Overall Score:

64 - Weak

Legal Framework Score:

77 - Moderate

Actual Implementation Score:

51 - Very Weak

Category I. Civil Society, Public Information and Media

I-1. Civil Society Organizations

1. Are anti-corruption/good governance CSOs legally protected?

67

1a. In law, citizens have a right to form civil society organizations (CSOs) focused on anti-corruption or good governance.

YES | NO

Comments:
The Voluntary Organisations Act originally sought to accord government power to control CSOs, but the courts ruled such action unconstitutional after the first such attempt. The government is currently drawing up a new bill called the NGO Bill to try and control civic bodies.

References:
Constitution of Zimbabwe (variously amended)
Voluntary Organisations Act

YES: A YES score is earned when freedom to assemble into groups promoting good governance or anti-corruption is protected by law, regardless of political ideology, religion or objectives. Groups with a history of violence or terrorism (within last ten years) may be banned. Groups sympathetic to or related to banned groups must be allowed if they have no history of violence.

NO: A NO score is earned when any single non-violent group is legally prohibited from organizing to promote good governance or anti-corruption. These groups may include non-violent separatist groups, political parties or religious groups.
1b. In law, anti-corruption/good governance CSOs are free to accept funding from any foreign or domestic sources.

YES | NO

Comments:
The proposed NGO Bill will, inter alia, seek to prohibit CSOs, including those in the anti-corruption area, from receiving funding from foreign sources.

References:
Private Voluntary Organisations Act

YES: A YES score is earned if anti-corruption/good governance CSOs face no legal or regulatory restrictions to raise or accept funds from any foreign or domestic sources. A YES score may still be earned if funds from groups with a history of violence or terrorism (within last ten years) are banned.

NO: A NO score is earned if there any formal legal or regulatory bans on foreign or domestic funding sources for CSOs focused on anti-corruption or good governance.

1c. In law, anti-corruption/good governance CSOs are required to disclose their sources of funding.

YES | NO

Comments:
The law does not make such provision, but the proposed NGO Bill will include this requirement.

References:
Private Voluntary Organisations Act

YES: A YES score is earned if anti-corruption/good governance CSOs are required to publicly disclose their sources of funding.

NO: A NO score is earned if no such public disclosure requirement exists.

2. Are good governance/anti-corruption CSOs able to operate freely?

2a. In practice, the government does not create barriers to the organization of new anti-corruption/good governance CSOs.
Comments:
Though they are allowed to form, new anticorruption and good governance bodies have to go through a rigorous and sometimes lengthy registration process.

References:
Private Voluntary Organisations Act  
Constitution of Zimbabwe

100: CSOs focused on promoting good governance or anti-corruption can freely organize with little to no interaction with the government, other than voluntary registration.

75:

50: CSOs focused on promoting good governance or anti-corruption must go through formal steps to form, requiring interaction with the state such as licenses or registration. Formation is possible, though there is some burden on the CSO. Some unofficial barriers, such as harassment of minority groups, may occur.

25:

0: Other than pro-government groups, CSOs focused on promoting good governance or anti-corruption are effectively prohibited, either by official requirements or by unofficial means, such as intimidation or fear.

Comments:
The majority of these bodies engage in advocacy work in order to influence policy. They are, however, largely ignored by the majority of policy-makers, except in matters not considered to be politically sensitive.

References:
PVO Act  
Constitution of Zimbabwe

100: Civil society organizations focused on anti-corruption or good governance are an essential component of the political process. CSOs provide widely valued insights and have political power. Those CSOs play a leading role in shaping public opinion on political matters.

75:

50: Anti-corruption/good governance CSOs are active, but may not be relevant to political decisions or the policymaking process. Those CSOs are willing to articulate opinions on political matters, but have little access to decision makers. They have some influence over public opinion, but considerably less than political figures.

25:
0: Anti-corruption/good governance CSOs are effectively prohibited from engaging in the political process. Those CSOs are unwilling to take positions on political issues. They are not relevant to changes in public opinion.

2c. In practice, no anti-corruption/good governance CSOs have been shut down by the government for their work on corruption-related issues during the study period.

<table>
<thead>
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<th>YES</th>
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Comments:
No CSOs were shut down for their work on corruption related issues.

References:
PVO Act
Constitution of Zimbabwe

YES: A YES score is earned if there were no CSOs shut down by the government or forced to cease operations because of their work on corruption-related issues during the study period.

NO: A NO score is earned if any CSO has been effectively shut down by the government or forced to cease operations because of its work on corruption-related issues during the study period. The causal relationship between the cessation of operations and the CSO's work may not be explicit, however the burden of proof here is low. If it seems likely that the CSO was forced to cease operations due to its work, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

3. Are civil society activists safe when working on corruption issues?

100

3a. In practice, in the past year, no civil society activists working on corruption issues have been imprisoned.

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<th>YES</th>
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Comments:
Although no activists working on corruption issues were arrested, the police were issued with an internal minute to the effect that they should not investigate senior political figures without receiving clearance from the President’s office.

References:
Transparency International Zimbabwe (TIZ) and the Southern African Human Rights Trust (SAHRT) reports 2005.
Government of Zimbabwe (Internal Minute)
Zimonline web site

YES: A YES score is earned if there were no CSO activists imprisoned related to work covering corruption.
NO: A NO score is earned if any activist was jailed in relation to work covering corruption. The causal relationship between the official charges and the person’s work may not be explicit, however the burden of proof here is low. If it seems likely that the person was penalized for work on corruption, then the indicator is scored as a NO.

3b. In practice, in the past year, no civil society activists working on corruption issues have been physically harmed.

YES | NO

Comments:
There are no documented cases of such assaults or attacks.

References:
Both TIZ and SAHRIT reports 2005

YES: A YES score is earned if there were no documented cases of CSO activists covering corruption being assaulted in the specific study period. A YES score can be earned if there was an attack but it was clearly unrelated to the activist’s work.

NO: A NO score is earned if there were any documented cases during the study period of assault to an activist who covers corruption. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

3c. In practice, in the past year, no civil society activists working on corruption issues have been killed.

YES | NO

References:
TIZ and SAHRIT reports 2005

YES: A YES score is earned if there were no documented cases of CSO activists being killed related to a corruption case in the specific study period.

NO: A NO score is earned if there were any documented cases during the study period where a person was killed related to a corruption trial, scandal or investigation. The relationship between a mysterious death and an individual’s history may not be clear, however the burden of proof here is low. If it is reasonable that a person was killed in relation to his or her work on corruption issues, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

4. Can citizens organize into trade unions?

75

4a. In law, citizens have a right to organize into trade unions.
Comments:
To counter the political activist work of the Zimbabwe Congress of Trade Unions (ZCTU) the government has clandestinely encouraged or sponsored the formation of a rival group, the Zimbabwe Confederation of Trade Unions (ZFTU).

References:
Labour Relations Act (variously amended)
Constitution of Zimbabwe

YES: A YES score is earned when trade unions are allowed by law, regardless of political ideology, religion or objectives. Groups with a history of violence or terrorism (within last ten years) may be banned. Groups sympathetic to or related to banned groups must be allowed if they have no history of violence.

NO: A NO score is earned when any single non-violent trade union is legally prohibited by the government from organizing.

4b. In practice, citizens are able to organize into trade unions.

100 | 75 | 50 | 25 | 0

Comments:
The ZCTU is often accused by government of being a political ally of the opposition Movement for Democratic Change (MDC). Most workers tend to support the MDC rather than the ruling ZanuPF party.

References:
Labour Relations Act
Constitution of Zimbabwe

100: Trade unions are common and are an important part to the political process and political discourse. Trade union organizers have widely understood rights. Trade unions are free from intimidation or violence.

75:

50: Trade unions exist, but are not always relevant to politics or policy debates. Barriers to organizing trade unions exist, such as intimidation at work, or retribution firings. Trade union organizers have some rights, but these may not be commonly known, or are difficult to defend.

25:

0: Trade unions are rare. Significant barriers to organization exist, including direct violence. Rights of union organizers are not widely known, or are ineffective in protecting organizers.
5. Are media and free speech protected?

5a. In law, freedom of the media is guaranteed.

YES | NO

Comments:
There is only limited freedom of the media since the law under AIPPA severely restricts that freedom. The Broadcasting Services Act virtually prohibits the existence of non-state electronic media by requiring that entities that need to establish such media pay prohibitive amounts of money to the state.

References:
Access to Information and Protection of Privacy Act (AIPPA).
Broadcasting Services Act
Constitution of Zimbabwe

YES: A YES score is earned if freedom of the press is guaranteed in law, including all political parties, religions, and ideologies.

NO: A NO score is earned if any specific publication relating to government is legally banned, or any general topic is prohibited from publication. Specific restrictions on media regarding privacy or slander are allowed, but not if these amount to legal censorship of a general topic, such as corruption or defense. A NO score is earned if non-government media is prohibited or restricted.

5b. In law, freedom of speech is guaranteed.

YES | NO

Comments:
It is prohibited to insult the President and numerous citizens have been arrested and prosecuted for this offence. The POSA restricts citizens from uttering statements that may cause “despondency” and “riots” or civic disorder.

References:
Criminal Procedures Codification Act (CPCA)
Public Order and Security Act (POSA)

YES: A YES score is earned if freedom of individual speech is guaranteed in law, including all political parties, religions, and ideologies.
A NO score is earned if any individual speech is legally prohibited, regardless of topic. Specific exceptions for speech linked with a criminal act, such as a prohibition on death threats, are allowed. However, any non-specific prohibition earns a NO score.

6. Are citizens able to form media entities?

44

6a. In practice, the government does not create barriers to form a media entity.

100 | 75 | 50 | 25 | 0

Comments:
There are severe constraints such as prohibitive fees charged by the state for registering and operating a media entity. There are also complex bureaucratic procedures to be followed, including the submission of applications to the notorious Media and Information Commission (MIC), which also accredits journalists and licenses media entities.

References:
AIPPA
Broadcasting Services Act

100: Media entities can freely organize with little to no interaction with the government. Media groups have equal access to broadcast bandwidth through a reasonably fair distribution system.

75:

50: Formation of media groups is possible, though there is some burden on the media group including overly complicated registration or licensing requirements. Some unofficial barriers, such as harassment of minority groups, may occur. Division of broadcast bandwidth is widely viewed to be somewhat unfair.

25:

0: Media groups are effectively prohibited, either by official requirements or by unofficial means, such as intimidation or fear. Division of broadcast bandwidth is widely viewed to be used as a political tool.

6b. In law, where a media license is necessary, there is an appeal mechanism if a license is denied or revoked.

YES | NO

Comments:
An appeal can be made to the High Court and ultimately to the Supreme Court. This is, however, no guarantee of a variation of the decisions of the MIC or a lower court.

References:
AIPPA
**Broadcasting Services Act (BSA)**

**YES:** A YES score is earned if there is, in law or in accompanying regulations, a formal process to appeal a denied media license. A YES score is also earned if no license is necessary.

**NO:** A NO score is earned if there is no appeal process for media licenses.

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6c. In practice, where necessary, citizens can obtain a media license within a reasonable time period.

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**Comments:**
It is rare for a license to be granted in less than six months. At least to date, it has not happened except for state-owned media outlets.

**References:**
AIPPA
BSA

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**100:** Licenses are not required or licenses can be obtained within two months.

**75:**

**50:** Licensing is required and takes more than two months. Some groups may be delayed up to six months.

**25:**

**0:** Licensing takes close to or more than one year for most groups.

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6d. In practice, where necessary, citizens can obtain a media license at a reasonable cost.

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<th>Score</th>
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<th>50</th>
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**Comments:**
The fees are so prohibitively high that numerous media entities have failed to raise adequate funds to enable them to get licenses.

**References:**
AIPPA
BSA
MIC documents
Licenses are not required or can be obtained at minimal cost to the organization. Licenses can be obtained on-line or through the mail.

Licenses are required, and impose a financial burden on the organization. Licenses may require a visit to a specific office, such as a regional or national capital.

Licenses are required, and impose a major financial burden on the organization. Licensing costs are prohibitive to the organization.

7. Are the media able to report on corruption?

25

7a. In law, it is legal to report accurate news even if it damages the reputation of a public figure.

YES | NO

Comments:
Numerous journalists and media entities have been arrested, prosecuted and even tortured for reporting accurately on corruption cases involving senior politicians (and their wives). Indeed, the Daily News and the Daily News on Sunday were ultimately refused registration by the MIC for this reason.

References:
AIPPA
BSA
MIC documents and directives

YES: A YES score is earned if it is legal to report accurate information on public figures regardless of damage to their reputations. Public figures are defined broadly, including anyone in a position of responsibility in the government or civil service; any political leader; leaders of civil society groups including religious groups, trade unions, or NGOs; leaders or officers of large businesses. A YES score can still be earned if a reckless disregard for the truth (i.e. slander) is prohibited.

NO: A NO score is earned if privacy laws protect any public figures (as defined in the YES coding) from accurate information.

7b. In practice, the government or media owners/distribution groups do not encourage self-censorship of corruption-related stories.

100 | 75 | 50 | 25 | 0

Comments:
There is a lot of self-censorship by the media entities themselves and by government in reporting on corruption cases. Fear of law
suits, beatings, torture and the banning of newspapers forces media entities to engage in self-censorship. AIPPA actually contains numerous provisions that curtail the reporting of corruption cases accurately.

References:
AIPPA
BSA
MIC documents

100: The government, its proxies, or media ownership/distribution groups make no attempt to restrict media coverage of corruption-related issues through unofficial means.

75:

50: The government, its proxies, or media ownership/distribution groups make some attempts to restrict media coverage of corruption-related issues through unofficial means, such as restricting access by disfavored media outlets, or other short-term consequences. Violent reprisals against media outlets are rare.

25:

0: The government, its proxies, or media ownership/distribution groups actively use illegal methods to restrict reporting of corruption-related issues. This may include harassment, arrests, and threats. Journalists and publishers take a personal risk to report on corruption, and media outlets who commonly report on corruption face long-term consequences or violent reprisals.

7c. In practice, there is no prior government restraint on publishing corruption-related stories.

100 | 75 | 50 | 25 | 0

Comments:
Government always suppresses corruption stories that may have the potential to damage senior political figures. Stories on corruption that are published in state-owned media often have to be cleared with the President's office first.

References:
BSA
AIPPA
MIC directives

100: The government never prevents publication of controversial corruption-related materials.

75:

50: The government prevents publication of controversial corruption-related material in cases where there is a strong political incentive to suppress the information. In countries where illiteracy is higher, the government may allow a free print press but censor broadcast media.

25:

0: The government regularly censors material prior to publication, especially politically sensitive or damaging corruption-related material.
8. Are the media credible sources of information?

38

8a. In law, media companies are required to disclose their ownership.

YES | NO

References:
BSA
AIPPA
MIC documents

YES: A YES score is earned if media companies are required by law to disclose all owners of the company.

NO: A NO score is earned if there is no such requirement or if the requirement is optional, only partially applicable, or exempts certain type of entities or agents from being disclosed.

8b. In practice, journalists and editors adhere to strict, professional practices in their reporting.

100 | 75 | 50 | 25 | 0

Comments:
The majority of state-employed journalists are so poorly paid that they often make money on the side by favourably covering specific political or business figures. There is currently no agreed media code of ethics operational in Zimbabwe.

References:
Zimbabwe Union of Journalists (ZUJ) papers
TIZ media workshop reports 2002

100: Editors and journalists at the major media outlets abide by a strict journalistic code of conduct and are unwilling to alter their coverage of a particular issue, event or person in exchange for money, gifts, or other favors or remuneration.

75:  

50: Editors and journalists at the major media outlets generally avoid altering coverage in exchange for favors but some exceptions have been noted. Not all newsrooms abide by a formal journalistic code of conduct.

25:

0: Editors and journalists are widely known to sell favorable or unfavorable coverage in exchange for money, gifts, or other remuneration. The major media outlets do not abide by any formal journalistic code of conduct.
8c. In practice, during the most recent election, political parties or independent candidates received fair media coverage.

Comments:
State-owned media, both electronic and print, always shun any meaningful coverage of opposition political parties while extensively covering political and campaign rallies of the ruling ZanuPF political party. There have been numerous court orders to state-owned media entities to cover all parties equitably, but they have largely been ignored.

References:
BSA
AIPPA

100: All political parties and independent candidates have some access to media outlets. Individual media outlets may have biases, but on balance, the national media coverage reflects the interests of the electorate. Media groups generally act as disinterested parties in an election. In places where a government is popular with the public, opposition viewpoints can access the public via media outlets.

75:

50: Major popular media outlets have a persistent bias regarding some parties or independent candidates. Some major parties may be partially excluded from media coverage, or draw more negative coverage. Media sectors may have distinct biases, such as newspapers favoring one party, while radio favors another.

25:

0: The mass media, on balance, have clear preferences in election outcomes and coverage is driven to achieve these goals. Some major parties or independent candidates are excluded or consistently negatively portrayed by mass media. Dissenting political opinions are only found on fringe or elite media outlets, such as Web sites.

8d. In practice, political parties and candidates have equitable access to state-owned media outlets.

Comments:
The state-owned media is heavily biased in favour of the ruling ZanuPF party in its election reports. They also report very negatively on all the activities of opposition political parties. State-owned media have in the past often rejected advertisements submitted by opposition political parties.

References:
BSA
AIPPA
Media Monitoring Project of Zimbabwe (MMPZ)

100: The government ensures that equal access and fair treatment of election contestants is provided by all state-owned media outlets, including all electronic and print media. This obligation extends to news reports, editorial comment, and all other content.
75:

50: The government generally ensures equal access and fair treatment of all candidates and parties by state-owned media outlets but some exceptions exist. State-owned media may occasionally discriminate against particular parties or candidates and advertising rates may be confusing or non-transparent.

25:

0: The government uses state-owned media to routinely discriminate against opposition candidates and parties. Advertising space may be denied to opposition candidates and parties or higher rates may be charged.

9. Are journalists safe when investigating corruption?

33

9a. In practice, in the past year, no journalists investigating corruption have been imprisoned.

YES | NO

Comments:
Numerous journalists have been arrested for investigating and reporting on cases of serious corruption especially corruption by senior political figures.

References:
High Court records
The Independent
The Standard
The Mirror

YES: A YES score is earned if there were no journalists imprisoned related to work covering corruption during the study period.

NO: A NO score is earned if any journalist was jailed because of his/her work covering corruption during the study period. The causal relationship between the official charges and the journalist's work may not be explicit, however the burden of proof here is low. If it seems likely that the journalist was imprisoned due to his or her work, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

9b. In practice, in the past year, no journalists investigating corruption have been physically harmed.

YES | NO

Comments:
There have been cases of beatings, arrests and torture of journalists investigating and reporting on cases of corruption.
YES: A YES score is earned if there were no documented cases of journalists being assaulted during the specific study period for their work covering corruption issues.

NO: A NO score is earned if there were any documented cases of assault to a journalist covering corruption during the study period. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

9c. In practice, in the past year, no journalists investigating corruption have been killed.

YES | NO

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YES: A YES score is earned if there were no documented cases of journalists being killed because of their work covering corruption-related issues during the study period.

NO: A NO score is earned if there were any documented cases where a journalist was killed in relation to his or her work covering corruption-related issues in the study period. The relationship between a mysterious death and an individual's work may not be clear, however the burden of proof here is low. If it is a reasonable guess that a person was killed in relation to his or her work on corruption issues, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

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I-3. Public Access to Information

10. Do citizens have a legal right of access to information?

100

10a. In law, citizens have a right of access to government information and basic government records.

