

The scourge of corruption, violence and robbery



As corruption becomes the surest way for people to access certain rights and services, Tanzanians are increasingly forced to dispose of their assets in order to obtain cash to bribe officials. As a result, corruption is exposing both households and individuals to a constant erosion of income or asset-related resources. In this context, violence, robbery and insecurity are prevalent even within households, where women are now at greater risk than in public places.

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 Legal and Human Rights Centre (LHRC)
 Tanzania Gender Networking Programme (TGNP)
 Tanzania Women Lawyers Association (TAWLA)
 Women Advancement Trust (WAT)
 Women in Law and Development in Africa (WILDAF)
 Youth Partnership Countrywide (YPC)
 Women Legal Aid Centre (WLAC)

People's experiences in terms of security illustrate the high degree of risk and insecurity that people are exposed to due to the inability of police and local authorities to contain violent crime. In specific areas of Tanzania acts of crime and violence have caused social, material and bodily harm. Participation in income-generating activities is also curtailed, as people live in constant fear due to the rising levels of crime, and therefore do not feel free to pursue certain activities, such going to their "shamba" (a plot of land for growing crops).

Robbery and violence

In some cases robbery and violence lead to physical injury and trauma, more commonly in urban than in rural areas.

Crime undermines the viability of the economy even at local community level. For example, Tanzania Fisheries Company officials in the rural district of Kigoma reported that the impact of theft on the village of Mwakizega had been so severe that by May 2002 the local fishing industry was devastated, reduced to almost 20% of its 2001 levels.¹

Violence is another obstacle to human security, leading to psychological, material and bodily harm. Tanzanians are being subjected to two types of violence: first, violence perpetrated by government agents (random arrests and detentions by militia or abuse by police and local authorities); second, violence inflicted by other civilians (rape, domestic abuse, armed robbery).

One example of the first type of violence is the use of excessive force and inhuman treatment by government agents such as the police when dealing with suspected offenders. Remand and prison

TABLE 1

Crimes in Dar es Salaam. 1995-2003								
Offence	1995	1996	1997	1998	1999	2000	2001	2003
Rape	198	266	195	337	302	316	370	335
Petty theft	36,213	34,011	35,160	26,112	29,012	31,002	28,411	27,180
Murder	111	123	126	105	180	159	155	118
House-breaking	9,002	7,958	6,582	7,266	8,653	7,653	6,775	5,907
Armed robbery	241	209	116	90	156	115	168	193
Number of people injured in armed robberies	46	31	24	16	10	8	26	31

Source: Dar es Salaam Regional Police Commander's Office, May 2003.

conditions remain harsh and life-threatening in Tanzania. For example, in September 2002, at Mbarali police station in the Mbeya region, 112 suspects were detained in a small room capable of accommodating only 30 inmates. Seventeen of them died of suffocation. A report released in January 2003, which probed the deaths of the 17 prisoners, confirmed that the Government was grossly negligent in the handling of remand prisoners. Statistically, there are approximately 45,000 inmates in the country's prisons, which have a collective capacity for only 21,000 inmates, a situation that poses a serious threat to the human rights and security of Tanzanian prisoners.²

Women: even more vulnerable at home

Violence against women is prevalent and affects them in various ways irrespective of their age, education, origin, religion, marital status or place of residence. Women are more vulnerable at home than in public spaces. Domestic violence takes the form of battery, female genital mutilation, sexual abuse, marital rape, to which can be added institutionalised violence in certain tribes, such as cleansing rituals and forced marriages.

The issue of inheritance illustrates married women's unequal status with regard to property ownership, and provides insight into the persistently unequal conditions of women's lives. Inheritance rights are a critical issue for women because in Tanzania widows traditionally have had little right to inherit property from their husband's estate even when the property was acquired during their marriage. The issue is further complicated by a tripar-

tite legal system consisting of customary, Islamic and statutory law. The uncertainty and confusion caused by this situation lead to exploitative practices, such as property-grabbing by the deceased husband's relatives. As a result women are often left destitute and homeless upon the death of their spouses.

Corruption, a scourge to justice

Tanzania - like most African countries - is faced with a problem of corruption, which has become endemic in both the public and private sectors. People see corruption as inevitable and claim that the phenomenon has become institutionalised, with little effort being made to contain the practice despite widespread complaints by the population.

In some communities, the village authorities, including the Village Executive Officers, are notorious for imposing severe penalties and fines for minor offences, or for demanding or receiving payment without issuing receipts.

Corruption within the police force is common and takes a number of forms, with the result that security, the protection of people's property and basic human rights are at risk. As commented by one resident:

"...In hospitals, at the courts, at the police station, they all demand bribes before attending you. An example is the TZS 80,000 (USD 77) bribe I was forced to pay at the court in order to free my relative who had been on remand for six months. The bribe completely exhausted the investment capital that I was saving for an orange fruit business. Even after paying the bribe nobody would set him free until I had paid an influential man TZS 2,000 (USD 1.90). He was then able to get him released without any constraints."

1 Tanzania Participatory Poverty Assessment (TzPPA). *Vulnerability and Resilience to Poverty in Tanzania: Causes, Consequences and Policy Implications*. TzPPA, 2002/2003, p. 87.

2 *Ibid*, pp. 86-90.

Corruption is an enemy to justice and fuels social instability. It exposes households and individuals to a constant erosion of income and asset-related resources, since people are often forced to dispose of their assets in order to obtain cash to bribe officials. This has led to a decline in confidence in the government system since corruption has increasingly become the surest means by which people can access certain rights and services.

