

INDICATORS	Formal provisions
<p>1.0 EXECUTIVE</p> <p>1.1</p> <ul style="list-style-type: none"> • <u>Can citizens sue Government for infringement of their civil rights?</u> <p>What actually happens</p> <p>There have been instances where citizens have sued the Government. The most prominent case in point is that of Dow v. Attorney-General [1992] BLR 119. In this case a citizen who alleged that her rights had been infringed by the Citizens Act of 1982, as amended by the Citizens Act of 1984, challenged this in Court and won. The Act was declared unconstitutional and has since been repealed. It is, however, worth noting that because of cost and also for fear of possible intimidation, not many citizens have the courage to go to court against the government.</p> <p>-----</p> <p>1.2</p> <ul style="list-style-type: none"> • Are there procedures for the monitoring of assets, including disclosure provisions, for the chief executive, Ministers and other high level <u>officials</u>? <p>What actually happens</p> <p>A Bill was introduced in Parliament that would have set these procedures in place but it has not become law yet. However, in practice Ministers declare their assets to the President. High Level officials also declare to their Boards.</p> <p>-----</p> <p>1.3</p> <ul style="list-style-type: none"> • Are there conflict of interest rules? <p>What actually happens</p> <p>There are no clear rules that determine when one has to disclose or not. Everything operates under normal common law rules. The rules of natural justice do apply in such cases. The practice therefore seems to rely on these rules and leave the issue to individual discretion. At a recent debate in Parliament over the wages of some farm workers, the Minister of Commerce voluntarily indicated that she could not comment on the</p>	<p>Yes, both under common law and statutory provision. Specifically, section 18(1) of the Constitution</p> <p>-----</p> <p>Yes and No There are no formal provisions</p> <p>-----</p> <p>There are no formal rules that apply.</p>

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<p>matter because of conflict of interest. One Cabinet Minister resigned in the early 1990s over Phakalane Estates, citing the issue of conflict of interest.</p> <p>However, under section 31 of the Corruption and Economic Crime Act (CECA), 1994, a person is guilty of corruption if such a person acts in a conflict of interest manner.</p> <p>-----</p> <p>1.4</p> <ul style="list-style-type: none"> • <u>Are there rules and registers concerning gifts and hospitality?</u> <p>What actually happens</p> <p>There is supposed to be a register that is meant for Ministers of State but this is not open to the general public. Its reliability depends, to a large extent, on the good faith of individual Ministers. It can be assumed that once the Bill that seeks to monitor the assets of public officials is finalised such a register will come into existence.</p> <p>-----</p> <p>1.5</p> <ul style="list-style-type: none"> • <u>If so, are these registers kept up to date? By whom?</u> <p>What actually happens</p> <p>This cannot be verified, as the alleged register is not open to the public.</p> <p>-----</p> <p>1.6</p> <p>I <u>Have they legal powers to enforce disclosure?</u></p> <p>What actually happens</p> <p>There is not much information on this.</p> <p>However, the Office of Ombudsman and the Directorate on Corruption and Economic Crime have general powers to investigate cases of wrongdoing committed by Ministers and senior officers.</p> <p>-----</p> <p>II <u>Have they staff to investigate allegations?</u></p> <p>What actually happens</p> <p>The same as I above.</p> <p>-----</p> <p>III <u>What powers of sanction are in place against parliamentarians?</u></p> <p>What actually happens</p> <p>Any parliamentarian whose conduct falls within the ambit of the</p>	<p>-----</p> <p>Yes and No. There are no laid down rules.</p> <p>-----</p> <p>Not Applicable.</p> <p>-----</p> <p>Not applicable.</p> <p>-----</p> <p>Not applicable.</p> <p>-----</p>
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<p>criminal laws of the county will be prosecuted accordingly. But no civil or criminal proceedings can be instituted against a parliamentarian for anything done or spoken during parliamentary proceedings since they are immune from legal proceedings in such cases, see sections 3 and 4 of the National Assembly (Powers and Privileges) Act NA(PP)A, (Cap. 02:03). Parliament itself may summon a member for questioning.</p> <p>Under section 20 of the NA(PP)A it is an offence for any member of Parliament to accept bribe in the discharge of his duties as a Parliamentarian.</p> <p>IV <u>Have they ever been invoked?</u> What actually happens Some Members of Parliament and Ministers have been prosecuted for corruption.</p> <p>-----</p> <p>1.7</p> <ul style="list-style-type: none"> • Are members of the executive obliged by law to give reasons for their <u>decisions</u>? <p>What actually happens Statutorily, this will depend on the piece of legislation, and the extent of the discretion. Some statutes require that they do. The President does not have to give reasons for his decisions. In decisions that affect national security or relations with foreign countries neither the President nor any minister would be expected to give reasons for the decision. In practice Cabinet Ministers do not give reasons for their decisions. However, under common law the executive would be expected to give reasons for their decisions and when challenged in court they may be ordered to do so. But</p> <p>-----</p> <p>1.8</p> <ul style="list-style-type: none"> • Do Ministers or equivalent high-level officials have and exercise the power to make the final decision in ordinary contract award and <u>licensing cases</u>? <u>Is this power limited to special circumstances?</u> <p>What actually happens The Central Tender Board handles all normal government contracts without any appeal to the Minister for a final decision. However, in licensing cases the Board allows the Minister to make a final decision, for example, under the Trade and Liquor Act. But the trend these days is to remove the Minister completely from this process.</p>	<p>Provisions of the Penal Code (Cap. 08:01), Criminal Procedure and Evidence Act (Cap. 08:02) and the National Assembly Act (Powers and Privileges) Act (Cap. 02:03).</p> <p>-----</p> <p>Yes</p> <p>-----</p> <p>Yes and No Ombudsman Act, National Security Act</p> <p>-----</p> <p>Yes and No</p>
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<p>-----</p> <p>1.9</p> <ul style="list-style-type: none">• Are there administrative checks and balances on decisions of <u>individual members of the executive?</u> <p>What actually happens</p> <p>Cabinet is used as a tool for checks and balances. All decisions are finalised collectively at Cabinet level. In addition, Parliament may request a Minister to appear for questioning on certain actions taken under his Ministry.</p> <p>The High Court also has original and unlimited jurisdiction to review decisions by members of the executive. Under the Public Service Act appeals by aggrieved individuals against decisions of a member of the executive also lie all the way up to the President. Furthermore, the Ombudsman has jurisdiction to investigate complaints from the public against administrative actions by the members of the executive.</p> <p>During the early part of the year 2000 Parliament criticised the Minister of Works, Transport and Communications for failing to utilise the funds allocated to his ministry for the repair of roads in the country. Again in December 2000 Parliament voted to investigate the billing system of the Botswana Telecommunications Corporation that is under the same Minister.</p> <p>-----</p>	<p>-----</p> <p>National Assembly (powers and Privileges) Act. In many other cases there are no clear formal provisions.</p> <p>-----</p>
<p>2.0 LEGISLATURE</p> <p>2.1</p> <ul style="list-style-type: none">• <u>Is the legislature required to approve the budget?</u> <p>What actually happens</p> <p>The Minister of Finance and Development Planning is required under section 119 of the Constitution to lay before the National Assembly the national budget before or not later than 30 days after the commencement of each financial year. This is debated by the National Assembly, which then approves such budget before it is implemented. Over the years this practice has been strictly adhered to.</p> <p>Even supplementary expenditure requires the approval of Parliament (section 119(3) of the Constitution.</p>	<p>Sections 119 and 120 of the Constitution</p>