YES | NO

Comments:
Although in law citizens have the right to government information, there are numerous restrictions such as that some documents
are deemed classified and therefore not accessible to the public. Public servants are also prohibited from disclosing some information under the Official Secrets Act (OSA) and AIPPA.

References:
AIPPA
Official Secrets Act
Various statutory instruments

YES: A YES score is earned if there is a formal right to access any government documents. Exceptions can be made for national security reasons or individual privacy, but they should be limited in scope. All other government documents should be available upon a public request. There should be a formal process for requesting this information.

NO: A NO score is earned if there is no such right.

10b. In law, citizens have a right of appeal if access to a basic government record is denied.

YES | NO

Comments:
Appeals are provided for but in practice such appeals rarely ever succeed.

References:
AIPPA
Criminal Procedures Codification Act
High Court Act

YES: A YES score is earned if there is a formal process of appeal for rejected information requests.

NO: A NO score is earned if there is no such formal process.

10c. In law, there is an established institutional mechanism through which citizens can request government records.

YES | NO

Comments:
The Ministry of Information is the institution that has this responsibility. Ironically, this is also the institution that is notorious for denying citizens access to information.

References:
AIPPA
YES: A YES score is earned if there is a formal government mechanism/institution through which citizens can access government records available under freedom of information laws. This mechanism could be a government office (or offices within agencies or ministries) or an electronic request system.

NO: A NO score is earned if there is no such formal mechanism or institution.

11. Is the right of access to information effective?

50

11a. In practice, citizens receive responses to access to information requests within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:
In most cases documents take longer than two months to be released by government authorities.

References:
AIPPA

100: Records are available on-line, or records can be obtained within two weeks. Records are uniformly available; there are no delays for politically sensitive information. Legitimate exceptions are allowed for sensitive national security-related information.

75:

50: Records take around one to two months to obtain. Some additional delays may be experienced. Politically-sensitive information may be withheld without sufficient justification.

25:

0: Records take more than four months to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records. National security exemptions may be abused to avoid disclosure of government information.

11b. In practice, citizens can use the access to information mechanism at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:
Requests for information by mail or online rarely ever result in success. In most cases, numerous visits have to be made to specific government offices before any documents can be obtained.
100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

11c. In practice, citizens can resolve appeals to access to information requests within a reasonable time period.

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</table>

References:
AIPPA

100: The agency/entity acts on appeals quickly. While some backlog is expected and inevitable, appeals are acknowledged promptly and cases move steadily towards resolution.

75:

50: The agency/entity acts on appeals quickly but with some exceptions. Some appeals may not be acknowledged, and simple issues may take more than two months to resolve.

25:

0: The agency/entity does not resolve appeals in a timely fashion quickly. Appeals may be unacknowledged for many months and simple issues may take more than three months to resolve.

11d. In practice, citizens can resolve appeals to information requests at a reasonable cost.

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<th>75</th>
<th>50</th>
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Comments:
The costs are generally too high for the majority of the citizenry.
In most cases, the appeals mechanism is an affordable option to middle class citizens seeking to challenge an access to information determination.

In some cases, the appeals mechanism is not an affordable option to middle class citizens seeking to challenge an access to information determination.

The prohibitive cost of utilizing the access to information appeals mechanism prevents middle class citizens from challenging access to information determinations.

In practice, the government gives reasons for denying an information request.

The government always discloses to the requestor the specific, formal reasons for denying information requests.

The government usually discloses reasons for denying an information request to the requestor, with some exceptions. The reasons may be vague or difficult to obtain.

The government does not regularly give reasons for denying an information request to the requestor.

In many cases, the government gives frivolous reasons for refusal of request for information. An example is that sometimes government argues that there is no policy covering a given act; the act may have been committed on ad hoc basis.
12. Is there a legal framework guaranteeing the right to vote?

100

12a. In law, universal and equal adult suffrage is guaranteed to all citizens.

**YES | NO**

**Comments:**
There is universal adult suffrage. The only exception is that only public servants who are outside of their designated constituencies on polling day are allowed to make use of the postal vote. People who are not public servants are effectively disenfranchised if they are away from their constituencies on polling day.

**References:**
Electoral Act 1990 (variously amended)
Constitution of Zimbabwe

**YES:** A YES score is earned if the right to vote is guaranteed to all citizens of that country. A YES score can still be earned if voting procedures are, in practice, inconvenient or unfair.

**NO:** A NO score is earned if suffrage is denied by law to any group of adult citizens for any reason. Citizen is defined broadly, to include all ethnicities, or anyone born in the country. A NO score is earned if homeless or impoverished people are legally prohibited from voting.

12b. In law, there is a legal framework requiring that elections be held at regular intervals.

**YES | NO**

**References:**
Electoral Act 1990 (variously amended)
Constitution of Zimbabwe

**YES:** A YES score is earned if there is a statutory or other framework enshrined in law that mandates elections at reasonable intervals.

**NO:** A NO score is earned if no such framework exists.

13. Can all citizens exercise their right to vote?
13a. In practice, all adult citizens can vote.

Comments:
All citizens can vote. The only exception pertains to citizens who are not physically present in their electoral constituencies on polling day (public servants are able to vote by post).

References:
Electoral Act 1990 (variously amended)
Constitution of Zimbabwe

100: Voting is open to all citizens regardless of race, gender, prior political affiliations, physical disability, or other traditional barriers.

75:

50: Voting is often open to all citizens regardless of race, gender, prior political affiliations, physical disability, or other traditional barriers, with some exceptions.

25:

0: Voting is not available to some demographics through some form of official or unofficial pressure. Voting may be too dangerous, expensive, or difficult for many people.

13b. In practice, ballots are secret or equivalently protected.

Comments:
Electoral fraud is commonly practised by the ruling ZanuPF party. Several High Court verdicts have found that electoral authorities have fiddled with the ballots, or have committed irregularities in the handling of ballots.

References:
Electoral Act 1990 (variously amended)
Constitution of Zimbabwe
Various reports by civic organisations that have monitored elections, eg the Zimbabwe Election Support Network (ZESN)

100: Ballots are secret, or there is a functional equivalent protection, in all cases.

75:

50: Ballots are secret, or there is a functional equivalent protection, in most cases. Some exceptions to this practice have occurred. Ballots may be subject to tampering during transport or counting.
Ballot preferences are not secret. Ballots are routinely tampered with during transport and counting.

In practice, elections are held according to a regular schedule.

While national elections are generally held as much as possible according to schedule, local government elections are often postponed for trivial reasons, especially when the ruling party is unsure of winning such elections.

References:
Electoral Act 1990 (variously amended)
Constitution of Zimbabwe
Various reports by civic organisations that have monitored elections, eg the Zimbabwe Election Support Network (ZESN)
Rural District Councils Act
Urban Councils Act

Elections are always held according to a regular schedule, or there is a formal democratic process for calling a new election, with deadlines for mandatory elections.

Elections are normally held according to a regular schedule, but there have been recent exceptions. The formal process for calling a new election may be flawed or abused.

Elections are called arbitrarily by the government. There is no functioning schedule or deadline for new elections.

Are citizens able to participate equally in the political process?

In law, all citizens have a right to form political parties.

The Constitution provides for the formation of political parties by citizens and the freedom of individuals to join and vote for a political party of their choice.
YES: A YES score is earned if citizens have the right to form political parties without interference from government. A YES score may still be earned if groups or individuals with a history of violence or terrorism (within last ten years) are banned from forming political parties. Non-discriminatory minimal criteria (e.g. minimum age) are also allowed.

NO: A NO score is earned if there are any legal or regulatory restrictions or prohibitions barring any types of political parties from being formed.

14b. In law, all citizens have a right to run for political office.

YES | NO

YES: A YES score is earned if all citizens (citizen is defined broadly, to include all ethnicities, or anyone born in the country) have the right under law to run for political office. A YES score may still be earned if individuals with a history of violence, terrorism, or criminality are banned from running for office.

NO: A NO score is earned if there are any legal restrictions barring certain individuals or groups from running for political office.

14c. In practice, all citizens are able to form political parties.

100 | 75 | 50 | 25 | 0

100: While there is no guarantee of electoral success, political parties can form freely without opposition.

75: Some barriers to formation are present, such as burdensome registration requirements that may not be fairly applied. Some parties’ political viewpoints may draw pressure from the government, such as surveillance or intimidation. Some political parties or organizations may have extra barriers to getting on a ballot.

25:
Some political parties are effectively barred from forming through some manner of official or unofficial pressure. This may include threats, arrest, or violence from competing parties or other groups.

In practice, all citizens can run for political office.

Comments:
Only political parties that already have representation in the legislature qualify to receive state funding for their political activities. This prejudices against small parties that have not yet attained adequate support from the electorate to the extent that they are not represented in the legislature.

References:
Constitution of Zimbabwe
Political Parties (Finance) Act

While there is no guarantee of electoral success, anyone can run for office under transparent and equitable guidelines. There is a formal process for access to the ballot which is fairly applied. The costs of running a campaign are reasonable and do not deter candidates from entering a race.

Some barriers exist to getting on the ballot and bureaucratic or regulatory requirements for doing so may be unfairly applied. The costs of running a political campaign are significant and result in dissuading some candidates from running for office.

Citizens can effectively be barred from the ballot through government abuse of official rules and/or unofficial pressure. The costs of running a campaign are extremely high and result in most average citizens being unable to run an effective campaign for office.

In practice, an opposition party is represented in the legislature.

Comments:
The level of representation varies depending on the number of seats an opposition political party wins in an election.

References:
Constitution of Zimbabwe
Political Parties (Finance) Act

The opposition party always has some influence on the proceedings of the legislature. The opposition party can introduce legislation or bring pending matters to a vote without the consent of the ruling party.
The opposition party has influence on the proceeding of the legislature, but it is limited in scope. The opposition’s ability to force votes or publicly debate certain topics may be limited.

The opposition party has only token participation in the legislature’s proceedings and cannot advance legislation or force a debate.

II-2. Election Integrity

15. In law, is there an election monitoring agency or set of election monitoring agencies/entities?

100

15. In law, is there an election monitoring agency or set of election monitoring agencies/entities?

YES | NO

Comments:
We note here that virtually all of the electoral agencies are appointed by the President with minimal participation of opposition political parties and/or the Judicial Services Commission.

References:
Constitution of Zimbabwe
Political Parties (Finance) Act
Zimbabwe Election Support Network (ZESN)

YES: A YES score is earned if there is an agency or set of agencies/entities formally assigned to ensure the integrity of the election process.

NO: A NO score is earned if no agency or set of agencies/entities that monitors elections. A NO score is earned if elections are only monitored by an agency informally, such as poll booth monitoring by the police.

16. Is the election monitoring agency effective?

35

16a. In law, the agency or set of agencies/entities is protected from political interference.
The Zimbabwe Electoral Commission (ZEC) is essentially appointed by the President and therefore lacks adequate levels of autonomy to effectively run elections on a non-partisan basis. The other agencies that handle aspects of the electoral process are totally manned by public servants, including elements from the military and central intelligence.

**References:**
- The Zimbabwe Electoral Commission (ZEC)
- Constitution of Zimbabwe
- Political Parties (Finance) Act
- Zimbabwe Election Support Network (ZESN)

**Comments:**
Most of the agents that work with the Zimbabwe Electoral Commission (ZEC) are themselves very partisan since they comprise mainly public servants and uniformed forces.

**References:**
- The Zimbabwe Electoral Commission (ZEC)
- Constitution of Zimbabwe
- Political Parties (Finance) Act
- Zimbabwe Election Support Network (ZESN)

**YES:** A YES score is earned only if the agency or set of agencies/entities has some formal organizational independence from the bodies being contested in the election. A YES score is still earned even if the entity is legally separate but in practice staffed by partisans.

**NO:** A NO score is earned if the election monitoring agency or set of agencies/entities is legally tied to bodies contesting the election (i.e. an executive branch agency such as the Interior Ministry, or a committee of the legislature). A NO score is automatically earned if there is no election monitoring agency.

16b. In practice, agency (or set of agencies/entities) appointments are made that support the independence of the agency.

**Comments:**
Most of the agents that work with the Zimbabwe Electoral Commission (ZEC) are themselves very partisan since they comprise mainly public servants and uniformed forces.

**References:**
- The Zimbabwe Electoral Commission (ZEC)
- Constitution of Zimbabwe
- Political Parties (Finance) Act
- Zimbabwe Election Support Network (ZESN)

**100:** Appointments to the agency or set of agencies/entities are made based on professional qualifications. Individuals appointed are free of conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

**75:**

**50:** Appointments are usually based on professional qualifications. However, individuals appointed may have clear party loyalties.

**25:**

**0:** Appointments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.
16c. In practice, the agency or set of agencies/entities has a professional, full-time staff.

| 100 | 75 | 50 | 25 | 0 |

Comments:
When elections are due, the government seconds some civil servants and persons from the military and intelligence to the Zimbabwe Electoral Commission (ZEC). The ZEC itself has a very small compliment of staff. The majority of the staff are not professionally qualified to run an election. They are normally appointed or seconded to the ZEC on the basis of their political acceptability to the ruling ZanuPF party.

References:
the Zimbabwe Electoral Commission (ZEC)
Constitution of Zimbabwe
Political Parties (Finance) Act
Zimbabwe Election Support Network (ZESN)

100: The agency or set of agencies/entities has staff sufficient to fulfill its basic mandate.

75:

50: The agency or set of agencies/entities has limited staff, or staff without necessary qualifications to fulfill its basic mandate.

25:

0: The agency or set of agencies/entities has no staff, or such a limited staff that is clearly unqualified to fulfill its mandate.

16d. In practice, the agency or set of agencies/entities makes timely, publicly available reports following an election cycle.

| 100 | 75 | 50 | 25 | 0 |

Comments:
Reports are generally delayed, shallow, and often inaccurate in that they often overlook most of the issues that will have been raised by opposition political parties and civic organisations.

References:
the Zimbabwe Electoral Commission (ZEC)
Constitution of Zimbabwe
Political Parties (Finance) Act
Zimbabwe Election Support Network (ZESN)

100: Reports are released to the public on a predictable schedule, without exceptions.

75:

50: Reports are released, but may be delayed, difficult to access, or otherwise limited.
**25:**

0: The agency or set of agencies/entities makes no public reports, issues reports which are effectively secret, or issues reports of no value.

**16e. In practice, when necessary, the agency or set of agencies/entities imposes penalties on offenders.**

| 100 | 75 | 50 | 25 | 0 |

Comments:
The Zimbabwe Electoral Commission (ZEC) is very quick to penalise opposition political parties or their electoral candidates, but very reluctant to treat the ruling ZanuPF party or its candidates in a similar manner.

References:
the Zimbabwe Electoral Commission (ZEC)
Constitution of Zimbabwe
Political Parties (Finance) Act
Zimbabwe Election Support Network (ZESN)

100: When rules violations are discovered, the agency or set of agencies/entities is aggressive in penalizing offenders and/or in cooperating with other agencies in penalizing offenders.

75:

50: The agency or set of agencies/entities enforces rules, but is limited in its effectiveness. The agency may be slow to act, unwilling to take on politically powerful offenders, reluctant to cooperate with other agencies, or occasionally unable to enforce its judgments.

25:

0: The agency or set of agencies/entities does not effectively penalize offenders and/or cooperate with other agencies in penalizing offenders. The agency may make judgments but not enforce them, or may fail to make reasonable judgments against offenders. The agency may be partisan in its application of power.

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**17. Are elections systems transparent and effective?**

33

17a. In practice, there is a clear and transparent system of voter registration.

| 100 | 75 | 50 | 25 | 0 |

Comments:
There have been numerous allegations of falsifying of the voter register including existence on the voters’ roll of long dead people and disappearance of some voters’ names from the register on polling day.
100: There is a transparent system of voter registration that provides voters with sufficient time to understand their rights, check the accuracy of their registration, and ensure that errors are corrected before they vote.

75:

50: There is a transparent voter registration system that provides voters with sufficient time to understand their rights, check the accuracy of their registration, and ensure that errors are corrected before they vote but there are some problems. Voters may have not access to registration lists with sufficient time to correct errors before voting or registration lists may at times be inaccessible.

25:

0: The system of voter registration is incomplete or does not exist. Government may routinely falsify registration lists to affect voting patterns and limit access to the polls. Double voting and ghost voting by non-existent voters is common.

17b. In law, election results can be contested through the judicial system.

YES | NO

Comments:
Several electoral results have indeed been nullified by the courts as a result of petitions filed by opposition political parties. Sadly, the ruling party has actively sought to influence some of the judges by allocating them free farms.

References:
The Zimbabwe Electoral Commission (ZEC)
Constitution of Zimbabwe
Zimbabwe Election Support Network (ZESN)

YES: A YES score is earned if citizens or political parties can challenge allegedly fraudulent election results through the courts or other judicial mechanisms.

NO: A NO score is earned if there is no legal right for citizens or political parties to challenge allegedly fraudulent election results in the courts or other judicial mechanisms.

17c. In practice, election results can be effectively appealed through the judicial system.

100 | 75 | 50 | 25 | 0

Comments:
Sometimes petitions are heard a few months before the expiry of the term of office of the applicable legislature. In almost all cases, decisions of the High Court are appealed to the Supreme Court, which often drags its feet in reviewing these cases.
100: The electoral appeals mechanism takes cases from both candidates complaining of flaws in the electoral process as well as citizens bringing complaints related to denial of suffrage or registration errors. There is an expedited process for resolving such complaints to avoid delaying a timely announcement of electoral results.

75:

50: The electoral appeals mechanism takes complaints from both candidates and voters but may not always act on complaints promptly. The appeals mechanism may be abused at times by parties or candidates seeking to delay the announcement of electoral results.

25:

0: The electoral appeals mechanism rarely or never acts on complaints brought by candidates or citizens. Citizens may not be able to bring complaints related to denial of suffrage or voter registration errors.

17d. In practice, the military and security forces remain neutral during elections.

100 | 75 | 50 | 25 | 0

Comments:
By and large the military, the police and central intelligence have openly stated that they are aligned to the ruling ZanuPF party. For example, in 2002, all chiefs of staff addressed a press conference at which they publicly stated that they would not salute presidential candidates whose liberation credentials were questionable." This was in clear reference to the leader of the opposition MDC.

References:
The Zimbabwe Electoral Commission (ZEC)
Constitution of Zimbabwe
Zimbabwe Election Support Network (ZESN)
Makumbe, Zimbabwe’s Highjacked Election”, Journal for Democracy

100: The military, military officers, and other security forces refrain from overtly supporting or opposing political candidates or commenting on elections. The military or security forces refrain from physically interfering with political campaigns, rallies, or voting.

75:

50: The military, military officers, and security forces may be known to unofficially support or oppose particular candidates or parties. The military or security forces generally refrain from the use of force to support or oppose particular candidates or parties but there are exceptions.

25:

0: The military or other security forces are an active and explicit player in politics and overtly support or oppose particular candidates or parties. The military or security forces routinely exercise the use of force to support or oppose parties or candidates.
17e. In law, domestic and international election observers are allowed to monitor elections.

**YES** | **NO**

Comments:
There have been changes to the Electoral Act effectively barring international observers that the authorities may regard as hostile to the government or ruling party. For example, observers from the USA, Canada, Australia, the European Union and New Zealand were barred from observing the 2005 parliamentary elections in Zimbabwe.

