



Zimbabwe Association of Doctors for Human Rights



Health workers views on the Constitution



Introduction

This submission contains a compilation of the views of more than 400 health workers consulted by the Zimbabwe Association of Doctors for Human Rights about their views on the new Constitution.

ZADHR actively engaged members of the health profession during a series of meetings held at central and provincial hospitals to ensure that health workers were given an opportunity to actively participate in the constitution making process. It was unlikely that health workers, due to their work schedules, would be able to attend and participate in COPAC outreach meetings and have their voices heard. The focus of the consultations was in two parts. It was meant to gather general views on the constitution and on the right to health.

ZADHR hosted lunch hour discussion forums at major health institutions across the country. In Harare discussions were held at Parirenyatwa Hospital, Harare Central Hospital and Chitungwiza Central Hospital. In Bulawayo, meetings were held at United Bulawayo Hospitals and Mpilo Hospital. Further meetings were held at Gweru Provincial Hospital, Kwekwe General Hospital, Chinhoyi Provincial Hospital and Mutare Provincial Hospital. The objectives of the meetings were to share knowledge and views with health professionals on the new constitution and to facilitate meaningful participation of health professionals in the constitution making process. During the meetings materials on the constitution and the right to health were distributed in the form of pamphlets and t-shirts. 529 health professionals among them nursing and medical students, nurses and doctors took part in the forums. 332 filled in questionnaires soliciting their views on what makes a good constitution and the content they would like to see in a new Zimbabwean constitution.¹

