

U4 Helpdesk Answer

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Overview of corruption and anti-corruption in Zambia

With a focus on the justice sector,
grievance mechanisms in the public
sector, and gender and corruption

Zambia faces significant corruption challenges; public procurement and the justice sector are especially affected. A progressively authoritarian regime has resulted in increasing political violence against the opposition and government critics. With the onset of COVID-19, there are fears that, in a bid for survival, the ruling party may find ways of personal enrichment at the expense of public welfare. Women face significant barriers to political participation, and their experiences with corruption are notably different in some/ a number of cases. The Office of the Public Protector has emerged as an ombudsman authority in recent years.

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RELATED U4 MATERIAL

- ↗ [Zambia: Overview of corruption and anti-corruption \(2014\)](#)

Query

Can you please provide us with an update of the 2014 corruption analysis for Zambia? If possible, on the justice sector, on existing complaints and grievance mechanisms in the public sector and how effective they are, as well as the connection between gender and corruption (in the Zambian context).

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Background

Zambia, a landlocked country in Southern Africa, is a constitutional republic governed by a democratically elected president (US Department of State 2019; World Bank 2020). Despite regular multiparty elections, the legal and practical obstacles faced by opposition parties act as an impediment to fair competition (Freedom House 2020). For example, the Human Rights Report (2019), by the US Department of State, notes on the 2016 elections that while ultimately the results were a reflection of the votes which had been cast “media coverage, police actions, and legal restrictions heavily favoured the ruling party and prevented the election from being genuinely fair”.

Moreover, political violence coupled with legal restrictions to freedom of expression, including the

MAIN POINTS

- Corruption remains a problem in the Zambian context, with government officials frequently engaging in corrupt acts with impunity.
- Political corruption and undue influence stand out as major forms of corruption.
- The judiciary is influenced by the executive, and its reputation is marred by allegations of corruption.
- Applying a gender dimension to experiences of bribery show that, while women are less frequently asked than men to pay bribes, they are more likely to raise their voices against it. Women are also more affected than men when it comes to the growing phenomenon of “sexortion” where sex is used as an informal currency in exchange for favours and economic opportunities.
- The Office of the Public Protector acts as a centralised grievance mechanism for all citizens.

banning of peaceful demonstrations and meetings, remain as problems in the country (US Department of State 2019; Freedom House 2020).

Economically, gross domestic product (GDP) growth rate declined significantly in 2019 from 4% (2018) to 1.4% for the country (World Bank 2020). The risk of external debt distress for Zambia was raised from medium to high by a joint IMF-World Bank debt sustainability analysis in 2017 (Bertelsmann Stiftung 2020). Zambia is the first African country in 2020 to default on a portion of its debt (The Africa Report 2020).

In 2018, citing corruption concerns, the UK followed Sweden and Ireland in suspending aid programs to the country after the government admitted that US\$4.3m (£3.3m) of donor funds had gone missing from the Social Cash Transfer programme, which allocates money that is paid directly to the poorest (BBC News 2018).

Currently, the ongoing COVID-19 pandemic has exacerbated Zambia's macroeconomic vulnerabilities, pushing the kwacha down by another 30% and increasing external debt servicing costs and domestic inflationary pressures (World Bank 2020). On the domestic front, increasing COVID cases may result in the overwhelming of healthcare systems, and massive business and job losses (World Bank 2020).

Even before the pandemic, widespread corruption was a significant obstacle to economic growth (Bertelsmann Stiftung 2020). Now, preliminary findings from a survey conducted in July 2020 by the University of Gothenburg's programme on governance and local development and the Southern African Institute for Policy and Research (SAIPAR), based in Lusaka, reveal that 71% of Zambians fear that politicians will use COVID-19 to gain power or to enrich themselves (Ahsan Jansson et al. 2020).

Extent of corruption

Zambia ranks 113 out of 180 in Transparency International's 2019 Corruption Perceptions Index (CPI) with a score of 34/100 (Transparency International 2019a). The Worldwide Governance Indicators (WGI) accord the following scores in percentile rank to the country (World Bank 2019):

WGI Indicators Zambia

Indicator	2018 percentile rank	2019 percentile rank
Control of corruption	27.9	28.4
Government effectiveness	33.2	27.4
Political stability and absence of violence/terrorism	51.0	43.8
Regulatory quality	34.1	31.3
Rule of law	43.1	35.1
Voice and accountability	36.0	36.9

The 2019 TRACE Bribery Risk Matrix places Zambia in the "moderate" risk category, ranking it 107 out of 200, with a risk score of 55 (TRACE International 2019).

