

Policy Brief

Corruption as a violation of Human and People's Rights: Implications for Youth in Zimbabwe

By *Darlington F. Muyambwa*ⁱ

I. Executive Summary

This policy brief seeks to provide information to government, solution holders and civil society actors primarily those that focus on youth on how corruption has affected the economy and how it has become a threat to human and people's rights. Research towards the development of this policy brief delineated the extent of corruption, its impact on the social, economic and political reality of the country. The brief eventually puts forward some recommendations that can be considered in addressing the challenges of corruption. It specifically outlines corruption and how it causes social harm, the relationship between corruption and economic rights, corruption and shrinking space of CSOs and the persecution of activists, public confidence in the Anti-corruption Commission and eventually how Corruption undermines institutions and distorts policy priorities. The brief concludes by stating the importance of addressing corruption for the current government as well as providing sound recommendations on the approaches and methods it can adopt in doing so.

II. Introduction

Zimbabwe is in a precarious economic situation partly as a result of resource leakages from its fiscus¹. According to the 2017 Corruption Perception Index² (CPSI), Zimbabwe is ranked³ 157 out of 180 countries with a score⁴ of 22 out 100 on the index. World over, corruption seem to be continuing with fewer and fewer organisations taking efforts to address it. According to 2017 CPI, the majority of countries are making little to no progress in ending corruption, with further analysis showing that journalists and activists in corrupt countries risking their lives every day in an effort to speak out. Corruption seems endemic in Sub-Saharan Africa with the region performing the worst with an average score of 32. In the context of this policy brief, corruption is defined primarily as the abuse of public office for

¹ According to the 2018 Index of Economic Freedom, Zimbabwe's economy is characterized by instability and volatility, both of which are hallmarks of excessive government interference and mismanagement. Massive corruption and disastrous economic policies have plunged the country into poverty. <https://www.heritage.org/index/country/zimbabwe> [Accessed 4 December 2018]

² The Corruption Perception Index is an index by the Transparency International which ranks 180 countries and territories by their perceived levels of public sector corruption according to experts and businesspeople and uses a scale of zero to 100. https://www.transparency.org/news/pressrelease/corruption_perceptions_index_2017_shows_high_corruption_burden_in_more_than [Accessed 4 December 2018]

³ A country's rank indicates its position relative to other countries in the index <https://www.transparency.org/country/ZWE#>

⁴ A country's score indicates the perceived level of corruption on a scale of 0 (highly corrupt) to 100 (very clean). <https://www.transparency.org/country/ZWE#>

private gain⁵. However, given how corruption has affected entire systems of government in Zimbabwe, corruption in this policy brief extends to grand corruption which is also referred to as political corruption. This form of corruption involves those, who through their abuse of positions of power or influence use State institutions or policies to purloin, embezzle or enrich themselves or their allies, or sustain political power, at the expense of the State's wealth and its citizens' welfare⁶. It is this kind of corruption that intersects with human and people's rights as it undermines the state's obligation to respect, protect, and fulfil rights. Zimbabwe has a huge youth population those aged between 15 and 34 years are said to constitute 35% whilst those under 35 years total 70%⁷ of the total national population. With such a huge youth cohort, unemployment is one of the critical challenges that the country has to battle with. Data from the last census conducted in 2012 revealed that youth aged 15-34 years constituted 84% of the unemployed population while those aged 15-24 years constituted 55%. The high demand for job creation and youth empowerment is compromised by the high levels of corruption which make the cost of doing business high, compromise competitiveness in the job market and disincentivises hard work and ethical behaviour amongst the youth.

Contrary to sentiments that corruption is inherent in Zimbabwe, the country has not always been as corrupt as it is today and there is potential for the country to aspire for or even surpass its record low of 43 in 1998. However, for that to happen, there is need for political will at the highest level. Since assuming power, the president of Zimbabwe, Emmerson Mnangagwa made early indications on the need to address corruption amongst other vices that are affecting the performance of the Zimbabwean economy. He has been vocal about his commitment to eradicating corruption by entrenching the "values of honesty, transparency, accountability, and hard work in governance."⁸ In his 2019 budget, the Minister of Finance Professor Mthuli Ncube shared that fighting corruption was one of the issues that was raised by the public during consultative processes⁹.