Health workers general views on the new Constitution of Zimbabwe

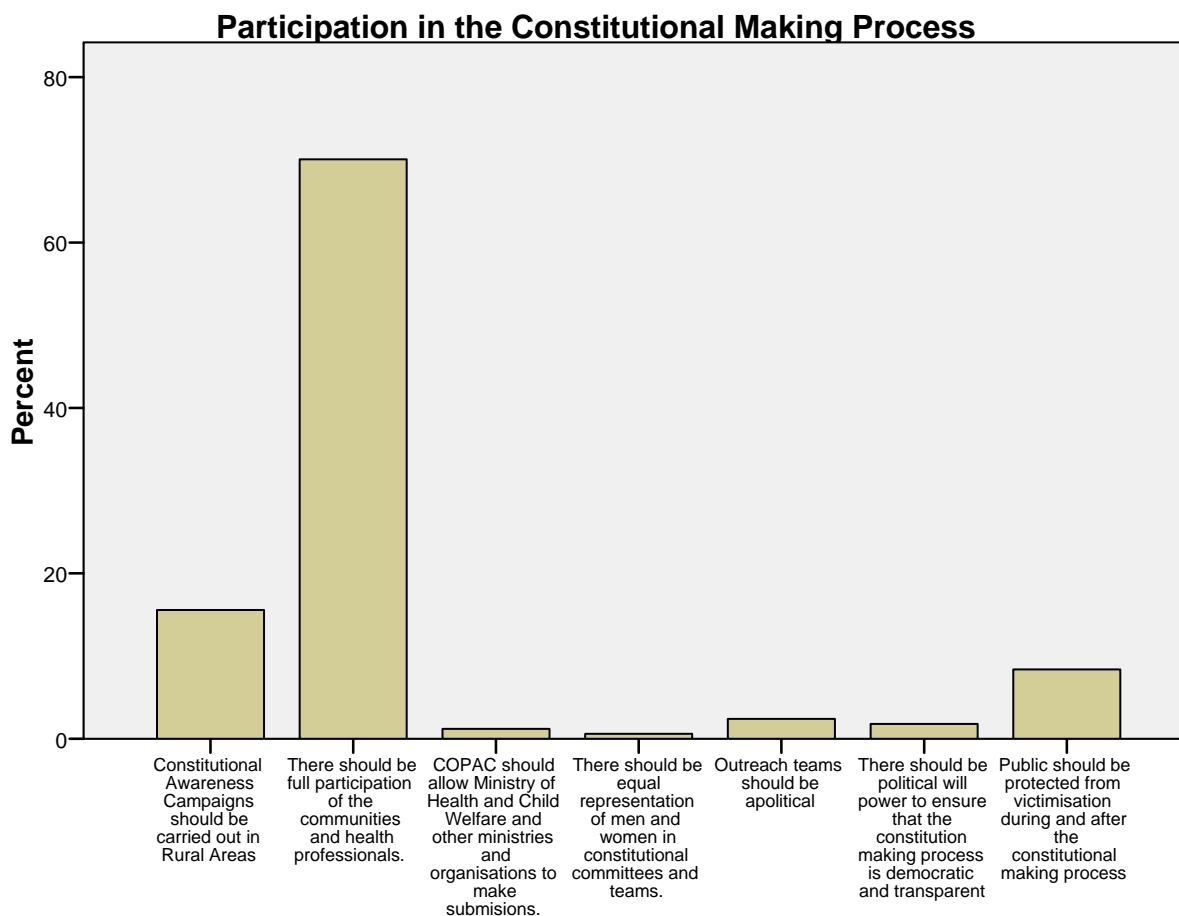
PROCESS

Participation

50% of respondents were more concerned with the process rather than the outcome since the process would determine the output. 43% were more concerned with the outcome while the rest were concerned with both the process and the outcome.

Of the 50% those who are concerned with the process, 8% argues that constitutional awareness campaigns should be carried out in rural areas before COPAC goes for the outreach programme. Further, 35% felt that full participation of the communities and health professionals should be encouraged. 57% of respondents felt COPAC should allow the Ministry of Health and Child Welfare and other ministries and organisations to make submissions; equal representation of men and women in constitutional committees and teams, impartiality of outreach teams; political will power to ensure that the constitution making process is democratic and transparent and the need for the public to be protected from victimisation during and after the constitutional making process.

¹ See annex one for the questionnaire administered to participants in the discussion forums.



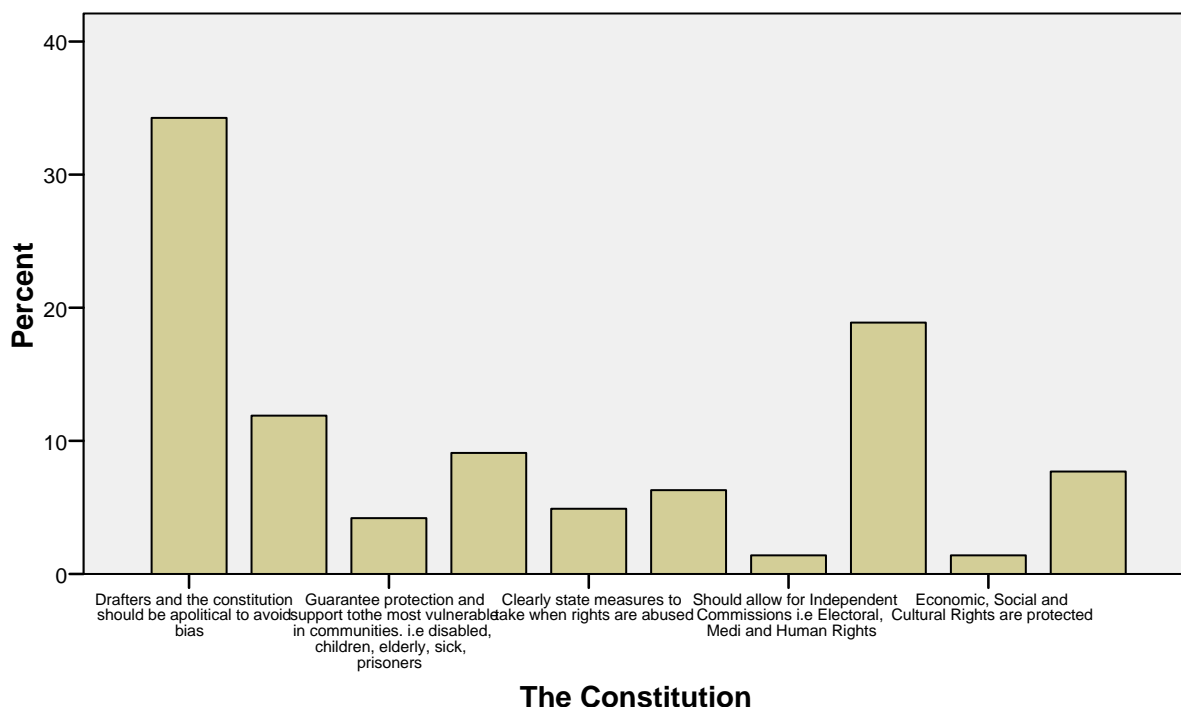
Participation in the Constitutional Making Process