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<p>Parliament tends to be very critical in approving supplementary expenditure and occasionally may reject it. It happened this year when parliament refused to approve a supplementary budget from the Ministry of Transport and Communications.</p> <p>-----</p> <p>2.2</p> <ul style="list-style-type: none"> • Are there significant categories of public expenditure that do not <u>require legislative approval</u>? Which? <p>What actually happens</p> <p>There is no statutory authorisation of any major expenditure that does not require approval of the National Assembly. The National Assembly may, however establish Contingencies Fund under section 121 to meet emergency situation. The President may under those circumstances authorise the Ministry of Finance to release funds to meet emergency needs that may arise under disasters or any urgent and unforeseen need. Such emergency use of funds does not require approval by the National assembly. However, supplementary estimates would be required subsequently to replace the amount so advanced for the emergency.</p> <p>In the case of budget for the Army government tends to be less willing to discuss the details on the grounds of national security, but the approval by national Assembly is still required.</p> <p>-----</p> <p>2.3</p> <ul style="list-style-type: none"> • <u>Are there conflict of interest rules for parliamentarians?</u> <p>What actually happens</p> <p>It is understood that the declaration of assets bill will take care of this if it formally becomes law. However, if the parliamentarian is also a Minister then the issue of conflict of interest may arise.</p> <p>-----</p> <p>2.4</p> <ul style="list-style-type: none"> • <u>Are there rules concerning gifts and hospitality?</u> <p>What actually happens</p> <p>-----</p> <p>2.5</p> <ul style="list-style-type: none"> • <u>If so, are these registers kept up to date? By whom?</u> <ol style="list-style-type: none"> 1. Have they legal powers to enforce disclosure? <p>What actually happens</p> <p>No registers are kept and no one enforces disclosure</p>	<p>-----</p> <p>No formal provision.</p> <p>-----</p> <p>No formal provision</p> <p>-----</p> <p>There are no such rules.</p> <p>-----</p> <p>Not Applicable</p> <p>-----</p>
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<p>-----</p> <p>2. Have they staff to investigate allegations? What actually happens Parliamentarians are subject to the normal investigations conducted by the Office of the Ombudsman and the Directorate on Corruption and Economic Crime. Any allegation will therefore have to be reported to any of those offices.</p> <p>-----</p>	<p>No formal provision</p> <p>-----</p>
<p>3. <u>What powers of sanction are in place against parliamentarians?</u> What actually happens Through the normal courts, if a parliamentarian is found guilty he is treated like anyone else. The Ombudsman and the DCEC can be used to control the actions of parliamentarians.</p> <p>Section 20 of the National Assembly (Powers and Privileges) Act punishes a parliamentarian who accepts a bribe in the discharge of his duties.</p> <p>-----</p>	<p>No formal provision</p> <p>-----</p>
<p>4. <u>Have they ever been invoked?</u> What actually happens There have been corruption cases against members of Parliament and For example in the early 1990s a Cabinet Minister was prosecuted for his involvement in corruption.</p> <p>-----</p>	<p>Yes</p> <p>-----</p>
<p>2.6</p> <ul style="list-style-type: none"> • <u>If so, are there public registers for gifts and hospitality?</u> <p>What actually happens It is expected that once the Bill requiring members of parliament and the executive to declare assets come into operation registers will be kept.</p> <p>-----</p>	<p>No such register</p> <p>-----</p>
<p>2.7</p> <ul style="list-style-type: none"> • Is there an independent Electoral Commission (if not, are the arrangements for elections in the hands of agencies who are widely <u>regarded as being non-partisan</u>)? 	<p>Yes, an amendment to the Constitution in 1998 created the</p>

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<p>What actually happens In the past the Supervisor of Elections, who was under the Office of the President, was responsible for conducting elections in the country. With the amendment to the Constitution an Independent Electoral Commission, which is an independent body, exercises the functions.</p> <p>-----</p>	<p>office.</p> <p>-----</p>
<p>3.0 <u>POLITICAL PARTY FUNDING</u></p> <p>3.1</p> <ul style="list-style-type: none"> • <u>Are there rules on political party funding?</u> <p>What actually happens Parties have their own discretion in raising funds. The issue is, however, under consideration by the All Party Forum.</p> <p>-----</p> <p>3.2</p> <ul style="list-style-type: none"> • <u>Are substantial donations and their sources made public?</u> <p>What actually happens They are not made public. During the 1999 elections the opposition insisted on the disclosure of large donations received by the ruling party. But since the opposition itself received some donations they could not pursue the matter further.</p> <p>-----</p> <p>3.3</p> <ul style="list-style-type: none"> • <u>Are there rules on political party expenditures?</u> <p>What actually happens Individual parties simply do what is appropriate for them</p> <p>-----</p>	<p>There are no rules.</p> <p>-----</p> <p>Not governed by any law</p> <p>-----</p> <p>No rules.</p> <p>-----</p>