Essentially, corruption is understood in the context of the economy, however its impacts should be understood in a much broader sense. Based on extensive review on corruption¹⁰, this policy brief proposes that the government of Zimbabwe stands at a better chance of addressing corruption and its impacts if it appreciates it as a violation of human and people's rights. Corruption negatively impacts the enjoyment of all human rights-civil, political, economic, social and cultural as well as the right to development which underscores the indivisible and interdependent nature of human rights. The Zimbabwean constitution aspires for equality and corruption makes this aspiration difficult to achieve because it makes the environment unbalanced and skewed in favour of those with financial resources. Youth are often excluded and pushed on the margins of development and opportunities because they do not have the financial resources that can ensure their inclusion in a corrupt environment where there is the culture of 'something-for-something' The constitution under national

⁵ This definition is widely used by Civil Society Organisation Transparency International

⁶ Barkhouse and Limon, (2018) Policy Brief: Corruption: A Human Rights Assessment

⁷ ZIMSTATS (2012)

⁸ Live Blog: State of the Nation Address, *The Herald*, 20 December 2017, <http://www.herald.co.zw/live-blogstate-of-the-nation-address-2/>

⁹ The 2019 Budget Speech by Hon. Prof. Mthuli Ncube Minister of Finance & Economic Development "Austerity for Prosperity" [22 November 2018]

¹⁰ Review of various literature was done as part of developing this policy brief as outline in the approach and results section

objectives recognises that measures must be taken to expose, combat and eradicate all forms of corruption and abuse of power by those holding political and public offices¹¹.

Mnangagwa's administration is presented with an opportunity to address corruption as a human rights issue by shining the light on corruption so that it does not continue being treated as an "invisible crime". The benefits of addressing corruption that the government can accrue are immense, they include increased credibility for the government especially amongst the youth, renewed social contract and trust in government, economic recovery, fulfilment of aspirations for Foreign Direct Investments (FDI) and an improved environment for business. Addressing the youth challenges is of importance to this government because continued exclusion of youth from economic opportunities could result in youth seeking alternative ways to express their dissatisfaction. When frustration reaches high levels, especially in transitional and fragile states, youth may turn to civil disobedience and violence. Therefore, the inclusion of youth in economic processes is crucial to longer-term stability and peace¹².

III. Approach and Results

This policy brief is based on a desktop review of various literature on corruption such as the Corruption Perception Index, reviews of policies to deal with corruption of various countries as well as at the regional level. The Policy brief also relied on information on how corruption has become one of the biggest challenges that confronts Zimbabwe and whose impacts have regressed economic performance of the country as well as prospects for recovery. A review of key government documents such as economic blue prints, auditor general reports and national budgets was done to analyse the approach and response to corruption. The intention of this policy brief is to outline the impact of current levels of corruption, provide alternatives and recommendations that the government can introduce to address this challenge.

Corruption and social harm

Social harm is a concept recognised in human rights law, for it encompasses the social, economic, psychological and environmental injury or damage inflicted on society by the acts of individuals, organisations or governments (national or international).¹³ The majority of Zimbabwe feel that corruption has caused significant social harm in their lives especially thinning their chances to economic opportunities. Youth are the biggest agitators around the need to end corruption because it has extinguished their hope of decent work and ability to start their own families. As was revealed in the MINDS (2017) study, the critical economic and social transitions for youth are during the ages 18 to 25 years which constitutes tertiary education, marriage entrance, job seeking and parenting for some. Youth in Zimbabwe are entering into this transitional phase in an environment that is so corrupt that their hopes are shattered, and corruption is a significant actor in shaping this negative environment for most young people.