References:
The Zimbabwe Electoral Commission (ZEC)
Constitution of Zimbabwe
Zimbabwe Election Support Network (ZESN)
Electoral Act (variously amended)

**YES:** A YES score is earned if domestic and international election observers are allowed to monitor the electoral process.

**NO:** A NO score is earned if there are any legal or regulatory prohibitions on the monitoring of the electoral process by domestic or international election observers.

17f. In practice, election observers are able to effectively monitor elections.

| 100 | 75 | 50 | 25 | 0 |

Comments:
Most observers are restricted to urban areas and selected rural areas that are deemed to be safe" for the ruling political party. Observers that insist on going to areas that are considered opposition strongholds are usually harassed or placed under close surveillance by state security agencies.

References:
The Zimbabwe Electoral Commission (ZEC)
Constitution of Zimbabwe
Zimbabwe Election Support Network (ZESN)
Electoral Act (variously amended)

**100:** Election observers have unfettered access to polling sites, counting stations, and voters themselves. The government does not interfere with the observers’ activities.

**75:**

**50:** Election observers generally have access to polling sites, counting stations, and voters but encounter restrictions in certain areas. The government may impose burdensome regulatory or bureaucratic requirements on observers to discourage their involvement.

**25:**

**0:** Election observers’ movements are significantly limited by the government and many polling and counting sites are restricted or barred from observers. The government imposes so many bureaucratic or regulatory burdens on the observers
II-3. Political Financing

18. Are there regulations governing political financing?

17

18a. In law, there are regulations governing private contributions to political parties.

YES | NO

Comments:
This law does not control private contributions to political parties, but it prohibits political parties from receiving funding from foreign individuals or entities, including foreign-based Zimbabweans.

References:
Political Parties (Finance) Act

YES: A YES score is earned if there are any formal rules (by law or regulation) controlling private contributions to political parties.

NO: A NO score is earned if there is no regulation of private contributions to political parties.

18b. In law, there are limits on individual donations to candidates and political parties.

YES | NO

Comments:
These pertain only to foreign-based individuals and corporate entities. Political parties and electoral candidates that receive any foreign funding will have violated the Political Parties (Finance) Act. They will be liable to prosecution.

References:
Political Parties (Finance) Act

YES: A YES score is earned if there are any limits, regardless of size, on individual contributions to political candidates and political parties. A YES score is earned if individual contributions are prohibited.
NO: A NO score is earned if there are no limits on contributions from individuals. A NO score is also earned if limits are applied by the government on opposition parties/candidates in a discriminatory manner.

18c. In law, there are limits on corporate donations to candidates and political parties.

YES | NO

Comments:
Limits apply only to foreign-based individuals and corporate bodies.

References:
Political Parties (Finance) Act

YES: A YES score is earned if there are any limits, regardless of size, on corporate contributions to political candidates and political parties. A YES score is earned if contributions are prohibited.

NO: A NO score is earned if there are no limits on corporate contributions to candidates or political parties. A NO score is also earned if limits are applied by the government on opposition parties/candidates in a discriminatory manner.

18d. In law, there are limits on total political party expenditures.

YES | NO

References:
Political Parties (Finance) Act

YES: A YES score is earned if there are any limits, regardless of size, on political party expenditures. A YES score is earned if all party expenditures are prohibited.

NO: A NO score is earned if there are no limits on political party expenditures. A NO score is also earned if limits are applied by the government on opposition parties in a discriminatory manner.

18e. In law, there are requirements for disclosure of donations to political candidates and parties.

YES | NO

Comments:
Disclosures are not required. If they were, they would embarrass the ruling ZanuPF party more than the opposition parties.
18f. In law, there are requirements for the independent auditing of the finances of political parties and candidates.

YES | NO

Comments:
The Political Parties (Finance) Act actually prohibits the Auditor-General from auditing funds disbursed under this Act.

References:
Political Parties (Finance) Act

19. Are the regulations governing political financing effective?

0

19a. In practice, the limits on individual donations to candidates and political parties are effective in regulating an individual’s ability to financially support a candidate or political party.

100 | 75 | 50 | 25 | 0

Comments:
The government has no capacity to monitor individual and/or corporate contributions to political parties.

References:
Political Parties (Finance) Act
100: Existing limits represent the full extent to which an individual can directly or indirectly financially support a candidate or political party. Limits are reasonably low enough in the context of the total costs of running a campaign.

75:

50: Existing limits generally represent the full extent to which an individual can directly or indirectly financially support a candidate or political party. However, exceptions and loopholes exist through which individuals can indirectly support candidates or political parties above and beyond those formal limitations. Such loopholes could include making donations to third-party groups that advocate on behalf of (or against) a particular candidate or party; unregulated loans to candidates or parties (rather than direct donations); or in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a campaign.

25:

0: Existing limits are routinely bypassed or willfully ignored. The vast majority of individual contributions to a candidate or political party are made outside of the formal limitation system. There is no enforcement of violations. Limits are so high that they are meaningless in the context of the overall costs of running a campaign.

19b. In practice, the limits on corporate donations to candidates and political parties are effective in regulating a company's ability to financially support a candidate or political party.

References:
Political Parties (Finance) Act

100: Existing limits represent the full extent to which a company can directly or indirectly financially support a candidate or political party. Limits are reasonably low enough in the context of the total costs of running a campaign to be meaningful.

75:

50: Existing limits generally represent the full extent to which a company can directly or indirectly financially support a candidate or political party. However, exceptions and loopholes exist through which companies can indirectly support candidates or political parties above and beyond those formal limitations. Such loopholes could include making to donations to third-party groups that advocate on behalf of (or against) a particular candidate or party; unregulated loans to candidates or parties (rather than direct donations); or in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a campaign.

25:

0: Existing limits are routinely bypassed or willfully ignored. The majority of corporate contributions to a candidate or political party are made outside of the formal limitation system. There is no enforcement of violations. Limits are so high that they are meaningless in the context of the overall costs of running a campaign.

19c. In practice, the limits on total party expenditures are effective in regulating a political party's ability to fund campaigns or politically-related activities.
References:
Political Parties (Finance) Act

100: Existing limits represent the full extent to which political parties are able to finance their activities. Limits are reasonably low enough in the context of the total costs of running a party to be meaningful.

75:

50: Existing limits generally represent the full extent to which a political party can finance its activities. However, exceptions and loopholes exist through which parties can generate revenue or finance their activities beyond the scope of existing regulations. Such loopholes could include taking loans that are outside of the scope of regulations covering direct donations; links to revenue-generating business activities that are beyond the scope of electoral or campaign-related regulations; or accepting in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a party.

25:

0: Existing limits are routinely bypassed or willfully ignored. The majority of expenditures are made outside of the formal limitation system. Limits are so high that they are meaningless in the context of the overall costs of running a party.

19d. In practice, when necessary, an agency or entity monitoring political financing independently initiates investigations.

100 | 75 | 50 | 25 | 0

Comments:
There is no agency that undertakes this activity.

References:
Political Parties (Finance) Act

100: The agency or entity aggressively starts investigations into allegations of wrongdoing with respect to political financing. The agency is fair in its application of this power.

75:

50: The agency or entity will start investigations, but often relies on external pressure to set priorities, or has limited effectiveness when investigating. The agency, thought limited in effectiveness, is still fair in its application of power.

25:

0: The agency or entity rarely investigates on its own, or the agency or entity is partisan in its application of this power.

19e. In practice, when necessary, an agency or entity monitoring political financing imposes penalties on offenders.
References:
Political Parties (Finance) Act

100: When rules violations are discovered, the agency or entity is aggressive in penalizing offenders.

75:

50: The agency or entity enforces rules, but is limited in its effectiveness. The agency or entity may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

25:

0: The agency or entity does not effectively penalize offenders. The agency or entity may make judgments but not enforce them, or may fail to make reasonable judgments against offenders. The agency or entity may be partisan in its application of power.

19f. In practice, contributions to political parties and candidates are audited.

References:
Political Parties (Finance) Act

100: Political party and candidate finances are regularly audited using generally accepted auditing practices. This includes the auditing of nominally independent financial organizations that act as financial extensions of the party.

75:

50: Political party and candidate finances (as defined) are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed contributions. Contributions to the political party or candidate may be sufficiently audited, but the auditing of nominally independent extensions of the party may not be.

25:

0: Party and candidate finances are not audited, or the audits performed have no value in tracking contributions. Audits may be performed by entities known to be partisan or biased in their practices.

20. Can citizens access records related to political financing?

0

20a. In practice, political parties and candidates disclose data relating to financial support and expenditures within a reasonable time period.
References:
Political Parties (Finance) Act

100: Political parties and candidates disclose their sources of funding and expenditures at least every quarter.

75:

50: Political parties and candidates disclose their sources of funding and expenditures only one or two times per year. Delays may occur when sensitive political information is involved.

25:

0: Political parties and candidates never publish their sources of funding or expenditures or publish that information only rarely with more than a year in between publication. Politically sensitive information is regular withheld from public disclosure.

20b. In practice, citizens can access the financial records of political parties and candidates within a reasonable time period.

100  |  75  |  50  |  25  |  0

Comments:
The public has no access to political parties’ financial records.

References:
Political Parties (Finance) Act

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take two to four weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. There may be persistent delays in obtaining politically sensitive records.

20c. In practice, citizens can access the financial records of political parties and candidates at a reasonable cost.
References:
Political Parties (Finance) Act

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

Category III. Government Accountability

III-1. Executive Accountability

21. In law, can citizens sue the government for infringement of their civil rights?

100

21. In law, can citizens sue the government for infringement of their civil rights?

YES | NO

Comments:
Citizens can sue the government through the regular courts. In most cases, however, the process can be quite expensive as courts charge very high fees.

References:
Constitution of Zimbabwe
Ombudsman Act
YES: A YES score is earned if all citizens (citizen is defined broadly, to include all ethnicities, or anyone born in the country) can receive compensation or redress through the courts for civil rights violations committed by the government, such as failure to follow due process of law when detaining suspected criminals.

NO: A NO score is earned if any group of citizens is excluded from the right to sue the government, or no such mechanism exists.

22. Can the chief executive be held accountable for his/her actions?

63

22a. In practice, the chief executive gives reasons for his/her policy decisions.

Comments:
While government ministers answer questions asked by Members of Parliament in the legislature, the President is never subjected to this form of accountability. The national broadcaster and state-owned press always suppress politically sensitive material.

References:
Constitution of Zimbabwe
Ombudsman Act
Presidential Powers (Temporary Measures) Act
Criminal Procedures Codification Act

100: The chief executive and/or cabinet ministers give formal explanations of all policy matters. The chief executive regularly takes critical questions from journalists or an opposition party, usually at least once a month. There is no censoring of such sessions.

75:

50: The chief executive and/or cabinet ministers give explanations of policy, but not always in a timely or complete way. The chief executive occasionally takes critical questions from journalists or an opposition party, but not in a regular or formalized process. Particular issues of political sensitivity may be censored by government broadcasters.

25:

0: The chief executive and/or cabinet ministers do not give substantial justifications for policy. Public appearances by the chief executive offer no exposure to critical questions. The government and government-run media routinely sensor such sessions.

22b. In law, the judiciary can review the actions of the executive.

YES | NO
YES: A YES score is earned if there is a formal process by which the judiciary can pass judgments on the legality or constitutionality of actions taken by the executive.

NO: A NO score is earned if no such mechanism exists. A NO score is earned if judicial review is vaguely established in law or regulation without formal procedures. A NO score is earned if general exemptions exist with respect to executive actions that are reviewable (a national security exemption, for example).

22c. In practice, when necessary, the judiciary reviews the actions of the executive.

100 | 75 | 50 | 25 | 0

Comments:
In most cases the judiciary is so slow to act that some matters end up dying natural deaths due to judicial inaction.

References:
Constitution of Zimbabwe
Ombudsman Act
Presidential Powers (Temporary Measures) Act
Criminal Procedures Codification Act
Public Service Act

100: When constitutional or legal questions or possible violations are raised, the judiciary is aggressive in reviewing executive actions and can void illegal or unconstitutional actions. The judiciary is fair and nonpartisan in its application of this power.

75:

50: The judiciary will review executive actions, but is limited in its effectiveness. The judiciary may be slow to act, unwilling to take on politically sensitive issues, or occasionally unable to enforce its judgments.

25:

0: The judiciary does not effectively review executive policy. The judiciary may make judgments but not enforce them, or may fail to pass judgments on executive abuses. The judiciary may be partisan in its application of power. It must rely on instructions from the executive in order to initiate a legal or constitutional review.

22d. In practice, the chief executive limits the use of executive orders for establishing new regulations, policies, or government practices.

100 | 75 | 50 | 25 | 0

Comments:
Numerous controversial pieces of legislation have been made through the use of the Presidential Powers Act. Such laws will
have to be approved by the legislature within 180 days from the day of their promulgation.

References:
Constitution of Zimbabwe
Presidential Powers (Temporary Measures) Act

100: The chief executive utilizes executive orders only when there is no constitutional or legal requirement for official legislative action or approval. Executive orders are limited in number and narrow in scope.

75:

50: The chief executive sometimes relies on executive orders to implement policies and regulations opposed by the legislature. Some executive orders are overly broad in scope and are designed to circumvent constitutional or legal requirements for legislative action or approval.

25:

0: The chief executive routinely abuses executive orders to render the legislature practically useless. Executive orders are the norm, not the exception, and directly contravene constitutional or legal requirements for legislative action or approval.

23. Is the executive leadership subject to criminal proceedings?

50

23a. In law, the heads of state and government can be prosecuted for crimes they commit.

YES | NO

Comments:
The President or Head of State can only be prosecuted after he/she has left office. This basically places the President above the law.

References:
Constitution of Zimbabwe, Amendment # 7
Presidential Powers (Temporary Measures) Act

YES: A YES score is earned if the heads of state and government can be investigated, charged or prosecuted for criminal allegations.

NO: A NO score is earned if either the head of state or government cannot be investigated, charged or prosecuted for criminal allegations or the executive branch controls whether investigative or prosecutorial immunity can be lifted on the heads of state or government.

23b. In law, ministerial-level officials can be prosecuted for crimes they commit.
Ministerial level officials have no immunity for any cases of misconduct.

References:
Constitution of Zimbabwe

YES: A YES score is earned if ministerial-level officials, or their equivalents, can all be investigated, charged or prosecuted for criminal allegations.

NO: A NO score is earned if any ministerial-level official, or equivalent official, cannot be investigated, charged or prosecuted for criminal allegations or the executive branch controls whether investigative or prosecutorial immunity can be lifted on ministerial-level officials.

24. Are there regulations governing conflicts of interest by the executive branch?

0

24a. In law, the heads of state and government are required to file a regular asset disclosure form.

References:
Constitution of Zimbabwe, Amendment # 7
Presidential Powers (Temporary Measures) Act
State Procurement Act
Government Tender Board Act

YES: A YES score is earned if the heads of state and government are required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets. This form need not be publicly available to score a YES.

NO: A NO score is earned if either the head of state or government is not required to disclose assets.

24b. In law, ministerial-level officials are required to file a regular asset disclosure form.

Comments:
No disclosures are required from ministerial level officials.
YES: A YES score is earned if ministerial-level officials, or their equivalents, are all required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets.

NO: A NO score is earned if ministers are not required to disclose assets. A NO score is earned if some ministers must disclose assets, but other ministers are not required.

24c. In law, there are regulations governing gifts and hospitality offered to members of the executive branch.

YES | NO

YES: A YES score is earned if there are formal guidelines regulating gifts and hospitality offered to members of the executive branch of government.

NO: A NO score is earned if there are no guidelines or regulations with respect to gifts and hospitality offered to members of the executive branch. A NO score is earned if the guidelines are overly general and do not specify what is and is not appropriate.

24d. In law, there are requirements for the independent auditing of the executive branch asset disclosure forms (defined here as ministers and heads of state and government).

YES | NO

YES: A YES score is earned if there is a legal or regulatory requirement for independent auditing of executive branch asset disclosures. The auditing is performed by an impartial third-party.
NO: A NO score is earned if there are no legal or regulatory requirements for the independent auditing of executive branch asset disclosures or if such requirements exist but allow for self-auditing.

24e. In law, there are restrictions on heads of state and government and ministers entering the private sector after leaving the government.

YES | NO

References:
Constitution of Zimbabwe
Anti-Corruption Act
State Procurement Act
Government Tender Board Act

YES: A YES score is earned if there are regulations restricting the ability of heads of state/government and ministers to take positions in the private sector after leaving government that would present a conflict of interest, including positions that directly seek to influence their former government colleagues.

NO: A NO score is earned if no such restrictions exist.

24f. In practice, the regulations restricting post-government private sector employment for heads of state and government and ministers are effective.

100 | 75 | 50 | 25 | 0

References:
Constitution of Zimbabwe
Anti-Corruption Act
State Procurement Act
Government Tender Board Act

100: The regulations restricting post-government private sector employment for heads of state/government and ministers are uniformly enforced. There are no or few cases of those officials taking jobs in the private sector after leaving government where they directly lobby or seek to influence their former government colleagues without an adequate cooling off period.

75:

50: The regulations are generally enforced though some exceptions exist. In certain sectors, heads of state/government or ministers are known to regularly take jobs in the private sector that entail directly lobbying or seeking to influence their former government colleagues. Cooling off periods are short and sometimes ignored.

25:

0: The regulations are rarely or never enforced. Heads of state/government or ministers routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced.
24g. In practice, the regulations governing gifts and hospitality offered to members of the executive branch are effective.

References:
Constitution of Zimbabwe
Anti-Corruption Act
State Procurement Act
Government Tender Board Act

100: The regulations governing gifts and hospitality to members of the executive branch are regularly enforced and sufficiently restrict the amounts of gifts and hospitality that can be given. Members of the executive branch never or rarely accept gifts or hospitality above what is allowed.

75:

50: The regulations governing gifts and hospitality to members of the executive branch are generally applied though exceptions exist. Some ministers in certain sectors are known to accept greater amounts of gifts and hospitality from outside interest groups or private sector actors than is allowed.

25:

0: The regulations governing gifts and hospitality to members of the executive branch are routinely ignored and unenforced. Ministers and other members of the executive branch routinely accept significant amounts of gifts and hospitality from outside interest groups and actors seeking to influence their decisions.

References:
Constitution of Zimbabwe
Anti-Corruption Act
State Procurement Act
Government Tender Board Act
Comptroller Auditor-General Act

100: Executive branch asset disclosures are regularly audited using generally accepted auditing practices.

75:

50: Executive branch asset disclosures are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed assets.

25:
Executive branch asset disclosures are not audited, or the audits performed have no value in tracking contributions. Audits may be performed by entities known to be partisan or biased in their practices.

## 25. Can citizens access the asset disclosure records of the heads of state and government?

### 25a. In law, citizens can access the asset disclosure records of the heads of state and government.

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
</table>

**References:**
- Constitution of Zimbabwe
- Anti-Corruption Act
- State Procurement Act
- Government Tender Board Act

**YES:** A YES score is earned if the heads of state and government file an asset disclosure form that is, in law, accessible to the public (individuals, civil society groups or journalists).

**NO:** A NO score is earned if there is no asset disclosure for either the head of state or government. A NO score is earned if the form is filed, but not available to the public.