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<p>3.4</p> <ul style="list-style-type: none"> • <u>Are political party accounts published?</u> <p>What actually happens Presumably the parties publish their accounts for internal consumption but not for the public. Audited accounts must be submitted annually to the Registrar of Societies. In this sense they can be said to be published as they then become available for the public.</p> <p>-----</p> <p>3.5</p> <ul style="list-style-type: none"> • <u>Are accounts checked by an independent institution?</u> <p>What actually happens Accounts are required to be audited in accordance with the Societies Act.</p> <p>-----</p> <p>3.6</p> <ul style="list-style-type: none"> • <u>Does that institution start investigations on its own initiative?</u> <p>What actually happens Normally it does not do so, unless there is a formal complaint when an investigation can take place.</p> <p>-----</p>	<p>No formal provision</p> <p>-----</p> <p>No formal provision.</p> <p>-----</p> <p>No</p> <p>-----</p>
<p>4.0 SUPREME AUDIT INSTITUTION</p> <p>4.1</p> <ul style="list-style-type: none"> • Is the national auditor general independent? i.e. Is the appointment of the general auditor required to be based on <u>professional criteria/merit?</u> <p>What actually happens The president makes the appointment but the appointee is wholly independent, section 124(5). He is not under the control of any authority</p> <p>-----</p> <p>4.2</p> <p><u>Is the appointee protected from removal without relevant justification?</u></p> <p>What actually happens The National Assembly can only remove him for inability to perform the functions. Otherwise, he vacates</p>	<p>Yes, sections 114 and 124 of the Constitution</p> <p>-----</p> <p>Yes, section 114 of the Constitution.</p>

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<p><u>the office upon death or retirement.</u></p> <hr/> <p>43</p> <ul style="list-style-type: none"> • <u>Are all public expenditures audited annually?</u> <p>What actually happens The Auditor General is obliged by the Constitution and the Finance and Audit Act to audit all public expenditures. This is one institution that fulfils its responsibility. It reports annually.</p> <p>-----</p> <p>44</p> <ul style="list-style-type: none"> • <u>Is reporting up to date?</u> <p>What actually happens The Auditor General audits all public accounts and submits the same to the National Assembly as required by the Constitution and the Finance and Audit Act.</p> <p>-----</p> <p>45</p> <ul style="list-style-type: none"> • <u>Are reports submitted to a Public Accounts Committee and/or debated by the legislature?</u> <p>What actually happens The Public Accounts Committee discusses the Annual Public Accounts and the Report of the Auditor General every year by examining the Accounting Officers and thereafter reports the results to the National assembly. The Public Accounts committee will pursue any unresolved matter to its finality.</p> <p>-----</p> <p>46</p> <ul style="list-style-type: none"> • <u>Are all public expenditures declared in the official budget?</u> <p>What actually happens At the beginning of every financial year the Minister responsible for finance presents the national budget to the national Assembly, requesting it to authorise the amount of public expenditure for the given financial year.</p> <p>-----</p>	<p>-----</p> <p>Yes, section 124 of the Constitution and the Finance and Audit Act.</p> <p>.....</p> <p>Yes The Constitution and the Finance and Audit Act.</p> <p>.....</p> <p>Yes, The Finance and Audit Act as well as the Standing Orders of the National Assembly.</p> <p>.....</p> <p>Yes, Finance and Audit Act</p> <p>.....</p>

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<p>5.0 JUDICIARY</p> <p>5.1</p> <ul style="list-style-type: none"> • Have the courts the jurisdiction to review the actions of the executive (i.e. Presidency, the Prime Minister's or other Ministers and their <u>officials</u>)? <p>What actually happens But this happens only when there is a formal complaint by an aggrieved party. However, there have been many instances where the judiciary has reviewed actions of the executive after aggrieved parties had brought complaints. (See, the Court of Appeal judgment in Peloewetse v. The Permanent Secretary to the President, Civil Appeal No 26/99).</p> <p>-----</p> <p>5.2</p> <ul style="list-style-type: none"> • Are judges/investigative magistrates independent? i.e. Are appointments required to be based on merit? Are the appointees protected from removal without relevant justification? <p>What actually happens The President on the advice of the Judicial Services Commission appoints them. In the case of the Chief Justice and the President of the Court of Appeal the President alone appoints. But once a Judge is appointed he can only be removed after proven investigation as provided under the Constitution. There has not been any instance of a Judge so removed.</p> <hr/> <p>5.3</p> <ul style="list-style-type: none"> • Are recruitment and career development based on merit? <p>What actually happens The Public Service Act, its Orders and other legislation require that all applicants for employment within the public service are interviewed by interviewing boards in the recruitment process.</p> <p>-----</p> <p>5.4</p> <ul style="list-style-type: none"> • Have there been instances of successful prosecutions of corrupt senior <u>officials in the past 3 years</u>? <p>What actually happens This has taken place. Quite recently a former Director of Roads was convicted of corruption. He is now on bail pending appeal.</p>	<p>Yes, by exercising its powers of judicial review under common law.</p> <p>-----</p> <p>Yes, the Constitution.</p> <p>.....</p> <p>Yes, as required by law, Public Service Act and the General Orders.</p> <p>.....</p> <p>Yes, DCEC as well as the Attorney General Chambers have successfully prosecuted some senior officials.</p> <p>-----</p>
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<p>-----</p> <p>5.5</p> <ul style="list-style-type: none">• Does the education system pay attention to integrity issues and <u>corruption/bribery</u>? Is it expected to? <p>What actually happens</p> <p>This does not take place at the elementary level. Of late there are courses on ethics, accountability at the tertiary level. Courses at the Institute of Management Studies for senior management tend to focus on those issues.</p> <p>-----</p>	<p>No and Yes</p> <p>-----</p>
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6.0 CIVIL SERVICE

6.1

- Are there laws establishing criminal and administrative sanctions for bribery?

What actually happens

Division VIII of the Penal Code, sections 383 to 387 provides for offences relating to corrupt practices. The Corruption and Economic Crime Act was passed in 1994 mainly to prosecute cases of corruption and economic crimes, primarily within the public sector. The Public Service Act and its Regulations of 1998 also provide for the prosecution and punishment of bribery corruption. Conviction results in disciplinary action that may include dismissal. Detailed provisions are contained in General Orders 39 to 71 the 1996 General Orders.

Yes, under the Penal Code (Cap. 08:01), the DCEC Act of 1994, the Public Service Act and its Regulations of 1998 as well as General Orders 39 to 71 of the 1996 General Orders.

Yes, the General Orders (General Order 38).

6.2

- Are there rules requiring political independence of the civil service?

What actually happens

Officers are not allowed to participate actively in politics either in their individual or official capacity. They can, however, belong to political parties.

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6.3

- Are recruitment/career development rules based on merit?

What actually happens

Section 7 of the Public Service Act and Regulation 7 of the Public Service Regulations of 1998 lay down the criteria for recruitment into the public service. Emphasis is on the efficiency of the public service. Regulation 7 provides:

As between officers having the same degree of preference, qualifications and experience, proven merit and suitability for the post in question shall be given greater weight than seniority

Yes, the Constitution, sections 108-112, section 7 of the Public Service Act, and Regulation 7 of the Public Service Regulations of 1998, as well as General Order 8.