CONTENT

43% of the participants believe the outcome is more important. 15% of those argue that the Constitution document should be representative of the wishes of the people and not those of political formations. The other 85% split among; the constitution should guarantee the protection of and support for the most vulnerable in society such as the elderly, children and women; the constitution document should be accessible and easy to understand and not subject to interpretations and misinterpretations of certain sections of people for political mileage; it should protect the rights of citizens. Both civil and political rights and socio-economic rights should be guaranteed and protected by the constitution, in most cases recognizing and incorporating international law.

After the compilation of the first draft of the constitution the draft should be presented to the people for scrutinisation. In the event of a referendum everyone should have the right to vote.

The Constitution



Constitutional Amendments

Of the 44 participants who responded 71% say the Constitution should not be easily manipulated and amended while 11% argue that amendments are necessary because of the dynamic nature of the world. 9% are of the view that in the event that amendments are to be made to the constitution, they should be voted for by the people. However, 9% say no amendments should be made at all.

Founding Principles / preamble

There were 26 respondents. 86% noted that the Constitution, being the Supreme Law. 8% said the constitution should acknowledge that every human being is made in the image of God and is of utmost worth and value while 3% it should acknowledge that everyone is equally entitled to access services for the fulfillment of basic human rights.

Arms of the State (Principle of Separation of Powers)

Respondents expressed that there should be separation of powers between the Executive, Legislature and the Judiciary (46%). The Executive should have limited powers and have a prescribed term of office with a maximum of two terms per president (33%). Furthermore, the Office of the Prime Minister and the President should have equal power (3%). 10% feel that to avoid abuse of taxpayers’ contributions there is need to have a limited number in cabinet. A further 6% said the constitution should also ensure that office holders are held accountable to citizens for the effects of their decisions and actions while in power.

Public Service, Defence Forces, Police Force, Prison Service and their Commissions

Most of the respondents made reference to the Police Force and the Defence Forces. They believe that the constitution should define the duties of the defence forces and police. It should ensure that the powers of the police are limited and exclude the military from civilian policing. In addition, it should state that security forces should be apolitical and respect and protect human rights of the people.

State Protection

The constitution must guarantee citizens protection from excesses of the state and from enemies of the state.

BILL OF RIGHTS**Right to a decent life**

Everyone has a right to live above the poverty datum line

Non-discrimination

22 participants had particular interest in fighting discrimination. 9% argue that there should be equal representation of all classes of the society in decision- making and that race. 77% believe gender and ethnicity should not be a basis for discrimination. It is with this that the achievement of a society with gender equality and equity and in turn ensures development can be achieved (14).

Right to Education

17 respondents demand that the right to education should be constitutionally protected. 59% of them feel that it should be accessible and affordable to all regardless of socio-economic status and that the constitution should also guarantee the existence of a safety net to vulnerable groups such as orphans, the elderly, terminally ill who are unable to send their siblings, children and grandchildren to school. 41% of respondents say modern technology should be available to all e.g. computers, free education to all Zimbabweans up to a certain level and that first aid education should be made mandatory in schools. Among other factors

Media Freedom

44 respondents felt that the constitution should guarantee media freedom. 77% expressed that media freedom can only be enjoyed in an environment that respects the freedom of speech and expression. 23% said the constitution should ensure access to information regarding people's welfare and the country.

