legislative committees

1. The Government must ensure that adequate funds are provided--
    a. to the Commissions and other institutions established by this Constitution, to enable them to perform their functions effectively;
    b. to Parliament, to enable it and its committees to meet whenever necessary; and
    c. to all other institutions of the State and government, to enable them to perform their obligations under this Constitution.

- Legislative committees

2. The Commissions and other institutions established by this Constitution must be given a reasonable opportunity to make representations to a parliamentary committee as to the funds to be allocated to them in each financial year.

326. Customary international law

- Customary international law
- International law

1. Customary international law is part of the law of Zimbabwe, unless it is inconsistent with this Constitution or an Act of Parliament.
2. When interpreting legislation, every court and tribunal must adopt any reasonable interpretation of the legislation that is consistent with customary international law applicable in Zimbabwe, in preference to an alternative interpretation inconsistent with that law.

327. International conventions, treaties and agreements

- International law
- International organizations
- Legal status of treaties
- Treaty ratification

1. In this section--
    - "international organisation" means an organisation whose membership consists of two or more independent States or in which two or more independent States are represented;
    - "international treaty" means a convention, treaty, protocol or agreement between one or more foreign States or governments or international organisations.
2. An international treaty which has been concluded or executed by the President or under the President's authority--
    a. does not bind Zimbabwe until it has been approved by Parliament; and
    b. does not form part of the law of Zimbabwe unless it has been incorporated into the law through an Act of Parliament.
3. Save for loan agreements and guarantees referred to in section 300(3) and (4) an agreement which is not an international treaty but which—
    a. has been concluded or executed by the President or under the President's authority with one or more foreign organisations or entities and imposes fiscal obligations on Zimbabwe; and
    b. imposes fiscal obligations on Zimbabwe;

    does not bind Zimbabwe until it has been approved by Parliament.
4. An Act of Parliament may provide that subsections (2) and (3)--
    a. do not apply to any particular international treaty or agreement or to any class of such treaties or agreements; or
    b. apply with modifications in relation to any particular international treaty or agreement or to any class of such treaties or agreements.
5. Parliament may by resolution declare that any particular international treaty or class of international treaties does not require approval under subsection (2), but

5. such a resolution does not apply to treaties whose application or operation requires--
    a. the withdrawal or appropriation of funds from the Consolidated Revenue Fund; or
    b. any modification of the law of Zimbabwe.
6. When interpreting legislation, every court and tribunal must adopt any reasonable interpretation of the legislation that is consistent with any international convention, treaty or agreement which is binding on Zimbabwe, in preference to an alternative interpretation inconsistent with that convention, treaty or agreement.

- Constitution amendment procedure

328. Amendment of Constitution

1. In this section--
    - "Constitutional Bill" means a Bill that seeks to amend this Constitution;
    - "term-limit provision" means a provision of this Constitution which limits the length of time that a person may hold or occupy a public office.
2. An Act of Parliament that amends this Constitution must do so in express terms.
3. A Constitutional Bill may not be presented in the Senate or the National Assembly in terms of section 131 unless the Speaker has given at least ninety days' notice in the Gazette of the precise terms of the Bill.
4. Immediately after the Speaker has given notice of a Constitutional Bill in terms of subsection (3), Parliament must invite members of the public to express their views on the proposed Bill in public meetings and through written submissions, and must convene meetings and provide facilities to enable the public to do so.
5. A Constitutional Bill must be passed, at its last reading in the National Assembly and the Senate, by the affirmative votes of two-thirds of the membership of each House.

- Referenda

6. Where a Constitutional Bill seeks to amend any provision of Chapter 4 or Chapter 16--
    a. within three months after it has been passed by the National Assembly and the Senate in accordance with subsection (5), it must be submitted to a national referendum; and
    b. if it is approved by a majority of the voters voting at the referendum, the Speaker of the National Assembly must cause it to be submitted without delay to the President, who must assent to and sign it forthwith.
7. Notwithstanding any other provision of this section, an amendment to a term-limit provision, the effect of which is to extend the length of time that a person may hold or occupy any public office, does not apply in relation to any person who held or occupied that office, or an equivalent office, at any time before the amendment.

- Referenda

8. Subsections (6) and (7) must not both be amended in the same Constitutional Bill nor may amendments to both those subsections be put to the people in the same referendum.
9. This section may be amended only by following the procedures set out in subsections (3),(4), (5) and (6), as if this section were contained in Chapter 4.
10. When a Constitutional Bill is presented to the President for assent and signature, it must be accompanied by--
    a. a certificate from the Speaker that at its final vote in the National Assembly the Bill received the affirmative votes of at least two-thirds of the membership of the Assembly; and
    b. a certificate from the President of the Senate that at its final vote in the Senate the Bill received the affirmative votes of at least two-thirds of the membership of the Senate.

- Transitional provisions

329. Commencement of Constitution, transitional provisions and savings

The Sixth Schedule applies to the commencement of this Constitution, the repeal of the former Constitution and the transition to the new constitutional order established by this Constitution.

PART 3. INTERPRETATION

330. Application of Part 3

This Part applies to the interpretation of this Constitution unless the context otherwise requires.

331. General principles of interpretation of the Constitution

Section 46 applies, with any necessary changes, to the interpretation of this Constitution apart from Chapter 4.

332. Definitions

In this Constitution--

- "Act of Parliament" means--

  a. an enactment that has been passed by Parliament and then assented to and signed by the President in accordance with this Constitution; or

  b. an enactment that was in force in Zimbabwe as an Act of Parliament immediately before the effective date, including--

    i. any enactment included in the revised edition of the statute law of Zimbabwe prepared in 1996 under the authority of the Statute Law Compilation and Revision Act [Chapter 1:03]; and

    ii. any enactment which, though omitted from the revised edition referred to in subparagraph (i), continued in force notwithstanding that omission; and

    iii. any enactment enacted by the Parliament of Zimbabwe after the revised edition referred to in subparagraph (i) but before the effective date;

- "administrative conduct" includes any decision, act or omission of a public officer or of a person performing a function of a public nature, and a failure or refusal of such a person to reach such a decision or to perform such an act;
- "amend" includes vary, alter, modify, add to, delete or adapt;
- "by-election" means an election to fill a casual vacancy in Parliament or in a local authority;
- "Chief" means a Chief referred to in Chapter 15;
- "Civil Service" (repealed).
- "Commission" means a Commission established by this Constitution;
- "Committee on Standing Rules and Orders" means the committee of that name established under section 151;