### 25b. In practice, citizens can access the asset disclosure records of the heads of state and government within a reasonable time period.

| 100 | 75 | 50 | 25 | 0 |

**Comments:**
No disclosures are required.

**References:**
- Constitution of Zimbabwe
- Anti-Corruption Act
- State Procurement Act
- Government Tender Board Act

**100:** Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

**75:**

**50:** Records take around two weeks to obtain. Some additional delays may be experienced.
Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

25c. In practice, citizens can access the asset disclosure records of the heads of state and government at a reasonable cost.

Comments:
Members of the State Procurement Authority are urged to declare their interests if the business before the State Procurement Board relates to an organisation or entity in which they are involved or have shares. This declaration is however verbal.

References:
Constitution of Zimbabwe
Anti-Corruption Act
State Procurement Act
Government Tender Board Act

Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:
Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:
Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

26. In practice, is the ruling party distinct from the state?

Comments:
Abuse of state-owned resources occurs mainly during elections.
100: Clear rules are followed distinguishing state functions from party activities. Government funds are never used for party activities. The civil service is completely distinct from party bureaucracy.

75:

50: The ruling party is, in principal, separate from the state, but exceptions to this standard sometimes occur. Examples may be use of civil servants to organize political rallies, use of government vehicles on campaign trips, or use of government funds for party purposes.

25:

0: The government is an extension of the ruling party. There are few boundaries between government and party activities. Government funds, equipment and personnel are regularly used to support party activities.

III-2. Legislative Accountability

27. Can members of the legislature be held accountable for their actions?

92

27a. In law, the judiciary can review laws passed by the legislature.

YES | NO

Comments: Review largely takes place only after there has been a case filed before the courts.

References:
Constitution of Zimbabwe
High Court Act
Criminal Procedures (Codification) Act

YES: A YES score is earned if there is a formal process by which the judiciary or constitutional courts can pass judgments on the legality or constitutionality of laws passed by the legislature.

NO: A NO score is earned if no such mechanism exists. A NO score is earned if judicial review is vaguely established in law or regulation without formal procedures. A NO score is earned if general exceptions exist exempting certain legislative actions from being reviewed (a national security exemption, for example).
27b. In practice, when necessary, the judiciary reviews laws passed by the legislature.

| 100 | 75 | 50 | 25 | 0 |

Comments:
In the past, the government has rushed new laws through the legislature following court rulings that the ruling party considered to be unacceptable.

References:
Constitution of Zimbabwe
High Court Act
Criminal Procedures (Codification) Act

100: When constitutional or legal questions or possible violations are raised, the judiciary is aggressive in reviewing laws passed and can void illegal or unconstitutional actions. The judiciary is fair and nonpartisan in its application of this power.

75:

50: The judiciary will review laws passed, but is limited in its effectiveness. The judiciary may be slow to act, unwilling to take on politically sensitive issues, or occasionally unable to enforce its judgments.

25:

0: The judiciary does not effectively review laws passed. The judiciary may make judgments but not enforce them, or may fail to pass judgments on executive abuses. The judiciary may be partisan in its application of power.

27c. In law, are members of the national legislature subject to criminal proceedings?

YES | NO

References:
Constitution of Zimbabwe
High Court Act
Criminal Procedures (Codification) Act

YES: A YES score is earned if all members of the legislature can, in law, be investigated and prosecuted for criminal allegations.

NO: A NO score is earned if any member of the legislature cannot, in law, be investigated and prosecuted for criminal proceedings.

28. Are there regulations governing conflicts of interest by members of the national legislature?
28a. In law, members of the national legislature are required to file an asset disclosure form.

YES | NO

Comments:
No disclosures are required at all.

References:
Constitution of Zimbabwe

YES: A YES score is earned if all members of the legislature are required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets. This form does not need to be publicly available to score a YES.

NO: A NO score is earned if any member of the legislature is not required to disclose assets.

28b. In law, there are restrictions for national legislators entering the private sector after leaving the government.

YES | NO

References:
Constitution of Zimbabwe

YES: A YES score is earned if there are regulations restricting national legislators' ability to take positions in the private sector after leaving government that would present a conflict of interest, including positions that directly seek to influence their former government colleagues.

NO: A NO score is earned if no such restrictions exist.

28c. In law, there are regulations governing gifts and hospitality offered to members of the national legislature.

YES | NO

References:
Constitution of Zimbabwe
YES: A YES score is earned if there are formal guidelines regulating gifts and hospitality for members of the legislature.

NO: A NO score is earned if there are no guidelines or regulations with respect to gifts or hospitality offered to members of the legislature. A NO score is earned if the guidelines are general and do not specify what is and is not appropriate.

28d. In law, there are requirements for the independent auditing of the asset disclosure forms of members of the national legislature.

YES | NO

References:
Constitution of Zimbabwe

YES: A YES score is earned if there is a legal or regulatory requirement for independent auditing of legislative branch asset disclosures. The auditing is performed by an impartial third-party.

NO: A NO score is earned if there are no legal or regulatory requirements for the independent auditing of legislative branch asset disclosures or if such requirements exist but allow for self-auditing.

28e. In practice, the regulations restricting post-government private sector employment for national legislators are effective.

100 | 75 | 50 | 25 | 0

References:
Constitution of Zimbabwe

100: The regulations restricting post-government private sector employment for national legislators are uniformly enforced. There are no or few cases of legislators taking jobs in the private sector after leaving government where they directly lobby or seek to influence their former government colleagues without an adequate cooling off period.

75:

50: The regulations are generally enforced though some exceptions exist. In certain sectors, legislators are known to regularly take jobs in the private sector that entail directly lobbying or seeking to influence their former government colleagues. Cooling off periods are short and sometimes ignored.

25:

0: The regulations are rarely or never enforced. Legislators routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced.
28f. In practice, the regulations governing gifts and hospitality offered to national legislators are effective.

100 | 75 | 50 | 25 | 0

References:
Constitution of Zimbabwe

100: The regulations governing gifts and hospitality to national legislators are regularly enforced and sufficiently restrict the amounts of gifts and hospitality that can be given to legislators. Legislators never or rarely accept gifts or hospitality above what is allowed.

75:

50: The regulations governing gifts and hospitality to national legislators are generally applied though exceptions exist. Some legislators in certain sectors are known to accept greater amounts of gifts and hospitality from outside interest groups or private sector actors than is allowed.

25:

0: The regulations governing gifts and hospitality to national legislators are routinely ignored and unenforced. Legislators routinely accept significant amounts of gifts and hospitality from outside interest groups and actors seeking to influence their decisions.

28g. In practice, national legislative branch asset disclosures are audited.

100 | 75 | 50 | 25 | 0

References:
Constitution of Zimbabwe

100: Legislative branch asset disclosures are regularly audited using generally accepted auditing practices.

75:

50: Legislative branch asset disclosures are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed assets.

25:

0: Legislative branch asset disclosures are not audited, or the audits performed have no value in tracking contributions. Audits may be performed by entities known to be partisan or biased in their practices.

29. Can citizens access the asset disclosure records of members of the national legislature?
29a. In law, citizens can access the asset disclosure records of members of the national legislature.

YES | NO

References:
Constitution of Zimbabwe

YES: A YES score is earned if members of the national legislature file an asset disclosure form that is, in law, accessible to the public (individuals, civil society groups or journalists).

NO: A NO score is earned if there is no asset disclosure for members of the national legislature. A NO score is earned if the form is filed, but not available to the public.

29b. In practice, citizens can access these records within a reasonable time period.

100 | 75 | 50 | 25 | 0

References:
Constitution of Zimbabwe

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take around two weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

29c. In practice, citizens can access these records at a reasonable cost.

100 | 75 | 50 | 25 | 0
30. Can citizens access legislative processes and documents?

67

30a. In law, citizens can access records of legislative processes and documents.

YES | NO

References:
Constitution of Zimbabwe

YES: A YES score is earned if there is a general legal right to access records of legislative proceedings including voting records. A YES score can still be given if there are formal rules for specific exemptions to the right to disclosure (special secret sessions related to national security).

NO: A NO score is earned if there is no general right to access documents recording legislative proceedings. A NO score is earned if there are exemptions to the general right that are not clearly defined by formal rules.

30b. In practice, citizens can access these records within a reasonable time period.

100 | 75 | 50 | 25 | 0

References:
Constitution of Zimbabwe; Hansard (record of Parliamentary debate)
100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take around two weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

30c. In practice, citizens can access these records at a reasonable cost.

100  |  75  |  50  |  25  |  0

References:
Constitution of Zimbabwe; Hansard (record of Parliamentary debate)

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

40

III-3. Judicial Accountability

31. Are judges appointed fairly?

25

31a. In practice, there is a transparent procedure for selecting national-level judges.
Comments:
The process is generally conducted without public oversight. Even Parliament is not involved in the process.

References:
Constitution of Zimbabwe
Judicial Services Act
Presidential Powers (Temporary Measures) Act

YES: A YES score is earned if there is a formal process for selecting national level justices. This process should be public in the debating and confirmation stages.

NO: A NO score is given if there is no formal process of selection or the process is conducted without public oversight.

31b. In practice, there are certain professional criteria required for the selection of national-level judges.

100 | 75 | 50 | 25 | 0

Comments:
Recently, there have been widespread accusations of presidential appointments of judges whose political leanings are alleged to be in favor of the ruling party.

References:
Constitution of Zimbabwe
Judicial Services Act
Presidential Powers (Temporary Measures) Act

100: National-level judges selected have relevant professional qualifications such as formal legal training, experience as a lower court judge or a career as a litigator.

75:

50: Most national-level judges selected meet these qualifications, with some exceptions.

25:

0: National-level judges are often unqualified due to lack of training or experience.

31c. In law, there is a confirmation process for national-level judges (i.e. conducted by the legislature or an independent body).
32. Can members of the judiciary be held accountable for their actions?

83

32a. In law, members of the national-level judiciary are obliged to give reasons for their decisions.

References:
Constitution of Zimbabwe
Judicial Services Act
Presidential Powers (Temporary Measures) Act
Criminal Procedures (Codification) Act

32b. In practice, members of the national-level judiciary give reasons for their decisions.
**References:**
Constitution of Zimbabwe
Judicial Services Act
Presidential Powers (Temporary Measures) Act
Criminal Procedures (Codification) Act
High Court Act

100: Judges are formally required to explain their judgments in detail, establishing a body of precedent. All judges comply with these requirements.

75:

50: Judges are compelled to give substantial reasons for their decisions, but some exceptions exist. These may include special courts, such as military courts or tribunals.

25:

0: Judges commonly issue decisions without formal explanations.

32c. In law, there is an ombudsman (or equivalent agency or mechanism) for the national-level judicial system.

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
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</table>

**Comments:**
The Ombudsman's office is probably one of the least useful public offices in the country and does not have jurisdiction over the judiciary. Instead, the Judicial Services Commission performs this role.

**References:**
Constitution of Zimbabwe
Judicial Services Act
Ombudsman Act
Criminal Procedures (Codification) Act
High Court Act

**YES:** A YES score is earned if there is an ombudsman or equivalent mechanism for the judicial system. A judicial ombudsman is defined here as an agency or mechanism specifically mandated to investigate breaches of procedure, abuses of power or other failures of the judiciary.

**NO:** A NO score is earned if no agency or mechanism is specifically mandated to act as a judicial ombudsman.

32d. In law, the judicial ombudsman (or equivalent agency or mechanism) is protected from political interference.

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
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</table>

**Comments:**
The Judicial Services Commission is independent from the executive.
The current ombudsman is a wife of a former provincial governor. She is generally considered to be highly partisan in favour of the ruling ZanuPF party.

References:
Constitution of Zimbabwe
Judicial Services Act
Ombudsman Act

YES: A YES score is earned if there are formal rules establishing that the judicial ombudsman is operationally independent from political interference by the executive, legislative or judicial branches.

NO: A NO score is earned if there are no formal rules establishing the independence of the judicial ombudsman. A NO score is given if the judicial ombudsman function is carried out by an inherently subordinate organization, such as an executive ministry or legislative committee.

32e. In practice, when necessary, the judicial ombudsman (or equivalent agency or mechanism) initiates investigations.

100 | 75 | 50 | 25 | 0

References:
Constitution of Zimbabwe
Judicial Services Act
Ombudsman Act
Criminal Procedures (Codification) Act

100: The ombudsman aggressively starts investigations — or participates fully with cooperating agencies’ investigations — into judicial misconduct. The ombudsman is fair in its application of this power.

75:

50: The ombudsman will start or cooperate in investigations, but often relies on external pressure to set priorities, or has limited effectiveness when investigating. The ombudsman, thought limited in effectiveness, is still fair in its application of power.

25:

0: The ombudsman rarely investigates on its own or cooperates in other agencies’ investigations, or the ombudsman is partisan in its application of this power.

32f. In practice, when necessary, the judicial ombudsman (or equivalent agency or mechanism) imposes penalties on offenders.

100 | 75 | 50 | 25 | 0
When rules violations are discovered, the ombudsman is aggressive in penalizing offenders or in cooperating with other agencies who penalize offenders.

The ombudsman enforces rules, but is limited in its effectiveness. The ombudsman may be slow to act, unwilling to take on politically powerful offenders, resistant to cooperating with other agencies, or occasionally unable to enforce its judgments.

The ombudsman does not effectively penalize offenders. The ombudsman may make judgments but not enforce them, does not cooperate with other agencies in enforcing penalties, or may fail to make reasonable judgments against offenders. The ombudsman may be partisan in its application of power.

III-4. Budget Processes

33. Can the legislature provide input to the national budget?

75

33a. In law, the legislature can amend the budget.

YES  |  NO

Comments:
The legislature actively debates the budget and has the right to make significant input. Government will usually fight tooth and nail to prevent any substantial changes to be made to the proposed budget.

References:
Finance Act
Constitution of Zimbabwe

YES: A YES score is earned if the legislature has the power to add or remove items to the national government budget.

NO: A NO score is earned if the legislature can approve, but not change details of the budget. A NO score is earned if the legislature has no input into the budget process.

33b. In practice, significant public expenditures require legislative approval.
100: All significant government expenditures (defined as any project costing more than 1% of the total national budget), must be approved by the legislature. This includes defense and secret programs, which may be debated in closed hearings.

75:

50: Most significant government expenditures (as defined) are approved by the legislature, but some exceptions to this rule exist. This may include defense programs, an executive's personal budget, or other expenses.

25:

0: The legislature does not have the power to approve or disapprove large portions of the government budget, or the legislature does not exercise this power in a meaningful way.

33c. In practice, the legislature has sufficient capacity to monitor the budget process and provide input or changes.

100 | 75 | 50 | 25 | 0

Comments:
This is normally done through the work of Parliamentary Portfolio Committees.

References:
Finance Act
Constitution of Zimbabwe
Presidential Powers Act

100: Legislators benefit from a sufficient and qualified staff as well as adequate financial and physical resources. Lack of capacity is never a reason why legislators cannot carry out their duties effectively.

75:

50: Legislators have some staff and financial resources but are limited by a shortfall of resources to adequately perform all of their budgetary oversight functions. Legislators are occasionally overwhelmed by the volume of work to be performed.

25:

0: Legislators have little to no staff and virtually no financial resources with which to perform their budgetary oversight role. Lack of resources is a regular and systemic problem that cripples the performance of the legislature.
34. Can citizens access the national budgetary process?

75

34a. In practice, the national budgetary process is conducted in a transparent manner in the debating stage (i.e. before final approval).

100  |  75  |  50  |  25  |  0

References:
- Finance Act
- Constitution of Zimbabwe
- Parliamentary Procedures and Standing Rules

100: Budget debates are public and records of these proceedings are easily accessible. Authors of individual budget items can easily be identified. Nearly all budget negotiations are conducted in these official proceedings.

75:

50: There is a formal, transparent process for budget debate, but major budget modifications may be negotiated in separate, closed sessions. Some items, such as non-secret defense projects, may be negotiated in closed sessions. Authors of individual line items may be difficult to identify.

25:

0: Budget negotiations are effectively closed to the public. There may be a formal, transparent process, but most real discussion and debate happens in other, closed settings.

34b. In practice, citizens provide input at budget hearings.

100  |  75  |  50  |  25  |  0

Comments:
Sadly, these are not always accommodated when the final budget is approved.

References:
- Finance Act
- Constitution of Zimbabwe
- Parliamentary Procedures and Standing Rules

100: Citizens, usually acting through CSOs, can provide information or commentary to the budget debate through a formal process. This information is essential to the process of evaluating budget priorities.

75:
Citizens or CSOs can provide input, but this information is often not relevant to budget decisions.

Citizens or CSOs have no formal access to provide input to the budget debate.

In practice, citizens can access itemized budget allocations.

Comments:
The only inhibition here is the cost of the documents.

References:
Finance Act
Constitution of Zimbabwe
Parliamentary Procedures and Standing Rules

100: Citizens, journalists and CSOs can access itemized lists of budget allocations. This information is easily available and up to date.

75:

50: Citizens, journalists and CSOs can access itemized lists of budget allocations but this information may be difficult to access, incomplete or out of date.

25:

0: Citizens cannot access an itemized list of budget allocations, due to secrecy, prohibitive barriers or government inefficiency.

35. In law, is there a separate legislative committee which provides oversight of public funds?

100

References:
Finance Act
Constitution of Zimbabwe
Parliamentary Procedures and Standing Rules
Auditor-General Act
YES: A YES score is earned if there is a dedicated legislative committee (or equivalent group located in the legislature) that oversees the expenditure of public funds.

NO: A NO score is earned if no such body exists. A NO score is earned if there is a body executing this function but it is not under the direction of the legislature.

### 36. Is the legislative committee overseeing the expenditure of public funds effective?

**63**

36a. In practice, department heads regularly submit reports to this committee.

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<th>0</th>
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</table>

**Comments:**
Government rarely ever pays any attention to the reports of the Auditor-General or to those of Parliamentary Portfolio Committees.

**References:**
- Finance Act
- Constitution of Zimbabwe
- Parliamentary Procedures and Standing Rules
- Auditor-General Act

100: Heads of ministry- or cabinet-level agencies submit regular, formal reports of expenses to a budget oversight committee.

75:

50: Agency heads submit reports to a budget oversight committee, but these reports are flawed in some way. The reports may be inconsistently delivered, or lacking important details.

25:

0: There is no budget oversight committee or equivalent, or heads of agencies do not submit meaningful reports to the agency.

36b. In practice, the committee acts in a non-partisan manner with members of opposition parties serving on the committee in an equitable fashion.

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<th>75</th>
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</table>

**References:**
- Finance Act
100: The committee is comprised of legislators from both the ruling party (or parties) and opposition parties in a roughly equitable distribution. All members of the committee — including opposition party members — are able to fully participate in the activities of the committee and influence the committee’s work to roughly the same extent as any other member of the committee.

75:

50: The committee is comprised of legislators from both the ruling party (or parties) and opposition parties although the ruling party has a disproportionate share of committee seats. The chairperson of the committee may be overly influential and curb other members’ ability to shape the committee’s activities.

25:

0: The committee is dominated by legislators of the ruling party and/or the committee chairperson. Opposition legislators serving on the committee have in practice no way to influence the work of the committee.

36c. In practice, this committee is protected from political interference.

100   75   50   25   0

References:
Finance Act
Constitution of Zimbabwe
Parliamentary Procedures and Standing Rules
Auditor-General Act

100: This committee operates independently of the political process, without incentive or pressure to render favorable judgments on politically sensitive issues. Investigations are rarely praised or criticized by political figures.