Freedom of Religion and Association

56% and 44% of respondents indicated that the constitution must protect one's choice to belong to a religion and denomination and freedom of association respectively.

Elections

7 respondents believe the right of every citizen to vote. 71% said the right should be protected in the new constitution while 28% feel that parameters should be put in place in order to guarantee free and fair elections called for elections to be internationally observed.

Women and Gender Issues

69% of the respondents to the topic demand that the constitution should ensure equality between men and women and that they be represented as such in government. The rest advocate that it should protect the women by criminalising sexual abuse.

The Disabled

The constitution should protect the disabled and acknowledge that they are a special and marginalized group through the creation of a disability fund. This will go a long way in providing assistance in their day to day lives and be in a position to start income generating projects.

Children's Rights

80% of respondents on the rights of the child feel that every child born in Zimbabwe should have a right to citizenship by birth. The remaining 20% say child abuse in all its forms should be criminalized.

HEALTH PROFESSIONALS VIEWS ON THE RIGHT TO HEALTH

The following represents the true account of responses obtained during the organization's campaign.

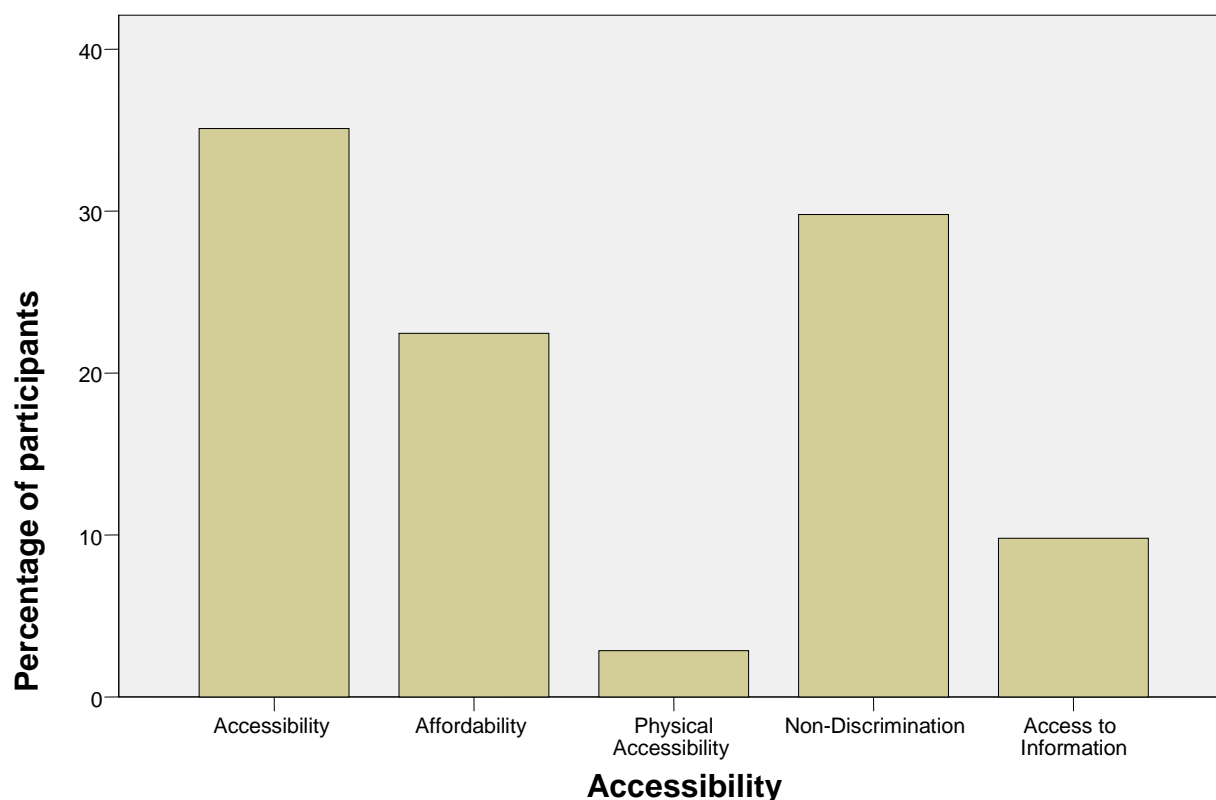
Accessibility- non-discrimination, access to information, affordability, physical accessibility

