



INVITATION FOR EXPRESSION OF INTEREST

Regulatory Review 'Towards a Standalone law on Sextortion in Jurisprudence: Issues to Consider for Zimbabwe.'

Deadline: 22 August 2022 (4pm)

About TI Z

TI Z is a non-profit, non-partisan, systems-oriented local chapter of the international movement against corruption. Its broad mandate is to fight corruption and related vices through networks of integrity in line with the Global Strategy. TI Z believes corruption can only be sufficiently tackled by all citizens including people at grass root level.

About the call

TIZ carries out research to advance knowledge in the area of corruption, anti-corruption and governance in Zimbabwe through its Research and Information Unit (RIU). The organisation believes that professionally generated applied research is the basis for knowledge and information management on corruption related issues including research-based advocacy. Such research assists in governance planning, social and economic development, and investment planning for private and public sector projects, local and international organizations. This call is therefore meant to support TI Z's ongoing activities of analysing the state of corruption in Zimbabwe in line with specific themes.

The specific area of focus in this particular research is the issue of sextortion. Sextortion has been defined by the International Association of Women Judges (IAWJ) as "the abuse of power to obtain a sexual benefit or advantage. Sextortion is the form of corruption in which sex, rather than money, is the currency of the bribe" (IAWJ 2017: 19 in France, 2022).

TI Z's extensive interaction with stakeholders shows that it is a matter of deep concern to citizens in the country. For example, 57.5% of 1,680 women in four provinces surveyed in the 2019 TI Z Gender and Corruption Study said that sexual favours are the form of non-monetary bribes they had experienced (TI Z, 2019). Respondents explained that women who do not have money to pay for bribes are forced to use sex as a form of payment. Respondents affirmed that sex has become a currency in many corrupt deals in Zimbabwe and that sexual harassment is institutionalised, causing women much suffering for a long time (TI Z, 2019). Furthermore, the recent National Bribe Payers Index (NBPI) research for 2021 by TI Z revealed that some citizens surveyed locally reported having used non-monetary forms of paying bribes when asked by public officials. Of these citizens, 14% reported having paid in the form of sexual favours (TI Z, 2022).

Sextortion has been acknowledged as a global phenomenon which happens to vulnerable people in every sector of life (France, 2022). Its impacts are felt disproportionately by women and girls in particular, in addition to its tendency to jeopardise the provision of public services (France, 2022). However, there are significant challenges in addressing it in criminal law due to technicalities lying at the intersection of, and within both the anti-corruption (AC) and gender-based violence (GBV) frameworks (France, 2022). Firstly, in the context of AC some countries only criminalise forms of corruption where money is exchanged. This is further complicated in some jurisdictions where the bribe payer is also criminalised (France, 2022). Where the GBV framework is concerned there is an evidential challenge around the issue of consent (France, 2022). Overall, legislation which can be used to tackle crimes of sexual exploitation is often scattered in different statutes making the existing legal frameworks inadequate.

Where Zimbabwe is concerned, the National Prosecuting Authority (NPA) has preferred, on almost all occasions, to charge and indict accused persons of the criminal offence of “criminal abuse of duty as public officer”. This criminal offence is under section 174 of the Criminal Law (Codification and Reform) Act, Chapter 9:23. Yet, there are various criminal offences in Chapter IX of this Criminal Code, and these include bribery, corruptly using a false document, corruptly concealing a transaction from a principal and the offence of corruptly concealing from a principal a personal interest in a transaction.

Apart from these five major criminal offences, there are various other criminal offences created under various pieces of legislation aimed at curbing corrupt activities in the public sector. These areas include public procurement, tax administration, statutory funds, mining and agricultural laws, public health regulation, banking and finance, corporate governance, public entities regulation, among others. It can thus be stated that the insistence, or over reliance on only one criminal offence (criminal abuse of duty as public officer) has no justification. Given this background, it is difficult for perpetrators to be prosecuted for a sexual related incidence of corruption (sextortion).

In light of the foregoing TI Z is commissioning a discussion paper to raise public awareness on the subject of sextortion, and facilitate informed dialogue among policymakers, civil society and a host of concerned stakeholders on how sextortion can be addressed as a form of corruption through reforms in the country’s legal framework. In view of the above, the specific objectives of this analysis will be as follows:

1. Review and summarise existing research or collated statistics to describe the scale of the problem of corruption-linked sexual exploitation in Zimbabwe
2. Review and summarise existing literature comparing law to prosecute corruption involving sexual exploitation across jurisdictions
3. Review the local legal, regulatory and institutional framework to see *if* and *how* sextortion is treated in Zimbabwean law
4. Comment on any gaps in Zimbabwe’s legal framework by comparing its framework with other jurisdictions on sextortion
5. Proffer recommendations for any legal, regulatory or institutional reforms required to facilitate the prosecution of sextortion in Zimbabwe (i.e., the need for specific legislation on sextortion, or amending existing laws to minimise the challenges they present)

Deliverables

The consultant will author a 8,000-12,000-word discussion paper for validation and subsequent publication. The findings will be packaged for Academics/researchers, CSOs, anti-corruption agencies and policymakers.

Qualifications

1. Education

Interested consultants should have a minimum of the following:

- a Master's degree in Law

2. Technical experience and requirements

- Demonstrated experience in proffering legal advice on corruption related matters
- Demonstrable experience in the area of Public Policy Analysis and Advocacy, Good Governance, Research or related areas
- Knowledge of and/or proven expertise in the Civil society sector, conducting related assignments and presenting papers
- Written and Visual Storytelling and impeccable communication skills.

Documents

Interested candidates must submit the following documents/information to demonstrate their qualifications:

- CVs/profiles highlighting past experience in similar projects/assignments and indicate at least 3 references;
- A one-page expression of interest explaining:
 - why they are the most suitable to conduct the assignment
 - the cost of producing the report and indicative timelines. Please note that financial proposals will be evaluated based on budgeted funds for the assignment, and that TI Z will negotiate with the best consultants based on our evaluation criteria;
- At least one example of a past research paper which they have produced directly for advocacy purposes;
- VAT certificates for submission together with the subsequent invoice for payment.

Resources, Roles and responsibilities

The service provider will work closely with TI Z's Senior Research officer in conducting the research. TI Z's RIU will be responsible for preparing the Terms of Reference (ToRs); selecting, contracting and managing the consultants; actively engaging with the consultants during the research process in line with the organisational research policy.

Terms of payment

TI Z will make payment for the assignment upon satisfactory completion of the task.

Contact Details

Any hard copy documents and discs must be submitted in a sealed envelope, clearly marked on the outside with the category and must be hand delivered to 96 Central Avenue, Harare. Alternatively, documents and links can be emailed to tiz@tizim.org. The closing date for submission of documents is end of day on 22 August 2022 and no documents shall be received or entertained after this due date.