



TRANSPARENCY INTERNATIONAL ZIMBABWE

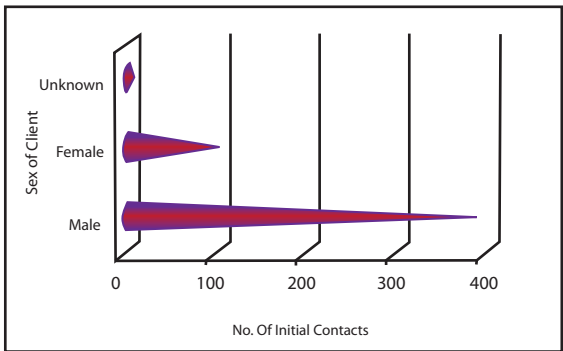
ALAC
Advocacy And Legal Advice Center

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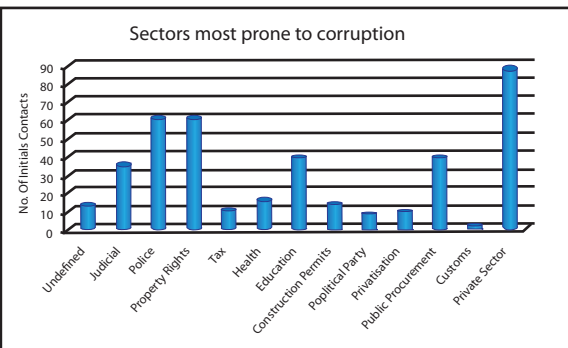
The TI-Z Advocacy and Legal Advice Centre (ALAC) is a forum for the public to report corruption, seek free legal advice and propose solutions to redress prevent corruption and promote values of transparency and accountability. ALAC publishes monthly updates which are an analysis of statistics aimed at revealing trends of corruption as reported by the public. The purpose of these updates is not to name and shame individuals, entities or sectors, but to prompt a self reflection process which can lead to institutional & systemic reform, and a change in value systems to more ethical and moral conduct at a personal level. At a policy making and governance level, it is hoped that the magnitude of the problem is appreciated and its prioritisation raised in the development and recovery agenda of Zimbabwe.

Initial Contacts Received by ALAC

ALAC received a total of 43 initial contacts in the month of October, which is a slight decline from the 58 initial contacts received in September. From its inception, ALAC has received a total of 501 initial contacts. The graph below shows the distribution of initial contacts received this month according to sector.



Sectors most prone to corruption



There has been an increase in complaints received about the private sector. The majority of the complaints received this month were in respect of the legal profession. Complaints received allege that some in the profession are employing unnecessary delays in simple court processes as a means to demand more legal fees. It is further alleged that some lawyers representing opposing parties are conniving with each other in the obstruction of justice to serve the interests of the party willing to pay. Lawyers are further alleged to be continuously postponing matters in courts so that they rip-off their clients in legal fees for the court attendances. Legal practitioners are supposed to be the guardians of the law and integrity. Connivance in the obstruction of justice cannot go unpunished by the law society and the courts.

A trend that carried over from last month involves officials of National Employment Councils (NECs) who are allegedly frustrating employees from making claims against their employers regarding salaries and benefits. The allegations point to NEC officers receiving bribes from the employer companies so that they postpone and eventually get rid of claims from their employees. Sad to note, is that some employees retrenched at the beginning of the year have still not received their dues from the employers.

The right to health care is under threat due to unscrupulous and unethical behaviour by members of the health profession who are allegedly conniving to sell drugs donated by well wishers. Complaints received illustrate that people living with HIV and AIDS have fallen victim to these scams at hospitals and clinics as they are made to buy Anti Retroviral Treatment which they are ideally supposed to get for free.

Emerging Issues from ALAC

As part of the investigation into the status of council houses in Mbare around which corruption allegations have been levelled, TI Z invited council officials, and is grateful for their efforts to explain the processes pertaining to such housing. They revealed that the houses which people are being evicted from belong to the city council. Historically the houses were rented to out to male individuals only, because they were considered as temporary homes for the employees, whilst they looked for alternative homes. At a later stage some of the houses were offered for sale but on condition that the parties buying the house were legally married as husband and wife. This new status allowed married people to be home owners. However this status was not extended to all the houses in Mbare and some were offered for sale on a rent to buy basis whilst some remained as council houses.

Council was not vigilant in following up on the houses to the extent that most people managed to remain at the houses for as many as three generations. The city council is now restructuring and looking for money from its various ventures so that it can improve its service delivery and increase efficiency and effectiveness. To achieve this end the council is now evicting defaulters who have not paid levies as well as those who did not manage to complete paying the rent to buy scheme. Many tenants who were beneficiaries of council houses through their grandparents are being evicted by council. This is causing challenges as some of them are under the assumption that the houses they stay in belong to their grandparents or fathers'.