Government efforts

With respect to security, law and order, the Government has taken various initiatives to improve efficiency and fairness in the delivery of legal and judicial services. Among these are the establishment of a Commercial Court in August 1999 for the settling of commercial disputes, recruitment of resident magistrates, primary court magistrates and state attorneys, and the creation of the Commission for Human Rights and Good Governance (CHRGG) in 2002.

The Government has undertaken several measures to root out corruption, namely by passing anti-corruption laws.³ Other measures include the ongoing restructuring of the public sector.⁴ Moreover, in 1995 the Government appointed the Presidential Commission of Inquiry Against Corruption (PCIC), more commonly known as the Warioba Commission. The Commission carried out a study on why corruption has become endemic in Tanzanian society and distinguished between those who receive bribes as a means of supplementing their meagre incomes (petty corruption) and those who indulge in corrupt practices because of excessive greed for wealth (grand corruption). The Commission also pointed out also that the greatest cause of corruption in the country is lax leadership, the absence of clear guidelines on accountability of leaders and the general erosion of leaders. The changes brought about by the liberalisation of the economy, with its resultant competitiveness and conspicuous consumption, have led the public to believe that one can do anything and get away with it.

The Government's practical response to both the Warioba Report and the ensuing public debates on corruption was to launch the National Anti-Corruption Strategy and Action Plans (NACSAP). In November 1999, the Cabinet entrusted the NACSAP to act in three areas: a) to carry out relevant institutional reforms to eradicate corruption (corrective measure 1), b) to implement a public awareness campaign against corruption (corrective measure 2), and c) to bring together stakeholders working on rooting-out corruption in Tanzania (corrective measure 3). Government-level implementation

of NACSAP activities started in July 2000 and by October 2000 all 22 government ministries had developed sector-specific action plans to address their specific corruption-prone areas by promoting transparency, simplifying procedures, simplifying rules and making information accessible to the general public.

Beyond the government level, the NACSAP has sought new partnerships for its activities by inviting civil organisations and the media to develop their own sector-specific action plans for addressing corruption. Local governments and the private corporate sector also remain earmarked for NACSAP partnership. In response to demands for effectiveness and efficiency in July 2001 the Government instituted - under the Chief Secretary - the Good Governance Coordination Unit (GGCU) to co-ordinate, among other good governance matters, the implementation of NACSAP activities.

The GGCU designed good governance and corruption reporting tools as well as a framework for implementing the NACSAP. This framework involves government ministries, departments and agencies (MDAs), and the specialised governance organisations - the Prevention of Corruption Bureau (PCB), the Civil Service Department (CSD) and the CHRGG - in reporting cases of corruption. It is also the agency to which Civil Society Organisations (CSOs) and the corporate sector can report on corruption and bad governance in public services.

GGCU collects data from MDAs, specialised governance agencies and CSOs, and once it has analysed it, publishes the "Tanzania state of good governance" quarterly reports. So far the first and second quarterly reports 2002 have been published (see Table 2).

TABLE 2

Reports of corrupt and unethical behaviour		
Source of information on the cases	First Quarter (January-March) cases	Second Quarter (April-June) cases
Raised in parliament	6	8
Reported in mass media	97	135
Letters received by MDAs	46	301
Referred by other Agencies	18	58
Referred by NGOs/CSOs	0	5
Other sources	0	0
Source: Second Quarterly Monitoring Report, April-June, 2002. President Office, Good Governance Coordination Unit (GGCU).		

These figures show that between the first and second quarters there was an increase of 340 cases (about 200%). This jump is attributable to cases reported by the Ministry of Agriculture and Food Security (MAFS), which alone accounted for 214 cases (71%) reported by the MDAs, and about 50% of all cases reported. To be noted is the fact that NGOs/CSOs did not report any cases, which shows a serious lack of awareness on the part of civil society and the community as a whole.

Cases reported by specialised governance agencies

The specialised agencies (PCB and CHRGG) registered a total of 269 cases (an increase of 69%) of bribery, corruption, fraud and other unethical conduct in the second quarter. Out of the 269 cases, 65 of them involved public officials covered by the Leadership Ethics Code (LEC). The cases of officials covered by the LEC were 50 for the PCB and 15 for the CHRGG. In the cases not covered by the LEC, PCB and CHRGG reported 194 and 10 cases respectively. This indicates a very high increase when compared to the first quarter, where in the category of corrupt and unethical behaviour only 34 cases were reported. The number of cases reported by citizens increased by 164 cases (496%).

Efforts of the civil society organisations

Almost all NGOs/CSOs in Tanzania are advocating for human rights and good governance through:

- legal and human rights education
- awareness programmes on human rights, good governance and the impact of corruption
- research on and documentation of those issues
- monitoring and evaluation of MDAs, etc.

As mentioned above, the NACSAP recognises the right of CSOs to become its partners, as a means of putting pressure on the Government to formalise the mechanisms for CSOs to participate in the implementation of the NACSAP. However, according to available documentary evidence, participation of civil society in the NACSAP has been marginal. If properly organised, CSOs could very well make a valuable contribution to subsequent NACSAP quarterly reports, thus counterchecking the MDAs' internally generated data. ■

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3 Permanent Commission of Enquiry Act, 1996; Prevention of Corruption Act, 1971; Economic and Organized Crime Control Act 1984; Leadership Ethics Code, 1995.

4 Health sector reforms, civil service reforms, financial reforms, local government reforms, Financial and Legal Management Upgrading Project (FILMUP), Education Sector Development Programme, privatisation, Tanzania Revenue Authority (TRA) tax reforms, etc.