- "Communal Land" means land set aside under an Act of Parliament and held in accordance with customary law by members of a community under the leadership of a Chief;
- "Constitutional Bill" means a Bill which, if enacted, would have the effect of amending any of the provisions of this Constitution;
- "Constitutional Court" means the Constitutional Court established by section 162(a);
- "constitutional matter" means a matter in which there is an issue involving the interpretation, protection or enforcement of this Constitution;
- "customary law" means the customary law of any section or community of Zimbabwe's people;
- "disciplinary law" means a written law that regulates the discipline of members of a disciplined force, including part-time members, while they are rendering service in the force or in respect of their failure to render service in the force;
- "disciplined force" means--
    - **a.** a naval, military or air force;
    - **b.** a police service;
    - **c.** a prisons or correctional service; or
    - **d.** any other body established for public purposes by or under an Act of Parliament and declared by that Act to be a disciplined force;
- "effective date" means the date on which this Constitution comes wholly into operation in terms of paragraph 3(2) of the Sixth Schedule;
- "Electoral Law" means the Act of Parliament that regulates elections in terms of this Constitution;
- "financial year" means the twelve-month period ending on the 31st December;
- "function" includes power and duty;
- "Gazette" means the official Gazette of the Government and includes any supplement to that Gazette;
- "general election" means a general election--
    - **a.** of the President, Vice-Presidents and Members of Parliament;
    - **b.** of members of the governing bodies of local authorities;
- "Government" means the Government of Zimbabwe;
- "government-controlled entity" means a body corporate whose operations or activities are substantially controlled by the State or by a person on behalf of the State, whether through ownership of a majority of shares in the body corporate or otherwise;
- "House", unless otherwise qualified, means the Senate or the National Assembly;
- "independent Commission" means a Commission referred to in section 232;
- "judge" means a judge of the Constitutional Court, the Supreme Court, the High Court, the Labour Court or the Administrative Court;

- "Judicial Service Commission" means the Commission of that name established by section 189;
- "law" means--
  - **a.** any provision of this Constitution or of an Act of Parliament;
  - **b.** any provision of a statutory instrument; or
  - **c.** any unwritten law in force in Zimbabwe, including customary law; and "lawful", "lawfully", "legal" and "legally" are to be construed accordingly;
- "legal practitioner" means a person who is permitted to practise the profession of law in Zimbabwe;
- "local authority" means a council referred to in Part 3 of Chapter 14;
- "member", in relation to--
  - **a.** a Commission or other body established by this Constitution, includes the chairperson and deputy chairperson;
  - **b.** a statutory body, provincial or metropolitan council or local authority, means a person who is appointed or elected to a council, board or other authority which.
    - **i.** is a statutory body, provincial or metropolitan council or local authority; or
    - **ii.** is responsible for administering the affairs of the statutory body, provincial or metropolitan council or local authority;
- "Member of Parliament" means a Senator or a Member of the National Assembly;
- "metropolitan council" means a council established by section 269 for a metropolitan province;
- "metropolitan province" means Bulawayo Metropolitan Province or Harare Metropolitan Province, as the case may be;
- "Minister" includes a person exercising the functions of a Minister, whatever their title;
- "national legislation" means an Act of Parliament or a statutory instrument made under an Act of Parliament;
- "oath" includes affirmation;
- "offence" means a criminal offence;

Emergency provisions

- "period of public emergency" means a period when a declaration of a state of public emergency under section 113 is in effect;
- "person" means an individual or a body of persons, whether incorporated or unincorporated;
- "President" means the President of Zimbabwe;
- "President of the Senate" means the President of the Senate elected in terms of section 122;
- "provincial council" means a council established by section 268 for a province other than a metropolitan province;

- "public office" means a paid office in the service of the State;
- "public officer" means a person holding or acting in a public office;

  "Public Service" has the meaning given to it by section 199;
- "security service" means a security service referred to in section 207;
- "Senator Chief" means a chief elected to the Senate in terms of section 120(1)(b) or (c);
- "sitting" means a period during which the Senate or the National Assembly is sitting continuously, including any period during which the Senate or the National Assembly, as the case may be, is in committee;
- "sitting day" means any weekday which is prescribed in the Standing Orders of the National Assembly or the Senate, as the case may be, to be a sitting day, whether or not the House concerned meets on that day;
- "Speaker" means the Speaker of the National Assembly elected in terms of section 126;
- "Standing Orders", in relation to anything to be done by--

  a. the Senate, means Standing Orders of the Senate;

  b. the National Assembly, means Standing Orders of the National Assembly;

  c. the Senate and the National Assembly jointly, means joint Standing Orders; made in terms of section 139;
- "statutory body" means--

  a. a Commission established by this Constitution; or

  b. a body corporate established directly by or under an Act of Parliament for special purposes specified in that Act, whose membership consists wholly or mainly of persons appointed by the President, a Vice-President, a Minister, a Deputy Minister, another statutory body or by a Commission established by this Constitution;
- "statutory instrument" means any instrument that has the force of law and that is made by the President, a Vice-President, a Minister or any other person or authority under this Constitution or an Act of Parliament;
- "tax" includes a duty, rate, levy or due;
- "traditional leader" means a person appointed as such in terms of section 283;
- "Zimbabwe" means the Republic of Zimbabwe;
- "Zimbabwe Electoral Commission" means the Commission of that name established by section 238;
- "Zimbabwe Human Rights Commission" means the Commission of that name established by section 242.

333. References to Chapters, sections, etc

Any reference in this Constitution, without qualification, to--

a. a Chapter, section or Schedule, is to be construed as a reference to a Chapter or section of or Schedule to this Constitution;

b. a subsection, is to be construed as a reference to a subsection of the section in which the reference is made;

c. a paragraph, is to be construed as a reference to a paragraph of the Schedule, section, subsection or definition in which the reference is made;

d. a subparagraph, is to be construed as a reference to a subparagraph of the paragraph or subparagraph in which the reference is made.

334. Words in singular to include plural, and vice versa

In this Constitution, words in the singular include the plural and words in the plural include the singular.

335. Tables and headings

Tables of contents and headings to Chapters, Parts, sections and other provisions of this Constitution do not form part of the Constitution and are inserted for ease of reference only.

