



SUBMISSION TO PARLIAMENT ON THE CONSTITUTION OF ZIMBABWE AMENDMENT (NO. 3) BILL, 2025

12 May 2026

In Defence of Truth, Justice, and the Voice of the People

1. Introduction

The Zimbabwe Catholic Bishops' Conference (ZCBC) respectfully submits its observations and objections regarding the Constitution of Zimbabwe Amendment (No. 3) Bill, 2025 ("CAB3").

The Catholic Church in Zimbabwe participates in this constitutional process not as a political actor, but as a moral and civic voice concerned with the protection of human dignity, constitutionalism, democratic participation, justice, accountability, and the common good. Constitutional questions are not merely technical legal matters; they shape the moral and institutional foundations upon which national life rests.

Our Constitution is more than a legal instrument. It is a solemn national covenant born out of the sacrifices, aspirations, and sovereign will of the people of Zimbabwe as expressed through the 2013 referendum. It embodies the principles of constitutional supremacy, separation of powers, accountable governance, protection of rights, and the sovereignty of the people.

For this reason, constitutional amendments must strengthen rather than weaken democratic safeguards, public confidence in institutions, and the constitutional protections deliberately entrenched by the people of Zimbabwe.

The Conference is deeply concerned that several provisions of CAB3 undermine foundational constitutional principles, weaken institutional independence, diminish direct democratic participation, and erode constitutional safeguards against the concentration and abuse of power.

The Conference therefore respectfully urges Parliament to reject those provisions of the Bill that are inconsistent with constitutional democracy, the sovereignty of the people, and the long-term stability and integrity of Zimbabwe's constitutional order.

2. Constitutionalism, Democracy, and the Sovereignty of the People

The Constitution affirms that all public authority derives from the people of Zimbabwe and must always remain accountable to them. Democracy is not merely the holding of elections; it requires meaningful participation, institutional independence, transparency, constitutional fidelity, and respect for the dignity of every citizen.

Zimbabwe's constitutional order also resonates with the African ethical vision of *ubuntu/unhu*, which recognises leadership as a responsibility of service to the community rather than a mechanism for the concentration of power.

Strong and independent institutions are indispensable pillars of democratic life. Public confidence in the Judiciary, the Zimbabwe Electoral Commission (ZEC), prosecutorial authorities, and Parliament itself is essential for national peace, stability, and constitutional legitimacy.

The Conference therefore submits that constitutional reform must:

- deepen democratic participation,
- strengthen constitutional safeguards,
- preserve institutional independence,
- and protect the sovereign voice of the people.

3. Concerns Regarding the Consultation Process

Section 141 of the Constitution obliges Parliament to facilitate meaningful public participation in legislative processes. This obligation is not procedural formality but an expression of democratic sovereignty itself.

The Conference is deeply concerned by reports of intimidation, suppression of dissenting voices, disruptions, and unequal participation opportunities during public hearings on CAB3. Such irregularities undermine the integrity of the consultation process and weaken public confidence in constitutional reform.

Meaningful consultation must be:

- free,
- inclusive,
- peaceful,
- transparent,
- and genuinely participatory.

The Conference therefore urges Parliament to ensure that constitutional reform processes fully comply with both the letter and spirit of constitutional public participation requirements.

ANALYSIS OF KEY PROVISIONS

4. Clause 2: Abolition of Direct Presidential Elections

Current Constitutional Position

Section 92 of the Constitution presently provides for the direct election of the President by registered voters through universal adult suffrage and secret ballot.

This provision gives practical expression to several foundational constitutional principles:

- popular sovereignty,
- equality of votes,
- democratic accountability,
- and the principle that executive authority derives directly from the people.

The Proposed Amendment

Clause 2 seeks to repeal this arrangement and replace it with a system in which the President is elected by Parliament sitting jointly as the Senate and National Assembly.

The Conference's Position

The Conference opposes Clause 2 and respectfully submits that it must be withdrawn.

The direct election of the President by registered voters is not merely one method among equals; it is the constitutionally chosen expression of the democratic principle that executive authority derives from the people of Zimbabwe.

To transfer the election of the Head of State from citizens to Parliament fundamentally alters the source and character of executive legitimacy. Such a profound constitutional change cannot properly be treated as a mere procedural adjustment.

Zimbabwe's liberation struggle was deeply rooted in the principle of "one person, one vote" and the right of citizens to determine their political leadership directly. The right to vote for one's Head of State forms part of the broader political rights protected under Section 67 of the Constitution and under international instruments such as the International Covenant on Civil and Political Rights (ICCPR).