Bertelsmann Stiftung's Transformation Index (BTI)¹ 2020 ranks Zambia 76 out of 137 countries with a score of 5.16 (on a 1-10 scale). The 2020 report also notes that the Zambian market functions under a weak institutional framework in which corruption and red tape play a major role (Bertelsmann Stiftung 2020). The Ibrahim Index of African Governance (IIAG) on the other hand awards the country an overall governance score of 56.2/100, with a rank of 18/54 among countries from Africa.

Findings from the Global Corruption Barometer Africa 2019 survey by Transparency International (2019b) are as follows:

GCB highlights Zambia

Survey question	percentage of respondents
Think corruption increased in the past 12 months	66%
Public service users who paid a bribe in the previous 12 month	18%
Think their government is doing a bad job of tackling corruption	70%
Think that ordinary citizens can make a difference in the fight against corruption	48%

GCB corruption by institution²

Institution	Percentage of respondents 2015	Percentage of respondents 2019
President/prime minister	27%	32%
Members of parliament	34%	36%
Government officials	32%	37%
Local government officials	33%	34%
Police	51%	54%
Judges and magistrates	30%	28%
Religious leaders	16%	11%
Business executives	32%	31%
Traditional leaders	21%	16%
NGOs	-	13%

An Afrobarometer survey report from 2018 had the following results (Isbell 2018):

¹ It assesses the transformation toward democracy and a market economy as well as the quality of governance (Bertelsmann Stiftung 2020).

² Percentage who think that most or all people in these institutions are corrupt.

- 66% say levels of corruption have increased over the past year, up from 55% in 2014.
- 70% say that the government is handling the fight against corruption “fairly badly” or “very badly”, an increase from 42% in 2013.
- 54% of respondents believed that “most” or “all” police officials are corrupt, and more than one in four respondents who had contact with the police in the previous year said that they had paid a bribe to “avoid problems or obtain assistance”.
- The percentage of respondents finding government officials corrupt were 37% for members of parliament (MPs), 34% for local government councillors, and 32% for officials in the presidency.
- 84% of respondents said it was “somewhat likely” or “very likely” that rich people could use bribery or personal connections to avoid paying taxes. The percentage of respondents believing that rich people could avoid going to court or registering land that was not theirs through corrupt means was 88%.
- 49% of respondents thought that ordinary people could make a difference in the fight against corruption. However, 68% felt that they would risk retaliation if they reported corruption to the authorities.

Forms of corruption

Political corruption

Abuse of power in the form of cases of politically motivated detentions remains common, especially with regards to the opposition and civil society actors who criticise the government (US Department of State 2019). Accusations of the use of undemocratic tactics, including vote buying and

political pressure on public employees to secure election victories, have also been levied against those in power (Freedom House 2020).

In 2016, an opposition leader, Erick Chanda, was arrested and charged with defamation for alleging that President Edgar Lungu used public funds on a holiday. Critics opined that these were intimidation tactics being deployed by the ruling party (Reuters 2016). In 2019, Sean Tembo from the opposition group Patriots for Economic Progress, was arrested for allegedly defaming the president on social media. Similarly, a citizen from Luanshya was arrested for the remarks he made on a local radio station about the president (Freedom House 2020). Another opposition leader, Chishimba Kambwili, was arrested in 2019 on charges of defaming President Lungu by implying that “the head of the state was a dog” (Al Jazeera 2019).

Three opposition party supporters were killed in 2019 without any consequences for the perpetrators (Freedom House 2020). In the face of the COVID-19 pandemic, observers allege that the ruling party, the Patriotic Front (PF), is “increasingly focused on political survival rather than addressing the economic and health crises” (ESID 2020). It has been suggested by experts that such a progressively authoritarian regime may go on to further erode public trust in governance and exacerbate levels of corruption (ESID 2020).

Earlier this year, the country’s Minister of Health, Dr Chitalu Chilufya, was charged with four counts of corruption on account of allegedly purchasing business shares and property with suspected proceeds of crime (Africa News 2017). A local news outlet, the Zambian Watchdog, reports that Chilufya is suspected to have stolen about US\$2.5 million from the ministry (Gagné-Acoulon 2020). Chilufya is still serving as minister and has not

been removed from office despite demands from the opposition. With respect to this case, the president said that Chilufya could keep working until otherwise found guilty (Africa News 2020).

The case against former minister of community development and social services, Emerine Kabanshi, who was discharged on grounds of the alleged misuse of donor funds meant for social cash transfer programmes is ongoing³ (US Department of State 2019).