336. References to time

1. In this Constitution, whenever a period of days is expressed--
    a. to begin on or to be reckoned from a particular day, that day is not to be included in the period;
    b. to end on or to be reckoned to a particular day, that day is to be included in the period.
2. Subject to this Constitution, whenever the time for doing anything in terms of this Constitution ends or falls on a Saturday, Sunday or public holiday, the time extends to and the thing may be done on the next day that is not a Saturday, Sunday or public holiday.
3. A reference in this Constitution to a month is to be construed as a reference to a calendar month, and a period of months is to be reckoned from the date when the period begins to the corresponding day of the month when the period ends.
4. A reference in this Constitution without qualification to a year is to be construed as a reference to a period of twelve months.

337. References to holders of office

Whenever this Constitution refers to the holder of an office by a term designating the office, the reference includes a reference to any person who is lawfully acting in or exercising the functions of that office.

338. References to Parliament

Where this Constitution requires a report or other document to be submitted to or laid before Parliament, the report or document must be submitted to or laid before both the Senate and the National Assembly.

339. Advice and consultation

1. Whenever this Constitution requires any person or authority to act on the advice of anyone else, the person or authority must--
    a. inform the other person, in writing, what he or she proposes to do and provide the other person with enough information to enable the other person to understand the nature and effect of the proposed act; and
    b. afford the other person a reasonable opportunity to tender advice;

    and the person or authority is obliged to follow the advice tendered by the other person.

2. Whenever this Constitution requires any person or authority to consult anyone else, or to act after consultation with anyone else, the person or authority must--
    a. inform the other person, in writing, what he or she proposes to do and provide the other person with enough information to enable the other person to understand the nature and effect of the proposed act;
    b. afford the other person a reasonable opportunity to make recommendations or representations about the proposal; and
    c. give careful consideration to any recommendations or representations that the other person may make about the proposal;

    but the person or authority is not obliged to follow any recommendations made by the other person.

340. Appointments

1. Except as otherwise provided in this Constitution, a power under this Constitution to appoint a person to an office includes a similar power--
    a. to reappoint the person to that office;
    b. to appoint a person on promotion or transfer to that office;
    c. to appoint a person to act in that office;
    d. to appoint a person to that office while it is held by someone else who is on leave of absence pending relinquishment of the office;
    e. to fix and vary the person's conditions of service in that office, including the person's remuneration and period of appointment and any benefits on termination of service; and
    f. subject to this Constitution, to suspend or remove the person from office.
2. Where two or more persons hold the same office as a result of a person being appointed to it while the incumbent is on leave of absence pending relinquishment of the office, the person last appointed must be regarded as the sole holder of the office.
3. Subject to this Constitution, an Act of Parliament may provide for the appointment of one or more deputies to any person holding an office under this Constitution and may provide for their functions and conditions of service.
4. Where a deputy is appointed to a person holding an office under this Constitution, the deputy may exercise any of the functions of the office whenever the office-holder is for any reason unable to perform them.
5. Subject to any provision of this Constitution that may limit the period or number of terms that anyone may serve in a particular office, a person who has vacated an office established by this Constitution may, if qualified, be re-appointed or re-elected to the office.

341. Resignations

1. Any person who is appointed or elected to an office established by this Constitution may resign from that office by written notice addressed to the person that appointed or elected the office-holder concerned, but in the case of--
    a. the President, the notice must be addressed to the Speaker;
    b. the President of the Senate or his deputy, the notice must be addressed to the Clerk of Parliament or announced to the Senate;
    c. the Speaker or Deputy Speaker of the National Assembly, the notice must be addressed to the Clerk of Parliament or announced to the National Assembly;
    d. a Senator, the notice must be addressed to the president of the Senate;
    e. a Member of the National Assembly, the notice must be addressed to the Speaker;
    f. a member of a provincial or metropolitan council, the notice must be addressed to the chairperson of the council;
    g. (Repealed).
    h. a member of a local authority, the notice must be addressed to the chief executive officer of the council.

2. A person's resignation from an office established by this Constitution takes effect on the date or at the time indicated in the notice of resignation or, if no date or time is indicated, when the notice is received by the person to whom it is addressed or by anyone else who is authorised by that person to receive it.

342. Exercise of functions, etc

1. A power, jurisdiction or right conferred by this Constitution may be exercised, and a duty imposed by this Constitution must be performed, whenever it is appropriate to do so.
2. All institutions established by this Constitution have all powers necessary for them to fulfil their objectives and exercise their functions.
3. Where a power, jurisdiction or right is conferred by this Constitution, any other powers or rights that are reasonably necessary or incidental to its exercise are impliedly conferred as well.

343. When person not regarded as holding public office

For the purposes of this Constitution, persons are not to be regarded as holding public office solely on the ground that they receive a pension, half-pay, retirement pay or some other similar allowance in respect of previous service in a public office.

344. Quorum and effect of vacancies in constitutional bodies

1. A body established by or under this Constitution may act even if there are one or more vacancies in its membership, provided that the members of the body who authorise or perform the act are a quorum.
2. Unless this Constitution or a law regulating the proceedings of the body concerned makes some different provision, half the total membership of any body established by or under this Constitution constitutes a quorum.
3. Any reference in this Constitution to the votes of--
    a. half of the membership of a body whose membership is not a multiple of two;
    b. two-thirds of the membership of a body whose membership is not a multiple of three; or
    c. three-quarters of the membership of a body whose membership is not a multiple of four;

    is to be interpreted to mean that the number of votes must be not less than the whole number next above one-half, two-thirds or three-quarters, as the case may be, of the body's membership.

4. Any reference to the total membership of Parliament is a reference to the total number of persons who for the time being are Members of Parliament.

345. Inconsistencies between different texts of Constitution

In the event of an inconsistency between different texts of this Constitution, the English text prevails.

FIRST SCHEDULE. NATIONAL FLAG, NATIONAL ANTHEM, NATIONAL COAT OF ARMS AND PUBLIC SEAL (Section 4)

- National flag

PART 1. NATIONAL FLAG

[Depict the National Flag]

- National anthem

PART 2. NATIONAL ANTHEM

[Set out the National Anthem]

PART 3. NATIONAL COAT OF ARMS

[Depict the National Coat of Arms]

PART 4. PUBLIC SEAL

[Depict the Public Seal]

- Emergency provisions

SECOND SCHEDULE. LIMITATIONS ON RIGHTS DURING PUBLIC EMERGENCIES (Section 87)

1. Interpretation in First Schedule

In this Schedule--

- "detainee" means a person who is detained under an emergency law that provides for preventive detention;
- "emergency law" means a written law that provides for action to be taken to deal with any situation arising during a period of public emergency;
- "fundamental human right or freedom" means a right or freedom set out in Part 2 of Chapter 4;
- "review tribunal" means the tribunal referred to in paragraph 3(1).

