



TRANSPARENCY INTERNATIONAL ZIMBABWE

ALAC
Advocacy and Legal Advice Centre

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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. From April 2009, 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 at 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 has noted that some public officials are beginning to speak out against corruption and suggesting ways of combating it although these are very few. The fact that the high ranking public officials like the Attorney General are now talking about reducing the occurrence of graft in their institutions is an indicator that the magnitude of the problem is beginning to be appreciated. It is hoped that more is done in light of the ongoing efforts to attract foreign direct investment in various sectors of the economy.

In this month's update it has emerged that a trend perceived to be creating fertile ground for corruption and already creating suspicions of corruption, as well as causing resentment directed at service providers among communities is the collection of US\$ 1,00 per household by service providers. These informal fees are apparently being demanded from residents towards the payment of repairs or restoration of services that legally should be covered by statutory gazetted billing systems. Parents attending TI-Z community meetings in various suburbs in Harare have complained that there are teachers in some government schools who are demanding direct payment of US 1,00 per child every week despite an improvement in the teachers' reward structure since five months ago.

Those students failing to raise this US\$ 1,00 are being punished or just merely marginalised and denied an opportunity to learn. Parents were willing to contribute to the remuneration of teachers prior to the USD\$ 100, 00 offered as a monthly stop gap intervention by government.

Complainants and residents also inform TI-Z that similar informal fees for the provision of services, repairs or restoration of services are being allegedly extorted from the residents in various areas throughout the country by the Zimbabwe Electricity Supply Authority (Holdings), ZESA and the local authorities. These suppliers are reported to collect anything from estimated US\$ 1000,00 up to US\$ 5000,00 at any point in a month from residents that supposedly goes towards restoring stolen or defunct power lines or fixing burst pipes; only for the same problems to emerge again in the same locality triggering the same demand for door to door contributions from residents.

Whether the demand for these contributions is genuine can only be determined through thorough investigations by the relevant authorities. TI-Z urges that such investigations be carried out. It is also key to bring transparency and accountability to bear in the area of service delivery in order to plug out leakages and soft spots for corruption. If the assistance requested of citizens is premised on the notion that the legitimate service providers have insufficient funds to meet the demands through utility levies and service delivery bill collection; proper systems to regulate and account for these informal contributions from residents must be put into place. These amounts must be properly receipted and financial statements provided as to their use. If the gaps covered by these US\$1, 00 per household contributions are temporary, requiring more contributions the following month the service providers must make it clear through radio broadcasts or the print media so that residents know that this practice is legitimate, sanctioned by the law, the highest authority in the institution and supported by relevant documentation for accountability and transparency to be monitored sufficiently. A failure to involve citizens in the decision making process leads and reporting structures leads to an atmosphere of mistrust. After soliciting the contribution for services from residents through unorthodox means, failure to consult with them meaningfully demonstrates lack of integrity as well as justifies perceptions of corrupt abuse of their funds by unscrupulous individuals or institutions. The relevant authorities are urged to look into these allegations and provide residents with updates of the findings of their investigations.

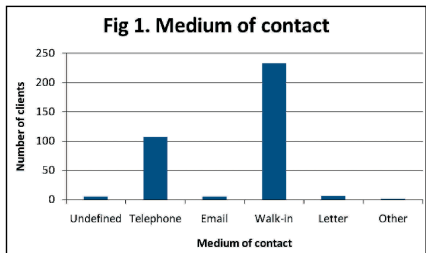
Analysis of Corruption Complaints

ALAC has continued to receive new corruption complaints from the public. A total of 360 complaints have been received since the launch of the ALAC project. For the month of July ALAC received 25 complaints, which is slightly higher than the 23 complaints received last month. Most of ALAC's work in July comprised of assisting old clients with feedback as well as following-up on progress made on referred complaints.

Medium of contact

Fig 1 below shows the medium of contact used by ALAC clients.

Walk-ins continued to be the most popular means of reporting corruption complaints, accounting for 64.9% (233 complaints) of all ALAC contacts. The telephone hotline was also very popular with clients as it accounted for 29.8% (107 complaints) of all contacts. The toll free line has proved very useful for people who are outside Harare as it is cheaper and more convenient than walk-ins. ALAC wishes to advise all the clients intending to use the letters as a medium of contact to ALAC to use the Zimpost "pay-forward system" and TI-Z will cater for the postage fee upon receipt of the letter. TI-Z however cannot guarantee that this method is secure.



