

**TOWARDS THE PROTECTION OF HUMAN RIGHTS: DO THE NEW  
ZIMBABWEAN CONSTITUTIONAL PROVISIONS ON JUDICIAL  
INDEPENDENCE SUFFICE?**

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**SUMMARY**

If human rights are to be effectively protected in any country, the judiciary has to recognise that it also has a role to play in this regard. The rationale for this is that the judiciary has a duty to enhance and protect human rights. Across Africa and most notably in Zimbabwe political interference has been noted as a factor that limits judicial independence. In Zimbabwe the weak protection of judicial independence has contributed to gross human rights violations. Constitutional reforms have been conducted in order to improve the independence of the judiciary and consequently the judicial protection of human rights. These efforts have resulted in the adoption of a new Constitution in Zimbabwe which has replaced the Lancaster House Constitution. The Constitutional reforms have captured legal principles which will ensure an improvement in the human rights situation. Key to the reforms has been the independence of the judiciary. The Constitution guarantees the independence of the judiciary. Despite such guarantees there are a number of challenges with regards to this independence. The aim of this paper is therefore to analyse the judicial reforms introduced by the Constitution of Zimbabwe with a view to establishing whether or not such reforms are likely to improve judicial independence and in turn the protection of human rights in Zimbabwe.

**KEYWORDS:** Constitutional Reforms; Democracy; Executive; Human Rights; Independence; Interference; International Law; Judiciary; Legislature; Protection; Rule of Law; Separation of Powers; Zimbabwe

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