



TRANSPARENCY INTERNATIONAL ZIMBABWE

ALAC
Advocacy And Legal Advice Center

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“Corruption is an invisible thief because it takes place between two consenting parties, shrouded in secrecy and in legitimacy which unless one digs deep down, it may not be seen. Its effects are normally difficult to see until long after the deed is done.”-Gilton Chiwaula (Director of the Malawi Anti-Corruption Bureau)

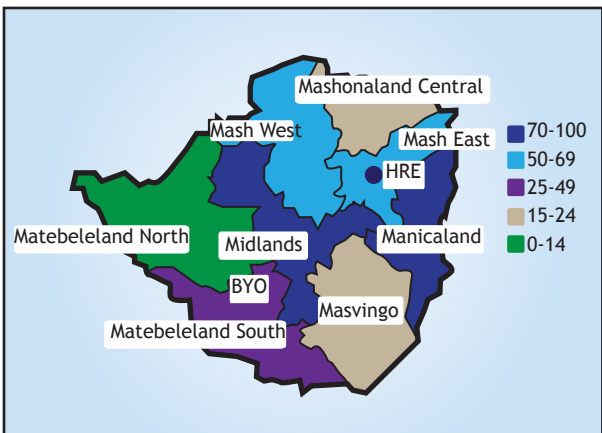
In April 2009, Transparency International Zimbabwe (TI-Z) officially launched the Advocacy and Legal Advice Centre (ALAC). The successful launch and roll out of the ALAC project has revitalized the fight against corruption in Zimbabwe by providing both institutions and individuals with a viable alternative to report corruption complaints, suggest ways of curbing corruption and obtain relevant information on anti-corruption prevention.

The Advocacy and Legal Advice Centre seeks to empower male and female citizens to demand transparency, accountability and integrity and promote the fight against corruption. ALAC provides free legal aid services to victims and witnesses of corruption and generates public education and prevention strategies based on TI-Z's in-depth understanding of corruption in Zimbabwe. The complaints brought to ALAC provide an excellent snapshot of corruption as it is experienced by the public and we analyse and collate the data we collect on a monthly basis to enable us to understand the challenges that Zimbabwe still faces in combating corruption

As ALAC celebrates its first anniversary, we are proud to report to the public that significant work has been accomplished, both in terms of developing a clear understanding of corruption through statistical breakdown and analysis and in terms of taking action against corruption.

Complaints received by ALAC

A total of 642 corruption related complaints were received by ALAC between April 2009 and April 2010. The map below indicates the distribution and level of complaints received by ALAC, per province, during this period. The key refers to the number of complaints received by ALAC from a particular province.



Evident from Fig. 1 above is the fact that most of the initial contacts made to ALAC were received in the Harare, Midlands and Manicaland Provinces. We attribute this to the high number of publicity and awareness raising activities that we carried out in these provinces. Overall, Harare had the greatest number of complaints in part because of easier access to ALAC (the walk in centre is in central Harare). In addition, the public administration institutions that were often the subject of complaints are largely located in Harare.

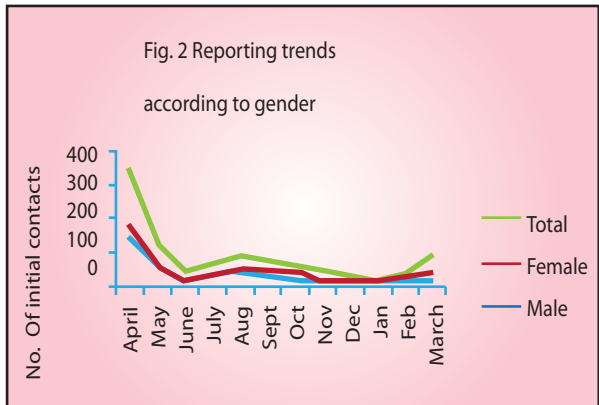
Mashonaland East and Mashonaland West Provinces had the second greatest number of complaints accounting for 65 and 69 complaints respectively followed by Matebeleland South Province with 27 complaints. Bulawayo, Masvingo and Mashonaland Central provinces accounted for between 15-24 complaints each, while the least number of complaints was received from Matebeleland North Province. In the southern provinces, the low number of complaints is largely attributable to the relative inaccessibility of ALAC, as people in these areas can neither easily attend the walk-in, due to distance, or call using the toll free line as the Tel One lines are often not working. However, ALAC is grateful to partner organisations such as Legal Resources Foundation (LRF) that received complaints and forwarded them to us.