Former chapter president of Transparency International Zambia, Rueben Lifuka, opines that the absence of laws to regulate political party funding and election campaign financing lead to excessive money and influence in politics, acting as a significant restraint to anti-corruption efforts in the country (Malunga 2020).

Petty and bureaucratic corruption

A report by GAN Integrity (2020) states that there is a “moderate to high risk of corruption in Zambia’s public services sector”. Bribery, including facilitation payments, are a common feature when applying for public utilities, obtaining licences and conducting business (GAN Integrity 2020). Eighteen per cent of respondents in Transparency International’s 2019 GCB survey admitted to paying a bribe in the previous year (Transparency International 2019b).

The bureaucracy is also considered overstaffed and inefficient (Bertelsmann Stiftung 2020). Lack of administrative resources, a highly centralised structure, and the replacement of an enormous proportion of senior civil servants with partisan

individuals has been cited as reasons for this visible drop in effectiveness after the incumbent ruling party came to power. (Bertelsmann Stiftung 2020).

There are several cases of corruption by government officials. According to a report from the Zambian Financial Intelligence Centre, money laundering and suspicious transactions increased from 4.5 billion Zambian kwacha (US\$382 million) in 2017 to 6.1 billion Zambian kwacha (US\$520 million) in 2018 (US Department of State 2019).

Sectors affected by corruption

Police

With 54% respondents of GCB 2019 thinking that most or all police officers were corrupt, the police are perceived to be the most corrupt institution in the Zambian context (Transparency International 2019b). A similar finding was echoed by the Zambia Bribe Payers Index (ZBPI) Survey Report of 2019 (Jere 2019). It is interesting to note that bribe seeking incidents were found to be highest in the traffic and other services (employment or recruitment into the police) departments, and lowest in criminal investigations and victim support services (ACC and TIZ 2019).

The ruling party is known to use the police to harass opposition parties. Zambian police have arrested opposition officials, blocked public rallies, and dispersed participants in opposition political gatherings and public protests on the instructions of the ruling elite (US Department of State 2019). High levels of corruption, coupled with impunity, have led

³ It was this case that lead to donors such as UK, Sweden and Ireland withdrawing aid support to the country in 2018.

to calls to disband the current traffic police (Mvula and Mwansa 2017; GAN Integrity 2020).

Procurement

Public procurement was deemed to be significantly vulnerable to corruption according to a trend report from 2018 by the Financial Intelligence Centre (FIC). Bid rigging, in the form of manipulating tender specifications, has led to “crowding out of legitimate businesses” (FIC 2018). Since most contracts are not executed as per the pre-defined terms, there is also a risk of corruption at the implementation stage of the procurement (FIC 2018).

Corruption is believed to have significantly inflated the costs of numerous high-profile tenders and construction projects (Bertelsmann Stiftung 2020).

The Zambia Public Procurement Agency has a centralised archive of procurement documents, such as full contracts, proposals, execution reports and financial audits. However, this repository of information is not publicly available. While requests to access procurement related documents may technically be submitted, the absence of freedom of information laws does not guarantee that such requests would be answered (Global Integrity 2019).

Shell companies, gate keepers such as law and audit firms, domestic financial institutions and nominees are often involved in procurement corruption in the Zambian context (FIC 2018). Lastly, ineffective controls in public institutions was cited as major factor to exacerbating graft in the public tendering process (FIC 2018).

Legal and institutional framework

International conventions

Zambia has ratified the following international conventions (Chêne 2014):

- United Nations Convention against Corruption (2007)
- Africa Union Convention on Combating and Preventing Corruption (2007)
- United Nations Convention against Transnational Organised Crime (2005)

The country is also a party to the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (GAN Integrity 2020).

Domestic legal framework

The primary anti-corruption legislative tool is the [Anti-Corruption Act \(2012\)](#). A few features of the act are as follows:

- Criminalises attempted corruption, active and passive bribery, extortion, facilitation payments, bribing a foreign official, abuse of office, and money laundering (Chibesakunda 2019; GAN Integrity 2020). Other corruption offences include the possession of unexplained property and concealment of property (Chibesakunda 2019).
- Penalties for corruption offences include fines, forfeiture of any benefit gained from the corruption offence, including money, and a prison term of up to fourteen years (GAN Integrity 2020).

- Public as well as private sector bribery is criminalised. With respect to liability, all private and public bodies are within the ambit of the law, covering public officials, private individuals and, by implication, legal entities. Moreover, agents are also included in the scope of persons who are liable for bribery (Chibesakunda 2019).
- It also sets the Anti-Corruption Commission (ACC) as the regulatory body enforcing the act.