However, there have been instances of complaints of nepotism and even tribalism in the appointment into some ministries. Aggrieved parties can appeal all the way to the President. But those dissatisfied have

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<p>challenged the actions before the courts, which have reviewed their cases. In a recent case, Peloewetse v. Permanent Secretary to the President (unreported), Civil Appeal No 26/99, the appellant challenged an appointment made in favour of the third appellant by the Permanent Secretary to the President. The Court of Appeal upheld the position of the appellant and set aside the appointment made.</p> <p>-----</p> <p>6.4</p> <ul style="list-style-type: none"> • Are there specific rules to prevent nepotism? Cronyism? (note: rules discriminating positively in favour of marginalised or minority groups <u>are not included in this description</u>) <p>What actually happens Because of general complaints about these practices in the public service the Act was recently amended to make it an offence to practise nepotism, etc.</p> <p>-----</p> <p>6.5</p> <ul style="list-style-type: none"> • Are there rules (including registries) concerning acceptance of gifts and hospitality? <p>What actually happens The Public Service Act and the General Orders prohibit all Public Officers from receiving bribes or gifts that might corrupt them in the discharge of their official duties. They are required to report to the Permanent Secretary once any such gift or bribe has been received from any person. The General Orders explain and define what kinds of gifts that can be received. For instance it states that “officers are not expected to dissociate themselves completely from ordinary social life and they may accept the normal hospitality offered by acquaintances”. In addition, they “may accept modest Christmas gifts from tradesmen, in recognition of the officer’s personal custom or service during the year” (GO 41.8). If any such item comes into the possession of a public servant in his official capacity he is required to declare it to Appointing Authorities.</p> <p>Registers for gifts and hospitalities are kept at the Office of the President and the Ministries for senior officials.</p> <p>-----</p> <p>6.6</p> <ul style="list-style-type: none"> • <u>If so, are these registers kept up to date? By whom?</u> <p>What actually happens The Registers at the Office of the President are said to be up to date. Those at the Ministries are said to be less</p>	<p>-----</p> <p>Public Service (Amendment) Act of 2000</p> <p>-----</p> <p>Yes, the Public Service Act and the General Orders (GO 41).</p> <p>General Orders and Practice</p> <p>-----</p> <p>Yes and No</p> <p>General Orders and Practice</p>
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<p>reliable. The practice requires that officers declare their private interest for assessment for possible conflict of interest. Failure to do so is punishable under the General Orders.</p> <p>-----</p> <p>1. <u>Have they legal powers to enforce disclosure?</u> What actually happens In practice the enforcement of any disclosure is left to the discretion of the supervising officers and the management of the Department. However, generally, due to shortage of staff within the civil service, the monitoring and enforcement mechanism are inadequate.</p> <p>But the Directorate on Corruption and Economic Crime, the Ombudsman and the Police have wide powers to enforce address breaches.</p> <p>-----</p> <p>2. <u>Have they staff to investigate allegations?</u> What actually happens Due to shortage of staff within the civil service, the monitoring and enforcement mechanism are inadequate. The Directorate on Corruption and Economic Crime, the Ombudsman and the Police undertake any such allegation</p> <p>-----</p> <p>3. <u>What powers of sanction are in place against parliamentarians?</u> What actually happens A parliamentarian who commits a criminal offence can be prosecuted. It is immaterial whether it is committed in Parliament or not. However, if it is a civil infringement then he can only be sued if it takes place outside parliament so that he cannot claim parliamentary immunity. Parliament under its own rules can sanction fellow parliamentarians.</p> <p>-----</p> <p>4. <u>Have they ever been invoked?</u> What actually happens An Assistant Minister was prosecuted for bribery and corruption for allegedly receiving P500, 000.00.</p> <p>-----</p> <p>6.7</p> <ul style="list-style-type: none"> • <u>Are there restrictions on post public service employment?</u> What actually happens Former public servants have been known to take on any employment after leaving the public service. 	<p>-----</p> <p>No, Corruption and Economic Crime Act and the Penal Code and the Police.</p> <p>-----</p> <p>No. The AG, DCEC, the Ombudsman, and the Police do this.</p> <p>.....</p> <p>Section 3 of the National Assembly (Powers and Privileges) Act</p> <p>-----</p> <p>Yes</p> <p>-----</p> <p>No. However, the General Orders prohibits public officers from disclosing any confidential</p>
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<p>-----</p> <p>6.8</p> <ul style="list-style-type: none">• Are procedures and criteria for administrative decisions published (e.g. for granting permits, licences, bank loans, building plots, tax <u>assessments, etc</u>)? <p>What actually happens</p> <p>This is usually done in the Government Gazette. Furthermore, within the Civil Service, instruments such as the Public Service Act and Regulations, General Orders, Directives, Circular Savings and Financial Regulations are published for use and information by officers as well as the general public.</p> <p>-----</p> <p>6.9</p> <ul style="list-style-type: none">• Are there complaint mechanisms for public servants and <u>whistleblower protection measures</u>? <p>What actually happens</p> <p>Officers are free to communicate their complaints to their Appointing Authorities through the laid down communication channels. Such complaints can go all the way to the Office of the President and his Permanent Secretary, as the Head of the Public Service will be expected to attend to the complaint through the Public Service commission that handles appeals from aggrieved Public Officers. The General Orders have provisions for handling grievances from Public Officers.</p> <p>Whistle blowing is permitted under the Corruption and Economic Crime Act. Section 45 protects informers. The Ombudsman Act also allows anonymity from complainants, as the names of informers may not be disclosed in criminal prosecutions.</p> <p>-----</p>	<p>information they gained in the course of their employment and this cannot be disclosed either during service or after leaving the Public Service.</p> <p>-----</p> <p>Yes</p> <p>-----</p> <p>Yes, the Public Service Act and its Regulations, the General Orders, Corruption and Economic Crime Act and the Ombudsman Act.</p> <p>-----</p>
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<p>6.10</p> <ul style="list-style-type: none"> • <u>Are there means for complaints by members of the public?</u> <p>What actually happens Complaints can be made to the office of the DCEC, the Ombudsman, to the police, to the regular courts, or even to the news media.</p>	<p>Yes</p>
<p>7.0 <u>POLICE AND PROSECUTORS</u></p> <p>7.1</p> <ul style="list-style-type: none"> • Is the commissioner of police independent? i.e. Are appointments required to be based on merit? <u>Is the appointee protected from removal without relevant justification?</u> <p>What actually happens The President appoints the Commissioner of Police and in theory he is expected to be independent. His appointment is based on merit. But in practice this is not possible as there is no clear guideline for his appointment and removal. He remains a public servant and therefore his independence is compromised. The President also appoints the Deputy Commissioner. The Permanent Secretary appoints the Senior and Assistant Commissioners. From the Senior Superintendent down to the Constable are appointed by the Commissioner.</p> <p>-----</p> <p>7.2</p> <ul style="list-style-type: none"> • <u>Are public prosecutors independent?</u> <p>What actually happens Public prosecution is fully vested in the office of the Attorney General and any body to whom he delegates his powers. Under the Constitution the Attorney General is independent and is appointed for life, until the retiring age. He is however also a member of the Cabinet, thus limiting the full extent of his independence.</p> <p>-----</p> <p>7.3</p> <ul style="list-style-type: none"> • Are there special units for investigating and prosecuting corruption <u>crimes?</u> <p>What actually happens Under these two Acts the Police and the Staff at the Directorate on Corruption and Economic Crime have the power to investigate and prosecute cases of corruption. It is however, the Directorate that is especially set up</p>	<p>Yes and No Police Act, Cap. 21:01 and the Public Service Act and its Regulations of 1998</p> <p>-----</p> <p>Yes and No Constitution, section 51 (4), Criminal Procedure and Evidence Act, section 8</p> <p>-----</p> <p>Yes, the Penal Code and the Corruption and Economic Crime Act.</p>