The majority (55%) of the 333 health personnel that participated in the, 'Campaign for the Inclusion of the Right to Health in the New Constitution of Zimbabwe say accessibility of health facilities, goods and services is the most essential. The figure was further disaggregated to be more specific under 5 different themes which include, accessibility (general), economic accessibility (affordability), physical accessibility, access to information and non-discrimination.

Of the 245 individuals who made special mention of accessibility 35% felt that all aspects of accessibility be enshrined in the new constitution. 22% said affordability should be guaranteed while 3% say physical accessibility. 30% and 10% of the participants stated that guaranteeing non-discrimination and access to information in the new constitution would ensure the enjoyment of the highest attainable standard of health.

The table below shows how the respondents value accessibility to health services;

Accessibility



Chronic diseases should be treated for free

2 respondents felt that access to medical care is beyond the reach of many and that there is need for the protection of chronic disease patients. Tuberculosis and diabetes patients should be treated for free. This would ensure that they enjoy their right to health care services.

Availability

15% of participants indicated that availability of sufficient quantities of functioning public health care facilities, goods and services is of paramount importance.

Acceptability

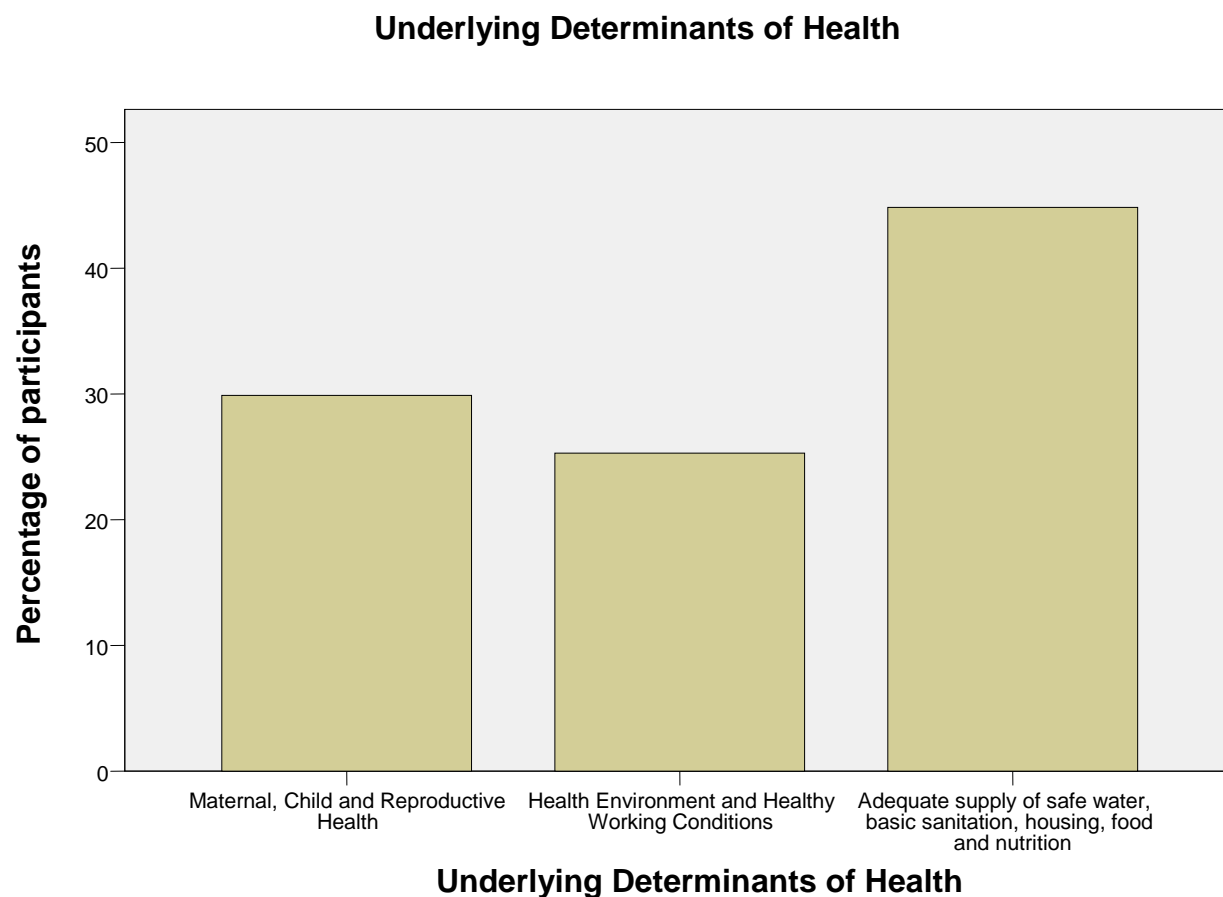
14 (5%) participants say all health facilities must be respectful of medical ethics and culturally appropriate as well as sensitive to gender and life cycle requirements.

