



**Zimbabwe: Civil Society Report
by Anti-Corruption Trust of Southern Africa
An input to the UNCAC Implementation Review Mechanism:
Third year of review of UNCAC Chapters II and V**

-Executive Summary-

This is the executive summary of a civil society shadow report from March 2021 that reviews Zimbabwe's implementation and enforcement of selected articles in UN Convention against Corruption (UNCAC) Chapters II (Preventive Measures) and V (Asset Recovery). The report was supported by the UNCAC Coalition and is intended as a contribution to the UNCAC peer review process of Zimbabwe covering those two chapters. The full report is available on the UNCAC Coalition's website.¹

While Zimbabwe has made significant progress towards developing normative legal frameworks for the implementation of articles of Chapter II and Chapter V of the UNCAC, a lack of political will and resources, as well as widespread impunity for corruption offences hinder the advancement of anti-corruption efforts in the country. There is a need for stronger and more independent judicial and law enforcement institutions, effective implementation of existing legislation and more civil society participation.

Assessment of the review process

Has the government disclosed information about the country focal point?	Yes	This was, upon request, disclosed by the Zimbabwe Anti-Corruption Commission (ZACC).
Was the review schedule published somewhere?	Yes	It was communicated to very few organizations. For instance, Anti-corruption Trust for Southern Africa (ACT-SA) came to know about it through National Association of Non-governmental Organisations (NANGO), an umbrella organisation that had received it from the National Economic Consultative Forum that was coordinating the reviews together with ZACC.
Was civil society consulted in the preparation of the self-assessment checklist?	Yes	NANGO and Transparency International Zimbabwe were consulted. Other anti-corruption CSOs were not, but should have been invited.

¹ <https://uncaccoalition.org/wp-content/uploads/Final-Civil-Society-Report-on-Zimbabwe-ACT-SA-UNCAC-Coalition-8.3.2021-1.pdf>.

Was the self-assessment checklist published online or made available to civil society?	not published online, but provided to CSOs	The National Economic Consultative Forum shared it with NANGO but not directly with other anti-corruption CSOs.
Did the government agree to a visit to the country?	Yes	Zimbabwe agreed to a country visit as part of the UNCAC review.
Was a country visit undertaken?	Yes	The UNCAC review visit for Zimbabwe by Cabo Verde and the Republic of Angola took place from 13-16 May 2019.
Was civil society invited to provide input to the official reviewers?	Yes	Only NANGO and Transparency International Zimbabwe were invited.
Was the private sector invited to provide input to official examiners?	Yes	Through the National Economic Consultative Forum.
Has the government committed to publishing the full country report?	No	The full country report has not been published, merely the executive summary.

Main findings and Recommendations (R)

Preventive policies and practices

Whilst Zimbabwe boasts of an impressive legal and policy framework on anti-corruption, including the National Anti-corruption Strategy and Action Plan, huge gaps exist in the implementation of these frameworks. The existing laws are often selectively enforced as there are ‘untouchables’ among the Politically Exposed Persons. Moreover, the development of the National Anti-corruption Strategy lacked inclusivity, as several CSOs, including the ACT-SA were not consulted.

R: Involve a diversity of stakeholders, including CSOs, independent media and vulnerable groups, in the implementation and review of the 2020-2024 national anti- corruption strategy and action plan.

Anti-corruption bodies

The main anti-corruption body in the country is the Zimbabwe Anti-Corruption Commission (ZACC), which has been given a broad mandate to investigate and expose cases of corruption. In 2018, the Judicial Service Commission further launched the Bulawayo and Harare specialised anti-corruption courts to tackle cases of corruption. While the establishment of these and other bodies is commendable and good practice, inadequate human and financial resources pose a significant challenge to their work. Moreover, the bodies lack independence as there have been several well-reported cases of undue influence.

R: Increase the financial and human resource capacities of anti-corruption institutions such as the Zimbabwe Anti-Corruption Commission (ZACC) and the Financial Intelligence Unit (FIU) to implement their mandates in the most effective, efficient, independent and sustainable manner.

