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ALAC UPDATE

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On the 1st of April 2009 Transparency International – Zimbabwe (TI-Z) opened its Advocacy and Legal Advice Centre (ALAC) to provide citizens with a forum to report corruption propose solutions and seek advice. ALAC has two main components; free legal aid provision to victims and witnesses of corruption and advocacy for social and institutional reform for combating corruption. Every month, ALAC publishes an update of corruption trends as reported by the public accompanied by an analysis of the given statistics. The purpose is not to name and shame any individuals, entities or sectors but, it is hoped that this will prompt a self reflection process which leads to institutional and systemic reforms at institutional level, and a change in value systems to more ethical and moral conduct a personal level. At a political policy making and governance level it is hoped that the magnitude of the problem is appreciated and its prioritization raised in the development and recovery agenda. TI Z also notes from scanning media reports that despite the magnitude of the corruption problem and its implications there are very few public officials and politicians who prioritise the issue of creating corruption free environments in their speeches, in light of the unprecedented poverty levels and the humanitarian crisis, and the rising crime in urban areas, in view of how this impacts on efforts to attract foreign aid and investment into the country.

Analysis of Corruption Complaints

ALAC continues to receive corruption complaints and from the time of its launch on March 28th 2009 to date a total of 312 complaints have been received. The public has therefore continued to show eagerness in the fight against corruption.

Gender

Most of these complaints are being reported by male clients as men account for 75% of the complainants, while complaints received from female clients constitute 25% of the total number of complaints. TI-Z is very concerned about this trend as it shows that women either fear victimization and reprisal or they have not fully appreciated ALAC services. A sample survey in 2004 commissioned by TI-Z revealed that women are more vulnerable than men to corruption and its effects. For this reason women are encouraged to participate in the fight against corruption. However, it is interesting to note that women have participated more than men in ALAC's community education meetings and are now showing greater interest to participate in the anti-corruption campaign.

Figure 1: Areas Most Prone to Corruption as of May 2009

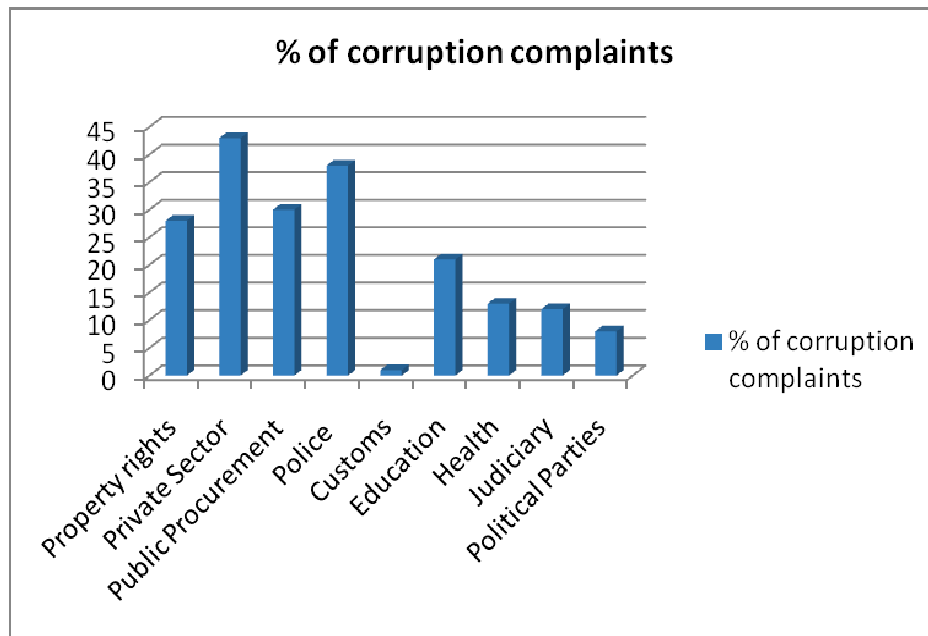


Fig.1 shows how people encountered corruption in various sectors according to the data generated from complaints received.

Private Sector

The private sector according to this

categorization includes institutions that are not state owned or state run. It looks at institutions that are private entities. From the number of complaints received so far, indications are that corruption is rife in insurance companies and civil society organizations are mostly affected as there is flouting of procurement regulations and alleged abuse of power by management. Insider dealing in awarding of tenders for supplies has also emerged as a major crisis in the private sector. The public allege that there is no transparency in the awarding of tenders as the one who greases the hands of the influential members of the procurement committee gets the tender.