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<p>to investigate and prosecute corruption cases. But once investigation is complete the case is referred to the Attorney-General's Chambers for advice and/or prosecution, as the DCEC itself does not have the manpower to prosecute the cases.</p> <p>-----</p> <p>7.4</p> <ul style="list-style-type: none"> • Is there an independent mechanism to handle complaints of <u>corruption against the police</u>? <p>What actually happens</p> <p>Since the Directorate is authorised to deal with corruption in the country, particularly among public servants, it has the mandate to handle cases of corruption within the police. The normal practice is for all complaints against any police office to go the police itself. But if the complaints are not dealt with satisfactorily then it may be reported to the Attorney General or to the Directorate on Corruption and Economic Crime for investigation if it is deemed very serious. If after investigation by DCEC it is found that there is not sufficient evidence to warrant prosecution, the officer can be reported to the Commissioner of Police for disciplinary action.</p> <p>The police also undertake their own internal investigations and may impose disciplinary measures or report the findings to the Attorney-General or to the DCEC for appropriate action.</p> <p>-----</p> <p>7.5</p> <ul style="list-style-type: none"> • <u>Does civil society have a role in such a mechanism?</u> <p>What actually happens</p> <p>Civil Society, like any member of the general public can make a complaint to DCEC. They will not have a say in the case thereafter. But in practice this has not happened so far.</p> <p>-----</p> <p>7.6</p> <ul style="list-style-type: none"> • In the last five years, have police officers suspected of corruption been <u>prosecuted (or seriously disciplined or dismissed)?</u> <p>What actually happens</p> <p>A number of police officers were reported to DCEC for involvement in corruption offences. After investigation a number of them were prosecuted and after conviction were dismissed.</p> <p>-----</p> <p>7.7</p> <ul style="list-style-type: none"> • Are there any cases of corruption within the prosecuting agencies? 	<p>-----</p> <p>Corruption and Economic Crime Act, 1994 – sections 6(a), 6(d), 24 and 25.</p> <p>The Police Act and the Public Service Act</p> <p>-----</p> <p>Yes, the Corruption and Economic Crime Act.</p> <p>-----</p> <p>Yes, the Penal code and the Corruption and Economic Crime Act.</p> <p>-----</p> <p>Not aware of any.</p>
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<p>What actually happens</p> <p>-----</p> <p>7.8</p> <ul style="list-style-type: none"> Which legislative instruments can be used by the police and public prosecutors for the investigation and prosecution of cases of corruption/bribery can use? <u>Is private-to private corruption punishable by law?</u> <p>What actually happens</p> <p>Under those provisions a private-to-private corruption is punishable when an agent acts in a corrupt manner in relation to his principal. This arises where an agent “corruptly accepts, or agrees or offers to accept from any person, for himself or any other person any valuable consideration” in transacting the affairs of his master. A person who offers any valuable consideration to an agent either to induce him to do or forbear him from doing any act in relation to his principal’s affairs also commits the offence of corruption. It is to be noted that section 28 of the Corruption and Economic Crime Act of 1994 is a reproduction of section 384 of the Penal Code.</p> <p>The Criminal Procedure and Evidence Act (Cap. 08:02) lays down the procedures to be followed in all criminal prosecutions. The Corruption and Economic Crime Act also has some special provisions for the prosecution of corruption cases.</p> <p>-----</p> <p>7.9</p> <ul style="list-style-type: none"> <u>Is the law applied?</u> <p>What actually happens</p> <p>-----</p> <p>7.10</p> <ul style="list-style-type: none"> How many cases of prosecution have been undertaken in the past years? How many have been successful? If the number is low, are there other effective measures or other good reasons why the number is <u>low</u>? <p>What actually happens</p> <p>Around 350 cases have been prosecuted. Since the establishment of the DCEC the conviction rate is about 85%. (Based on information from DCEC). The Prosecution Division of the Attorney General’s Chambers, on the other hand, puts the success rate at around 60%.</p> <p>-----</p>	<p>-----</p> <p>Corruption and Economic Crime Act, 1994 and the Penal Code (Cap. 08:01).</p> <p>Section 28 of the Corruption and Economic Crime Act and section 384 of the Penal Code. These are used in conjunction with the Criminal Procedure and Evidence Act (CPE&A), Cap. 08:02.</p> <p>-----</p> <p>Not sure</p> <p>-----</p> <p>The Corruption and Economic Crime Act and the Penal Code.</p> <p>-----</p>
<p>8.0 PUBLIC PROCUREMENT</p> <p>81</p> <ul style="list-style-type: none"> Do rules for public procurement require competitive bidding for all <u>major procurements with limited exceptions</u>? 	<p>Central Tender Board (CTB), under</p>