Despite such anti-corruption provisions, the law is not enforced consistently and officials often engage in corrupt activities with impunity (US Department of State 2019). Transparency International Zambia (TIZ) estimates that the average conviction rate for prosecution of corruption was between 10% to 20%. The incumbent government is also known to use anti-corruption law to target political rivals and those who do not toe party lines (US Department of State 2019).

The Public Procurement Act (2008) sets open and competitive bidding as a preferred procurement method with direct or limited bidding under certain conditions being specified by law (Chêne 2014). However, the FIC (2018) notes that the act needs to be revised to prohibit shell companies from participating in public tenders.

Anti-money laundering and combating the financing of terrorism (AML/CFT) provisions of the country are contained in the following laws (FIC 2020a):

- Prohibition and Prevention of Money Laundering Act No 14 of 2001, amended Act No. 44 of 2010
- Anti-Terrorism Act No 21 of 2007 (Criminalises financing of terrorism (section 20)

- Forfeiture of Proceeds of Crime Act No 19 of 2010 (provides civil and criminal forfeiture and seizure of proceeds of crimes)
- Financial Intelligence Centre Act No 46 of 2010 (establishes the Financial Intelligence Centre, provides for duties of supervisory authorities and reporting entities)
- The Public Interest Disclosure (Protection of Whistleblowers) Act No. 4 of 2010 (provides for disclosure of conduct inimical to public interest)
- Mutual Legal Assistance in Criminal Matters Act 1993
- Plea Negotiations and Agreements Act, No. 20 of 2010
- Anti-Corruption Act, No. 3 of 2012
- Non-Governmental Organisations Act, No. 16 of 2009;
- The Penal Code Act, Cap. 87 of the Laws of Zambia.

Provisions for whistleblower protection are contained in the Public Interest Disclosure Act (2010). While legal protection for civil servants or private sector employees reporting cases of corruption are mandated by law, in practice these whistleblowers are not adequately protected (GAN Integrity 2020).

The country lacks freedom of information laws as well as provisions for financial disclosure of public officials or political parties (GAN Integrity 2020). Spokespersons from NGOs such as the Media Institute of Southern Africa (MISA) consider the passage of the Access to Information Bill crucial to fight corruption in Zambia (Malunga 2020).

A controversial Constitutional Amendment Bill Number 10 was being pushed by the PF. If passed, this bill would threaten the separation of powers

between parliament, the judiciary and the executive (ESID 2020). However, it collapsed in October 2020 after garnering 105 parliamentary votes, six shy of the 111 threshold it required to be passed into law (The East African 2020).

Institutional framework

According to an evaluation conducted by the Southern African Institute for Policy and Research (SAIPR) in 2014, “institutions created under the Zambian legislation lack an adequate level of structural and operational autonomy, secured through institutional and legal mechanisms, to prevent undue political interference”. Moreover, low levels of prosecution, lack of adequate resources, and general perceived “timidity” of anti-corruption authorities are cited as major points of concern (Ndulo 2014).

Anti-Corruption Commission (ACC)

Mandated under the Anti-Corruption Act No. 3 of 2012 to lead measures to counter corruption in Zambia, the broad functional areas of the ACC are as follows (ACC 2020):

- investigating and prosecuting cases of suspected corruption
- raising public awareness to the impacts of corruption and raising public support in measures to counter corruption
- putting in place mechanisms for preventing corruption in the country

Its five member board is appointed by the president (ACC 2020). The authority and autonomy of the institution has been undermined in the past. For example, former Minister of Justice, Wynter Kabimba, ignored a demand by the commission to appear at an investigation into alleged corruption

and ridiculed the institution instead (US Department of State 2019).

The ACC has been used to wage factional battles within the ruling party as well as the state. In 2017, the director general of the ACC was compelled to resign due to the leaking of a letter that she wrote to President Lungu regarding a bribe allegedly accepted by a close aide to the president (US Department of State 2019). Under new management of the ACC, a suspicious tender for 42 fire engines was cleared, which raised further questions vis-à-vis the institution’s efficacy (US Department of State 2019).

Financial Intelligence Centre (FIC)

Acting as the financial intelligence unit of the Government of the Republic of Zambia, the FIC is mandated to receive, request, analyse and disseminate disclosure of information concerning suspected money laundering, terrorist financing and assist relevant authorities in the investigation and prosecution of AML/CFT (FIC 2020b).

The fundamental weakness of the FIC lies in excessive involvement of the president in the appointment of the people appointed to run it, as well as matters that might affect the efficiency and independence of the centre (Ndulo 2014).