The Anti-Corruption Commission has the legal powers to enter these private institutions and investigate these corruption related offences and thus has the power to curb corruption in the private sector. ALAC has received a total of 43 complaints (being 13, 9% of the total number corruption complaints received) alleging corruption in the private sector.

Public Procurement

The public continues to complain about bribery and corrupt concealing of personal interests, amounting to non –disclosure of conflict of interest in some transactions by those who constitute procurement committees. The public is saying those responsible for public procurement must be made accountable to the public since the funds are generated as revenue from the public itself through taxes and other forms of revenue collection. The Anti-Corruption Commission has the mandate to cause investigations into the said allegations

and eventually cause the prosecution of those involved. TI-Z further calls upon all public institutions to put in place systems that promote transparency and accountability in the procurement process. Community based organizations focusing on people empowerment are encouraged to introduce and advocate for the use of participatory public accountability monitoring tools that are managed by communities to ensure that tendering information is in the public domain. To curb corruption, in private organizations, parastatals and government departments the procurement process should embrace the following:

- Competitiveness
- Fairness
- Transparency
- Conflict of interest declaration policy
- Tenders must be advertised and made known to the public
- An enforceable code of conduct
- In the spirit of transparency, publicize the company awarded the tender stating the basis for that selection.
- By all means avoid too much discretionary powers vested in one person or office.

Property Rights

Abuse of power occurs when those entrusted with power choose to use the power to the detriment of the ordinary citizens for personal gain. Most cases relating to property rights emanated from the rural areas where the public alleges that political and traditional leaders are dispossessing them of their land and displacing them. The public further alleges that once evicted from their fertile land, the corrupt leaders then use the land for their own benefit. In all instances, the displaced communities will allegedly not receive any compensation for the buildings which they would have left behind. A total 28, (being 6,8% of the total number of complaints) such complaints have been received from various rural districts in the country.

Education

Misappropriation of funds meant for school development and "privatization" of school resources by school officials are the major complaints received by ALAC regarding the education sector. There is need for the schools to develop clear communication lines with parents regarding accountability of funds and resources without the parents fearing for victimization of their children. In most instances, chairpersons of School Development Associations (SDA) have been allegedly conniving with School Heads to divert, misuse, embezzle or fraudulently swindle school resources. However, there is need for participatory budgeting and monitoring of accountability in schools to improve transparency and accountability. Transparency can be achieved by posting budgets once they have been developed in school notice boards. This can be supported by involving all parents in budget planning and decision making processes, then posting monthly reports on income and expenditure for monitoring by the parents and school children as the core stakeholders especially in high schools. There is also need for improved communication between schools'

administrators as service providers and parents as clients and recipients because some complaints have pointed to purely administrative issues and public perception based on suspicions that can only be rectified by improved transparent communications that provide feedback to parents on how their monies are utilized.

Health

ALAC has continued to receive complaints of appalling levels of corruption in private hospitals and clinics. Flouting of procurement regulations and abuse of power through dismissal of employees for alleged whistleblowing and exposing corrupt practices constitute the majority of complaints in this category. In order to prevent victimization of employees, it must be made mandatory for the private hospitals to utilise the police and the ACC as the investigating authorities in law to avoid internal victimization of employees who are just being responsible citizens. It is the mandate of the ACC or police to determine whether whistleblowers' have ulterior motives in reporting the alleged acts of corruption. For the past ten years, TI-Z has been calling for the enactment of a Whistleblowers Protection Legislation to protect people who report corruption from perpetrators and other agents. Parliament should prioritise this legislation as it has a huge bearing on efforts to curb corruption by protecting witnesses and victims of corruption, thus encouraging exposing the vice.

Judiciary

Bribery within the judiciary is the major complaint received from the public. The public allege that the parties against whom unfavourable court judgments are passed bribe judicial officials to ensure favourable verdicts and to avoid convictions altogether. The public have indicated that because of this, they have lost confidence in the justice delivery system since it is not based on practice of the law but on since justice delayed is justice denied. TI-Z urges reforms in the judicial system starting with improving salary structures to make judicial officers less vulnerable. Reforms should also be targeted at entrenching anti corruption mechanisms that promote judicial integrity, autonomy, transparency and accountability in order to regain public trust. Apart from the formal justice system, alleged abuse of judicial proceedings by traditional chiefs has also led to loss of private property by some members of rural communities. The chiefs are allegedly ordering surrender of cattle for fabricated charges so they take the cattle for their own benefit.