2. Extent to which fundamental human rights or freedoms may be limited

1. An emergency law may limit any of the fundamental human rights or freedoms, but only to the extent set out in section 87.
2. If a state of public emergency is declared under section 113 in relation to only a part of Zimbabwe, an emergency law may not limit fundamental human rights or freedoms under this Schedule in any other part of Zimbabwe.

3. Detainees Review Tribunal

1. An emergency law that permits preventive detention must provide for the establishment of a tribunal to review the cases of detainees.
2. The review tribunal must be appointed by the President on the advice of the Judicial Service Commission and after consultation with the Committee on Standing Rules and Orders.

- Establishment of judicial council

3. The review tribunal must consist of--
    a. a chairman, who is or has been a judge; and
    b. two other members, one of whom--
        i. is or has been a judge or is qualified to be appointed as such;
        ii. has been a magistrate in Zimbabwe for at least seven years; or
        iii. has been qualified for at least seven years to practise as a legal practitioner in Zimbabwe.

4. Basic rights of detainees

1. All detainees--
    a. must be informed as soon as reasonably practicable, and in any case within seven days, of the reasons for their detention;
    b. must be permitted without delay--
        i. at their own expense, to choose and consult in private with a legal practitioner; or
        ii. if they wish, to consult in private with a legal practitioner assigned to them by the State at State expense;

    and must be informed as soon as reasonably practicable of their rights under this paragraph; and

- Human dignity

    c. must be treated humanely and with respect for their inherent dignity as human beings.
2. Where this paragraph requires information to be given to a detainee--
    a. the information must be given in a language that the detainee understands; and
    b. if the detainee cannot read or write, any document embodying the information must be explained in such a way that he or she understands it.

5. Review of detainees' cases

1. Every detainee's case must be submitted to the review tribunal within ten days after his or her initial detention and the tribunal must be informed of the name of the detainee, the place where he or she is detained and the reasons for the detention.
2. Every detainee's case must be resubmitted to the review tribunal at intervals of thirty days from the date on which the case was last reviewed, or at shorter intervals if the tribunal so orders.
3. The review tribunal must proceed without delay to review all cases submitted to it.
4. At all hearings by the review tribunal, the detainees whose cases are being reviewed must be allowed to present their cases in person or, if they wish--
    a. through legal practitioners assigned to them by the State at State expense; or
    b. at their own expense, through legal practitioners of their choice.
5. The reference in subparagraph (1) to a ten-day period includes a reference to lesser periods of detention that amount to ten days, in the case of a detainee who is released within ten days after being initially detained and is then re-detained within ten days after that release.

6. Recommendations of review tribunal

After reviewing a detainee's case, the review tribunal must make written recommendations to the authority that ordered the detention as to whether or not the detainee should continue to be detained, and the authority must act in accordance with the tribunal's recommendation.

7. Released detainees not to be re-detained on same grounds

1. A detainee who has been released from detention as a result of a report of the review tribunal that there is insufficient cause for the detention must not be detained again on substantially the same grounds as those on which he or she was originally detained.
2. For the purposes of this paragraph, a person is deemed to have been detained on the same grounds as those on which he or she was originally detained unless the review tribunal has reported that, in its opinion, there appear to be new and reasonable grounds for the detention.

8. Preservation of detainees' access to courts

This Schedule is not to be construed as limiting a detainee's right to challenge in a court the lawfulness of his or her detention, whether or not his or her case is already before the review tribunal.

- God or other deities
- Oaths to abide by constitution

THIRD SCHEDULE. OATHS AND AFFIRMATIONS (Sections 94, 104, 114, 122, 123, 126, 127, 128, 185, 259, 272, 310 and 320)

Notes

1. A person who is required to take any of the following oaths may, if he or she wishes, make an affirmation instead, using the indicated wording.
2. If a person taking any of the following oaths, or making any of the following affirmations, varies the wording of the oath or affirmation to a non-material extent, the variation does not affect the validity or binding nature of the oath or affirmation.

OATH OR AFFIRMATION OF LOYALTY

I, ... swear [or solemnly affirm] that I will be faithful and bear true allegiance to Zimbabwe and observe the laws of Zimbabwe.

So help me God. [To be omitted in affirmation]

This oath or affirmation is to be taken before the person specified in the appropriate legislation.

OATH OR AFFIRMATION OF OFFICE

I, ... swear [or solemnly affirm] that I will serve Zimbabwe well and truly in the office of.....

So help me God. [To be omitted in affirmation]

This oath or affirmation is to be taken before the person specified in the appropriate legislation.

OATH OR AFFIRMATION OF PRESIDENT AND VICE-PRESIDENTS

I, ... swear [or solemnly affirm] that as President [or Vice-President] of Zimbabwe I will be faithful to Zimbabwe and will obey, uphold and defend the Constitution and all other laws of Zimbabwe, and--

- that I will promote whatever will advance, and oppose whatever may harm, Zimbabwe;
- that I will protect and promote the rights of the people of Zimbabwe;
- that I will discharge my duties with all my strength to the best of my knowledge and ability and true to the dictates of my conscience; and
- that I will devote myself to the well-being of Zimbabwe and its people.

So help me God. [To be omitted in affirmation]

This oath or affirmation is to be taken before the Chief Justice or, in his or her absence, before the next most senior judge available.

OATH OR AFFIRMATION OF MINISTER

I, ... swear [or solemnly affirm] that I will be faithful to Zimbabwe and, in the office of Minister, will uphold the Constitution and all other laws of Zimbabwe; that I will give my advice to the President of Zimbabwe freely and to the best of my judgement whenever I am required to do so, for the good management of the public affairs of Zimbabwe; that I will not disclose, directly or indirectly, any secret that is debated in Cabinet or any secret that is entrusted to me in the course of my duties as Minister; and that in all respects I will perform the duties of my office faithfully and to the best of my ability.

So help me God. [To be omitted in affirmation]

This oath or affirmation is to be taken before the President or, in his or her absence, before the Chief Justice or the next most senior judge available.