Gender

Male complainants constitute the bulk of ALAC clients accounting for 78.3% (281 complaints) of the total complaints received. Female complainants account for 18.4% (66 complaints). There was a slight increase in the numbers of female clients making complaints through ALAC from last month when female clients accounted for only 17.6% of total complaints. Although women bear the brunt of the negative effects of the corruption scourge, (as indicated in the community meetings carried out thus far), this trend might be an indication that women fear reprisal and victimisation for reporting corruption complaints. However, female participants continue to dominate the ALAC community outreach and are now showing more willingness to expose corruption.

Areas most prone to corruption

Private sector

The private sector refers to those entities which are not state owned. These are privately owned entities or companies. Cumulatively, the private sector continues to be the most prone to corruption having been implicated in 14.5% (52 complaints) of the total complaints received by ALAC. The public allege gross abuse of power through massive looting of resources by senior management in these private companies, mostly supermarkets, who are in some instances pocketing huge proceeds from sale of company wares for their own private gain. In most of these instances, the public allege that there is conspiring by senior management to cause tampering of computer systems so that the auditors cannot detect any anomalies.

Allegations of poor corporate governance which grossly compromises employee welfare to such an extent that deducted employee benefits like pension and medical aid are not reaching the destination host of the pension or medical aid scheme have been raised in the complaints received by ALAC. The public allege that the economic recession has worsened the plight of would-be whistleblowers in such scenarios that fear victimisation and dismissal. ALAC reiterates the need for enactment of whistleblowers protection legislation to the legislature so that many corruption scandals come to light. The focus group meetings reveal that the public understands the need for legal protection before can confidently report corruption. As such there is a public outcry for the enactment of the Whistleblower Protection Legislation as well as the repeal of repressive legislation that deprives freedom of expression and free flow of information.

Police

Corruption complaints against the police continue are the highest in the public sector this month. ALAC received mainly information that alleges that low ranking police officers continue to solicit and accept bribes at road blocks. Another complaint levelled by the public against the police is the tendency to release suspects from lawful custody without carrying out proper investigations. Anecdotal evidence given to complainants is that

deals are cut between suspects and the investigating police officers for the formers' release. There now is a general sense of hopelessness in the public who feel that as victims of corruption, they have to resort to other means to get justice against the suspects who would have been accused of raping their young children and/or stealing their property. It is disturbing to note that some members of the public have even attributed the recent increase in armed robberies to the fact that there is no penalties enforced through the justice systems that would deter these robbers who now feel confident they can always bribe their way out of police cells.

On a positive note, ALAC acknowledges the announcing of new deposit fines by the Zimbabwe Republic Police (ZRP) for minor offences. Making deposit fines official is a step in promoting transparency. ALAC is also hoping to get responses to the complaints it has forwarded to the Complaints Desk at the Police General Headquarters (PGHQ). TI-Z urges the senior members of the police force to act in demanding transparency in the operations at police stations so that police service integrity is restored and the public regains confidence in them. Apart from improving the salaries of the police officers, punitive and preventative measures must be put in place to ensure that Zimbabwe has a corruption free police service.

Property Rights

Allegations against council officials who are accepting bribes to facilitate flouting of legal regulations on transferring title of houses are rife. A number of clients have made allegations that corrupt underground deals are prejudicing them of houses they legally own. Widows are the ones who have fallen victim of such practices as they are disinherited of matrimonial homes by greedy relatives who end up clandestinely having ownership of these houses. The public has also expressed concern on the unlimited discretion awarded the Ministry of lands, who can withdraw an offer for land when they "deem necessary" thus immediately dispossessing anyone who would have been initially offered that land through the land redistribution schemes.

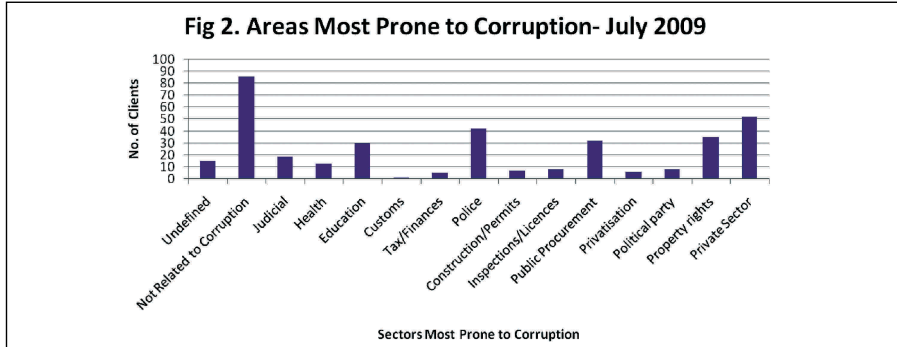
Education

Complaints received in this sector allege that some school headmasters and teachers are allegedly continuing to demand a dollar a week from pupils if they are to learn on top of the fees and levies gazetted by their ministry. The public are failing to stop the practice because school heads are allegedly permitting the teachers to carry out "extra lessons" in the classroom for those pupils who would have paid. The teachers are allegedly pocketing this extra money and do not give any acknowledgement of receipt to the pupils.