ALAC Presence In Zimbabwe



Corruption Reporting Trends

Fig. 2 below shows the reporting trends according to gender for the complaints received in our first year. The level of initial contacts received is directly proportional to the level of publicity of ALAC. Hence there is a high level of reporting of complaints at ALAC's inception because of the television and radio adverts that were being aired. Similarly, there was an increase in initial contacts in August because ALAC introduced its new friend and mascot "Mai Taneeta" through a television advert urging all Zimbabweans to return to values of transparency, accountability and integrity. Thereafter, there was a steady decline in initial contacts until February 2010 when ALAC launched outdoor advertising through erecting street poles and billboards around Harare. Zimbabweans responded positively and came out in numbers to report more cases.



While both genders are affected by the various forms of corruption, empirical evidence indicates that women experience corruption differently than men. The nature of complaints received by women is mostly linked to socio-economic rights such as health and education. Women are generally reluctant to report to corruption. We can only surmise that this reluctance is based on the fear of victimisation and reprisal.

Most Vulnerable Sectors

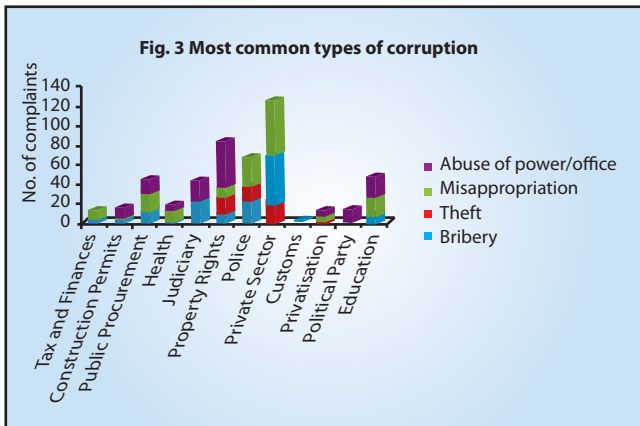
Throughout the year of ALAC's existence, the nature of complaints from the public have served to confirm the multidimensional nature of corruption. The public reported many forms of corrupt behaviour. Bribery, theft, misappropriation of funds and assets and abuse of power emerged as the most common trends. Fig. 3 shows how the public have reported the various forms of corruption as they allegedly occurred in the various sectors.

Bribery is a strong feature of almost all the sectors. Many people give bribes to access basic goods, services and other necessities such as licenses/permits, getting children's places in schools or accessing resources like land (housing/stands). Bribes are also being exchanged between accused/convicted persons and police/law officers to escape the wrath of the law. Complaints about receipt of bribes in the private sector are high. The effects of this kind of corruption on the private sector cannot be over stated. They include cutting corners and shirking honest competition rather than producing real, competitive value for clients; compromising corporate

and individual integrity, deterring and demotivating the brightest and most innovative entrepreneurs and scientists; consenting to and propping up a business environment in which complicity is for sale, entrusted public power is routinely abused for the sake of private gain and public trust in the beneficial partnership between business and society is gradually undone.' The majority of complaints received against this sector are related to transactions where public and private sector merge. Complaints have been received against companies paying bribes to government officials to win public contracts or receive government services. Communities have noted a lack of transparency in the issuing of mining rights. A number of complaints have also been received that relate to corrupt and unfair labour practices in the private sector.