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<p><u>exceptions?</u></p> <p>What actually happens All cases of public procurement must go through the Central Tender Board where there is open competition among all bidders. The Only exception is where national security is involved, such as the Botswana Defence Force. In such cases the procurement has to go to a Special Tender Board.</p> <p>-----</p> <p>8.2</p> <ul style="list-style-type: none"> • <u>Are the rules laid down in documents publicly accessible?</u> <p>What actually happens The CTB relies on Chapter 4 of the Supplies Regulations. But these are not publicised in any formal way. However, they are public document and are available to the general public.</p> <p>-----</p> <p>8.3</p> <ul style="list-style-type: none"> • Are there strict formal requirements that limit the extent of sole <u>sourcing</u>? <p>What actually happens Sole sourcing is not accepted under the Central Tender Board rules for public procurements. The only exception is where the product in question is from a sole manufacturer. But even then, the CTB is under obligation to ensure that the price is fair and reasonable.</p> <p>-----</p> <p>8.4</p> <ul style="list-style-type: none"> • Are all major public procurements widely advertised to the private <u>sector</u>? <p>What actually happens All public procurements are usually advertised in the Government Gazette and at times in the local newspapers. Every Department, including the District Commissioner’s office in the rural area has to comply with this procedure by placing it on a notice board. Public procurement is therefore accessible to all members of the public. But in the case of donor funded projects the conditions attached to the funding will determine the method of advertising. It is therefore conceivable that sole sourcing may even arise in that situation.</p> <p>-----</p> <p>8.5</p> <ul style="list-style-type: none"> • <u>Are procurement decisions made public?</u> <p>What actually happens This is not done for staffing reasons. However, the decision is public in the sense that it can be verified without any hindrance</p>	<p>Chapter 4 of the Supplies Regulations.</p> <p>-----</p> <p>CTB, Chapter 4 of the Supplies Regulations</p> <p>-----</p> <p>Yes Supplies Regulations</p> <p>-----</p> <p>Yes, Supplies Regulations</p> <p>-----</p> <p>No</p>
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<p>without any hindrance.</p> <p>-----</p> <p>8.6</p> <ul style="list-style-type: none"> • <u>Is there a procedure to request review of procurement decisions?</u> <p>What actually happens Individuals or companies cannot ask for a review. However if it is from an independent body such as the Directorate on Corruption and Economic Crime or the Ombudsman then it can be done.</p> <p>-----</p> <p>8.7</p> <ul style="list-style-type: none"> • <u>Can an unfavourable decision be reviewed in a court of law?</u> <p>What actually happens This has happened on a number of occasions, see, A.V. Communications (Pty) Ltd v. The Attorney General (unreported, Misca No 18/94; Attorney-General v. Kgalagadi Resources Development Company (Pty) Ltd t/a Solar Power (unreported, Civil Appeal No 20/94). The Courts have adopted the position that a decision by the Central Tender Board is reviewable because, in doing so, they will be “regulating the behaviour of a public body”. This is done on three grounds: “illegality, irrationality or unreasonableness, and procedural impropriety”.</p> <p>-----</p> <p>8.8</p> <ul style="list-style-type: none"> • Are there provisions for blacklisting of companies proved to have <u>bribed in a procurement process?</u> <p>What actually happens There are no formal provisions laid down for dealing with such companies. However, in practice this is done. The name of such a company will be removed from the register of companies that can participate in tenders with the CTB. As an example, Wade Adams’ name was removed in 1992 when it was involved in a corruption scandal affecting the Botswana Housing Corporation.</p> <p>-----</p> <p>8.9</p> <ul style="list-style-type: none"> • Are there rules and procedures to prevent nepotism/<u>conflict of interest in public procurement?</u> 	<p>-----</p> <p>Yes</p> <p>-----</p> <p>Yes. By normal application to the courts for a review of an administrative decision.</p> <p>-----</p> <p>No formal provision.</p> <p>-----</p>
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<p>What actually happens There are no formal rules on this. However, in practice. There is the requirement for the declaration of interest at the beginning of trade procurement meeting. Also section 31 of the Corruption and Economic Crime Act treats any such conduct as corruption.</p> <p>-----</p> <p>8.10</p> <ul style="list-style-type: none"> • Are assets, incomes and life styles of public procurement officers <u>monitored</u>? <p>What actually happens The Directorate on Corruption and Economic Crime is empowered under section 34 of the Act to investigate any public official where there are reasonable grounds to suspect that such a person maintains a standard of living that is above his present or past sources of income of assets, or he is in control or possession of pecuniary resources or property disproportionate to his present or past known sources of income or assets. Any person so investigated is obliged to explain the sources of the income or property. Such a person is guilty of corruption if he fails to provide a satisfactory explanation as to the source of the income or the property or assets. Since CTB staff are public officers the section can be used in their cases.</p> <p>-----</p>	<p>No formal provisions.</p> <p>-----</p> <p>Section 34 of the Corruption and Economic Crime Act, 1994</p> <p>-----</p>
<p>9.0 OMBUDSMAN</p> <p>9.1</p> <ul style="list-style-type: none"> • Is there an ombudsman or its equivalent (i.e. an independent body to <u>which citizens can make complaints about maladministration</u>)? <p>What actually happens The Office of the Ombudsman was established in 1995 by an act of parliament. Under the Act every member of the public is free to lodge complaints with the Ombudsman who has wide range of powers to investigate and in appropriate circumstances recommend remedies.</p> <p>-----</p> <p>9.2</p> <ul style="list-style-type: none"> • Is the ombudsman independent? i.e. Are appointments required to be based on merit? 	<p>The Ombudsman Act, 1995</p> <p>-----</p> <p>Section 9(1) of the Ombudsman Act, 1995</p>

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<p>Is the appointee protected from removal without relevant justification? Has an ombudsman been removed without relevant justification in the <u>last five years</u>?</p> <p>What actually happens The Office of the Ombudsman is functionally independent and the appointment is purely on merit. Section 9(1) of the Act specifically stipulates that, in the discharge of his functions, the Ombudsman shall not be subject to the control or direction of any person or authority. Furthermore, no proceedings of the Ombudsman shall be called in question in any court of law. The current Ombudsman is the first appointment under the Act and there was a tough competition for the position. The President makes the appointment after consultation with the Leader of the Opposition in Parliament, section 2(2) of the Ombudsman Act, 1995.</p> <p>However, since the office falls under the Directorate of Public Service Management (DPSM) its independence is seriously undermined. In both the 1997/98 and 1999 Annual Reports, the Ombudsman complained about and requested that the Act be amended to make the office fully independent.</p> <p>The Ombudsman is appointed for a period of 4 years, section 2(5). However, during that period in office he is protected by the provisions of section 97(2)-(5) of the Constitution from removal from office as is the case with a High Court Judge, see section 2(6). It will require a special investigation of proven misconduct. No one has been removed from office as the first Ombudsman is still in office.</p> <p>-----</p> <p>9.3</p> <ul style="list-style-type: none"> • <u>Can petitioners complain anonymously if they fear possible reprisals?</u> <p>What actually happens Petitioners are free to make complaints anonymously. Confidentiality is maintained when complaints are made to the Ombudsman</p>	<p>-----</p> <p>Practice at the Office of the Ombudsman</p> <p>-----</p> <p>Yes, Section 9(2), the Ombudsman Act, 1995</p> <p>-----</p>
<p>9.4</p> <ul style="list-style-type: none"> • <u>Are reports of the ombudsman published?</u> <p>What actually happens The Act in section 9(2) requires that annual reports be to be submitted to the President and then tabled before National Assembly. Since its inception two reports have been issued. The first was for the period 1997/98 and the second was for 1999.</p>	<p>-----</p>