75:

50: This committee is usually independent but is sometimes influenced by negative or positive political incentives. This may include public praise or criticism by the government.

25:

0: This committee is commonly influenced by personal or political forces or incentives. This may include conflicting family relationships, professional partnerships, or other personal loyalties that ultimately influence the committee’s behavior and decision-making. Negative incentives may include threats, harassment or other abuses of power by the government.

36d. In practice, when necessary, this committee initiates independent investigations into financial irregularities.

100   75   50   25   0
Comments:
There has never been anyone prosecuted on account of the reports or investigations of the Auditor-General or Portfolio Committees.

References:
Finance Act
Constitution of Zimbabwe
Parliamentary Procedures and Standing Rules
Auditor-General Act

100: When irregularities are discovered, the committee is aggressive in investigating the government.

75:

50: The committee starts investigations, but is limited in its effectiveness. The committee may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

25:

0: The committee does not effectively investigate financial irregularities. The committee may start investigations but not complete them, or may fail to detect offenders. The committee may be partisan in its application of power.

Category IV. Administration and Civil Service

IV-1. Civil Service Regulations

37. Are there national regulations for the civil service encompassing, at least, the managerial and professional staff?

75

37a. In law, there are regulations requiring an impartial, independent and fairly managed civil service.

YES | NO

Comments:
Though independent, the Public Service Commission actually reports to both the President and the Minister of the Public Service, Labour and Social Welfare.

References:
Constitution of Zimbabwe
Public Service Act
YES: A YES score is earned if there are specific formal rules establishing that the civil service carry out its duties independent of political interference.

NO: A NO score is earned if there are no formal rules establishing an independent civil service.

37b. In law, there are regulations to prevent nepotism, cronyism, and patronage within the civil service.

YES | NO

References:
Constitution of Zimbabwe
Public Service Act
Various Statutory Instruments
Ombudsman Act
Anti-Corruption Act

YES: A YES score is earned if there are specific formal rules prohibiting nepotism, cronyism, and patronage in the civil service. These should include competitive recruitment and promotion procedures as well as safeguards against arbitrary disciplinary actions and dismissal.

NO: A NO score is earned if no such regulations exist.

37c. In law, there is an independent redress mechanism for the civil service.

YES | NO

Comments:
There are these options: the Ombudsman’s Office or the Civil Service Commission’s Internal Disciplinary Committee.

References:
Constitution of Zimbabwe
Public Service Act
Various Statutory Instruments
Ombudsman Act

YES: A YES score is earned if there is a mechanism to which civil servants and applicants for the civil service can take grievances regarding civil service management actions. Civil servants are able to appeal the mechanism’s decisions to the judiciary.

NO: A NO score is earned if no such mechanism exists.
37d. In law, civil servants convicted of corruption are prohibited from future government employment.

**YES** | **NO**

**Comments:**
Civil servants are not legally barred from future government employment even after conviction for corruption. In most cases, senior civil servants who will have been convicted of corruption will be pardoned and assigned to different posts from the ones they were serving in.

**References:**
Constitution of Zimbabwe  
Public Service Act  
Various Statutory Instruments  
Ombudsman Act

**YES:** A YES score is earned if there are specific rules prohibiting continued government employment following a corruption conviction.

**NO:** A NO score is earned if no such rules exist.

38. Is the law governing the administration and civil service effective?

64

38a. In practice, civil servants are protected from political interference.

100  |  75  |  50  |  25  |  0

**Comments:**
By and large, civil servants are fearful of doing anything that may be unacceptable to their political bosses. They therefore often toe the party line. Several civil servants that have been suspected of supporting the opposition MDC have since lost their jobs.

**References:**
Public Service Act  
Various Statutory Instruments  
Constitution of Zimbabwe  
Ombudsman Act

**100:** Civil servants operate independently of the political process, without incentive or pressure to render favorable treatment or policy decisions on politically sensitive issues. Civil servants rarely comment on political debates. Individual judgments are rarely praised or criticized by political figures. Civil servants can bring a case to the courts challenging politically-motivated firings.

**75:**
Civil servants are typically independent, yet are sometimes influenced in their judgments by negative or positive political or personal incentives. This may include favorable or unfavorable treatment by superiors, public criticism or praise by the government, or other forms of influence. Civil servants may bring a case to the judicial system challenging politically-motivated firings but the case may encounter delays or bureaucratic hurdles.

Civil servants are commonly influenced by political or personal matters. This may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include threats, harassment or other abuses of power. Civil servants are unable to find a remedy in the courts for unjustified or politically-motivated firings.

In practice, civil servants are appointed and evaluated according to professional criteria.

Appointments to the civil service and their professional evaluations are made based on professional qualifications. Individuals appointed are free of conflicts of interest arising from personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

Appointments and professional assessments are usually based on professional qualifications. Individuals appointed may have clear party loyalties, however.

Appointments and professional assessments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

In practice, civil service management actions (e.g. hiring, firing, promotions) are not based on nepotism, cronyism, or patronage.

There have been numerous appointments made on the basis of nepotism and cronyism.

References:
Public Service Act
Various Statutory Instruments
Constitution of Zimbabwe
Ombudsman Act
Nepotism (favorable treatment of family members), cronyism (favorable treatment of friends and colleagues), and patronage (favorable treatment of those who reward their superiors) are actively discouraged at all levels of the civil service. Hirings, firings, and promotions are based on merit and performance.

Nepotism, cronyism, and patronage are discouraged, but exceptions exist. Political leaders or senior officials sometimes appoint family member or friends to favorable positions in the civil service, or lend other favorable treatment.

Nepotism, cronyism, and patronage are commonly accepted principles in hiring, firing and promotions of civil servants.

In practice, civil servants have clear job descriptions.

Civil servants almost always have formal job descriptions establishing levels of seniority, assigned functions, and compensation. Job descriptions are a reliable means to map positions to both human capital requirements (including the position’s authority and responsibilities) and base pay.

Civil servants often have formal job descriptions, but exceptions exist. Some civil servants may not be part of the formal assignment of duties and compensations. Some job descriptions may not map clearly to pay or responsibilities in some cases.

Civil servants do not have formal roles or job descriptions. If they do, such job descriptions have little or nothing to do with the position’s responsibilities, authority, or pay.

In practice, civil servant bonuses constitute only a small faction of total pay.
Comments:
The fraction is actually 1/12 or, as they call it here, the thirteenth cheque.

References:
Public Service Act
Various Statutory Instruments
Constitution of Zimbabwe
Ombudsman Act
Anti-Corruption Act

100: Civil servant bonuses constitute no more than 10% of total pay and do not represent a major element of take-home pay.

75:

50: Civil servant bonuses are generally a small percentage of total take-home pay for most civil servants though exceptions exist where some civil servants' bonuses represent a significant part of total pay.

25:

0: Most civil servants receive bonuses that represent a significant amount of total take-home pay. In some cases bonuses represent the majority of total pay to civil servants.

38f. In practice, the government publishes the number of authorized civil service positions along with the number of positions actually filled.

100 | 75 | 50 | 25 | 0

References:
Public Service Act
Various Statutory Instruments
Constitution of Zimbabwe
Ombudsman Act

100: The government publishes such a list on a regular basis.

75:

50: The government publishes such a list but it is often delayed or incomplete. There may be multiple years in between each successive publication.

25:

0: The government rarely or never publishes such a list, or when it does it is wholly incomplete.

38g. In practice, the independent redress mechanism for the civil service is effective.
100: The independent redress mechanism for the civil service can control the timing and pace of its investigations without any input from the bodies that manage civil servants on a day-to-day basis.

75:

50: The independent civil service redress mechanism can generally decide what to investigate and when but is sometimes subject to pressure from the executive or the bodies that manage civil servants on a day-to-day basis on politically sensitive issues.

25:

0: The civil service redress mechanism must rely on approval from the executive or the bodies that manage civil servants on a day-to-day basis before initiating investigations. Politically sensitive investigations are almost impossible to move forward on.

38h. In practice, in the past year, the government has paid civil servants on time.

100 | 75 | 50 | 25 | 0

References:
Public Service Act
Various Statutory Instruments
Constitution of Zimbabwe
Ombudsman Act
Anti-Corruption Act

100: In the past year, no civil servants have been paid late.

75:

50: In the past year, some civil servants have been paid late.

25:

0: In the past year, civil servants have frequently been denied due pay.

38i. In practice, civil servants convicted of corruption are prohibited from future government employment.
Comments:
Some are merely reassigned to new positions.

References:
Public Service Act
Various Statutory Instruments
Constitution of Zimbabwe
Ombudsman Act
Anti-Corruption Act

100: A system of formal blacklists and cooling off periods is in place for civil servants convicted of corruption. All civil servants are subject to this system.

75:

50: A system of formal blacklists and cooling off periods is in place, but the system has flaws. Some civil servants may not be affected by the system, or the prohibitions are sometimes not effective.

25:

0: There is no such system, or the system is consistently ineffective in prohibiting future employment of convicted civil servants.

39. Are there regulations addressing conflicts of interest for civil servants?

25

39a. In law, there are requirements for civil servants to recuse themselves from policy decisions where their personal interests may be affected.

YES | NO

References:
Public Service Act
Various Statutory Instruments
Constitution of Zimbabwe
Ombudsman Act
Anti-Corruption Act

YES: A YES score is earned if there are requirements for civil servants to recuse themselves from policy decisions where their personal interests, including personal financial interests as well as those of their family and friends, are affected.

NO: A NO score exists if no such requirements exist in regulation or law.
39b. In law, there are restrictions for civil servants entering the private sector after leaving the government.

Yes | No

Comments:
No such laws exist. In fact some civil servants participate in the private sector while still employed by government.

References:
Public Service Act

---

39c. In law, there are regulations governing gifts and hospitality offered to civil servants.

Yes | No

References:
Public Service Act

---

39d. In practice, the regulations restricting post-government private sector employment for civil servants are effective.

100 | 75 | 50 | 25 | 0

References:
Public Service Act
100: The regulations restricting post-government private sector employment for civil servants are uniformly enforced. There are no or few cases of civil servants taking jobs in the private sector after leaving government where they directly lobby or seek to influence their former government colleagues without an adequate cooling off period.

75:

50: The regulations are generally enforced though some exceptions exist. In certain sectors, civil servants are known to regularly take jobs in the private sector that entail directly lobbying or seeking to influence their former government colleagues. Cooling off periods are short and sometimes ignored.

25:

0: The regulations are rarely or never enforced. Civil servants routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced.

39e. In practice, the regulations governing gifts and hospitality offered to civil servants are effective.

100 | 75 | 50 | 25 | 0

References:
Public Service Act

100: The regulations governing gifts and hospitality to civil servants are regularly enforced and sufficiently restrict the amounts of gifts and hospitality that can be given to civil servants. Civil servants never or rarely accept gifts or hospitality above what is allowed.

75:

50: The regulations governing gifts and hospitality to civil servants are generally applied though exceptions exist. Some civil servants in certain sectors are known to accept greater amounts of gifts and hospitality from outside interest groups or private sector actors than is allowed.

25:

0: The regulations governing gifts and hospitality to the civil service are routinely ignored and unenforced. Civil servants routinely accept significant amounts of gifts and hospitality from outside interest groups and actors seeking to influence their decisions.

39f. In practice, the requirements for civil service recusal from policy decisions affecting personal interests are effective.

100 | 75 | 50 | 25 | 0

Comments:
Civil servants commonly participate in policy decisions that affect their personal interests. They only recuse themselves if and when they are found out to have personal interests in the entities or decisions under consideration.
References:
Public Service Act
Various Statutory Instruments
Constitution of Zimbabwe
Ombudsman Act
Anti-Corruption Act

100: The requirements that civil servants recuse themselves from policy decisions where their personal interests are affected are routinely followed by most or all civil servants.

75:

50: The requirements that civil servants recuse themselves from policy decisions where their personal interests are affected are followed by most civil servants though exceptions exist. In certain sectors, civil servants are known to routinely participate in policy decisions where their personal interests are affected.

25:

0: Most civil servants routinely ignore recusal requirements and continue to participate in policy decisions where their personal interests are affected.

40. Can citizens access the asset disclosure records of senior civil servants?

0

40a. In law, citizens can access the asset disclosure records of senior civil servants.

YES | NO

Comments:
No such records exist

References:
Public Service Act

YES: A YES score is earned if laws or regulations guarantee that citizens can access the asset records of senior civil servants.

NO: A NO score is earned if senior civil servants do not file an asset disclosure. A NO score is earned if senior civil servants file an asset disclosure, but it is not available to the public.

40b. In practice, citizens can access the asset disclosure records of senior civil servants within a reasonable time period.
References:
Public Service Act

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take around two weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

40c. In practice, citizens can access the asset disclosure records of senior civil servants at a reasonable cost.

References:
Public Service Act

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

IV-2. Whistle-blowing Measures

41. Are employees protected from recrimination or other negative consequences when reporting corruption (i.e. whistle-blowing)?
41a. In law, civil servants who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

YES | NO

References:
Public Service Act
Various Statutory Instruments
Constitution of Zimbabwe
Ombudsman Act
Anti-Corruption Act

YES: A YES score is earned if there are specific laws against recrimination against public sector whistleblowers. This may include prohibitions on termination, transfer, harassment or other consequences.

NO: A NO score is earned if there are no legal protections for public-sector whistleblowers.

41b. In practice, civil servants who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

100 | 75 | 50 | 25 | 0

Comments:
In most cases, the protection is not adequate. Some people are known to have lost their lives after blowing the whistle on corrupt civil servants and/or politicians.

References:
Public Service Act
Various Statutory Instruments
Constitution of Zimbabwe
Ombudsman Act
Anti-Corruption Act

100: Public sector whistleblowers can report abuses of power without fear of negative consequences. This may be due to robust mechanisms to protect the identity of whistleblowers or may be due to a culture that encourages disclosure and accountability.

75:

50: Public sector whistleblowers are sometimes able to come forward without negative consequences, but in other cases, whistleblowers are punished for disclosing, either through official or unofficial means.

25:

0: Public sector whistleblowers often face substantial negative consequences, such as losing a job, relocating to a less prominent position, or some form of harassment.
41c. In law, private sector employees who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

YES | NO

Comments:
There are no laws protecting private sector employees in this manner.

References:
Reserve Bank Act

YES: A YES score is earned if there are specific laws against recrimination against private sector whistleblowers. This may include prohibitions on termination, transfer, harassment or other consequences.

NO: A NO score is earned if there are no legal protections for private-sector whistleblowers.

41d. In practice, private sector employees who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

100 | 75 | 50 | 25 | 0

References:
Reserve Bank Act

100: Private sector whistleblowers can report abuses of power without fear of negative consequences. This may be due to robust mechanisms to protect the identity of whistleblowers or may be due to a culture that encourages disclosure and accountability.

75:

50: Private sector whistleblowers are sometimes able to come forward without negative consequences, but in other cases, whistleblowers are punished for disclosing, either through official or unofficial means.

25:

0: Private sector whistleblowers often face substantial negative consequences, such as losing a job, relocating to a less prominent position, or some form of harassment.

42. Is there an effective internal mechanism (i.e. phone hotline, e-mail address, local office) where civil servants can report corruption?

50
42a. In practice, the internal reporting mechanism for public sector corruption has a professional, full-time staff.

| 100 | 75 | 50 | 25 | 0 |

Comments:
The Commission is grossly under-staffed and limited in its operations.

References:
Anti-Monopolies and Anti-Corruption Act
Anti-Corruption Commission

100: The agency/entity has staff sufficient to fulfill its basic mandate.

75:

50: The agency/entity has limited staff, a fact that hinders its ability to fulfill its basic mandate.

25:

0: The agency/entity has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

42b. In practice, the internal reporting mechanism for public sector corruption receives regular funding.

| 100 | 75 | 50 | 25 | 0 |

Comments:
The funds are usually very limited.

References:
Anti-Monopolies and Anti-Corruption Act
Anti-Corruption Commission

100: The agency/entity has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

75:

50: The agency/entity has a regular source of funding but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

25:

0: Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.
42c. In practice, the internal reporting mechanism for public sector corruption acts on complaints within a reasonable time period.

|   | 100 | 75 | 50 | 25 | 0 |

- **100**: The agency/entity acts on complaints quickly. While some backlog is expected and inevitable, complaints are acknowledged promptly and investigations into serious abuses move steadily towards resolution. Citizens with simple issues can expect a resolution within a month.

- **75**: The agency/entity acts on complaints quickly, with some exceptions. Some complaints may not be acknowledged, and simple issues may take more than two months to resolve.

- **50**: The agency/entity acts on complaints quickly, with some exceptions. Some complaints may not be acknowledged, and simple issues may take more than two months to resolve.

- **25**: The agency/entity cannot resolve complaints quickly. Complaints may be unacknowledged for more than a month, and simple issues may take more than three months to resolve. Serious abuses are not investigated with any urgency.

42d. In practice, when necessary, the internal reporting mechanism for public sector corruption initiates investigations.

|   | 100 | 75 | 50 | 25 | 0 |

- **100**: When irregularities are discovered, the agency/entity is aggressive in investigating the government or in cooperating with other agencies’ investigations.

- **75**: The agency/entity starts investigations, but is limited in its effectiveness. The agency/entity may be slow to act, unwilling to take on politically powerful offenders, reluctant to cooperate with other investigative agencies, or occasionally unable to enforce its judgments.

- **50**: The agency/entity starts investigations, but is limited in its effectiveness. The agency/entity may be slow to act, unwilling to take on politically powerful offenders, reluctant to cooperate with other investigative agencies, or occasionally unable to enforce its judgments.

- **25**: The agency/entity does not effectively investigate. The agency/entity may start investigations but not complete them, may refuse to cooperate with other investigative agencies, or may fail to detect offenders. The agency/entity may be partisan in
43. Is the public procurement process effective?

YES | NO

43a. In law, there are regulations addressing conflicts of interest for public procurement officials.

References:
State Procurement Act
Government Tender Board Act
Ombudsman Act
Anti-Monopolies and Anti-Corruption Act

YES: A YES score is earned if there are specific formal regulations defining and regulating conflicts of interest between official public duty and private gain for public procurement officials.

NO: A NO score is earned if no such rules exist.

43b. In law, there is mandatory professional training for public procurement officials.

YES | NO

References:
State Procurement Act
Government Tender Board Act

YES: A YES score is earned if public procurement officials receive regular mandatory training to ensure professional standards in supervising the tendering process.

NO: A NO score is earned if there is no regular required training of public procurement officials or if training is sporadic, inconsistent, or voluntary.
43c. In practice, the conflicts of interest regulations for public procurement officials are enforced.

<table>
<thead>
<tr>
<th>Score</th>
<th>Comments</th>
<th>References</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>Regulations regarding conflicts of interest for procurement officials are aggressively enforced.</td>
<td>State Procurement Act, Government Tender Board Act, Ombudsman Act, Anti-Monopolies and Anti-Corruption Act</td>
</tr>
<tr>
<td>75</td>
<td></td>
<td></td>
</tr>
<tr>
<td>50</td>
<td>Conflict of interest regulations exist, but are flawed. Some violations may not be enforced, or some officials may be exempt from regulations.</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0</td>
<td>Conflict of interest regulations do not exist, or are consistently ineffective.</td>
<td></td>
</tr>
</tbody>
</table>

43d. In law, there is a mechanism that monitors the assets, incomes and spending habits of public procurement officials.