OATH OR AFFIRMATION OF DEPUTY MINISTER

I, ... swear [or solemnly affirm] that I will be faithful to Zimbabwe and, in the office of Deputy Minister, will uphold the Constitution and all other laws of Zimbabwe; that I will give my advice to the President of Zimbabwe freely and to the best of my judgement whenever I am required to do so, for the good management of the public affairs of Zimbabwe; that I will not disclose, directly or indirectly, any secret that is entrusted to me in the course of my duties as Deputy Minister; and that in all respects I will perform the duties of my office faithfully and to the best of my ability.

So help me God. [To be omitted in affirmation]

This oath or affirmation is to be taken before the President or, in his or her absence, before the Chief Justice or the next most senior judge available.

OATH OR AFFIRMATION OF MEMBER OF PARLIAMENT

I, ... swear [or solemnly affirm] that I will be faithful to Zimbabwe, that I will uphold the Constitution and all other laws of Zimbabwe, and that I will perform my duties as a Senator/Member of the National Assembly [whichever is appropriate] faithfully and to the best of my ability.

So help me God. [To be omitted in affirmation]

This oath or affirmation is to be taken before the Chief Justice or in his or her absence, a Judge of the Constitutional Court.

JUDICIAL OATH OR AFFIRMATION

I, ... swear [or solemnly affirm] that I will be faithful to Zimbabwe and that in the office of ..... I will uphold and protect the Constitution and will administer justice to all persons alike without fear, favour or prejudice in accordance with the Constitution and the law.

So help me God. [To be omitted in affirmation]

Where the person taking this oath or affirmation is a judge, it is to be taken before the Chief Justice or the next most senior judge available. In all other cases it is to be taken before the person specified in the appropriate legislation.

OATH OR AFFIRMATION OF MEMBER OF PROVINCIAL OR METROPOLITAN COUNCIL

I, ... swear [or solemnly affirm] that I will be faithful to Zimbabwe and, in the office of member of the provincial [or metropolitan] council of the Province of ....., [state name of province] will uphold the Constitution and all other laws of Zimbabwe; that I will give my advice to the Chairperson [or Mayor] of ..... [state name of province] freely and to the best of my judgement whenever I am required to do so, for the good management of the public affairs of the Province; that I will not disclose, directly or indirectly, any secret that is debated in the provincial [or metropolitan] council or any secret that is entrusted to me in the course of my duties as member of that council; and that in all respects I will perform the duties of my office faithfully and to the best of my ability.

So help me God. [To be omitted in affirmation]

This oath or affirmation is to be taken before the person specified in the appropriate legislation.

- Restrictions on voting

FOURTH SCHEDULE. QUALIFICATIONS OF VOTERS (Sections 92, 121, 124, 125 and 158)

1. Qualifications for registration as voter

1. Subject to subparagraph (2) and to paragraph 2, a person is qualified to be registered as a voter on the voters roll of a constituency if he or she--
    a. is of or over the age of eighteen years; and
    b. is a Zimbabwean citizen.
2. The Electoral Law may prescribe additional residential requirements to ensure that voters are registered on the most appropriate voters roll, but any such requirements must be consistent with this Constitution, in particular with section 67.

2. Disqualifications for registration as voter

A person is disqualified to be registered as a voter--

a. while he or she is detained as mentally disordered or intellectually handicapped under an Act of Parliament relating to mental health;

b. if he or she has been declared by order of a court to be incapable of managing his or her affairs, for so long as the order remains in force; or

c. if he or she has been convicted of an offence under the Electoral Law and declared by the High Court to be disqualified for registration as a voter or from voting, for the period he has been declared disqualified, but the period must not exceed five years.

FIFTH SCHEDULE. PROCEDURE AS TO BILLS AND OTHER MATTERS IN PARLIAMENT (Sections 130 and 131)

PART 1. INTRODUCTION OF BILLS, MOTIONS AND PETITIONS

1. Interpretation in Fifth Schedule

In this Schedule "Money Bill" means a Bill that makes provision for--

- Tax bills
- Spending bills

a. imposing, increasing or reducing a tax for the benefit of the State;

b. appropriating money from, or imposing, increasing or reducing any charge on, the Consolidated Revenue Fund or any other fund vested in or controlled by the Government;

c. compounding or remitting a debt due to the State;

d. condoning a failure to collect a tax due to the State; or

e. condoning unauthorised expenditure by the Government.

- Initiation of general legislation

2. House of origin of Bills

1. Any Bill may originate in the National Assembly.
2. Any Bill, other than a Money Bill, may originate in the Senate.

- Spending bills
- Second chamber reserved policy areas
- First chamber reserved policy areas
- Initiation of general legislation
- Tax bills

3. Members who may move Bills and motions

Subject to this Constitution and Standing Orders--

a. any Senator may introduce any Bill into the Senate or move any motion for debate in the Senate or present any petition to the Senate;

b. any Member of the National Assembly may introduce any Bill into the Assembly or move any motion for debate in the Assembly or present any petition to the Assembly;

c. any Vice-President, Minister or Deputy Minister may introduce any Bill into or move any motion for debate in or present any petition to either the Senate or the National Assembly.

d. any Member who has introduced a Bill into a House of Parliament may, after the Bill has been passed by that House, introduce the Bill into the other House.

- Spending bills
- Tax bills

4. Parliament not to deal with Money Bills or fiscal motions or petitions except on recommendation of Vice-President, Minister or Deputy Minister

1. Except on the recommendation of a Vice-President, Minister or Deputy Minister, neither House of Parliament may--
- **a.** proceed upon any Bill, including an amendment to a Bill, which, in the opinion of the President of the Senate or the Speaker, as the case may be, is a Money Bill;
- **b.** proceed upon any motion, including an amendment to a motion, whose effect, in the opinion of the President of the Senate or the Speaker, as the case may be, is that provision should be made for any of the following matters--
  - **i.** imposing, increasing or reducing a tax for the benefit of the State;
  - **ii.** appropriating money from, or imposing or increasing any charge on, the Consolidated Revenue Fund or any other fund vested in or controlled by the Government;
  - **iii.** compounding or remitting a debt due to the State;
  - **iv.** condoning a failure to collect a tax due to the State; or
  - **v.** condoning unauthorised expenditure by the Government; or
- **c.** receive any petition which, in the opinion of the President of the Senate or the Speaker, as the case may be, requests that provision be made for anything that is specified in subparagraph (b).

2. Subparagraph (1) does not apply to a Bill introduced, motion or amendment moved or petition presented by a Vice-President, Minister or Deputy Minister.