Drugs and ARVs

64 individuals who responded to this said quality, availability and accessibility of drugs and ARVs was of paramount importance. In their working experience, expired and poor quality drugs have been supplied to institutions and in turn distributed to patients. 83% of these said the government has failed to provide necessary drugs to deserving patients. In cases where drugs have been made available they have been charged exorbitant price beyond the reach of many thereby compromising accessibility.

In response to the HIV/AIDS pandemic, 13% of health professionals noted the need to increase availability and accessibility of ARVs to patients while 2% of would want a constitution providing a framework for protection where their human rights are likely to be violated.

Underlying Determinants of Health



Maternal, Child and Reproductive Health

21% of the total number of participants feels there must be special provisions for improving child and maternal health as well as sexual and reproductive health services. The constitution should guarantee availability of ante and post-natal health care for women and the availability of family planning. 8% of respondents who made comments on maternal and child health feel immunisation should be made mandatory to ensure that all children enjoy their right to health. 58% of those call for free ante and post natal and child health care.

Respondents believe the constitution must also provide protection of women from domestic violence. Violence against women is a widespread cause of physical and psychological harm or suffering among women, as well as a violation of their right to health.

In addition, issues of abortion were also raised. With 27% of those who advocate for maternal health and reproductive health arguing abortion should be legalised while 8% call for its criminalisation.

Health Environment and Healthy Working Conditions

20 respondents who expressed the need for protection of underlying determinants of health feel that there is need to ensure a healthy environment and healthy working environment.

Adequate supply of safe water, basic sanitation, housing, food and nutrition

13% of the total number of participants says the right to health requires equal access for all to the underlying determinants of health, such as safe food and adequate nutrition, safe and potable water, basic sanitation and adequate housing.

Conclusion

Health professionals consulted during the campaign, express the following expectations on COPAC as well as on the New Constitution of Zimbabwe.

- There is explicit constitutional protection of human rights, and the right to health in particular;
- There is protection of vulnerable groups in society – disabled people, children, pregnant women, elderly – with an adequate social security mechanism;
- That no one shall experience discrimination in access to health care goods and services on any basis;
- That access to emergency medical care and reproductive health be guaranteed by the Constitution;
- That the Constitution ensure access to information regarding people's welfare and the country.
- That underlying determinants of health such as housing, access to safe and portable and basic sanitation be constitutionally protected.

It is apparent from the results presented that the health professionals in Zimbabwe desire a constitution that embraces their views and represent the wishes of the generality of the people. We hope that as COPAC you will take note of the views presented before you as representative of the wishes of health professionals.