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
</table>

Comments: No mechanisms of this nature exist.

References: State Procurement Act, Government Tender Board Act

YES: A YES score is earned if there is a formal mandate to some agency to monitor the assets, incomes and spending habits of public procurement officials, such as an inspector general, or ombudsman.

NO: A NO score is earned if no such mandate exists.

43e. In law, major procurements require competitive bidding.
<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
</table>

**Comments:**
This applies only to amounts above certain specified levels.

**References:**
State Procurement Act  
Government Tender Board Act  
Ombudsman Act  
Anti-Monopolies and Anti-Corruption Act

**YES:** A YES score is earned if all major procurements (defined as those greater than 0.5% of GDP) require competitive bidding.  
**NO:** A NO score is earned if competitive bidding is not required by law or regulation for major procurement (greater than 0.5% OF GDP).

43f. In law, strict formal requirements limit the extent of sole sourcing.

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
</table>

**Comments:**
In reality these are often violated but few officials are prosecuted.

**References:**
State Procurement Act  
Government Tender Board Act  
Ombudsman Act  
Anti-Monopolies and Anti-Corruption Act

**YES:** A YES score is earned if sole sourcing is limited to specific, tightly defined conditions, such as when a supplier is the only source of a skill or technology.  
**NO:** A NO score is earned if there are no prohibitions on sole sourcing. A NO score is earned if the prohibitions on sole sourcing are general and unspecific.

43g. In law, unsuccessful bidders can instigate an official review of procurement decisions.

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
</table>

**Comments:**
They rarely ever succeed, however.
YES: A YES score is earned if there is a formal appeal process for unsuccessful bidders.

NO: A NO score is earned if no such process exists.

43h. In law, unsuccessful bidders can challenge procurement decisions in a court of law.

YES | NO

YES: A YES score is earned if unsuccessful bidders can use the courts to appeal a procurement decision.

NO: A NO score is earned if no such process exists.

43i. In law, companies guilty of major violations of procurement regulations (i.e. bribery) are prohibited from participating in future procurement bids.

YES | NO

Comments:
Not in Zimbabwe; such companies can still participate in future bids. The law does not prohibit any such companies from participating in future public procurement processes.

YES: A YES score is earned if there are formal procurement blacklists, preventing convicted companies from doing business with the government.

NO: A NO score is earned if no such process exists.
43j. In practice, companies guilty of major violations of procurement regulations (i.e. bribery) are prohibited from participating in future procurement bids.

---

**Comments:**
No such provisions exist.

**References:**
State Procurement Act
Government Tender Board Act
Anti-Monopolies and Anti-Corruption Act

---

100: A system of formal blacklists and cooling off periods is in place for companies convicted of corruption. All companies are subject to this system.

75:

50: A system of formal blacklists and cooling off periods is in place, but the system has flaws. Some procurements or companies may not be affected by the system, or the prohibitions are sometimes not effective.

25:

0: There is no such system, or the system is consistently ineffective in prohibiting future hiring of blacklisted companies.

---

44. Can citizens access the public procurement process?

83

44a. In law, citizens can access public procurement regulations.

**YES** | **NO**

**Comments:**
These are available from the relevant government departments.

**References:**
State Procurement Act
Government Tender Board Act
Ombudsman Act
Anti-Monopolies and Anti-Corruption Act

**YES:** A YES score is earned if procurement rules are, by law, open to the public.
NO: A NO score is earned if procurement rules are officially secret for any reason or if there are no procurement rules.

44b. In law, the government is required to publicly announce the results of procurement decisions.

YES | NO

References:
State Procurement Act
Government Tender Board Act
Ombudsman Act
Anti-Monopolies and Anti-Corruption Act

YES: A YES score is earned if the government is required to publicly post or announce the results of the public procurement process. This can be done through major media outlets or on a publicly-accessible government register or log.

NO: A NO score is earned if there is no requirement for the government to publicly announce the results of the public procurement process.

44c. In practice, citizens can access public procurement regulations within a reasonable time period.

100 | 75 | 50 | 25 | 0

References:
State Procurement Act
Government Tender Board Act
Ombudsman Act
Anti-Monopolies and Anti-Corruption Act

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take around two weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

44d. In practice, citizens can access public procurement regulations at a reasonable cost.
100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

44e. In practice, major public procurements are widely advertised.

100: There is a formal process of advertising public procurements. This may include a government Web site, newspaper advertising, or other official announcements. All major procurements are advertised in this way.

75:

50: There is a formal process of advertisement but it is flawed. Some major procurements may not be advertised, or the advertising process may not be effective.

25:

0: There is no formal process of advertising major public procurements or the process is superficial and ineffective.

44f. In practice, citizens can access the results of major public procurement bids.
References:
State Procurement Act
Government Tender Board Act
Anti-Monopolies and Anti-Corruption Act

100: Records of public procurement results are publicly available through a formal process.

75:

50: Records of public procurements are available, but there are exceptions to this practice. Some information may not be available, or some citizens may not be able to access information.

25:

0: This information is not available to the public through an official process.

IV-4. Privatization

45. Is the privatization process effective?

83

45a. In law, all businesses are eligible to compete for privatized state assets.

YES | NO

Comments:
Some privatised assets are restricted to indigenous participants only.

References:
State Procurement Act
Government Tender Board Act
Anti-Monopolies and Anti-Corruption Act

YES: A YES score is earned if all businesses are equally eligible to compete for privatized assets. A YES score is still earned if the government did not privatize any state-owned assets during the study period.
NO: A NO score is earned if any group of businesses (other than those blacklisted due to corruption charges) is excluded by law.

45b. In law, there are regulations addressing conflicts of interest for government officials involved in privatization.

YES | NO

References:
State Procurement Act
Government Tender Board Act
Anti-Monopolies and Anti-Corruption Act

YES: A YES score is earned if there are formal regulations defining and regulating conflicts of interest for government officials involved in privatization.

NO: A NO score is earned if there are no such formal regulations.

45c. In practice, conflicts of interest regulations for government officials involved in privatization are enforced.

100 | 75 | 50 | 25 | 0

Comments:
Some officials make use of their relatives to acquire privatised assets for themselves.

References:
State Procurement Act
Government Tender Board Act
Anti-Monopolies and Anti-Corruption Act

100: Regulations regarding conflicts of interest for privatization officials are aggressively enforced.

75:

50: Conflict of interest regulations exist, but are flawed. Some violations may not be enforced, or some officials may be exempt from the regulations.

25:

0: Conflict of interest regulations do not exist, or are consistently ineffective.

46. Can citizens access the terms and conditions of privatization bids?
46a. In law, citizens can access the terms and conditions of privatization bids.

References:
State Procurement Act
Government Tender Board Act
Anti-Monopolies and Anti-Corruption Act

**YES**: A YES score is earned if there is a formal process of publishing the details of privatization bids that makes information available to all citizens.

**NO**: A NO score is earned if there is no formal publication process, or if any citizens are excluded by law from accessing this information.

46b. In law, the government is required to publicly announce the results of privatization decisions.

References:
State Procurement Act
Government Tender Board Act
Anti-Monopolies and Anti-Corruption Act

**YES**: A YES score is earned if the government is required to publicly post or announce the results of the privatization process. This can be done through major media outlets or on a publicly-accessible government register or log.

**NO**: A NO score is earned if there is no requirement for the government to publicly announce the results of the privatization process.

46c. In practice, citizens can access the terms and conditions of privatization bids within a reasonable time period.
100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take around two weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

46d. In practice, citizens can access the terms and conditions of privatization bids at a reasonable cost.

100 | 75 | 50 | 25 | 0

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.
47. In law, is there a national ombudsman, public protector or equivalent agency (or collection of agencies) covering the entire public sector?

YES | NO

References:
Ombudsman Act
Constitution of Zimbabwe

YES: A YES score is earned if there is a specific agency or set of agencies whose primary mandate is to investigate the actions of government on the behalf of common citizens. This agency or set of agencies should be specifically charged with seeking out and documenting abuses of power.

NO: A NO score is earned if no such agency or set of agencies exists, or that function is a secondary concern of a larger body, such as the legislature.

48. Is the national ombudsman effective?

68

48a. In law, the ombudsman is protected from political interference.

YES | NO

References:
Ombudsman Act
Constitution of Zimbabwe

YES: A YES score is earned only if the agency (or set of agencies) has some formal organizational independence from the government. A YES score is earned even if the entity is legally separate but in practice staffed by partisans.

NO: A NO score is earned if the agency is a subordinate part of any government ministry or agency, such as the Department of Interior or the Justice Department.
48b. In practice, the ombudsman is protected from political interference.

Comments:
The current Ombudsman is wife of a former provincial governor. She therefore tends to be highly partisan and reluctant to find fault with the government. She is also a political appointee.

References:
Ombudsman Act
Constitution of Zimbabwe

100: This agency (or set of agencies) operates independently of the political process, without incentive or pressure to render favorable judgments in politically sensitive cases. Investigations can operate without hindrance from the government, including access to politically sensitive information.

75:

50: This agency (or set of agencies) is typically independent, yet is sometimes influenced in its work by negative or positive political incentives. This may include public criticism or praise by the government. The ombudsman may not be provided with some information needed to carry out its investigations.

25:

0: This agency (or set of agencies) is commonly influenced by political or personal incentives. This may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include threats, harassment or other abuses of power. The ombudsman cannot compel the government to reveal sensitive information.

48c. In practice, the head of the ombudsman agency/entity is protected from removal without relevant justification.

Comments:
In the past the Ombudsman was only removed after committing gross misconduct.

References:
Ombudsman Act
Constitution of Zimbabwe

100: The director of the ombudsman (or directors of multiple agencies) serves a defined term and cannot be removed without a significant justification through a formal process, such as impeachment for abuse of power.

75:

50: The director of the ombudsman (or directors of multiple agencies) serves a defined term, but can in some cases be removed through a combination of official or unofficial pressure.
0: The director of the ombudsman (or directors of multiple agencies) can be removed at the will of political leadership.

48d. In practice, the ombudsman agency (or agencies) has a professional, full-time staff.

| 100 | 75 | 50 | 25 | 0 |

Comments:
Except when the appointment is political as in the current Ombudsman's case.

References:
Ombudsman Act
Constitution of Zimbabwe

100: The ombudsman agency (or agencies) has staff sufficient to fulfill its basic mandate.

75: 

50: The ombudsman agency (or agencies) has limited staff that hinders its ability to fulfill its basic mandate.

25: 

0: The ombudsman agency (or agencies) has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

48e. In practice, agency appointments support the independence of the ombudsman agency (or agencies).

| 100 | 75 | 50 | 25 | 0 |

References:
Ombudsman Act
Constitution of Zimbabwe

100: Appointments to the agency (or agencies) are made based on professional qualifications. Individuals appointed are free of conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

75: 

50: Appointments are usually based on professional qualifications. Individuals appointed may have clear party loyalties.

25: 
0: Appointments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

48f. In practice, the ombudsman agency (or agencies) receives regular funding.

100 | 75 | 50 | 25 | 0

References:
Ombudsman Act
Constitution of Zimbabwe
Public Finance Act

100: The agency (or agencies) has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

75:

50: The agency (or agencies) has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

25:

0: Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency functions.

48g. In practice, the agency (or agencies) makes publicly available reports.

100 | 75 | 50 | 25 | 0

Comments:
The current Ombudsman's office has a frightful backlog. They are currently working on the report for 2002. Many people have since given up getting redress through the Ombudsman.

References:
Ombudsman Act
Constitution of Zimbabwe

100: The agency (or agencies) makes regular, publicly available, substantial reports either to the legislature or directly to the public outlining the full scope of its work.

75:

50: The agency (or agencies) makes publicly available reports to the legislature and/or directly to the public that are sometimes delayed or incomplete.

25:
0: The agency (or agencies) makes no reports of its activities, or makes reports that are consistently out of date, unavailable to the public, or insubstantial.

48h. In practice, when necessary, the national ombudsman (or equivalent agency or agencies) initiates investigations.

|   | 100 | 75 | 50 | 25 | 0 |

Comments:
Except in cases where there is no jurisdiction such as President’s Office.

References:
Ombudsman Act
Constitution of Zimbabwe

100: The agency aggressively starts investigations — or participates fully with cooperating agencies’ investigations — into judicial misconduct. The agency is fair in its application of this power.

75:

50: The agency will start or cooperate in investigations, but often relies on external pressure to set priorities, or has limited effectiveness when investigating. The agency, though limited in effectiveness, is still fair in its application of power.

25:

0: The agency rarely investigates on its own or cooperates in other agencies’ investigations, or the agency is partisan in its application of this power.

48i. In practice, when necessary, the national ombudsman (or equivalent agency or agencies) imposes penalties on offenders.

|   | 100 | 75 | 50 | 25 | 0 |

Comments:
The penalties cannot be monetary but such actions as reinstatement of illegally or wrongfully dismissed officers.

References:
Ombudsman Act
Constitution of Zimbabwe

100: When rules violations are discovered, the agency is aggressive in penalizing offenders or in cooperating with other agencies who penalize offenders.

75:
50: The agency enforces rules, but is limited in its effectiveness. The agency may be slow to act, unwilling to take on politically powerful offenders, resistant to cooperating with other agencies, or occasionally unable to enforce its judgments.

25:

0: The agency does not effectively penalize offenders. The agency may make judgments but not enforce them, does not cooperate with other agencies in enforcing penalties, or may fail to make reasonable judgments against offenders. The agency may be partisan in its application of power.

48j. In practice, the government acts on the findings of the agency (or agencies).

| 100 | 75 | 50 | 25 | 0 |

Comments:
Only in cases that are not politically embarrassing to the government.

References:
Ombudsman Act
Constitution of Zimbabwe

100: Ombudsman's reports are taken seriously, with negative findings drawing prompt corrective action.

75:

50: In most cases, ombudsman’s reports are acted on, though some exceptions may occur for politically sensitive issues, or particularly resistant agencies.

25:

0: Ombudsman reports are often ignored, or given superficial attention. Ombudsman reports do not lead to policy changes.

48k. In practice, the agency (or agencies) acts on citizen complaints within a reasonable time period.

| 100 | 75 | 50 | 25 | 0 |

Comments:
The agency is generally sloppy.

References:
Ombudsman Act
Constitution of Zimbabwe

100: The agency (or agencies) acts on complaints quickly. While some backlog is expected and inevitable, complaints are acknowledged promptly and investigations into serious abuses move steadily towards resolution. Citizens with simple issues can expect a resolution within a month.
The agency (or agencies) acts on complaints quickly, with some exceptions. Some complaints may not be acknowledged, and simple issues may take more than two months to resolve.

The agency (or agencies) cannot resolve complaints quickly. Complaints may be unacknowledged for more than a month, and simple issues may take more than three months to resolve. Serious abuses are not investigated with any urgency.

49. Can citizens access the reports of the ombudsman?

83

49a. In law, citizens can access reports of the ombudsman(s).

YES | NO

References:
Except that the latest available report is for the year 2001.

YES: A YES score is earned if all ombudsman reports are publicly available.

NO: A NO score is earned if any ombudsman reports are not publicly available. This may include reports made exclusively to the legislature or the executive, which those bodies may choose not to distribute the reports.

49b. In practice, citizens can access the reports of the ombudsman(s) within a reasonable time period.

100 | 75 | 50 | 25 | 0

References:
Ombudsman Act
Constitution of Zimbabwe

100: Reports are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75: Reports take around two weeks to obtain. Some delays may be experienced.

25:
Reports take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

49c. In practice, citizens can access the reports of the ombudsman(s) at a reasonable cost.

100  |
75  |
50  |
25  |
0

References:
Ombudsman Act
Constitution of Zimbabwe

100: Reports are free to all citizens, or available for the cost of photocopying. Reports can be obtained at little cost, such as by mail, or on-line.

75:

50: Reports impose a financial burden on citizens, journalists or CSOs. Retrieving reports may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving reports imposes a major financial burden on citizens. Reports costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

V-2. Supreme Audit Institution

50. In law, is there a national supreme audit institution, auditor general or equivalent agency covering the entire public sector?

100

50. In law, is there a national supreme audit institution, auditor general or equivalent agency covering the entire public sector?

YES  |  NO
YES: A YES score is earned if there is a specific agency whose primary mandate is to audit and track the movement of money through the government. This agency should be specifically charged to investigate and document the misuse of funds. A system of agencies located in each department is equivalent.

NO: A NO score is earned if no such agency exists, or that function is a secondary concern of a larger body, such as the executive.

51. Is the supreme audit institution effective?

84

51a. In law, the supreme audit institution is protected from political interference.

YES | NO

Comments:
He is generally ignored by politicians except by those in the opposition.

References:
Public Finance Act
Auditor General Act

YES: A YES score is earned only if the agency has some formal organizational independence from the government. A YES score is earned even if the entity is legally separate but in practice staffed by partisans.

NO: A NO score is earned if the agency is a subordinate part of any government ministry or agency, such as the Department of Interior or the Justice Department.

51b. In practice, the head of the agency is protected from removal without relevant justification.

100 | 75 | 50 | 25 | 0

References:
Public Finance Act
Auditor General Act

100: The director of the agency serves a defined term and cannot be removed without a significant justification through a formal process, such as impeachment for abuse of power.
The director of the agency serves a defined term, but can in some cases be removed through a combination of official or unofficial pressure.

The director of the agency can be removed at the will of political leadership.

In practice, the agency has a professional, full-time staff.

The agency has staff sufficient to fulfill its basic mandate.

Appointments to the agency are made based on professional qualifications. Individuals appointed are free of conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

Appointments are usually based on professional qualifications. Individuals appointed may have clear party loyalties.
Appointments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

51e. In practice, the agency receives regular funding.

| 100 | 75 | 50 | 25 | 0 |

References:
- Public Finance Act
- Auditor General Act

100: The agency has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

75:

50: The agency has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

25:

0: Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.

51f. In practice, the agency makes regular public reports.

| 100 | 75 | 50 | 25 | 0 |

Comments:
There is a delay in publishing reports.

References:
- Public Finance Act
- Auditor General Act

100: The agency makes regular, publicly available, substantial reports to the legislature and/or to the public directly outlining the full scope of its work.

75:

50: The agency makes publicly available reports to the legislature and/or to the public directly that are sometimes delayed or incomplete.

25:
The agency makes no reports of its activities, or makes reports that are consistently out of date, unavailable to the public, or insubstantial.

51g. In practice, the government acts on the findings of the agency.

Comments:
The government allows the reports to be discussed in Parliament, but does little else after that.

References:
Public Finance Act
Auditor General Act
Hansard various issues

100: Audit agency reports are taken seriously, with negative findings drawing prompt corrective action.

75:

50: In most cases, audit agency reports are acted on, though some exceptions may occur for politically sensitive issues, or particularly resistant agencies.

25:

0: Audit reports are often ignored, or given superficial attention. Audit reports do not lead to policy changes.

51h. In practice, the supreme audit institution is able to initiate its own investigations.

References:
Public Finance Act
Auditor General Act
Hansard various issues

100: The supreme audit institution can control the timing and pace of its investigations without any input from the executive or legislature.

75:

50: The supreme audit institution can generally decide what to investigate, and when, but is subject to pressure from the executive or legislature on politically sensitive issues.

25:
The supreme audit institution must rely on approval from the executive or legislature before initiating investigations. Politically sensitive investigations are almost impossible to move forward on.