PART 2. PROCEDURE REGARDING BILLS

- Division of labor between chambers

5. Transmission of Bills between Houses

1. A Bill which originated in one House of Parliament and has been passed by that House must be transmitted to the other House without delay, and the date of its transmission must be recorded in the journal of the House from which it is transmitted.

2. A Bill that has been transmitted to a House of Parliament must be introduced into that House without delay, and the House may reject the Bill or pass it with or without amendment.

3. A Bill which, having been transmitted to a House of Parliament in accordance with this paragraph, is passed by that House with amendments must be returned to the House where it originated with the amendments duly certified by the Clerk of Parliament, and the House to which it is returned may reject, agree to or amend any of those amendments.

4. If, after a Bill has been returned to its originating House in terms of subparagraph (3), any amendment made to it by the other House is rejected or amended by the originating House, the other House may, by message to the originating House pursuant to a resolution, withdraw the amendment or agree to its being amended.

- Division of labor between chambers

6. Disagreement between Houses

1. Subject to this paragraph, if--

1. **a.** the Senate and the National Assembly have not agreed on amendments to be made to a Bill which originated in the National Assembly within ninety days after the Bill was introduced into the Senate;
   b. the Senate and the National Assembly have not agreed on amendments to be made to a Bill which originated in the Senate within ninety days after the Bill was returned to the Senate; or
   c. a Bill which originated in the National Assembly has been rejected or has not been passed by the Senate within ninety days after the Bill was introduced into the Senate;

   the Bill may be presented to the President for assent and signature in the form in which it was passed by the National Assembly, except for minor changes required by the passage of time and any amendments on which the Senate and the National Assembly may have agreed.

2. If, in the opinion of the Speaker, a Bill which--
   a. originated in the National Assembly; and
   b. was introduced into the National Assembly within ninety days after a previous Bill originating in the Senate was introduced into the Senate;

   contains provisions identical to those contained in that previous Bill, except for minor changes required by the passage of time, subparagraph (1) applies to the Bill as though the ninety-day periods in subparagraphs (a) and (c) of that subparagraph were periods of eight sitting days.

3. A Bill referred to in subparagraph (1) or (2) cannot be presented to the President for assent and signature unless, after the ninety-day period or eight-day period specified in the subparagraph concerned, the National Assembly has resolved that the Bill should be presented to the President for assent.
4. A Bill that is presented to the President for assent and signature in accordance with this paragraph must be accompanied by a certificate from the Speaker stating that the Bill is one to which this paragraph applies and that the requirements of this paragraph have been satisfied.
5. A Bill presented to the President in accordance with this paragraph is deemed to have been duly passed by Parliament in the form in which it is presented to the President.
6. For the purposes of this paragraph--
   a. a Bill originating in the National Assembly is deemed to have been introduced into the Senate on the sitting day immediately after the date of its transmission to the Senate, as recorded in the journal of the National Assembly in terms of paragraph 5(1);
   b. a Bill originating in the Senate is deemed to have been returned to the Senate on the sitting day immediately after the date on which it is returned for the first time to the Senate in accordance with paragraph 5(3).
7. This paragraph does not apply to Constitutional Bills or Money Bills.

- First chamber reserved policy areas
- Second chamber reserved policy areas
- Spending bills
- Tax bills

7. Money Bills

1. The Senate does not have power to amend a Money Bill but may recommend that the National Assembly make amendments to it.
2. The Clerk of Parliament must certify every amendment which the Senate has recommended should be made to a Money Bill and must transmit the certified amendment to the National Assembly.
3. The National Assembly must consider any amendments transmitted to it under this paragraph and may incorporate them into the Money Bill concerned.
4. If the Senate does not pass a Money Bill within eight sitting days counted from the day the Bill was introduced into the Senate, the National Assembly may resolve that the Bill should be presented to the President, and the Bill may then be presented to the President in the form in which it was passed by the National Assembly.

5. A Money Bill that has been presented to the President pursuant to a resolution under subparagraph (4)--
    a. is regarded as having been passed by Parliament in the form in which it was passed by the National Assembly; and
    b. when it is presented to the President for assent and signature, must be accompanied by a certificate from the Speaker stating that the Bill was passed in terms of this paragraph.

- Legislative committees

PART 3. REPORTS OF PARLIAMENTARY LEGAL COMMITTEE

8. Reports of Parliamentary Legal Committee on Bills

1. Subject to this paragraph, neither House may give a Bill its final reading unless a report of the Parliamentary Legal Committee on the Bill has been presented to the House.
2. Subparagraph (1) does not apply to--
    a. a Constitutional Bill; or
    b. any Bill on which the Parliamentary Legal Committee has already reported unless the Bill has been amended since that report.
3. If the Parliamentary Legal Committee has not reported on a Bill within the period specified in Standing Orders, or within any extension of that period granted in accordance with Standing Orders, the Committee must be presumed to be of the opinion that no provision of the Bill, if enacted, would contravene this Constitution, and the House concerned may proceed with the Bill as if the Committee had reported accordingly.
4. Subject to subparagraphs (5) and (6), if the Parliamentary Legal Committee reports that a provision of a Bill, if enacted, would contravene this Constitution, the House concerned must consider the report and, if the House resolves that the provision concerned would contravene this Constitution, the House must not pass the Bill containing that provision.
5. When a House considers a report of the Parliamentary Legal Committee referred to in subparagraph (4) regarding a Bill that was introduced by a Vice-President, Minister or Deputy Minister, the person who introduced the Bill must be given a reasonable opportunity to respond to the report.
6. If a House resolves in accordance with subparagraph (4) that a provision of a Bill, if enacted, would contravene this Constitution, a Vice-President or Minister may apply to the Constitutional Court within fourteen days after the resolution was passed for a declaration that the provision, if enacted, would be in accordance with this Constitution, and if the Constitutional Court makes such a declaration the House concerned may proceed to consider and pass the Bill containing that provision.

9. Reports of Parliamentary Legal Committee on statutory instruments

1. Before the Senate or the National Assembly considers a report of the Parliamentary Legal Committee that a provision of a statutory instrument contravenes this Constitution or its enabling Act, the Committee may withdraw the report if the Committee is satisfied that the provision has been repealed or amended in such a way as to remove the contravention.
2. If, after considering a report of the Parliamentary Legal Committee that a provision of a statutory instrument contravenes this Constitution, the Senate or the National Assembly resolves that the provision does contravene this Constitution, the Clerk of Parliament must report the resolution to the authority which enacted the instrument, and that authority must, within twenty-one days after being so notified, either--
    a. apply to the Constitutional Court for a declaration that the statutory instrument is in accordance with this Constitution; or
    b. repeal the statutory instrument.