¹¹ Zimbabwe Constitution (2013 Chpt 2:9b)

¹² Institute for Democracy and Electoral Assistance (IDEA) (2015); Policy Brief: Youth participation in electoral processes: new roles for African electoral management bodies

¹³ Barkhouse and Limon, (2018) Policy Brief: Corruption: A Human Rights Assessment

Corruption and economic rights

In Zimbabwe, corruption is considered to be the biggest threat to the economic recovery. In a report by Transparency International in 2016, Zimbabwe was losing at least \$1 billion annually to corruption, with police and local government officials among the worst offenders¹⁴. This kind of corruption mean that resources are diverted from the state towards individuals. This therefore undermines a state's human rights obligations to maximize available resources for the progressive realisation of rights recognized in the bill of rights under the Constitution¹⁵ as well as in article 2 of the international covenant on economic, social and cultural rights. Youth's economic rights are threatened by corruption and has YETT in its Youth Analysis report of 2018 has learnt, economic rights play a significant role in other social and political rights of youth. The study argued that being economically disempowered is an impediment to participation as youth felt that being employed and having an income provides one with financial muscle and social capital required for one to be heard/respected within their communities. Conversely, being unemployed or not being economically engaged took away the agency of young people. Addressing causes of unemployment provides opportunities for catalysing participation among youth especially as there was strong consensus that the unemployment problem is a result of mismanagement of the economy and governance deficiencies that have fuelled corruption.

Corruption and shrinking space of CSOs and persecution of activists

Corruption has also resulted in the suppression of the constitutional right to media and the freedom of expression. Corruption works in a web of bribes and cover ups. However, at times activists and journalists expose these acts of corruption. In such instances, the activists or journalists are considered as a threat. Analysis of the 2017 Corruption Perception Index further examined the relationship between corruption levels, the protection of journalistic freedoms and engagement of civil society. It found that almost all journalists killed since 2012 were killed in corrupt countries¹⁶. Further, the analysis looked at the relationship between corruption levels and the freedom with which civic organisations are able to operate and influence public policy. The analysis, which incorporates data from the World Justice Project¹⁷, shows that most countries that score low for civil liberties also tend to score high for corruption. This evidence show that corruption is responsible for undermining the freedom of expression as well as the ability of the media to execute their role of providing information to the public and civil society's role for demanding transparency and accountability.

Public confidence in the Anti-corruption Commission

Confidence in the Anti-Corruption commission is critical because of its mandate. The AntiCorruption Commission of Zimbabwe is a corporate body established by an Act of

¹⁴ Reuters; Zimbabwe losing US\$1 billion a year to corruption; <https://www.reuters.com/article/us-zimbabwecorruption/zimbabwe-losing-1-billion-a-year-to-corruption-report-idUSKCNI241R9> [Accessed 8 December, 2018]

¹⁵ Zimbabwe Constitution Chpt 4

¹⁶

http://data.worldjusticeproject.orghttps://www.transparency.org/news/pressrelease/corruption_perceptions_index_2017_shows_high_corruption_burden_in_more_than

¹⁷ <http://data.worldjusticeproject.org>

Parliament, the Anti-Corruption Commission Act [Chapter 9:22] and became operational in 2006. The mandate of the Commission is to combat corruption, economic crimes, abuse of power and improprieties in Zimbabwe through public education, prevention and prosecution after thorough investigation. However, the public has no confidence of the commission's ability to execute its mandate, with some calling it a "toothless bulldog"¹⁸ The adverse opinion¹⁹ on the Anti-Corruption Commission in the 2016 Auditor General (AG)'s report¹⁹ was based on the commission not maintaining proper accounting records and as a result ledger balances were not agreeing to the trial balance and these financial statements are also a dent on its delicate reputation. The other problem that the commission is faced with is that of reach to other areas given that it is centralised. The 2016 AG report noted that without regional offices where people can make reports or complaints, the Commission may fail to effectively deliver on its mandate.