52. Can citizens access reports of the supreme audit institution?

75

52a. In law, citizens can access reports of the agency.

YES | NO

References:
Public Finance Act
Auditor General Act

YES: A YES score is earned if all supreme auditor reports are available to the general public.

NO: A NO score is earned if any auditor reports are not publicly available. This may include reports made exclusively to the legislature or the executive, which those bodies may choose not to distribute.

52b. In practice, citizens can access audit reports within a reasonable time period.

100 | 75 | 50 | 25 | 0

References:
Public Finance Act
Auditor General Act

100: Reports are available on-line, or records can be obtained within two days. Reports are uniformly available; there are no delays for politically sensitive information.

75:

50: Reports take around two weeks to obtain. Some delays may be experienced.

25:

0: Reports take more than a month to acquire. In some cases, most reports may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

52c. In practice, citizens can access the audit reports at a reasonable cost.
References:
Public Finance Act
Auditor General Act

100: Reports are free to all citizens, or available for the cost of photocopying. Reports can be obtained at little cost, such as by mail, or on-line.

75:

50: Reports impose a financial burden on citizens, journalists or CSOs. Retrieving reports may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving reports imposes a major financial burden on citizens. Report costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

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86

V-3. Taxes and Customs

53. In law, is there a national tax collection agency?

100

53. In law, is there a national tax collection agency?

YES | NO

References:
Public Finance Act
Zimbabwe Revenue Authority (ZIMRA) Act

YES: A YES score is earned if there is a national agency formally mandated to collect taxes.

NO: A NO score is earned if that function is spread over several agencies, or does not exist. A NO score is earned if national government ministries can collect taxes independently.
54. Is the tax collection agency effective?

100

54a. In practice, the tax collection agency has a professional, full-time staff.

|    | 100 |    | 75 |    | 50 |    | 25 |    | 0 |

References:
Public Finance Act
Zimbabwe Revenue Authority (ZIMRA) Act

100: The agency has staff sufficient to fulfill its basic mandate.

75:

50: The agency has limited staff that hinders its ability to fulfill its basic mandate.

25:

0: The agency has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

54b. In practice, the agency receives regular funding.

|    | 100 |    | 75 |    | 50 |    | 25 |    | 0 |

References:
Public Finance Act
Zimbabwe Revenue Authority (ZIMRA) Act

100: The agency has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

75:

50: The agency has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

25:

0: Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.
55. In practice, are tax laws enforced uniformly and without discrimination?

<table>
<thead>
<tr>
<th>Score</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>Tax laws (which may be economically unfair as written) are enforced consistently for all citizens. No general group of citizens is more or less likely to evade tax law than another.</td>
</tr>
<tr>
<td>75</td>
<td>Tax laws are generally enforced consistently, but some exceptions exist. For example, some groups may occasionally evade tax law. Some arbitrary and discriminatory tax rules exist.</td>
</tr>
<tr>
<td>50</td>
<td>Tax law is unequally applied. Some groups of citizens are consistently more or less likely to evade tax law than others. Tax regulations are, as a rule, written to be discriminatory and/or arbitrary.</td>
</tr>
<tr>
<td>25</td>
<td></td>
</tr>
<tr>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

References:
Public Finance Act
Zimbabwe Revenue Authority (ZIMRA) Act

56. In law, is there a national customs and excise agency?

<table>
<thead>
<tr>
<th>Score</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>YES: A YES score is earned if there is an agency formally mandated to collect excises and inspect customs.</td>
</tr>
<tr>
<td></td>
<td>NO: A NO score is earned if that function is spread over several agencies, or does not exist.</td>
</tr>
</tbody>
</table>

References:
Public Finance Act
Zimbabwe Revenue Authority (ZIMRA) Act
57. Is the customs and excise agency effective?

100

57a. In practice, the customs and excise agency has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

References:
Public Finance Act
Zimbabwe Revenue Authority (ZIMRA) Act

100: The agency has staff sufficient to fulfill its basic mandate.

75:

50: The agency has limited staff that hinders its ability to fulfill its basic mandate.

25:

0: The agency has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

57b. In practice, the agency receives regular funding.

100 | 75 | 50 | 25 | 0

References:
Public Finance Act
Zimbabwe Revenue Authority (ZIMRA) Act

100: The agency has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

75:

50: The agency has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

25:

0: Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.
58. In practice, are customs and excise laws enforced uniformly and without discrimination?

<table>
<thead>
<tr>
<th>Score</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>Customs and excise laws (which may be economically unfair as written) are enforced consistently for all citizens. No general group of citizens is more or less likely to evade customs than another.</td>
</tr>
<tr>
<td>75</td>
<td>Customs and excise laws are generally enforced consistently, but some exceptions exist. For example, some groups may occasionally evade customs requirements.</td>
</tr>
<tr>
<td>50</td>
<td>Customs and excise laws are unequally applied. Some groups of citizens are consistently more or less likely to evade customs and excise laws than others.</td>
</tr>
<tr>
<td>25</td>
<td></td>
</tr>
<tr>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

Comments:
Some senior politicians tend to evade the payment of customs and excise on patronage basis.

References:
Public Finance Act
Zimbabwe Revenue Authority (ZIMRA) Act

V-4. Financial Sector Regulation

59. In law, is there a financial regulatory agency overseeing publicly listed companies?

<table>
<thead>
<tr>
<th>Score</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td></td>
</tr>
<tr>
<td>YES</td>
<td>No financial regulatory agency overseeing publicly listed companies.</td>
</tr>
<tr>
<td>NO</td>
<td>Yes, there is a financial regulatory agency overseeing publicly listed companies.</td>
</tr>
</tbody>
</table>
**YES:** A YES score is earned if there is an agency tasked with overseeing publicly listed companies in the public interest and ensuring that disclosure rules are met.

**NO:** A NO score is earned if this function is spread over several agencies or does not exist.

### 60. Is the financial regulatory agency effective?

#### 60a. In law, the financial regulatory agency is protected from political interference.

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
</table>

### References:
- Zimbabwe Stock Exchange (ZSE) Act
- Companies Act
- Anti-Monopolies and Anti-Corruption Act

**YES:** A YES score is earned only if the agency has some formal organizational independence from the government. A YES score is earned even if the entity is legally separate but in practice staffed by partisans.

**NO:** A NO score is earned if the agency is a subordinate part of any government ministry or agency, such as the Department of Interior or the Justice Department.

#### 60b. In practice, the agency has a professional, full-time staff.

| 100 | 75 | 50 | 25 | 0 |

### References:
- Zimbabwe Stock Exchange (ZSE) Act
- Companies Act
- Anti-Monopolies and Anti-Corruption Act

**100:** The agency has staff sufficient to fulfill its basic mandate.

**75:**
50: The agency has limited staff that hinders its ability to fulfill its basic mandate.

25:

0: The agency has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

60c. In practice, the agency receives regular funding.

100 | 75 | 50 | 25 | 0

Comments:
The agency is generally self-funding.

References:
Zimbabwe Stock Exchange (ZSE) Act
Companies Act
Anti-Monopolies and Anti-Corruption Act

100: The agency has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

75:

50: The agency has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

25:

0: Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency functions.

60d. In practice, when necessary, the financial regulatory agency independently initiates investigations.

100 | 75 | 50 | 25 | 0

References:
Zimbabwe Stock Exchange (ZSE) Act
Companies Act
Anti-Monopolies and Anti-Corruption Act

100: When irregularities are discovered, the agency is aggressive in investigating and/or in cooperating with other investigative bodies.

75:
The agency starts investigations, but is limited in its effectiveness or in its cooperation with other investigative agencies. The agency may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

The agency does not effectively investigate financial irregularities or cooperate with other investigative agencies. The agency may start investigations but not complete them, or may fail to detect offenders. The agency may be partisan in its application of power.

In practice, when necessary, the financial regulatory agency imposes penalties on offenders.

When rules violations are discovered, the agency is aggressive in penalizing offenders and/or in cooperating with other agencies that impose penalties.

The agency enforces rules, but is limited in its effectiveness or reluctant to cooperate with other agencies. The agency may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

The agency does not effectively penalize offenders or refuses to cooperate with other agencies that enforce penalties. The agency may make judgments but not enforce them, or may fail to make reasonable judgments against offenders. The agency may be partisan.

Can citizens access the financial records of publicly listed companies?

YES | NO

In law, citizens can access the financial records of publicly listed companies.

References:
Zimbabwe Stock Exchange (ZSE) Act
Companies Act
Anti-Monopolies and Anti-Corruption Act
YES: A YES score is earned if the financial information of all publicly traded companies is required by law to be public.

NO: A NO score is earned if any category of publicly-owned or publicly-traded company is exempt from this rule, or no such rules exist.

61b. In practice, the financial records of publicly listed companies are regularly updated.

| 100 | 75 | 50 | 25 | 0 |

Comments:
This does not always happen; for example under crisis economic conditions.

References:
Zimbabwe Stock Exchange (ZSE) Act
Companies Act
Anti-Monopolies and Anti-Corruption Act

100: Publicly traded companies always disclose financial data, which is generally accurate and up to date.

75:

50: Publicly traded companies disclose financial data, but it is flawed. Some companies may misstate financial data, or file the information behind schedule.

25:

0: Financial data is not available, or is consistently superficial or otherwise of no value to investors.

61c. In practice, the financial records of publicly listed companies are audited according to international accounting standards.

| 100 | 75 | 50 | 25 | 0 |

Comments:
Auditing to this standard occurs only where possible.

References:
Zimbabwe Stock Exchange (ZSE) Act
Companies Act
Anti-Monopolies and Anti-Corruption Act

100: Financial records of all public companies are regularly audited by a trained third party auditor using accepted international standards.
Financial records of public companies are regularly audited, but exceptions may exist. Some companies may use flawed or deceptive accounting procedures, or some companies may be exempted from this requirement.

Publicly traded companies are not audited, or the audits have no functional value. The auditors may collude with the companies in providing misleading or false information to the public.

In practice, citizens can access the records of disciplinary decisions imposed by the government on publicly-listed companies.

These records are freely available to all citizens through a formal official process.

These records are available to all citizens, with some exceptions.

These records are generally not available through official processes.

In practice, citizens can access the financial records of publicly listed companies within a reasonable time period.

Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.
Records take around two weeks to obtain. Some delays may be experienced.

Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

In practice, citizens can access the financial records of publicly listed companies at a reasonable cost.

Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

References:
Zimbabwe Stock Exchange (ZSE) Act
Companies Act
Anti-Monopolies and Anti-Corruption Act

Are business licenses available to all citizens?

In law, anyone may apply for a business license.
### 62a. In law, a complaint mechanism exists if a business license request is denied.

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
</table>

**References:**
- Companies Act
- Anti-Monopolies and Anti-Corruption Act

**YES:** A YES score is earned if there is a formal process for appealing a rejected license.

**NO:** A NO score is earned if no such mechanism exists.

### 62b. In practice, citizens can obtain any necessary business license (i.e. for a small import business) within a reasonable time period.

| 100 | 75 | 50 | 25 | 0 |

**References:**
- Zimbabwe Stock Exchange (ZSE) Act
- Companies Act
- Anti-Monopolies and Anti-Corruption Act

### 100: Licenses are not required, or licenses can be obtained within roughly one week.

### 75:
Licensing is required and takes around one month. Some groups may be delayed up to a three months.

Licensing takes more than three months for most groups. Some groups may wait six months to one year to get necessary licenses.

In practice, citizens can obtain any necessary business license (i.e. for a small import business) at a reasonable cost.

Licenses are not required, or licenses are free. Licenses can be obtained at little cost to the organization, such as by mail, or on-line.

Licenses are required, and impose a financial burden on the organization. Licenses may require a visit to a specific office, such as a regional or national capital.

Licenses are required, and impose a major financial burden on the organization. Licensing costs are prohibitive to the organization.

Do businesses receive equitable regulatory treatment from the government?

In law, basic business regulatory requirements for meeting health, safety, and environmental standards are transparent and publicly available.

References:
Zimbabwe Stock Exchange (ZSE) Act
Companies Act
Anti-Monopolies and Anti-Corruption Act
Companies Registrar’s documents
YES: A YES score is earned if basic regulatory requirements for meeting health, safety, and environmental standards are publicly accessible and transparent.

NO: A NO score is earned if such requirements are not made public or are otherwise not transparent.

63b. In practice, business inspections by the government are carried out in a uniform and even-handed manner.

100  |  75  |  50  |  25  |  0

Comments:
Many businesses pay inspectors bribes in order to get away with business conditions and practices that are below standard.

References:
Health Act
Companies Act
Anti-Monopolies and Anti-Corruption Act
Companies Registrar’s documents

100: Business inspections by the government (i.e. health, safety, or environmental inspections) are designed and carried out in such a way as to ensure comprehensive compliance by all businesses with transparent regulatory requirements.

75:

50: Business inspections by the government (i.e. health, safety, or environmental inspections) are generally carried out in an even-handed way though exceptions exist. Bribes are occasionally paid to extract favorable treatment or expedited processing.

25:

0: Business inspections (i.e. health, safety, or environmental inspections) are routinely carried out by the government in an ad hoc, arbitrary fashion designed to extract extra payments from businesses in exchange for favorable treatment.

Category VI. Anti-Corruption and Rule of Law

VI-1. Anti-Corruption Law

64. Is there legislation criminalizing corruption?

100

64a. In law, attempted corruption is illegal.
YES: A YES score is earned if corruption laws include attempted acts.

NO: A NO score is earned if this is not illegal.

64b. In law, extortion is illegal.

YES | NO

References:
Anti-Corruption Act
Anti-Monopolies and Anti-Corruption Act

YES: A YES score is earned if corruption laws include extortion. Extortion is defined as demanding favorable treatment (such as a bribe) to withhold a punishment.

NO: A NO score is earned if this is not illegal.

64c. In law, offering a bribe (i.e. active corruption) is illegal.

YES | NO

References:
Anti-Corruption Act
Anti-Monopolies and Anti-Corruption Act
Police Act
Public Procurement Act
Government Tender Board Act

YES: A YES score is earned if offering a bribe is illegal.
NO: A NO score is earned if this is not illegal.

64d. In law, receiving a bribe (i.e. passive corruption) is illegal.

YES | NO

References:
Anti-Corruption Act
Anti-Monopolies and Anti-Corruption Act
Police Act
Public Procurement Act
Government Tender Board Act

YES: A YES score is earned if receiving a bribe is illegal.

NO: A NO score is earned if this is not illegal.

64e. In law, bribing a foreign official is illegal.

YES | NO

References:
Anti-Corruption Act
Anti-Monopolies and Anti-Corruption Act
Police Act
Public Procurement Act
Government Tender Board Act

YES: A YES score is earned if bribing a foreign official is illegal.

NO: A NO score is earned if this is not illegal.

64f. In law, using public resources for private gain is illegal.

YES | NO

Comments:
There have been only a few people charged with this crime. There have been even fewer convictions.
YES: A YES score is earned if using public resources for private gain is illegal.

NO: A NO score is earned if this is not illegal.

64g. In law, using confidential state information for private gain is illegal.

YES | NO

YES: A YES score is earned if using confidential state information for private gain is illegal.

NO: A NO score is earned if this is not illegal.

64h. In law, money laundering is illegal.

YES | NO

YES: A YES score is earned if money laundering is illegal. Money laundering is defined as concealing the origin of funds to hide wrongdoing or avoid confiscation.

NO: A NO score is earned if this is not illegal.
64i. In law, conspiracy to commit a crime (i.e. organized crime) is illegal.

**YES** | **NO**

**References:**
- Anti-Corruption Act
- Anti-Monopolies and Anti-Corruption Act
- Public Procurement Act
- Government Tender Board Act
- Reserve Bank of Zimbabwe Act
- Criminal Law (Codification) Act

**YES**: A YES score is earned if organized crime is illegal.

**NO**: A NO score is earned if this is not illegal.

VI-2. Anti-Corruption Agency

65. In law, is there an agency (or group of agencies) with a legal mandate to address corruption?

100

**YES** | **NO**

**Comments:**
This is a recent creation and is called the Anti-Corruption Commission. Its effectiveness leaves a lot to be desired, unfortunately.

**References:**
- Anti-Monopolies and Anti-Corruption Act
- Reserve Bank of Zimbabwe Act
- Criminal Law (Codification) Act

**YES**: A YES score is earned if an agency is specifically mandated to address corruption. A YES score is earned if there are several agencies or entities with specific roles in fighting corruption, including special prosecutorial entities.
NO: A NO score is earned if no agency (or group of agencies/entities) is specifically mandated to prevent or prosecute corruption.

66. Is the anti-corruption agency effective?

61

66a. In law, the agency (or agencies) is protected from political interference.

YES | NO

Comments:
Both the Anti-Corruption Commission Act and the Prevention of Corruption (Amendment) Act stipulate that the agency be autonomous, but in reality and unofficially it is directed* by elements within the executive.

References:
The Anti-Corruption Commission Act and the Prevention of Corruption (Amendment) Act
Anti-Monopolies and Anti-Corruption Act
Reserve Bank of Zimbabwe Act
Criminal Law (Codification) Act

YES: A YES score is earned only if the agency (or agencies) has some formal organizational or operational independence from the government. A YES score is earned even if the agency/agencies is legally separate but in practice staffed by partisans.

NO: A NO score is earned if the agency (or agencies) is a subordinate part of any government ministry or agency, such as the Department of Interior or the Justice Department, in such a way that limits its operational independence.

66b. In practice, the agency (or agencies) is protected from political interference.

100 | 75 | 50 | 25 | 0

Comments:
The Commission seems to deliberately avoid investigating senior political figures within government and the ruling party.

References:
Anti-Monopolies and Anti-Corruption Act
Reserve Bank of Zimbabwe Act
Criminal Law (Codification) Act

100: This agency (or agencies) operates independently of the political process, without incentive or pressure to render favorable judgments in politically sensitive cases. Investigations can operate without hindrance from the government, including access to politically sensitive information.
This agency (or agencies) is typically independent, yet is sometimes influenced in its work by negative or positive political incentives. This may include favorable or unfavorable public criticism by the government, political appointments, or other forms of influence. The agency (or agencies) may not be provided with some information needed to carry out its investigations.

This agency (or agencies) is commonly influenced by political or personal incentives. These may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include threats, harassment or other abuses of power. The agency (or agencies) cannot compel the government to reveal sensitive information.

In practice, the head of the agency (or agencies) is protected from removal without relevant justification.

The director(s) cannot be removed without a significant justification through a formal process, such as impeachment for abuse of power.

The director(s) can in some cases be removed through a combination of official or unofficial pressure.

The director(s) can be removed at the will of political leadership.

In practice, appointments to the agency (or agencies) are based on professional criteria.

Although the members of the Commission are nominated by Members of Parliament, they are then appointed by the President, who may exclude some of the nominated individuals and also add some of his own choice.

References:
Anti-Monopolies and Anti-Corruption Act
Anti-Corruption Commission documents
**100:** Appointments to the agency (or agencies) are made based on professional qualifications. Individuals appointed are free of conflicts of interest arising from personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

**75:**

**50:** Appointments are usually based on professional qualifications. Individuals appointed may have clear party loyalties, however.