Misappropriation and theft involve public office holders abusing their positions and titles for personal gain. Many of our complainants have called for a robust asset recovery programme in search of justice and restoration for the benefit of the Zimbabwean community at large.

Abuse of power covers a broad rubric of corruption drivers including favouritism, cronyism, nepotism and sexual extortion



Human Interest Stories

**All names and places have been changed to protect the victims and others as this are complaints still undergoing referral for investigations*

'The accomplice to the crime of corruption is frequently our own indifference-Bess Myerson'

Serious road accidents, involving death and injury, are sadly a daily occurrence on Zimbabwe's roads. After a terrifying experience such as a car accident, a driver has the right to expect help and support from the police. However, a number of our complaints show that far from assisting drivers, some members of the Zimbabwe police service are in fact often attempting to profiteer from their misfortune. These motorists are in a very vulnerable situation, often being extremely shaken by their close escape from death and serious injury, and they deserve a police force that will ensure their safety and see justice done. Instead, they often find themselves manipulated or compelled by unscrupulous officers to engage in bribery and corruption.

Mr. KK, an employee of TARA, was driving his company car when he was involved in an accident in downtown Harare. Very distressed, Mr KK behaved entirely appropriately, calling both his supervisors and the police immediately. His supervisors rushed across town to assess the situation, and after making sure that he was not in need of emergency medical help left Mr KK and the other driver to wait for the police.

Finally, after over an hour, two police officers arrived. They took statements from both drivers, and then, oddly,



insisted that Mr KK take his car to the Vehicle Inspection Department (VID) for inspection of his brakes. Mr. KK was very surprised. He pointed out to the police that there was no suggestion on either side that the accident had anything at all to do with his brakes. The police however continued to insist, and eventually their purpose became clear. They had no real interest in the accident, it causes, or the safety of the motorists; in simple terms, they wanted him to give them \$100, and if he didn't, he would have his car taken to VID. Mr KK, in his distressed state, was now essentially having his company car held hostage by two unscrupulous police officers. He had called them expecting help, and now, instead of assistance, or justice, he was simply being robbed - by his own police force.

Mr. KK told the police that since it was a company car, he needed to inform his superiors about taking it to the VID. The police officers got in the car and drove with him to TARA, where they asked to be dropped some distance from the office, to wait for their money. Mr KK went in, and immediately told his superiors what was going on. His superiors approached the police officers, and sought clarification as to what they actually needed the car at the VID for. Suddenly, the police officers changed their story. Much to his surprise, Mr KK now learned that in fact he did not need to take his car to VID; apparently he had just been giving them a lift to another accident scene. Obviously, the officers were lying; and indeed, if they did attend another accident, that motorist had certainly better watch out for his wallet!

Mr. KK reported his matter to ALAC, which forwarded the complaint to the Police Complaints Desk [PGHQ]. PGHQ responded in writing and are currently investigating the complaint. This kind of behaviour is found across our police force. A common complaint ALAC hears is of drivers having to pay bribes when they are threatened with the quite unjustified endorsement or withdrawal of their drivers' licences. While some efforts by the police are underway to encourage the public not to pay bribes, greater work still needs to be done to educate the public about where to complain about corrupt officers, and to strictly discipline those guilty of accepting bribes. The Police Service Charter needs to be well understood by the public, and the public should be able to insist on its application at all times.

'The first sign of corruption in a society that is still alive is that the end justifies the means'-Georges Bernanos

When a person is the victim of a crime, and is able to identify the perpetrators, they expect the police and the courts to see justice done. Increasingly in Zimbabwe we see that the courts do not make decisions based on guilt or innocence, but on dollars and cents. If the law is not enforced by the state, we see respect for the law begin to crumble, and may even see citizens taking the law into their own hands.