- Constitutional interpretation

3. Where an authority responsible for enacting a statutory instrument applies to the Constitutional Court for a declaration in terms of subparagraph (2)(a), the statutory instrument is suspended pending the Court's decision.
4. If, after considering a report of the Parliamentary Legal Committee that a provision of a statutory instrument is ultra vires the enabling Act of Parliament, the Senate or the National Assembly resolves that the provision is ultra vires--
    a. the provision thereupon ceases to have effect; and
    b. the Clerk of Parliament must publish a notice in the Gazette without delay, giving public notice of the resolution and of its effect.

SIXTH SCHEDULE. COMMENCEMENT OF THIS CONSTITUTION, TRANSITIONAL PROVISIONS AND SAVINGS (Sections 329 and 332)

PART 1. PRELIMINARY

1. Interpretation in Sixth Schedule

In this Schedule, unless inconsistent with the context--

- "effective date" means the day on which this Constitution comes wholly into operation in terms of paragraph 3(2);
- "existing enactment" means a written law that was in force in Zimbabwe immediately before the effective date, whether as an Act of Parliament or a statutory instrument;
- "existing law" means an existing enactment or any other law, whatever its nature, that was in force in Zimbabwe immediately before the effective date;
- "first elections" means--
    a. the first election for the office of President under this Constitution;
    b. the first general election of Members of Parliament under this Constitution; and
    c. the first elections of governing bodies of provincial and metropolitan councils and local authorities; held after the publication day;
- "former Constitution" means the Constitution of Zimbabwe that came into operation on the 18th April, 1980, as subsequently amended;
- "publication day" means the day on which this Constitution, or the statute by which it is enacted, is published in the Gazette in accordance with section 51(5) of the former Constitution.

2. Effect of Sixth Schedule

This Schedule prevails, to the extent of any inconsistency, over all other provisions of this Constitution.

PART 2. COMMENCEMENT OF THIS CONSTITUTION AND REPEAL OF FORMER CONSTITUTION

3. Commencement of this Constitution

1. This Schedule, together with--
    a. Chapter 3, relating to citizenship;
    b. Chapter 4, being the Declaration of Rights;
    c. Chapter 5, relating to the election and assumption of office of the President;
    d. Chapter 6, relating to the election of Members of Parliament and the summoning of Parliament after a general election;
    e. Chapter 7, relating to elections;
    f. Chapter 9, relating to principles of public administration and leadership;
    g. section 208, relating to the conduct of members of the security services;
    h. Chapter 12, in so far as it relates to the Zimbabwe Electoral Commission; and
    i. Chapter 14, relating to provincial and local government;

    come into operation on the publication day.

2. Except as otherwise provided in this Schedule, the rest of this Constitution comes into operation on the day on which the President elected in the first elections assumes office.
3. Between the publication day and the effective date, the provisions of this Constitution specified in subparagraphs (a) to (i) of subparagraph (1) override the equivalent provisions of the former Constitution.

4. Repeal of former Constitution

Subject to this Schedule, the former Constitution is repealed with effect from the effective date.

PART 3. FIRST ELECTIONS

5. Saving of existing provincial and electoral boundaries

The boundaries of provinces, constituencies and wards as they were immediately before the publication day apply for the purposes of the first elections.

6. Registration of voters

1. Any person who was lawfully registered as a voter on a voters' roll immediately before the publication day is entitled to remain so registered for the purposes of the first elections.
2. For the purposes of the first elections, the Registrar-General of Voters is responsible, under the supervision of the Zimbabwe Electoral Commission, for registering voters and compiling voters' rolls.
3. The Registrar-General of Voters, under the supervision of the Zimbabwe Electoral Commission, must conduct a special and intensive voter registration and a voters' roll inspection exercise for at least thirty days after the publication day.

7. Challenges to first presidential election

Any challenge to the validity of the first presidential election must be heard and determined in accordance with section 93 by the Supreme Court of Zimbabwe constituted under the former Constitution.

8. Electoral Law

The first elections must be conducted in terms of an Electoral Law in conformity with this Constitution.

- Transitional provisions

PART 4. SAVINGS AND TRANSITIONAL PROVISIONS

9. Government succession

The Government constituted under this Constitution is in all respects the successor to the former Government of Zimbabwe.

10. Continuation of existing laws

Subject to this Schedule, all existing laws continue in force but must be construed in conformity with this Constitution.

11. Interpretation of existing enactments

1. Unless inconsistent with the context, a reference in any existing enactment to--
- **a.** the President must be construed as a reference to the President acting in accordance with this Constitution;
- **b.** Parliament must be construed as a reference to--
  - **i.** the Senate, where the reference relates to a function that is to be exercised by the Senate alone under this Constitution;
  - **ii.** the National Assembly, where the reference relates to any function other than one referred to in subparagraph (i) or the enactment of legislation;
- **c.** the House of Assembly must be construed as a reference to the National Assembly;
- **d.** (Repealed).
- **e.** (Repealed).
- **f.** the Prison Service must be construed as a reference to the Prisons and Correctional Service;
- **g.** the Prison Service Commission must be construed as a reference to the Prisons and Correctional Service Commission;
- **h.** the Commissioner of Prisons must be construed as a reference to the Commissioner-General of the Prisons and Correctional Service;
- **i.** the Comptroller and Auditor-General must be construed as a reference to the Auditor-General;
- **j.** the Attorney-General, in relation to criminal proceedings, must be construed as a reference to the Prosecutor-General.

2. Where this Constitution vests power in a particular person or authority to enact legislation on any matter, and that matter is provided for in an existing enactment made by some other person or authority, the existing enactment has effect as if it had been made by the person or authority with the power to make it under this Constitution.

12. Standing Orders of Parliament

The Standing Orders that were in force immediately before the effective date continue in force as standing orders of the Senate and the National Assembly until they are replaced or amended in accordance with this Constitution.

13. Existing officers

Any person who, immediately before the effective date, held or acted in a public office under the former Constitution continues to hold or act in that office, or the equivalent office under this Constitution, on the same conditions of service until the expiry of his or

her term of office under those conditions of service or until he or she resigns, retires or is removed from office in terms of this Constitution or those conditions of service, as the case may be.