The Commission for Investigations

The main functions of the commission are to deal with complaints of abuse of power, such as arbitrary decisions, omissions, improper uses of discretionary powers, decisions made with bad or malicious motives or those influenced by irrelevant considerations, unnecessary or unexplained delays, obvious wrong decisions, misapplication and misinterpretation of laws (EISA 2009). It then passes on relevant complaints to the ACC which

decides whether or not to investigate (Chêne 2014). Recently, the Office of the Public Protector has come into focus as a grievance mechanism for the Zambian population (read more in the following sections).

The National Prosecution Authority

Established by the National Prosecution Authority Act No. 34 of 2010. The Authority is in charge of prosecuting people charged with criminal offences. A few of its functions include (NPA 2017):

- appointing state advocates and prosecutors and promote appropriate standards of practice by state advocates and prosecutors in criminal prosecution;
- processing all dockets, and prosecuting criminal cases and appeals in courts of law;
- implementing an effective prosecution mechanism to maintain the rule of law and contribute to fair and equitable criminal justice and the effective prosecution of citizens against crime.
- cooperating with the police, the courts, and other government agencies or institutions to ensure the fairness and effectiveness of prosecutions.

It has a few specialised units, that among their other tasks, also deal with corruption cases (NPA 2017):

- Asset Forfeiture Unit (AFU) targets the proceeds of certain economic crimes in particular cases such as fraud, scams, corruption, and money laundering.
- The Taxation and Financial Crimes Unit (TFCU) is in charge of prosecutions with regard to white-collar and other general commercial crimes, as well as corruption. Prosecutors in the TFCU also advise on

cases investigated by the Anti- Corruption Commission (ACC) for suitability for prosecution.

Focus areas

Corruption in the justice sector

Despite many attempts by international donors to strengthen its position, the Zambian judiciary is often manipulated by the executive (Bertelsmann Stiftung 2020). The main reason for this is that judicial appointments are within the ambit of the president's powers. Even the constitutional court, founded in 2016, had six judges appointed by President Lungu who all failed to meet the defined eligibility requirements for their positions, and “some of whom were known to be close to the president” (Bertelsmann Stiftung 2020). Moreover, the Ministry of Justice is also known to exercise judicial control via supervising the judiciary's budget (Freedom House 2020).

In 2017, three opposition political parties probed the constitutional court to assess whether President Lungu could run for a third term. The president allegedly threatened constitutional court judges by remarking that “There are people outside Africa and some of them within Africa who want to bring confusion in Africa...They have picked on South Africa, Zambia and Kenya for a regime change...Don't try to become a copycat and think that you will be a hero, you will plunge this country into chaos” (Bertelsmann Stiftung 2020).

The court then went on to rule that Lungu could run for another term in 2021 due to contradictions in constitutional clauses with respect to definition of term of office (Bertelsmann Stiftung 2020). The justification provided was that Lungu's first term, which lasted one year and six months, was one

where he was only completing Michael Sata's presidency after his passing (Freedom House 2020).

Executive influence is not the only factor marring the reputation of the judiciary; corruption amongst the judicial community (including court personnel and lawyers) is also perceived to be problematic (Global Integrity 2020). According to GCB 2019, 28% of respondents thought most or all judges and magistrates were corrupt (Transparency International 2019b). Attempts at judicial reform have been unsuccessful over the years (GAN Integrity 2020).

An anti-corruption campaigner, Gregory Chifire was sentenced to six years of imprisonment after being convicted of contempt of court over remarks about Chief Justice Irene Mambilima and the judiciary being corrupt (Lusaka Times 2018). Chifire made the comments in a blogpost after higher courts overturned the ruling against Savenda, a credit bureau's blacklisting by Stanbic Bank, granting the former US\$20 million in damages (Frontline Defenders 2018).

Lastly, a lack of resources has a detrimental impact on the efficiency of the institution to process cases in a timely manner leading to lengthy delays and backlogs (Bertelsmann Stiftung 2020). Such a context sets the stage for bribes and irregular payments being commonplace in return for favourable judicial decisions (GAN Integrity 2020).

Grievance mechanisms in the public sector

The Office of the Public Protector of Zambia (OPPZ) has been mandated to act as the ombudsperson within the country. With the intention to deter misconduct in public institutions, the OPPZ is set up to receive complaints from "any member of the public who feels that he/she has been unfairly treated by a public body or official" (OPPZ 2016).

The procedure for filing a complaint entails the complainant writing a letter listing their grievances to the registrar at the OPPZ. After being allocated a file number, the complaint is assessed, and if any substance to the allegation is found, an investigation is commenced. The complainant is informed either way – whether the complaint was accepted or rejected (OPPZ 2016).