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<p>9.5</p> <ul style="list-style-type: none"> • Does the government act on the Ombudsman's recommendations? <p>What actually happens</p> <p>According to the 1999 Report the Government has acted on most of the previous recommendations. It states that it had a compliance rate in excess of 90%. The only major exception is the need to make the office completely independent of the government.</p> <p>-----</p>	<p>Yes, 1999 Report</p> <p>-----</p>
<p>10.0 <u>INVESTIGATIVE/WATCHDOG AGENCIES</u> (e.g. Anti-Corruption Bureau)</p> <p>10.1</p> <ul style="list-style-type: none"> • Are there special investigative or watchdog agencies? <p>What actually happens</p> <p>The Corruption and Economic Crime Act, 1994 established the Directorate on Corruption and Economic Crime as an independent body to investigate all cases of public corruption, and to a limited sense, private to private corruption. The Directorate adopts a three-pronged approach in this responsibility: Investigation, Public Education and Corruption Prevention. The Directorate can initiate its own investigation or receives reports from the general public, upon which it may conduct investigations.</p> <p>-----</p> <p>10.2</p> <ul style="list-style-type: none"> • Are they independent? i.e. <p>What actually happens</p> <p>The Director is deemed to be independent. However, the fact that he reports first to the President who appoints him and not directly to parliament is seen as undermining their independence. Furthermore, his office is under the Office of the President.</p> <p>-----</p> <p>10.3</p> <ul style="list-style-type: none"> • Are appointments required to be based on merit? <p>Are appointments generally based on merit?</p>	<p>Yes, Corruption and Economic Crime Act, 1994.</p> <p>-----</p> <p>Yes and No</p> <p>-----</p> <p>The Public Service Act, Cap. 26:01)</p>

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<p>Are the appointees protected from removal without relevant <u>justification</u>?</p> <p>What actually happens The Director is appointed under the Public Service Act and is therefore a Public Officer. In this sense his independence is limited as he can be replaced easily. However, in practical terms he enjoys a measure of independence in the discharged of his functions.</p> <p>-----</p> <p>10.4</p> <ul style="list-style-type: none"> • Are their reports published (other than when criminal charges are <u>pending</u>)? <p>What actually happens The Director is required to submit an annual report on or before 31st March each year in which the activities of the Directorate during the previous year are detailed. This has been done on annual basis, starting from 1995.</p> <p>-----</p> <p>10.5</p> <ul style="list-style-type: none"> • Do they report publicly to the legislature on the general scope of their <u>work</u>? <p>What actually happens The Directorate under section 22 of the CECA is to report directly to the President. This has always been the case with all reports but they are made public thereafter.</p> <p>-----</p> <p>10.6</p> <ul style="list-style-type: none"> • <u>Can people complain to the agency without fear of recrimination?</u> <p>What actually happens There is no formal statutory provision about anonymous complaints to the Directorate. However, the practice within the Directorate is to allow reports to be made anonymously, confidentially or openly, depending on the choice of the individual complainant. In the open reports the individual states his/her name and other particulars. The Directorate states that the reports made openly far exceed those received anonymously. It therefore holds the view that the public has confidence in complaining without fear of recrimination.</p> <p>-----</p>	<p>-----</p> <p>Section 22 of the Corruption and Economic Crime Act, 1994</p> <p>-----</p> <p>No, section 22 of the Corruption and Economic Crime Act</p> <p>-----</p> <p>Yes No formal provision.</p> <p>-----</p>
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<p>11.0 MEDIA</p> <p>11.1</p> <ul style="list-style-type: none"> • <u>Is there a law guaranteeing freedom of speech and of the press?</u> <p>What actually happens Section 12(1) of the Constitution guarantees freedom of speech, both to receive and to communicate whether to the general public or not.</p> <p>-----</p> <p>11.2</p> <ul style="list-style-type: none"> • Is there censorship of the media? <p>What actually happens There is no law that is specifically enacted to censor the media. There are, however, some specific pieces of legislation that can be employed in that direction. Among them are the sedition and libel laws under the Penal Code, the National Security Act, the Police Act. The general perception is that the government newspapers are not free to publish what they want. For instance it is generally believed that the Daily News is a mouthpiece for the Government.</p> <p>-----</p> <p>11.3</p> <ul style="list-style-type: none"> • Is there a spread of media ownership? <p>What actually happens There are currently seven privately owned newspaper publishers. Between them seven newspapers. There are also privately owned radio stations and one television station. In the case of radio stations this has come about within the past three years. In addition, there are ten advertising agencies.</p> <p>-----</p> <p>11.4</p> <ul style="list-style-type: none"> • Does any publicly-owned media regularly cover the views of <u>government critics?</u> <p>What actually happens The Daily News, which is alleged to be the mouthpiece for the Government, had been accused in the past by the opposition of not giving sufficient coverage to their activities. It seems that this is no longer of a serious nature as much coverage is given to the opposition as well. The Government has since October 2000 introduced a national television station. It is too early to tell whether the government will control it. Indications so far suggest that it is operating independently and even being critical of some government</p>	<p>Section 12 of the Constitution.</p> <p>-----</p> <p>No formal law</p> <p>-----</p> <p>Yes, section 12(1) of the Constitution.</p> <p>-----</p> <p>Yes,</p>
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<p>activities.</p> <hr/> <p>11.5</p> <ul style="list-style-type: none"> • Have journalists investigating cases of corruption been physically <u>harmed in the last five years?</u> <p>What actually happens</p> <p>There is no such reported case. In fact the local journalists must be applauded for the courage in carrying out investigative journalism on corruption in the country. They have been spearheading corruption investigations, and the country must also be commended that no one has been harmed in this exercise.</p> <hr/> <p>11.6</p> <ul style="list-style-type: none"> • <u>Does the media carry articles on corruption?</u> <p>What actually happens</p> <p>The privately owned newspapers have in fact been in the forefront in exposing corruption. For the past 5 years they have unearthed a number of corruption cases that have resulted in prosecution. Some have been successfully prosecuted or disciplined. In one case an Assistant Minister of Finance and Development Planning was forced to resign.</p> <hr/> <p>11.7</p> <ul style="list-style-type: none"> • Do media licensing authorities use transparent, independent and <u>competitive criteria and procedures?</u> <p>What actually happens</p> <p>The Botswana Telecommunications Authority (BTA) uses transparent procedures. However complaints are received from the public about the absence of fair competition. In the case of electronic media the requirement disadvantages the local media as the deposit amount required is prohibitive. In a recent licensing operation the deposit required was P2.3 million, equivalent to about US\$400,000. The result is that local businesses are not getting the licence. Only those who form alliances with foreign companies, especially from the Republic of south Africa do get the licences.</p> <hr/> <p>11.8</p> <ul style="list-style-type: none"> • Are libel laws or other sanctions (e.g. withdrawing of state advertising) <u>used to restrict reporting of corruption?</u> <p>What actually happens</p> <p>Libel laws are used not by the government but by senior public officers. They have taken the form of threats. In some cases the papers have admitted their excesses and apologized. A case in point occurred when the</p>	<hr/> <p>No</p> <hr/> <p>Yes</p> <hr/> <p>Yes, the Botswana Telecommunication Authority (BTA).</p> <hr/> <p>Yes</p>
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<p>In some cases the papers have admitted their excesses and apologised. A case in point occurred when the Deputy Attorney-General threatened the Mmegi, one of the local weekly papers with a suit for an alleged libel. The paper subsequently apologised to him.</p> <p>-----</p>	<p>-----</p>
<p>12.0 <u>CIVIL SOCIETY</u></p> <p>12.1</p> <ul style="list-style-type: none"> • Does the public have access to information and documents from <u>public authorities</u>? <p>What actually happens</p> <p>The government does its best to make sure that a lot of information is obtained as widely as possible. The Daily News, which is deemed to be the mouthpiece of the government, is published daily and is distributed free throughout the country. It has a section for Setswana, the local language where the essential news items are summarised. Most public documents are printed in both English and Setswana and are either free or sold at a minimal fee. However, some information is not easily available, especially on grounds of national security. For that reason Civil society, particularly through the Media Institute of Southern Africa is pressurising the government with a view to introducing a law on freedom of information. But this has not reached a fruitful stage yet. But matters relating to national security are not easily obtained.</p> <p>-----</p> <p>12.2</p> <ul style="list-style-type: none"> • Do the public authorities generally co-operate with civil society <u>groups</u>? <p>What actually happens</p> <p>Some civil society groups are so well established, and because of their connections with big international donor agencies, it has become the pattern for the government and other public authorities to give them respect by consulting them on important issues. In particular, the Conservation Society and the human rights body known as Emang Basadi are consulted on regular basis.</p> <p>-----</p> <p>12.3</p>	<p>Yes, but no formal provision.</p> <p>-----</p> <p>Yes</p>