14. Special provision for election and tenure of first President and appointment of Vice-Presidents

1. Notwithstanding section 92, in the first election and any presidential election within ten years after the first election, candidates for election as President do not nominate persons in terms of that section to stand for election as Vice-Presidents.
2. Without delay the person elected as President in any election referred to in subparagraph (1) must appoint not more than two Vice-Presidents, who hold office at his or her pleasure.
3. Where--
    a. one Vice-President is appointed in terms of subparagraph (2), that person is the first Vice-President for the purposes of this Constitution;
    b. two Vice-Presidents are appointed in terms of subparagraph (2), the President may from time to time nominate one of them to act as President whenever he or she is absent from Zimbabwe or is unable exercise his or her official functions through illness or any other cause.
4. Notwithstanding section 101 but subject to subparagraphs (5) and (6), if the person elected President in any election referred to in subparagraph (1) dies, resigns or is removed from office--
    a. the Vice-President or, where there are two Vice-Presidents, the Vice-President who was last nominated to act in terms of subparagraph (3)(b), acts as President until a new President assumes office in terms of subparagraph (5); and
    b. the vacancy in the office of President must be filled by a nominee of the political party which the President represented when he or she stood for election.
5. A political party which is entitled to nominate a person in terms of subparagraph (4)(b) must notify the Speaker of the nominee's name within ninety days after the vacancy occurred in the office of President, and thereupon the nominee assumes office as President after taking the oath of President in terms of section 94, which oath the nominee must take within forty-eight hours after the Speaker was notified of his or her name.
6. In the event of the death, resignation or removal from office of a person who is elected president in an election referred to in subparagraph (1) and who did not represent a political party when he or she stood for election, the Vice-President or, if there are two Vice-Presidents, the Vice-President who was last nominated to act in terms of subparagraph (3)(b), assumes office as President.

15. Continuation of certain Executive offices

Notwithstanding any provision of the former Constitution, the following offices which existed on publication day in terms of Schedule 8 to the former Constitution, namely--

a. President and Vice-President;

b. Prime Minister and Deputy Prime Minister; and

c. Minister and Deputy Minister;

continue in existence until the effective date when the first President assumes office under this Constitution, and the persons who held those offices remain in them accordingly.

16. Public Protector

1. The Public Protector Act [Chapter 10:18] is repealed.

2. Any matter that was being dealt with by the Public Protector immediately before the effective date must be transferred to the Zimbabwe Human Rights Commission for finalisation.

17. Transfer of funds in old Consolidated Revenue Fund

The funds which, immediately before the effective date, stood to the credit of the Consolidated Revenue Fund established by the former Constitution become the Consolidated Revenue Fund established by this Constitution.

18. Courts and legal proceedings

1. In this paragraph "pending constitutional case" means--
    a. an appeal, application or reference in which an alleged contravention of the Declaration of Rights contained in the former Constitution is in issue; or
    b. any case in which a constitutional matter, as defined in section 332 of this Constitution, is in issue;

    and which, immediately before the effective date, is pending before the Supreme Court of Zimbabwe constituted under the former Constitution.

2. Notwithstanding section 166, for seven years after the effective date, the Constitutional Court consists of--
    a. the Chief Justice and the Deputy Chief Justice; and
    b. seven other judges of the Supreme Court;

    who must sit together as a bench to hear any constitutional case.

3. A vacancy on the Constitutional Court occurring in the first seven years after the effective date must be filled by another judge or an additional or acting judge, as the case may be, of the Supreme Court.

    Provided that a vacancy in the office of Deputy Chief Justice occurring during that period must be filled in accordance with section 180(2) and (3).

4. Until different provision is made by or under an Act of Parliament--
    a. rules may be made under the Supreme Court Act [Chapter 7:13] to regulate the procedure of the Constitutional Court;
    b. the rules of the Supreme Court apply, with any necessary changes, to the procedure of the Constitutional Court in relation to any matter that is not provided for in rules made in terms of subparagraph (a);

    but any such rules, in so far as they apply to the procedure of the Constitutional Court, must be consistent with section 85 and Chapter 8.

5. The Supreme Court of Zimbabwe, the High Court of Zimbabwe, the Labour Court and the Administrative Court, as established immediately before the effective date, are constituted respectively as the Supreme Court, the High Court, the Labour Court and the Administrative Court under this Constitution, and any decision of those courts given before the effective date has effect accordingly.
6. Every person who, immediately before the effective date, presided over the Labour Court or the Administrative Court becomes a judge of the Labour Court or the Administrative Court, as the case may be, on the same conditions of service as apply on that date to judges of the High Court, his or her length of service as a President of the Labour Court or the Administrative Court being deemed to be service as a judge of the High Court.
7. The magistrates courts, traditional courts and any other courts that were established by an Act of Parliament before the effective date continue in existence on and after that day as if they had been established by an Act referred to in section 174, and the decisions of those courts given before the effective date have effect accordingly.
8. Any pending constitutional case--

8. **a.** in which the argument from the parties has not been heard before the effective date must be transferred to the Constitutional Court constituted in terms of subparagraph (2);
   b. in which the argument from the parties has been heard by the effective date must be completed by the Supreme Court unless all the parties to the case agree to it being referred to the Constitutional Court constituted in terms of subparagraph (2), in which event the Supreme Court must refer the case to that Court.
9. All cases, other than pending constitutional cases, that were pending before any court before the effective date may be continued before that court or the equivalent court established by this Constitution, as the case may be, as if this Constitution had been in force when the cases were commenced, but--
   a. the procedure to be followed in those cases must be the procedure that was applicable to them immediately before the effective date; and
   b. the procedure referred to in subparagraph (a) applies to those cases even if it is contrary to any provision of Chapter 4 of this Constitution.
10. For the purposes of subparagraph (9)--
   a. a criminal case is deemed to have commenced when the accused person pleaded to the charge;
   b. a civil case is deemed to have commenced when the summons was issued or the application was filed, as the case may be.

19. Provisions relating to Prosecutor-General

1. Any decision made or action taken before the effective date by or on behalf of the Attorney-General in relation to criminal proceedings is deemed, on and after that day, to have been made or taken by or on behalf of the Prosecutor-General.
2. The person who held office as Attorney-General immediately before the effective date continues in office as Prosecutor-General on and after that day.

20. Rights to pension benefits

A vested or contingent right in regard to a pension benefit which existed immediately before the effective date and was protected by the former Constitution continues to exist and enjoy the same protection under this Constitution.

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