The clauses for who may not file a complaint are as follows (OPPZ 2016):

- individuals complaining against a private entity
- anybody who has had redress from the courts
- anyone whose complaint is over one year from the date of occurrence of a grievance. However, in such cases the OPPZ may use discretion to admit a complaint.

Complaints may be submitted in person, via email and through an online portal.⁴ Complaint forms are available [online](#) on the OPPZ website (OPPZ 2016).

To ensure the independence of the office, in 2015, it was transformed from an executive ombudsman

⁴ It should be noted that at the time of drafting this answer, the complaint portal was not functioning.

office to a parliamentary ombudsman office reporting to the National Assembly (Lusaka Times 2020). The incumbent head of the office, Caroline Sokoni, has urged for the government's assistance in further administrative independence to acquire public trust. She also hopes to gain traction in decentralising the institution to enhance its reach throughout the country. Recently, Sokoni urged the public to make use of the OPPZ as a grievance mechanism (Lusaka Times 2020).

Apart from the OPPZ, there are individual grievance redressal systems set up in different government departments. For example, the government piloted a grievance mechanism aimed at enhancing the management of a controversial social cash transfer scheme in 2018 (Lusaka Times 2018b). There are also grievance mechanisms for projects involving environmental impacts or rehabilitation processes; for example, the system used by the [Ministry of National Development Planning](#) for the Zambia Integrated Forest Landscape Project (2018).

Gender and corruption in Zambia

There are no legal mechanisms explicitly affecting women's political rights, including but not limited to, their voting rights, ability to run for office or serve as electoral monitors. However, observers note that "several traditional and cultural factors prevent women from participating in political life on the same basis as men". For example, according to a constitutional requirement, only high school graduates are eligible for elected offices. This often results in the disqualification of female candidates, who are often not able to complete their studies

⁵ It is also important to consider that women are not a monolith, in that, elite women that challenge existing norms may be less likely to be risk averse than the average woman. Moreover, women's risk aversion is not the only reason why increased female representation

due to factors emerging from the prevalent patriarchal system (US Department of State 2019).

Women and Law in Southern Africa (WLSA) notes that the selective implementation of laws such as the Public Order Act by police not only affect political parties but also undermine women's ability to participate fully in elections and political life (US Department of State 2019). Other factors such as intimidation, and political and electoral violence, as well as a lack of resources, also thwart women's political participation (US Department of State 2019).

Advancing women's political rights and participation in the governance of public sector services may have significant anti-corruption consequences⁵ (Hossain, Musembi and Hughes 2010):

- It increases the probability that women gain as much as men from governance reformations that focus on reducing corruption because gender will have been kept in mind while devising such policies.
- Supporting women's participation leads to more civil society actors being involved in the decision-making processes. Such a scenario is likely to improve overall transparency and accountability and have extensive corruption reducing effects.
- Traditional power structures in the political sphere are normally dominated by men. Increasing the number of women in government ought to lead to a change in such systems, which may lead to the

may help decrease corruption. Women also have different political agendas than men, meaning they are more likely than men to push policies that counter corruption (Bauhr, Charron and Wängnerud 2018).

weakening of the pre-existing patronage networks.

In terms of gender dimensions to the experience of corruption in the country context, Transparency International Zambia's 2019 Zambia Bribe Payers Index Survey Report had a few noteworthy findings (ACC and TIZ 2019):

- A bribe that was asked for by a public officer(s) after a bribe seeking incident was 64% for female and 71.1% for male respondents.
- In terms of "voicing out" on corruption, the rate was 6.2% for females and 10.2% for male respondents.
- Bribe-offer behaviour is observed to be less with female respondents (13.5%) when compared to males (20.4%).

The same bribe payers survey from 2017 found that the percentage of respondents that refused to pay a bribe when asked for one by a public officer or an individual in the private sector was 57.5% for men and 42.5% for women (ACC and TIZ 2017).

Nevertheless, 83.3% of male respondents were still given a service promptly when they refused to pay the bribe, while the percentage for females receiving services for the same action was 16.7% (Transparency International Zambia 2017). Also, more female respondents (53.3%) complained to others than male respondents when asked for a bribe.

A recent report on gender and corruption by Transparency International Zambia states that women appear to engage in corruption less frequently than men but suffer the most from the consequences of corruption. From the cases of corruption analysed, it was very evident that in the majority of the cases, more men were involved as compared to women. Additionally, women were

more involved in petty cases of corruption while cases of grand corruption largely involved men (TIZ 2021).