The Conference further notes that the stated justification of reducing "electoral toxicity" is constitutionally insufficient to justify removing the people's direct vote for President.

The Conference therefore respectfully submits that Clause 2 must be withdrawn. Should Parliament nevertheless seek to proceed with such a fundamental alteration of Zimbabwe's democratic architecture, the matter should be subjected to a national referendum so that the people of Zimbabwe may directly determine the issue themselves.

5. Clauses 3, 7, and 8: Extension of Presidential and Parliamentary Terms

The Proposed Amendments

The Bill proposes:

- extending presidential terms from five to seven years,
- extending parliamentary terms from five to seven years,
- and applying these extensions to current office holders.

The clauses further attempt to operate "notwithstanding Section 328(7)" of the Constitution.

The Conference's Position

The Conference firmly opposes Clauses 3, 7, and 8 and respectfully submits that they must be withdrawn in their entirety.

Section 328(7) was deliberately entrenched in the Constitution to prevent the use of constitutional amendment powers for incumbency advantage. It expressly protects term-limit provisions from benefiting sitting office holders without approval through a national referendum.

This safeguard is one of the most important constitutional protections within Zimbabwe's democratic order.

The Conference respectfully submits that Parliament cannot bypass entrenched constitutional protections merely by inserting the phrase "notwithstanding Section 328(7)" into ordinary amendment provisions. To permit such an approach would weaken constitutional supremacy itself and render constitutional safeguards vulnerable to temporary parliamentary majorities.

Term limits are not technical formalities. They are democratic safeguards designed to:

- prevent excessive concentration of power,

- encourage constitutional accountability,
- protect peaceful democratic succession,
- and preserve public trust in governance.

The comparative African experience demonstrates that attempts to extend incumbency through constitutional amendments have frequently contributed to democratic instability, institutional weakening, and political tension.

The Conference therefore respectfully submits that any proposed alteration of presidential or parliamentary term limits must, at minimum, be subjected to direct approval by the people through a national referendum as contemplated by Section 328(7).

6. Clause 6: Presidential Appointment of Additional Senators

Clause 6 proposes to increase the number of presidentially appointed senators.

The Conference opposes this amendment and respectfully submits that it must be withdrawn.

The Senate derives its legitimacy primarily from democratic representation. Increasing presidential appointments within the Senate risks weakening its representative character and creating perceptions of excessive executive influence over the legislative branch.

The proposed amendment also contains no sufficiently clear safeguards regarding:

- appointment criteria,
- transparency,
- parliamentary oversight,
- or protection against partisan use.

The Conference therefore submits that constitutional reform should strengthen rather than dilute the representative and independent character of Parliament.

7. Clauses 9–12: Electoral Governance and the Zimbabwe Electoral Commission

The Conference opposes Clauses 9 to 12 and respectfully submits that they must be withdrawn.

The independence of the Zimbabwe Electoral Commission is constitutionally protected under Section 235 of the Constitution and remains indispensable to democratic legitimacy and public confidence in elections.

The proposed transfer of core electoral functions, including voter registration and management of the voters' roll, away from ZEC raises serious concerns regarding institutional independence and public trust.

The voters' roll is not merely an administrative register; it is the foundational instrument of democratic participation. Public confidence in its impartial management is therefore essential.

The Conference further notes that regional democratic standards, including the SADC Principles and Guidelines Governing Democratic Elections, strongly emphasise the independence of electoral management bodies from executive control.

The Conference respectfully submits that Zimbabwe's electoral institutions should be strengthened, not weakened, and that ZEC's constitutional mandate over electoral administration must be preserved.

8. Clause 14: Judicial Appointments and Judicial Independence

The Conference opposes Clause 14 and respectfully submits that it must be withdrawn.

The current constitutional framework governing judicial appointments was deliberately designed to promote:

- transparency,
- merit,
- accountability,
- and judicial independence.

Public interviews and Judicial Service Commission (JSC) shortlisting processes are not procedural technicalities; they are constitutional safeguards intended to protect the Judiciary from excessive executive influence.

The proposed amendments significantly weaken these safeguards by reducing the role of the Judicial Service Commission and increasing presidential discretion in judicial appointments.

The Conference is deeply concerned that such changes may undermine public confidence in the independence and impartiality of the Judiciary.

An independent Judiciary remains essential for:

- constitutional governance,
- protection of rights,
- separation of powers,
- and the rule of law.

The Conference therefore respectfully urges Parliament to preserve and strengthen judicial independence rather than weaken existing constitutional safeguards.