Police

Corruption complaints against the police continue to be significantly higher than the other categories under review. Thirty eight per cent (38%) of the complaints received were against the police. There is a 13% increase from last month's rating figures when complaints against the police represented 25% of all ALAC complaints. The public reported that they are experiencing corruption in their encounter with the police in different and varying ways as they try to obtain different services. However, in many cases complainants have not been willing to produce evidence for these allegations citing fear of retribution as a consequence of naming the particular alleged perpetrators. Soliciting for bribes

and concealing of evidence after receiving “some incentives” or “personal benefits” to defeat the course of justice have been the most common forms corruption complaints relating to the police force. Notwithstanding the lack of further willingness to produce evidence for such complaints on the part of the complainants, these complaints warrant the attention of the Police and calls for action towards reforms. TI-Z recommends training on ethics and anti-corruption for police officers. Such training will contribute towards transforming the public image of the police and change public perceptions in order to rebuild public trust and confidence on the role of the police with regard to community policing at a time when crime in general, but also armed robberies specifically, are on the rise in most urban centres of Zimbabwe. There are also international case studies that suggest that there is a strong correlation between high levels of crime and high levels of corruption in the police force.

ACTION TAKEN BY ALAC

With so much response from the public, ALAC has an obligation to deliver and meet the needs and expectations of its clients. This calls for action and consistent follow up on complaints. It is also very important at this point to state that ALAC's measure of success is not so much in the number of arrests or prosecutions on corruption charges (though very much desired), but in fostering a culture in the Zimbabwean public to demand for responsiveness, accountability and transparency from leadership and public and private service providers at both local and national level. ALAC is a community centred project, and thus seeks to change behaviour and attitudes towards corruption at community level. The preparedness, the willingness and the courage of ordinary men and women at grassroots level to report, reject and expose corruption therefore becomes ALAC's key result area.

It is important for our clients to know that their complaints are being processed as they come in and they will be updated on the progress regularly. The majority, 44.3% of clients have been invited for a second interview or to submit more evidence to support their cases. 23.6% of the complaints received were not related to corruption – in other words these were complaints that do not fall within the definition of corruption in terms of Zimbabwean or international law. This has revealed the need for more public education on the subject of corruption and what constitutes corruption of the law. In line with this ALAC continues to provide education programmes on radio. Every Tuesday, Wednesday, Friday and Saturday people can tune in on Sport FM at 6:40am for the ten minutes programme “TIME OUT FOR CORRUPTION” to learn more about corruption, its effects on society and the role of individuals in fighting corruption. To increase public knowledge on the subject of corruption, information brochures and flyers have been printed and distributed widely to the public. These are also available at the TI Z offices at 96 Central Avenue.

13.1% of the complaints received to date have been referred to other relevant partnering institutions where legal analysis has shown that there is no *prima facie* corruption evidence in the complaint. These institutions in turn assist our clients appropriately and inform ALAC of the immediate actions taken. A significant

number of the complaints, 10.5% have been referred to relevant state institutions for further investigations. ALAC will keep all clients updated about developments on their complaints.

In our last month's ALAC update, we made mention of the fact that the Anti-Corruption Commission (ACC) is the legally mandated government institution to deal with and cause investigations to be carried out on all corruption related matters in the country and therefore should take up all cases referred to it by individuals and entities like TI-Z. We also stressed the need for the ACC to openly work with different stakeholders on the basis that the scourge of corruption is a national problem affecting all citizens. As such, every Zimbabwean has the responsibility to contribute to the combating of corruption. In this regard the public is advised that the ACC has now invited TI-Z to submit for investigations and other appropriate actions falling under the ACC mandate all the corruption related complaints received through ALAC. TI-Z has already submitted some complaints to the ACC for review and to cause investigations to be carried out and will continue to do so while keeping clients informed of the progress.

On a separate issue, the delayed handover-takeover of the department of cooperatives from the Ministry of Youth Development and Employment Creation to the Ministry of Small to Medium Enterprises and Cooperatives Development has left ALAC without any avenue to report matters to this Ministry. This has caused prejudice to complainants who allege misappropriation and abuse of power by management committees in housing cooperatives. ALAC urges the ministries concerned to finalize the handover process to allow for supervision and monitoring of departments to curb mismanagement. Meanwhile complaints related to this ministry will be forwarded to the ACC for investigation.