2019 Budget's commitment for fighting corruption

Besides an allocation of US 38,5 million to all commissions (including the anti-corruption commission), the 2019 budget statement missed an opportunity to make a strong statement on corruption by restating the government's commitment towards "An aggressive fight against all forms of Corruption"²⁰. However, it was positive that the Minister proposed that the government would want to be a member of the Extractive Industries Transparency Initiative (EITI)²² as soon as possible. Given that the natural resources sector especially mining and diamond mining in particular has been documented as a sector where the country lost a significant proportion of resources through leakages most that where facilitated by corruption, this could be a significant step.

Corruption undermines institutions and distorts policy priorities

Public trust is essential in enabling governments to deliver political goods to the public and one way to build this trust is addressing corruption. Corruption damages the legitimacy and results in loss of public support and trust for state and government institutions²³. Key functions of the state such as judiciary law enforcement and the provision of social services are compromised by corruption. Corruption in the rule of law system weakens the very accountability structures which are responsible for protecting human rights and contributes to a culture of impunity.²¹

IV. Conclusion

¹⁸ Nyoni (2014), Zimbabwe Anti-Corruption Commission 'toothless bulldog'; Newsday 4 March 2014; <https://www.newsday.co.zw/2014/03/zimbabwe-anti-corruption-commission-toothless-bulldog/> ¹⁹ Entities with adverse and disclaimer of opinions point at weak financial governance.

¹⁹ report of the Auditor-General for the financial year ended December 31, 2016 on state enterprises and parastatals Presented to Parliament of Zimbabwe: 2017

²⁰ Government of Zimbabwe (2018) Transitional Stabilisation Programme Reforms Agenda (2018-2020) ²² The Extractive Industries Transparency Initiative is a global standard for the good governance of oil, gas and mineral resources. It seeks to address the key governance issues in the extractive sectors; <https://eiti.org> ²³ Dix s (2012), Risks of corruption to state legitimacy and stability in fragile situations; UK Department for International Development (DFID) under its Research for Development initiative

²¹ See also Re-Submission of Best Practice That Link Anti-Corruption Measures With The Realization And Protection Of Human Rights Prince Emeka Mgbemere

In concluding, it is critical to restate that Zimbabwe continues to have a negative economic outlook with youth being adversely affected by the economic conditions. To change this economic outlook, there is need to address corruption which is causing the economy to lose a lot of resources on one hand and trust from citizens and potential investors on the other. The levels of corruption have also weakened the ability of the state in delivering to the citizens and adds another layer to the cost of doing business in the country which repels any potential investors.

Anything that compromises the state's primary responsibility to promote, protect and fulfil the human rights of citizens and other individuals within its jurisdiction should be rooted off for both the benefit of the state and of the citizens. Currently, however, corruption has reached levels that makes those in public positions fail to take decisions with interests of society in mind. The current levels of corruption in Zimbabwe disempowers the state from executing on its constitutional obligations including those that are assured under the UN human rights treaties. Such a scenario has made corruption one of the drivers of human and people's rights violations in the country.

Where corruption has become systemic like in Zimbabwe, it directly affects the poorest sections of the population, as a result of the diversion and siphoning off of public expenditure budgets. In other words, corruption works in direct tension to, and contradiction with, the call made throughout the new dispensation mantra that "the voice of the people is the voice of God", because the voice that is listened to in a corrupt environment is often that of economic elites who normally capture the state.

While the government is currently engaging the international community for budgetary support and fresh lines of credit, the Zimbabwean government is less likely to receive adequate support because of the controversy over election results and post-election violence²² as well as its inability to decisively work on corruption. Without the much-needed external help, both in the form of investments and aid, the government is likely to struggle to address its service delivery obligations for the next few years, particularly in the critical areas of employment creation, supply of clean water, reliable refuse collection, and repairing of burst sewer and water pipes, which all pose a potential degeneration in addressing recent challenges such as the cholera outbreak.