**25:**

**0:** Appointments are often based on political considerations. Individuals appointed often have conflicts of interest arising from personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

66e. In practice, the agency (or agencies) has a professional, full-time staff.

|   | 100 | 75 | 50 | 25 | 0 |

**Comments:**
Virtually all of them have to be politically acceptable to the ruling party.

**References:**
Anti-Monopolies and Anti-Corruption Act
Anti-Corruption Commission documents

**100:** The agency (or agencies) has staff sufficient to fulfill its basic mandate.

**75:**

**50:** The agency (or agencies) has limited staff, or staff without necessary qualifications to fulfill its basic mandate.

**25:**

**0:** The agency (or agencies) has no staff, or a limited staff, that is clearly unqualified to fulfill its mandate.

66f. In practice, the agency (or agencies) receives regular funding.

|   | 100 | 75 | 50 | 25 | 0 |

**References:**
Anti-Monopolies and Anti-Corruption Act
Anti-Corruption Commission documents
100: The agency (or agencies) has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

75:

50: The agency (or agencies) has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

25:

0: The agency's funding sources are unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.

66g. In practice, the agency (or agencies) makes regular public reports.

| 100 | 75 | 50 | 25 | 0 |

References:
Anti-Monopolies and Anti-Corruption Act
Anti-Corruption Commission documents

100: The agency (or agencies) makes regular, publicly available, substantial reports to the legislature and/or to the public directly outlining the full scope of its work.

75:

50: The agency (or agencies) makes publicly available reports to the legislature that are sometimes delayed or incomplete.

25:

0: The agency (or agencies) makes no reports of its activities, or makes reports that are consistently out of date, unavailable to the public, or insubstantial.

66h. In practice, the agency (or agencies) has sufficient powers to carry out its mandate.

| 100 | 75 | 50 | 25 | 0 |

Comments:
In some cases, the agency depends on the cooperation of the police. In all cases, the agency has to solicit the support of the public prosecutor; it has no prosecution powers of its own.

References:
Anti-Monopolies and Anti-Corruption Act
Anti-Corruption Commission documents
100: The agency (or agencies) has powers to gather information, including politically sensitive information. The agency (or agencies) can question suspects, order arrests and bring suspects to trial (or rely on related agencies or law enforcement authorities to perform such functions).

75: 

50: The agency (or agencies) has most of the powers needed to carry out its mandate with some exceptions.

25: 

0: The agency (or agencies) lacks significant powers which limit its effectiveness.

66i. In practice, when necessary, the agency (or agencies) independently initiates investigations.

References:
Anti-Monopolies and Anti-Corruption Act
Anti-Corruption Commission documents

100: When irregularities are discovered, the agency (or agencies) is aggressive in investigating the government or in cooperating with other investigative agencies.

75: 

50: The agency (or agencies) starts investigations, but is limited in its effectiveness or is reluctant to cooperate with other investigative agencies. The agency (or agencies) may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

25: 

0: The agency (or agencies) does not effectively investigate or does not cooperate with other investigative agencies. The agency (or agencies) may start investigations but not complete them, or may fail to detect offenders. The agency (or agencies) may be partisan in its application of power.

67. Can citizens access the anti-corruption agency?

50

67a. In practice, the anti-corruption agency (or agencies) acts on complaints within a reasonable time period.
100: The agency (or agencies) acts on complaints quickly. While some backlog is expected and inevitable, complaints are acknowledged promptly and investigations into serious abuses move steadily towards resolution. Citizens with simple issues can expect a resolution within a month.

75:

50: The agency (or agencies) acts on complaints quickly, with some exceptions. Some complaints may not be acknowledged, and simple issues may take more than two months to resolve.

25:

0: The agency (or agencies) cannot resolve complaints quickly. Complaints may be unacknowledged for more than a month, and simple issues may take more than three months to resolve. Serious abuses are not investigated with any urgency.

67b. In practice, citizens can complain to the agency (or agencies) without fear of recrimination.

100 | 75 | 50 | 25 | 0

100: Whistleblowers can report abuses of power without fear of negative consequences. This may be due to robust mechanisms to protect the identity of whistleblowers, or may be due to a culture that encourages disclosure and accountability.

75:

50: Whistleblowers are sometimes able to come forward without negative consequences, but in other cases, whistleblowers are punished for disclosing, either through official or unofficial means.

25:

0: Whistleblowers often face substantial negative consequences, such as losing a job, relocating to a less prominent position, or some form of harassment.

VI-3. Rule of Law

68. Is there an appeals mechanism for challenging criminal judgments?
68a. In law, there is a general right of appeal.

References:
High Court Act
Criminal Law (Codification) Act
Public Order and Security Act

**YES**: A YES score is earned if there is a formal process of appeal for challenging criminal judgments.

**NO**: A NO score is earned if there is no such process.

68b. In practice, appeals are resolved within a reasonable time period.

100  |  75  |  50  |  25  |  0

References:
High Court Act
Criminal Law (Codification) Act
Public Order and Security Act

**100**: Appeals are acted upon quickly. While some backlog is expected and inevitable, appeals are acknowledged promptly and cases move steadily towards resolution.

**75**: 

**50**: Appeals are generally acted upon quickly but with some exceptions. Some appeals may not be acknowledged, and simple cases may take years to resolve.

**25**: 

**0**: Most appeals are not resolved in a timely fashion. Appeals may go unacknowledged for months or years and simple cases may never be resolved.

68c. In practice, citizens can use the appeals mechanism at a reasonable cost.
100: In most cases, the appeals mechanism is an affordable option to middle class citizens seeking to challenge criminal judgments.

75:

50: In some cases, the appeals mechanism is not an affordable option to middle class citizens seeking to challenge criminal judgments.

25:

0: The prohibitive cost of utilizing the appeals mechanism prevents middle class citizens from challenging criminal judgments.

69. In practice, do judgments in the criminal system follow written law?

100

69. In practice, do judgments in the criminal system follow written law?

100

References:
High Court Act
Criminal Law (Codification) Act
Public Order and Security Act

100: Judgments in the criminal system are made according to established legal code and conduct. There are no exceptional cases in which individuals are treated by a separate process. Political interference, bribery, cronyism or other flaws are rarely factors in judicial outcomes.

75:

50: Judgments in the criminal system usually follow the protocols of written law. There are sometimes exceptions when political concerns, corruption or other flaws in the system decide outcomes.

25:

0: Judgments in the criminal system are often decided by factors other than written law. Bribery and corruption in the criminal judicial process are common elements affecting decisions.
70. In practice, are judicial decisions enforced by the state?

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<thead>
<tr>
<th>Score</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>100</td>
<td>Judicial decisions are enforced quickly regardless of what is being decided or who is appearing before the court. Failure to comply brings penalties enforced by the state.</td>
</tr>
<tr>
<td>75</td>
<td>Judicial decisions are generally enforced by the state, with some exceptions. Certain areas of law may be ignored, or certain parties appearing before the courts may evade or delay enforcement.</td>
</tr>
<tr>
<td>50</td>
<td>Judicial decisions are often ignored. The state lacks the will or capacity to consistently enforce these decisions.</td>
</tr>
</tbody>
</table>

References:
- High Court Act
- Criminal Law (Codification) Act
- Public Order and Security Act

71. Is the judiciary able to act independently?

<table>
<thead>
<tr>
<th>Score</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>88</td>
<td>In law, the independence of the judiciary is guaranteed.</td>
</tr>
</tbody>
</table>

References:
- High Court Act
- Criminal Law (Codification) Act
- Public Order and Security Act
- Constitution of Zimbabwe

YES: A YES score is earned if there are formal rules establishing that the judiciary is independent from political interference by the executive and legislative branches. Independence include financial issues (drafting, allocation and managing the budget of the courts).
NO: A NO score is earned if there are no formal rules establishing an independent judiciary.

71b. In practice, national-level judges are protected from political interference.

100 | 75 | 50 | 25 | 0

Comments:
Virtually all the judges of the Supreme and High Courts have been allocated free farms by the government. This effectively compromises their autonomy, and makes them vulnerable to political interference.

References:
High Court Act
Criminal Law (Codification) Act
Public Order and Security Act
Constitution of Zimbabwe

100: National level judges operate independently of the political process, without incentive or pressure to render favorable judgments in politically sensitive cases. Judges never comment on political debates. Individual judgments are rarely praised or criticized by political figures.

75:

50: National level judges are typically independent, yet are sometimes influenced in their judgments by negative or positive political incentives. This may include favorable or unfavorable treatment by the government or public criticism. Some judges may be demoted or relocated in retaliation for unfavorable decisions.

25:

0: National level judges are commonly influenced by politics and personal biases or incentives. This may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include demotion, pay cuts, relocation, threats or harassment.

71c. In law, there is a transparent and objective system for distributing cases to national-level judges.

YES | NO

References:
High Court Act
Criminal Law (Codification) Act
Public Order and Security Act
Constitution of Zimbabwe

YES: A YES score is earned if there is an objective system that is transparent to the public that equitably or randomly assigns cases to individual judges. The executive branch does not control this process.
NO: A NO score is earned if the case assignment system is non-transparent or subjective where judges themselves have influence over which cases they adjudicate. A NO score is also earned if the executive branch controls this process.

71d. In law, national-level judges are protected from removal without relevant justification.

YES | NO

Comments:
In the past (from 2000 to 2006) some judges have been tactfully pushed to resign their positions after making judicial rulings that were considered hostile or unacceptable to the incumbent regime.

References:
High Court Act
Criminal Law (Codification) Act
Public Order and Security Act
Constitution of Zimbabwe

YES: A YES score is earned if there are specific, formal rules for removal of a justice. Removal must be related to abuse of power or other offenses related to job performance.

NO: A NO score is earned if justices can be removed without justification, or for purely political reasons. A NO score is earned if the removal process is not transparent, or not based on written rules.

72. Are judges safe when adjudicating corruption cases?

100

72a. In practice, in the last year, no judges have been physically harmed because of adjudicating corruption cases.

YES | NO

References:
High Court Act
Criminal Law (Codification) Act
Public Order and Security Act
Constitution of Zimbabwe

YES: A YES score is earned if there were no documented cases of judges being assaulted because of their involvement in a corruption case during the specific study period.

NO: A NO score is earned if there were any documented cases of assault to a judge related to his/her participation in a corruption trial. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.
72b. In practice, in the last year, no judges have been killed because of adjudicating corruption cases.

YES  |  NO

References:
High Court Act
Criminal Law (Codification) Act
Public Order and Security Act
Constitution of Zimbabwe

YES: A YES score is earned if there were no documented cases of judges being killed related to their involvement in a corruption case during the study period.

NO: A NO score is earned if there were any documented cases where a judge was killed because of his/her participation in a corruption trial. The relationship between a mysterious death and a judge's involvement in a case may not be clear, however the burden of proof here is low. If it is a reasonable assumption that a judge was killed in relation to his or her work on corruption issues, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

73. Do citizens have equal access to the justice system?

50

73a. In practice, judicial decisions are not affected by racial or ethnic bias.

100  |  75  |  50  |  25  |  0

Comments:
Cases relating to white commercial farm invasions were tainted with racial overtones.

References:
High Court Act
Criminal Law (Codification) Act
Public Order and Security Act
Constitution of Zimbabwe

100: Judicial decisions are not affected by racial or ethnic bias.

75:

50: Judicial decisions are generally not affected by racial or ethnic bias, with some exceptions. Some groups may be occasionally discriminated against, or some groups may occasionally receive favorable treatment.

25:
Judicial decisions are regularly distorted by racial or ethnic bias. Some groups consistently receive favorable or unfavorable treatment by the courts.

73b. In practice, women have full access to the judicial system.

References:
High Court Act
Criminal Law (Codification) Act
Public Order and Security Act
Constitution of Zimbabwe

100: Women enjoy full and equal status in the eyes of the courts. There are no exceptions or practices in which women are treated differently by the judicial system.

75:

50: Women generally have use of the judicial system, with some exceptions. In some cases, women may be limited in their access to courts, or gender biases may affect court outcomes.

25:

0: Women generally have less access to the courts than men. Court decisions are commonly distorted by gender bias. Women may have to go through intermediaries to interact with the court, or are unable to present evidence.

73c. In practice, the state provides legal counsel for defendants in criminal cases who cannot afford it.

References:
High Court Act
Criminal Law (Codification) Act
Public Order and Security Act
Constitution of Zimbabwe

100: State-provided legal aid is basic, but well trained and effective in representing the rights of indigent defendants.

75:

50: State-provided legal aid is available, but flawed. Legal aid may be unavailable to some indigent defendants. Legal aid/public defenders may be sometimes unable or unwilling to competently represent all defendants.

25:
State-provided legal aid is unavailable to most indigent defendants. State legal aid/public defenders may be consistently incompetent or unwilling to fairly represent all defendants.

73d. In practice, citizens earning the median yearly income can afford to bring a legal suit.

References:
High Court Act
Criminal Law (Codification) Act
Public Order and Security Act
Constitution of Zimbabwe

100: In most cases, the legal system is an affordable option to middle class citizens seeking to redress a grievance.

75:

50: In some cases, the legal system is an affordable option to middle class citizens seeking to redress a grievance. In other cases, the cost is prohibitive.

25:

0: The cost of engaging the legal system prevents middle class citizens from filing suits.

73e. In practice, a typical small retail business can afford to bring a legal suit.

References:
High Court Act
Criminal Law (Codification) Act
Public Order and Security Act
Constitution of Zimbabwe

100: In most cases, the legal system is an affordable option to a small retail business seeking to redress a grievance.

75:

50: In some cases, the legal system is an affordable option to a small retail business seeking to redress a grievance. In other cases, the cost is prohibitive.

25:

0: The cost of engaging the legal system prevents small businesses from filing suits.
In practice, all citizens have access to a court of law, regardless of geographic location.

Courtrooms are always accessible to citizens at low cost, either through rural courthouses or through a system of traveling magistrates.

Courts are available to most citizens. Some citizens may be unable to reach a courtroom at low cost due to location.

Courts are unavailable to some regions without significant travel on the part of citizens.

VI-4. Law Enforcement

Is the law enforcement agency (i.e. the police) effective?

In practice, appointments to the law enforcement agency (or agencies) are made according to professional criteria.
Appointments to the agency (or agencies) are made based on professional qualifications. Individuals appointed are free of conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

50: Appointments are usually based on professional qualifications. Individuals appointed may have clear party loyalties, however.

0: Appointments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

74b. In practice, the agency (or agencies) has a budget sufficient to carry out its mandate.

100  |  75  |  50  |  25  |  0

References:
Police Act
High Court Act
Criminal Law (Codification) Act
Public Order and Security Act
Constitution of Zimbabwe

The agency (or agencies) has a budget sufficient to fulfill its basic mandate.

50: The agency (or agencies) has limited budget, generally considered somewhat insufficient to fulfill its basic mandate.

0: The agency (or agencies) has no budget or an obviously insufficient budget that hinders the agency’s ability to fulfill its mandate.

74c. In practice, the agency is protected from political interference.

100  |  75  |  50  |  25  |  0

Comments:
Virtually all senior police officers have to be known to be loyal members of the ruling party.

References:
Police Act
High Court Act
100: The agency (or agencies) operates independently of the political process and has operational independence from the government. All laws can be enforced regardless of the status of suspects or the sensitivity of the investigation.

75:

50: The agency (or agencies) is typically independent, yet is sometimes influenced in its investigations or enforcement actions by negative or positive political incentives. This may include favorable or unfavorable public criticism by the government or other forms of influence. The agency (or agencies) may not be provided with some information needed to carry out its investigations.

25:

0: The investigative and enforcement work of the agency (or agencies) is commonly influenced by political actors or the government. These may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include threats, harassment or other abuses of power by the government.

75. Can law enforcement officials be held accountable for their actions?

75

75a. In law, there is an independent mechanism for citizens to complain about police action.

YES | NO

Comments:
Mechanisms include the following: Petition to Police Commissioner for violation of Police Charter, Complaint to the Ombudsman’s Office, or Civil suit through the regular judiciary system.

References:
Ombudsman Act
Police Act
High Court Act
Criminal Law (Codification and Reform) Act
Public Order and Security Act
Constitution of Zimbabwe

YES: A YES score is earned if there is a formal process or mechanism by which citizens can complain about police actions.

NO: A NO score is earned if there is no such mechanism.

75b. In practice, the independent reporting mechanism responds to citizen’s complaints within a reasonable time period.
**Comments:**
There are always long delays in responding to citizens’ complaints.

**References:**
- Police Act
- High Court Act
- Criminal Law (Codification and Reform) Act
- Public Order and Security Act
- Constitution of Zimbabwe

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</table>

100: The agency/entity responds to complaints quickly. While some backlog is expected and inevitable, complaints are acknowledged promptly and investigations into serious abuses move steadily towards resolution. Citizens with simple issues can expect a resolution within a month.

75:

50: The agency/entity responds to complaints quickly, with some exceptions. Some complaints may not be acknowledged, and simple issues may take more than two months to resolve.

25:

0: The agency/entity cannot resolve complaints quickly. Complaints may be unacknowledged for more than a month, and simple issues may take three to six months to resolve. Serious abuses are not investigated with any urgency.

75c. In law, there is an agency/entity to investigate and prosecute corruption committed by law enforcement officials.

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<td>YES</td>
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**Comments:**
The Anti-Corruption Commission does have jurisdiction over the police force.

In practice, there has not been any significant arrests of any police officers for serious corruption. The reason for this is that the police are the ones who investigate themselves. The Anti-Corruption Commission is still too new to have done anything in this regard.

**References:**
- Police Act
- Constitution of Zimbabwe
- Anti-Corruption Commission Act

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<tbody>
<tr>
<td>YES</td>
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</table>

YES: A YES score is earned if there is an agency/entity specifically mandated to investigate corruption-related activity within law enforcement. This agency/entity is separate from the regular police department.

NO: A NO score is earned if no such agency/entity exists.
75d. In practice, when necessary, the agency/entity independently initiates investigations into allegations of corruption by law enforcement officials.

100 | 75 | 50 | 25 | 0

References:
Police Act
Criminal Law (Codification) Act

100: When irregularities are discovered, the agency/entity is aggressive in investigating government law enforcement officials or in cooperating with other investigative agencies.

75:

50: The agency/entity starts investigations, but is limited in its effectiveness or is reluctant to cooperate with other investigative agencies. The agency/entity may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

25:

0: The agency/entity does not effectively investigate or does not cooperate with other investigative agencies. The agency may start investigations but not complete them, or may fail to detect offenders. The agency may be partisan in its application of power.

75e. In law, law enforcement officials are not immune from criminal proceedings.

YES | NO

References:
Police Act
High Court Act
Criminal Law (Codification) Act
Public Order and Security Act
Constitution of Zimbabwe

YES: A YES score is earned if law enforcement officers are fully accountable for their actions under the law and can be investigated and prosecuted for their actions.

NO: A NO score is earned if law enforcement enjoys any special protection from criminal investigation or prosecution.

75f. In practice, law enforcement officials are not immune from criminal proceedings.
References:
Police Act
High Court Act
Criminal Law (Codification) Act
Public Order and Security Act
Constitution of Zimbabwe

100: Law enforcement officers are subject to criminal investigation for official misconduct. No crimes are exempt from prosecution.

75:

50: Law enforcement is generally subject to criminal investigation but exceptions may exist where criminal actions are overlooked by the police or prosecutors. Some crimes may be exempt from prosecution, such as actions taken in the line of duty.

25:

0: Law enforcement enjoys a general protection from most criminal investigation. This may be due to a formal immunity or an informal understanding that the law enforcement community protects itself.