Codes of conduct, conflicts of interest and asset declarations

The Constitution of Zimbabwe establishes the obligation to avoid conflicts between private interests and official or public duties. Parliamentarians are further bound by the Code of Conduct and Ethics for Members of Parliament whilst a code exists for certain staff of public entities. However, the legal framework lacks both a clear definition of conflict of interest and an established procedure to report conflicts of interest cases to superiors and to manage such conflicts when they arise.

R: Develop a clear definition of conflict of interest, establish procedures to be followed by civil servants to report conflicts of interest to superiors or manage such conflicts when they arise, and develop a code of conduct and enforce it on civil servants at all levels.

Public Procurement

A comprehensive legal framework on public procurement is in place and the Procurement Regulatory Authority of Zimbabwe (PRAZ) is tasked with monitoring compliance with this framework. Moreover, all government ministries and statutory and constitutional bodies are required to submit monthly, quarterly, and annual financial statements to the Office of the Auditor General and the Parliament. Despite this seemingly robust legal framework, public procurement is beset by several challenges, as Zimbabwe has not yet introduced freely accessible online platforms for invitations to bid, contract awards and other relevant information.

R: Introduce electronic platforms in an open data format, in line with the Open Contracting Data Standards for invitations to bid, contract awards and other relevant information, making it freely accessible to the public.

Judiciary and prosecution services

The independence of the judiciary is enshrined in the Constitution and the Judicial Service Regulation of 2012 mandates the independence, integrity and impartiality of every judicial officer. However, several cases of political interference in the work of the judiciary have cast doubt over the independence of courts and prosecutors.

R: Strengthen and capacitate institutions and public service systems that enable early detection of corruption and investigate cases of all politically exposed persons without fear or favour.

Private Sector

Zimbabwe has taken measures to prevent corruption in the private sector by adopting the National Code on Corporate Governance and an oversight role for ZACC. Moreover, a Companies Registry is in place and a project to digitize it is underway. Making false statements, including for the purposes of registering a company, is an offence. However, no publicly accessible beneficial ownership registry has yet been established.

R: Review the Companies and Other Business Entities Act to provide for a central online beneficial ownership registry.

Access to information

While the right to access information held by public authorities is enshrined in Section 62 of the Constitution, there is no enabling legislation giving effect to this right. Moreover, journalists who report on corruption cases have faced intimidation and arrests, while repressive provisions in the proposed Cyber Security and Data Protection bill risk to further stifle media freedom and citizen engagement.

R: Enact and implement a law on access to information in line with international best practices, including the establishment of an independent body such as an Information Commissioner to oversee the implementation of the said law.

Participation of society

Several civil society organisations (CSOs), including anti-corruption CSOs are active in Zimbabwe and a few selected organisations contributed to the development of the National Anti-Corruption Strategy. However, the freedom of civil society and the media to play their role in society has been consistently and systematically curtailed. Civil society members across the country have reported an increase in surveillance, abductions, arbitrary arrests and detention, and interruption of their meetings. Moreover, state-controlled media have repeatedly made baseless accusations that civil society leaders plan to topple the government.

R: Improve interaction with CSOs, the independent media and the private sector in the UNCAC review processes and the fight against corruption in general by putting an end to arbitrary arrests, surveillance, etc. and ensuring that more CSOs, media and private sector players are consulted.

Asset recovery

Zimbabwe has adopted several laws for the confiscation, restitution and disposal of assets and to combat money laundering. The ZACC and the Financial Intelligence Unit (FIU) are further cooperating with international organisations to track and recover assets illegally siphoned out of the country. ZACC has scored some moderate success when it won a civil-based asset forfeiture order, which led to some assets being returned to the country. However, the lack of independence and adequate financial and human resources significantly undermine the efforts of the ZACC and the FIU.

R: Capacitate the Financial Intelligence Unit (FIU) and the Zimbabwe Anti-Corruption Commission (ZACC) to enable the quick recovery of stolen assets by providing them with sufficient financial resources and institutional independence. Draw on Mutual Legal Assistance frameworks with other nations to assist in identifying and recovering proceeds of corruption and money laundering within the country and abroad.