At the very least, corruption compromises a government's ability to deliver an array of public services, including health, education and welfare which are all essential for the realisation of economic, social and cultural rights as enshrined in the constitution. In cases like Zimbabwe today, corruption compromises the rights to dignity, security of person, and even the right to life as has been illustrated in this brief. As such, government should now look at corruption as a human rights violation and a human security risk and urgently come up with plans on addressing it.

V. Implications and Recommendations

²² CEADZ Brief No. 4/2018 ; Zimbabwe after the July 2018 storm: Opportunities and challenges for democratization, economic recovery, and civic engagement

If government fails to address corruption, its plans in both the Transitional Stabilisation Plan (TSP) and the 2019 National Budget are likely to be unachieved. Within a background where young people's assessment of the current government's sincerity to reform seem to be mostly inclined to how it will deal with corruption, failure to prioritise corruption will mean continued mistrust and persistent legitimacy crises for the government. As was once concluded, "when legislation and regulation are considered arbitrary in a society, public support ceases to exist: people are no longer willing to live by the rules."²³ As a result, corruption causes the legitimacy of a regime to decrease and will push young people to ignore formal rules and laws.

The government's economic proposals rely heavily on foreign direct investment and the creation of a competitive and friendly business environment. Such an investment driven model has a high appetite for environments that have clearly defined laws that are enforced, social licence to operate which comes from stable state-citizen relations and regimes of low operational costs. With the current levels of corruption, the government is unable to offer such an environment to investors and as such Zimbabwe will continue to be an unfavourable investment destination.

To address the raised issues in this brief of restoring trust and show commitment, the government needs to urgently work on concluding some of the already known high profile corruption cases to regain the public confidence, show political commitment as well as reduce chances of other potential corruption cases.

The government can also impose stiffer and high penalty on corruption as a mechanism of promoting restraint amongst public officials. Through the anti-corruption commission, it should also strengthen whistle blower and witness protection to give corruption witnesses confidence to testify against corrupt person.

Given the extent that corruption has permeated public office, there might be a need to provide incentives to reduce neglect and corruption amongst public office bearers. Through introducing a new code of conduct and ethics, the government can influence changes in institutions attitudes and behaviours in government structures. The government should also propose ways in which service users can also promote good governance which will address some of the corruption in the public sector. Such a culture will trickle down to reducing more mundane forms of corruption that are justified because people feel corruption is already pervasive in government structures.

There is also an opportunity for strengthening and improving the public confidence in the pending alignment of the Anti-Corruption commission to the constitution²⁴. In the short term however, the anticorruption commission's efforts should result in corrupt public officials being removed from office and improved utilization of public resources for local development.

²³ Elders 1987: 16, cited in Bakker H E (2000) "Corruption and Legitimacy: An Institutional Perspective." In Corruption and Legitimacy, edited by H. E. Bakker and N. G. S. Nordholt. Amsterdam: Netherlands Universities Institute for Coordination of Research in Social Sciences

²⁴ The Anti-Corruption Act (Chapter 9:22) needs to be aligned with the Constitution in the following respects: The appointment of the chairperson; Members must hold office for five years; the disqualifications of members; the grounds of dismissal; and Commission's objects and functions. ²⁸ Peters (2015), Corruption and Human Rights; Basel Institute on Governance

Civil society especially that which is focused on youth should play a critical role in lobbying government to introduce human rights mainstreaming in anti-corruption efforts which would mean that the realization of human rights would be one of the anti-corruption goals from the outset. In legal practice, this would imply an interpretation of all criminal offences relating to corruption in a way that considers human rights²⁸. The opportunity for alignment of the Act to the constitution should provide an opportunity for the government to broaden definition of corruption as a practice that violets human rights and also as something whose monitoring requires the participation of other stakeholders such as Civil Society Organisations (CSOs). CSOs should be allowed to participate in the Universal Periodic Review as well as in treaty-specific monitoring on human rights which should also include the contribution of corruption to the human rights violations.²⁵

Supported By:



IDRC | CRDI

International Development Research Centre
Centre de recherches pour le développement international

Canada 

²⁵ Ibid