Mr. Todii was assaulted and robbed by three men at a Service Station in Harare. He was fortunately able to identify his attackers, reported the matter to the police, and eventually saw the matter enter the court process. During the investigation process, two people were charged but the third one (who was the main suspect) was released. When the matter proceeded to court, it was continuously postponed. Mr Todii had to return to the court on multiple occasions, with very little progress. Eventually, the prosecutor withdrew the matter on the basis of 'inconsistencies.' The prosecutor stated that the case could not go ahead, as important information pertaining to the key witness was missing from the file. This information had been in the file at the beginning of this long process - where had it gone?

Mr Todii went to the Magistrates Courts to lodge a complaint. He had been assaulted and robbed, and had, as an upright citizen, taken the matter to the police, and followed the case at considerable cost for a long period. He had certainly never withdrawn the case; and yet, somehow, after all this, it was now not even to get to court at all.

The matter is, incredibly, still being delayed and no action has been taken to instigate a new trial. Mr Todii strongly suspected some connivance between the police, the suspects and the prosecution. The court has promised to recall the accused persons by way of summons but no efforts to do this were made. After advising Mr Todii to make a written complaint, ALAC assisted him with taking the complaint to the offices of the Director of Public Prosecution, the Chief Magistrate, and the Permanent Secretary in the Ministry of Justice. The Director of Public Prosecutions launched an investigation in the matter and promised to finalize the matter.

The need for oversight offices within our judicial system cannot be overstated. It is only when such oversight institutions exercise their functions effectively, with transparency and integrity that a corruption free environment can be achieved within law enforcement. Parliament, through its relevant portfolio committees and informal platforms like the African Parliamentary Network Against Corruption (APNAC), is urged to continue to work towards robust legislative and policy reforms in law enforcement.

Combating corruption in Zimbabwe: what still needs to be done?

Successfully combating corruption in Zimbabwe in order to promote and achieve development and economic growth is the responsibility of every Zimbabwean. It will also require a radical change in the government's commitment to addressing problems. Prompt investigations of alleged corruption cases and harsh sanctions for violators constitute part of the solution, but this approach will only be successful when political leadership adopts a strong anti-corruption stance that is not politicised. For as long as combating corruption becomes political mileage for party x or y, Zimbabweans shall continue to be deprived of their rights and entitlements.

➤ Combating corruption in Zimbabwe will be strengthened by a strong enabling legal environment for all key stakeholders to operate smoothly. This includes legislation that adequately provides access to information and legislation that provides protection for whistleblowers. ALACs experience in the past year illustrates that witnesses or victims of corruption are less likely to come forward and provide evidence in the absence of whistleblowers protection

legislation. Fear of reprisal and victimisation is a strong deterrent especially in rural communities. This is an area where Parliament (and particularly APNAC) can and should spearhead reforms.

➤ Zimbabweans need to recognise their duty to ensure that anti-corruption laws are enforced, that cases of corruption are reported and that government is pressured to prosecute such cases. Our public administration system should be well resourced and competent to respond to the public outcry against corruption. Where necessary, reforms should be undertaken in the police, Ministry of Justice, Attorney General's office to ensure that adequate information about systems and procedures is widely disseminated to give citizens access to goods and services as a right, rather than favours from corrupt officials who demand payment in return.

➤ Stronger public-private sector partnerships are required to combat corruption in Zimbabwe. No sector or industry is unaffected by corruption. The private sector plays a pivotal and expanding role in

improving the well being of society, communities and individuals. In this regard, it is important to strengthen integrity pacts and make stronger commitment towards fighting corruption in the private sector.

➤ ALAC must continue to partner with all key stakeholders and intensify the campaign against corruption from grassroots level to policy makers as well as providing people with practical means to pursue their corruption complaints. At the apex of this campaign is a Zimbabwe that respects people's rights and entitlements by combating all elements that violate those rights. Corruption denies people their rights and helps make other vices such as crime and violence possible.



Mai Taneta: join her in the fight against corruption