In terms of the main drivers of corruption among men and women, the study established that there were no drivers' peculiar to any sex. Poverty and limited economic opportunities were largely responsible for a person's decision to engage in corrupt activities. Other factors cited included bureaucratic procedures in accessing public services. With regards to the effects of corruption, the study found that there was a feeling among the majority of the respondents that women tended to be disproportionately affected than men. It is the women who are most affected by the growing phenomenon of "sextortion" where sex is used as an informal currency in exchange for favours and economic opportunities. Furthermore, because of their productive and reproductive roles, women tend to suffer more when amenities like health facilities, water, and sanitation are in short supply due to corruption (TIZ 2021).

Other stakeholders

Media

While freedom of the press is constitutionally guaranteed, it is restricted in practice, with self-censorship remaining common (Freedom House 2020). The government's agenda and point of view are largely expressed by the public media; however, some fringe outlets do offer sharp critiques of the incumbent political forces (Freedom House 2020). Media organisations perceived to be aligned with the opposition are subject to arbitrary closure by authorities, while critical journalists risk damage to equipment, lawsuits, arrest and harassment by the

government and political party supporters (Freedom House 2020).

In 2019 alone, a few attacks on the media included (Freedom House 2020):

- suspension of Prime TV's licence⁶ for nearly a month after a PF leader accused it of bias.
- police shot and wounded a journalist covering the funeral of an opposition supporter
- Derrick Sinjela, editor in chief of Rainbow Newspaper, received a presidential pardon after serving 327 days of an 18-month prison sentence for contempt of court.
- Hehad published allegations of corruption in the Lusaka High Court

The government also threatens critical individuals using social media with arrest and online media with closure. The British High Commissioner to Zambia was threatened with deportation by the government via social media after he had been critical of the government using social media platforms in 2018 (Bertelsmann Stiftung 2020). In the same year, the Wall Street Journal alleged that a government cybercrime “crack” squad intercepted encrypted communications and used mobile phone data to track some opposition bloggers who had repeatedly criticised President Lungu. The claim was dismissed by senior ruling party officials as “fake news” (US Department of State 2019).

The government also wants to tax free phone calls on social media, a facility extensively used by Zambia's journalists and bloggers (RSF 2020). Thus, it may come as no surprise that Zambia

currently has a World Press Freedom Index rank of 120, which has fallen by one place from its 2019 rank of 119 (RSF 2020).

Civil society

Zambia's constitution has provisions for freedoms of assembly and of association; however, these rights are not respected by the government in practice (US Department of State). Demonstrations by opposition parties and civil society are known to have been broken up using force (GAN Integrity 2020). Zambia's NGO Act is said to have increased the government's influence over NGOs; registration fees and disclosure requirements have created obstacles for newcomers and have led to the dissolution of existing NGOs (GAN Integrity 2020).

A few notable civil society organisations and NGOs working in Zambia are as follows:

- Transparency International Zambia (TIZ) leads the anti-corruption fight in the country. TIZ was founded in 2000. Apart from its advocacy functions, it runs an anti-corruption advocacy and legal advice centre and also conducts and publishes regular reports (TIZ 2020).
- African Parliamentarian Network Against Corruption (APNAC) Zambia is the national chapter of APNAC which seeks to strengthen the capacities of African parliamentarians to counter corruption and promote good governance (APNAC 2020).
- The Alliance for Community Action, led by civil activist Laura Miti, regularly asks questions about different aspects of public finance management and general

⁶ The TV station's licence has since been permanently suspended after the government accused it of not wanting to support the

government's COVID-19 awareness campaign after refusing to provide free space on air (Barron's 2020).

governance, and has had several skirmishes with the police, including arrests.

References

Africa News. 2020. [Zambian health minister denies corruption charges](#).

Ahsan Jansson, Cecilia; Metheney, Erica; Lust, Ellen; Hinfelaar, Marja; Dulani, Boniface; Ferree, Karen; Harris, Adam; Kao, Kristen. 2020. [Covid-19: Trust in authorities. The first GLD-SAIPAR Covid-19 survey in Zambia](#).

Al Jazeera. 2019. [Zambian opposition leader arrested, accused of defaming president](#).

Alliance for Community Action. 2020. [About us](#).

Anti-Corruption Commission and Transparency International Zambia (ACC and TIZ). 2019. 2019 Zambia Bribe Payers Index Survey Report.

Anti-Corruption Commission (ACC). 2020. [About us](#).