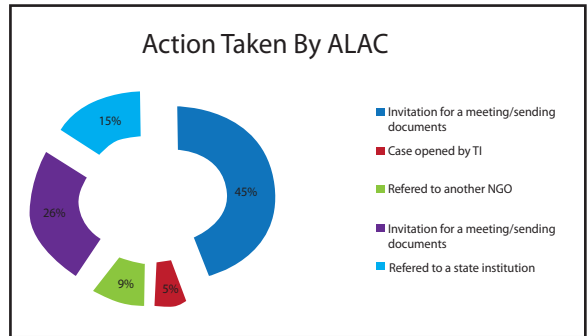
Although the council is within its rights to repossess houses that belong to it, some of the council officers are taking advantage of the loopholes during this restructuring process. They are soliciting for bribes in order for tenants to remain in the houses without being evicted. The council is also not explaining the law and its by-laws to the affected people, leading to much speculation as to the activities of the council. The council is also not giving tenants the requisite time frame to vacate from the homes and in some instances the council is not properly forwarding notification of written notice to the affected people. ALAC recommends that Harare City Council publicise critical information pertaining to procedures and the status of the council property. There is also need to address the loopholes which are apparent in the record keeping system and mechanisms to enforce council by-laws. To further curtail opportunities for corruption, Council through its legal offices needs to make the provisions of the Urban Councils Act addressing such matters available to the public in simplified language.

More complaints have been received regarding the loopholes in the land redistribution process. Clients have reported witnessing instances where two people have received offer letters for the same piece of land. Clients have also complained of instances where individuals with high level political influence have come with offer letters to displace people already settled on a piece of land. Clients from rural and semi-urban areas have mostly been vulnerable to this form of corruption. The greatest benefit from the land redistribution process can only be gained by those for whom it was intended in the absence of unscrupulous officials who use their positions for personal enrichment. The public continues to call for an audit of the land redistribution process to ensure that the one man one farm principle is realised and that the marginalised and most vulnerable benefit.

Following reports to ALAC on the mupedzanhamo market racketeering issues documented in our last update, TI-Z commends the mayor of Harare for taking a stand against the racketeering going on in the market. According to the Sunday Special report of the Standard Newspaper of 4 October 2009 Harare Mayor Muchadei Masunda pledged that council will not give up on the matter (though opting to take a more cautious course of action). The findings of the investigations of the media further corroborate facts already told to TI-Z by members of the public affected or interested in what is happening in this and other markets. As a concerned Zimbabwean civic group TI-Z also urges senior politicians and civil servants to desist from abusing their offices or power to prejudice the poor for whom these community markets were designed as even the name 'Mupedzanhamo' implies. Abuse of office or vested power is an act of corruption (as prescribed by Zimbabwean law and in all other anti corruption international instruments that Zimbabwe is a signatory to). Such acts should therefore not only be condemned in the strongest terms but penalised in law.

Action taken by ALAC

Upon receipt of a complaint, ALAC will assist the victim/witness to identify possible evidence admissible in their complaints or cases. ALAC will facilitate the engagement of public institutions by the citizens to resolve both administrative and pure corruption cases. Litigation is currently being done through partner organisations. The graph below shows the action taken by ALAC in the complaints it has received so far.



Advocacy initiatives by ALAC

In response to issues and complaints raised by citizens through the centre, ALAC has undertaken significant number of advocacy initiatives. Mostly these activities are aimed at raising awareness on the prevention, fighting and redressing corruption at community level. In October, TI-Z conducted anti-corruption capacity building workshops for Councilors and District managers in Harare, Chitungwiza and Norton with a view to promote transparency and accountability at local government level.

Engaging the public in the fight against corruption is one of the objectives of the ALAC project and this has been realised by building the capacity of community members to monitor and combat corruption. Citizens from 26 communities in Harare and Chitungwiza have been trained to use and administer anti-corruption monitoring tools such as the municipal checklist, budget tracking, citizen report cards and the institutional vulnerability assessment tool. This is done with a view to improve citizen participation in demanding improved service delivery

Outreach outside Harare

ALAC reached out to residents of Norton and Chegutu in an effort to extend the services of ALAC in the fight against corruption. Community education was also conducted in Macheke, Headlands and Rusape. In the process, ALAC reached out to about 1,600 people outside Harare. Community outreach activities have helped to sustain the number of complaints coming through the ALAC centre for free legal advice and seeking redress. Most clients now report to have heard about ALAC through activities conducted at community level or referred by people who have attended such activities. Roadshows were conducted in Mutare and Gweru as part of the awareness raising and outreach outside Harare. The roadshows provide edu-tainment in the form of satirical theatre and drama performances on the impact that corruption has on ordinary lives.