Judicial

Complaints of corrupt practices by unethical members of the various professions in the judicial system e.g. lawyers, public prosecutors, magistrates and messengers of court have made the bulk of complaints received by ALAC this month. It is disturbing to note that these corrupt practices being alleged have the impact of rendering the justice delivery system a sham and a toothless bulldog leaving the public with no avenue to demand justice.

Members of the public allege that there is blatant disregard of ethics by legal practitioners who are conniving among themselves when they are representing opposing parties so that the party willing to pay both lawyers wins the matter. Further to this, the public allege that lawyers are paying off their counterparts who would be prosecutors so that they do not oppose bail applications when they appear in court. The public further allege that magistrates are being bribed so that the party willing to pay wins on technicalities. When the losing party tries to take up the matter at the High Court, the magistrate court record goes "missing". Complaints have been received alleging that the messengers of court are criminally abusing their public office turning their office into a ground for personal looting of resources from the public.



ACTION TAKEN BY ALAC

Transparency International Zimbabwe would like to reiterate the fact that ALAC's 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 in the government, 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.

Since the inception of the project, the majority (40.7%) of clients have been invited for a second interview or to submit more evidence to support their cases. 22.3% of the total 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. These complaints not related to corruption have declined slightly from last month's 22.7%. This can be attributed to the continuing public education efforts being made by ALAC on what constitutes corruption.

7.8 % of the total 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, 12.5% that are corruption related have been referred to relevant state institutions for further investigations. ALAC will keep all clients updated about developments on their complaints.

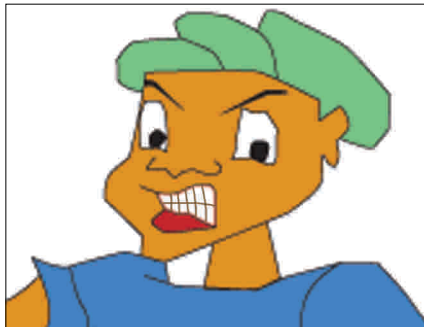
TI-Z has submitted cases to the Anti Corruption Commission (ACC) for investigations and other appropriate actions falling under the ACC mandate. The ACC has informed ALAC that the investigations are in progress.

ALAC, Corruption and the Constitutional making process

A democratically appointed anti corruption commission is essential for the referral work of ALAC. The legal aid aspect of ALAC aims to create a demand for statutory institutions with the mandate to fight corruption to do their work effectively. Competent and objective commissioners are therefore a critical part of the vision advanced by ALAC. For these reasons TI-Z is among those groups that have submitted names of nominees for the reconstitution of the Anti Corruption Commission - those who it perceives to be of high integrity and value accountability and transparency. The envisaged Anti Corruption Commission (ACC) must be represented by men and women reflecting a balance the political, social, economic, legal aspirations of all Zimbabweans. It is fervently hoped that through a newly appointed ACC legislative reforms will be advanced that promote the protection of whistleblowers, access to information, freedom of the press and generally enforces a culture of ethical business, integrity in leadership and stewardship, accountability and transparency as a core value systems in all sectors of Zimbabwean life.

Through community advocacy and public education activities TI-Z urges the public to demand transparency and accountability in the ongoing constitution-making process. Corruption thrives where processes are shrouded in secrecy. TI-Z urges the public to demand access to all the drafts of the constitution which are currently available. Information about the constitution making process must be availed to everyone in all sectors in the country for the 'people driven' rhetoric to turn to reality. The public must demand that those civil society organisations willing to disseminate information be allowed to freely do so as this will enhance participation of the grassroots in this fundamental process. The public are encouraged to fully participate in public education programmes occurring in their communities.

Watch out for our new friend and mascot Mai Taneeta who will be helping you make your voice heard on fighting corruption, demanding accountability, transparency, integrity and other matters.



Mai Taneeta - coming soon, look out for her