Anti-corruption Commission and Transparency International Zambia. 2017. 2017 Zambia Bribe Payers Index Survey Report (ZBPI).

African Parliamentarian Network Against Corruption (APNAC). 2020. [About us](#).

Barron's. 2020. [Zambia cancels TV channel licence for refusing coronavirus ads](#).

Bauhr, M; Charron, N; and Wängnerud, L. 2018. [Close the political gender gap to reduce corruption. How women's political agenda and risk aversion restricts corrupt behaviour](#). U4 Anti-corruption Centre.

BBC News. 2018. [Zambia aid: UK suspends funding over corruption fears](#).

Bertelsmann Stiftung. 2020. [BTI 2020 Country Report: Zambia](#).

Chêne, M. 2014. [Zambia: Overview of corruption and anti-corruption](#). U4 Anti-corruption Resource Centre and Transparency International.

Chibesakunda, M. 2019. [Zambia - Global bribery offenses guide](#). DLA Piper.

Effective States and Inclusive Development (ESID). 2020. [Zambia's response to COVID-19 Part 3: Rising infections and falling confidence amidst increased authoritarianism](#).

Electoral Institute for Sustainable Democracy in Africa (EISA). 2009. [Zambia: Commission for Investigations](#).

Financial Intelligence Centre (FIC). 2018. Money Laundering and Terrorist Financing: Trends Report 2018.

Financial Intelligence Centre (FIC). 2020. [AML CFT Framework](#).

Freedom House. 2020. [Freedom in the World 2020: Zambia](#).

Gagné-Acoulon, S. 2020. [zambia's health minister arrested for corruption](#). Organised Crime and Corruption Reporting Project (OCCRP)

GAN Integrity. 2020. [Zambia corruption report](#).

Global Integrity. 2019. [Africa Integrity Indicators – Round 7 2019](#).

Heritage Foundation. 2020. [Index of Economic Freedom](#).

Hossain, N; Musembi, C. N; Hughes, J. 2010. [Corruption, accountability and gender: understanding the connections](#). United Nations

Development Fund for Women (UNIFEM, now part of UN Women) and the United Nations Development Programme (UNDP).

Isbell, T. 2018. [Zambians see corruption rising, government failing in anti-graft fight](#). Afrobarometer.

Jere, J. 2019. [Zambia police tops bribery survey](#). ZNBC.

Lusaka Times. 2018. [Supreme court sends Gregory Chifire to Jail for 6 years for contempt of court](#).

Lusaka Times. 2020. [General public to make use of the public protector](#).

Malunga, J. 2020. [Corruption getting worse in Zambia, we can no longer pretend - TIZ](#). News Diggers.

Mo Ibrahim Foundation. 2018. [IIAG Summary Zambia](#).

Mvula, S. and Mwansa, A. 2017. [Disband traffic section in police service](#). Zambia Daily Mail Limited.

The National Prosecution Authority. 2017. [The National Prosecution Authority – Republic of Zambia](#).

Ndulo, M. 2014. [Review of the Anti-corruption Legal Framework in Zambia](#).

Nkomesha, U. 2020. [I already have petition against Lungu's nomination on my laptop – Sangwa](#). News Diggers.

Office of the Public Protector of Zambia (OPPZ). 2016. [Complaint](#).

Reporters Without Borders (RSF). 2020. [Zambia](#).

Reuters. 2016. [Zambian opposition leader arrested for saying president used public funds on holiday: police](#).

The Africa Report. 2020. [Zambia's Eurobond default – What we have learned](#).

The East African. 2020. [Zambia's controversial bid to amend constitution flops](#).

TRACE International. 2019. [TRACE Bribery Risk Matrix](#).

Transparency International. 2019a. [Corruption Perceptions Index](#).

Transparency International. 2019b. [Global Corruption Barometer Africa 2019](#).

Transparency International Zambia (TIZ). 2020. [About us](#).

Transparency International Zambia. 2021. A Survey on Gender and Corruption in Zambia 2001-2020: Gender perspectives, drivers and effects of corruption.

US Department of State. 2019. [Human Rights Report](#).

World Bank. 2019. [Worldwide Governance Indicators](#).

World Bank. 2020. [Zambia Overview](#).

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The U4 anti-corruption helpdesk is a free research service exclusively for staff from U4 partner agencies. This service is a collaboration between U4 and Transparency International (TI) in Berlin, Germany. Researchers at TI run the helpdesk.

The U4 Anti-Corruption Resource Centre shares research and evidence to help international development actors get sustainable results. The centre is part of Chr. Michelsen Institute (CMI) in Bergen, Norway – a research institute on global development and human rights.

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