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<ul style="list-style-type: none">• Are there citizen's groups or business groups campaigning against <u>corruption</u>? What actually happens A Transparency International Chapter in the early stages of formation. But it has not been active so far. As far as business groups coming out openly to campaign against corruption this has not happened yet. Informally, it seems this has taken place and must have precipitated the formation of the national chapter of TI.	----- No -----
<p>12.4</p> <ul style="list-style-type: none">• Are there citizen's groups monitoring the government's performance <u>in areas of service delivery, etc?</u> What actually happens There is no such body so far. Any such body takes the form of government involvement. There is a body known as High Consultative council that meets annually to review productivity and service delivery. But even its vies are not known to the general public so it is doubtful if this body can be said to fulfil the role the question envisages. In addition, it seems there is one under consideration to monitor the implementation of Vision 2016.	No -----
<p>12.5</p> <ul style="list-style-type: none">• Do citizen's groups regularly make submissions to the legislature on <u>proposed legislation</u>? What actually happens In accordance with section 89 of the Constitution any Bill to be introduced in Parliament that seeks to amend the Constitution is required to be published in the Government Gazette to enable the public to make comments and submissions. Recently a Government commission toured the whole country and received submissions from the public on whether to amend sections 77-79 of the Constitution. It has become the practice to publish in the Government Gazette any new Bill introduced in parliament. But it is not common to get comments or submissions from the public. Feminist groups are, however, known to petition government for the discriminatory laws against women to be repealed. Also at Kgotlas the people are known to petition their ministers about the need to change some laws.	No -----

<p>13.0 LOCAL GOVERNMENT</p> <p>13.1</p> <ul style="list-style-type: none"> Is there a legal requirement that meetings of city/ town councils be <u>open to the press and public</u>? <p>What actually happens City and Town Council meetings are generally open to both the public and the press. Debates are normally conducted in the vernacular.</p> <p>-----</p> <p>13.2</p> <ul style="list-style-type: none"> Are there clear criteria restricting the circumstances in that city/town <u>councils can exclude the press and public</u>? <p>What actually happens This arises only when the public are disrupting proceedings. This is based on the rules of procedure.</p> <p>-----</p>	<p>No Formal Provision</p> <p>-----</p> <p>Yes</p> <p>-----</p>
<p>14.0 PROGRESS WITH GOVERNMENT STRATEGY</p> <p>14.1</p> <ul style="list-style-type: none"> Has the government announced an anti-corruption strategy and a <u>timetable for implementation</u>? <p>What actually happens The government's anti-corruption strategy lies with the slogan, zero-tolerance for corruption. This culminated in the establishment of the Directorate on corruption and Economic Crime in 1994. The strategy is stated in the Act that follows a three-pronged approach: Investigation, Public Education, and Corruption Prevention. There is no timetable frame as it is an ongoing process.</p> <p>-----</p> <p>14.2</p> <ul style="list-style-type: none"> <u>How much of the strategy has been implemented?</u> <p>What actually happens The public education part has been extensively covered. The public are willing to report cases of corruption. A large number of investigations have taken place resulting in the prosecution and conviction of many people. But in terms of the prevention of corruption, it seems that there is a long way to go as there many cases of</p>	<p>Yes and No, CEC Act</p> <p>-----</p>

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<p>corruption these days.</p> <p>-----</p> <p>14.3</p> <ul style="list-style-type: none">• <u>Is the government meeting its own timetable?</u> <p>What actually happens</p> <p>In terms of eliminating corruption out of the country, the government is not meeting its target. It is however, worth noting that there is not a timetable frame. It is an ongoing exercise with a view to making the public aware that corruption at any level will not be tolerated. In this sense it can be argued that the Government is meeting its target.</p> <p>-----</p>	<p>-----</p> <p>Not yet.</p> <p>-----</p>
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