9. Clause 15: Constitutional Obligations of the Defence Forces

The Conference expresses concern regarding Clause 15 and respectfully recommends that it not be passed in its current form.

The proposed replacement of the constitutional duty “to uphold this Constitution” with language requiring conduct merely “in accordance with the Constitution” materially weakens the constitutional fidelity obligations of the Defence Forces.

Given Zimbabwe’s constitutional history, the Conference submits that the Defence Forces should remain affirmatively obligated to uphold and defend constitutional democracy and constitutional order.

10. Clauses 17 and 18: Abolition of the Zimbabwe Gender Commission

The Conference opposes Clauses 17 and 18 and respectfully submits that they must be withdrawn.

The Zimbabwe Gender Commission was constitutionally established to provide specialised and focused institutional protection for gender equality and women’s rights.

While institutional efficiency is important, the abolition of a dedicated constitutional body responsible for gender equality risks weakening the practical protection and advancement of women’s rights as guaranteed under the Constitution and international human rights obligations.

The Conference therefore respectfully recommends the retention of the Zimbabwe Gender Commission as an independent constitutional institution.

11. Clause 19: Appointment of the Prosecutor-General

The Conference opposes Clause 19 and respectfully submits that it must be withdrawn.

The independence of prosecutorial authority is fundamental to equal justice under the law and public confidence in the criminal justice system.

The removal of mandatory consultation with the Judicial Service Commission in appointing the Prosecutor-General risks creating perceptions of excessive executive influence over prosecutorial decisions.

The Conference therefore submits that constitutional safeguards protecting prosecutorial independence should be strengthened rather than weakened.

12. Clause 20: Traditional Leaders and Constitutional Accountability

The Conference opposes Clause 20 and respectfully submits that it must be withdrawn.

The current constitutional provisions requiring traditional leaders to remain non-partisan and to respect fundamental rights are essential safeguards, particularly within rural communities where traditional leaders exercise substantial social authority and influence.

The removal of these constitutional protections risks:

- politicising traditional leadership,
- weakening constitutional accountability,
- and exposing vulnerable communities to discrimination and abuse.

The Conference therefore respectfully submits that these constitutional protections should be retained and strengthened.

13. Clause 21: Abolition of the National Peace and Reconciliation Commission

The Conference opposes Clause 21 and respectfully submits that it must be withdrawn.

Zimbabwe continues to carry unresolved historical wounds arising from political violence, social conflict, and past injustices. The National Peace and Reconciliation Commission remains an important constitutional institution for promoting healing, accountability, reconciliation, and national unity.

The abolition of the NPRC without a clear and credible replacement mechanism risks undermining ongoing reconciliation processes and weakening Zimbabwe's commitment to justice and national healing.

The Conference therefore respectfully recommends the retention of the National Peace and Reconciliation Commission.

14. Catholic Social Teaching and Constitutional Responsibility

Catholic Social Teaching affirms:

- the dignity of every human person,
- meaningful participation in public life,
- accountability,

- subsidiarity,
- solidarity,
- and the pursuit of the common good.

Political authority derives legitimacy from service to the people and must always remain subject to moral and constitutional limits.

The Church does not seek partisan political power. However, the Church has both a moral responsibility and constitutional right to speak whenever constitutional developments affect justice, democratic participation, institutional integrity, human dignity, or the welfare of society.

The Conference respectfully submits that constitutional reform must:

- strengthen democratic accountability,
- preserve institutional independence,
- protect constitutional safeguards,
- and uphold the sovereign will of the people of Zimbabwe.

15. Conclusion

The Zimbabwe Catholic Bishops' Conference reiterates its commitment to peace, justice, constitutionalism, democratic participation, and the common good.

For the foregoing constitutional, moral, and democratic reasons, the Conference respectfully urges Parliament to reject those provisions of Constitutional Amendment Bill No. 3 that:

- undermine constitutional safeguards,
- weaken institutional independence,
- diminish direct democratic participation,
- compromise accountability,
- or erode the sovereign will of the people of Zimbabwe.

Zimbabwe's Constitution emerged from the sacrifices, hopes, and collective aspirations of the people of Zimbabwe. Its foundational protections must therefore be preserved with wisdom, constitutional fidelity, restraint, and profound respect for the sovereignty of the people.

**+Rt. Rev. Raymond Mupandasekwa, C.Ss.R., Bishop of Masvingo & Administrator of Chinhoyi
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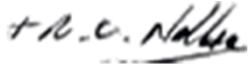
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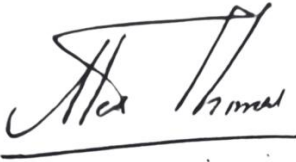
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