

# STRENGTHENING ANTI-CORRUPTION AGENCIES IN ASIA PACIFIC

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Regional Synthesis Report

**Transparency International is a global movement with one vision: a world in which government, business, civil society and the daily lives of people are free of corruption. With more than 100 chapters worldwide and an international secretariat in Berlin, we are leading the fight against corruption to turn this vision into reality.**

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Please note that the following corrections were made in December 2017 to the original report:

Page 1: The subtitle read “Executive Summary Regional Synthesis Report Key Findings and Recommendations”, when it should read “Regional Synthesis Report”.

Page 10: Komisi Pemberantasan Korupsi (KPK) was stated as conducting a survey in the original report, when it should have stated that KPK supported TI Indonesia to conduct the survey.

Page 25: The first asterisk below Table 2: Country-wise Dimension Scores, referred to the Bhutan study using five indicators, when it should have indicated that it used seven indicators.

We apologise for these errors.

Every effort has been made to verify the accuracy of the information contained in this report. All information was believed to be correct as of October 2017. Nevertheless, Transparency International cannot accept responsibility for the consequences of its use for other purposes or in other contexts.

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## ABBREVIATIONS

ACA - Anti-Corruption Agency

ACC - Anti-Corruption Commission

CIABOC - Commission to Investigate Allegations of Bribes and Corruption

CPI - Corruption Perception Index

CSO - Civil society organisation

KPK - Komisi Pemberantasan Korupsi

NAB - National Accountability Bureau

NGO - Non-governmental organisation

NIS - National Integrity Strategy

TI - Transparency International

UNDP - United Nations Development Programme



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# EXECUTIVE SUMMARY

**An autonomous and well-functioning anti-corruption body is a fundamental pillar of the national integrity system of any country committed to preventing corruption. This is enshrined in the United Nations Convention Against Corruption (UNCAC) 2003, which states that an independent body/bodies within national governance systems is required to promote and enforce anti-corruption policies and practices.**

The synthesis report, *Strengthening Anti-Corruption Agencies in Asia Pacific*, presents the major findings of country-level studies initiated by Transparency International on anti-corruption agencies (ACAs) in Asia Pacific. The objective is to gauge the strengths and weaknesses of ACAs in the participating countries, based on selected indicators. It is also an attempt to assist the ACAs to assess their status and performance compared to internationally recognised principles and standards. A broader goal is to encourage ACAs in the region to build on the experience and good practice of the ACAs under review.

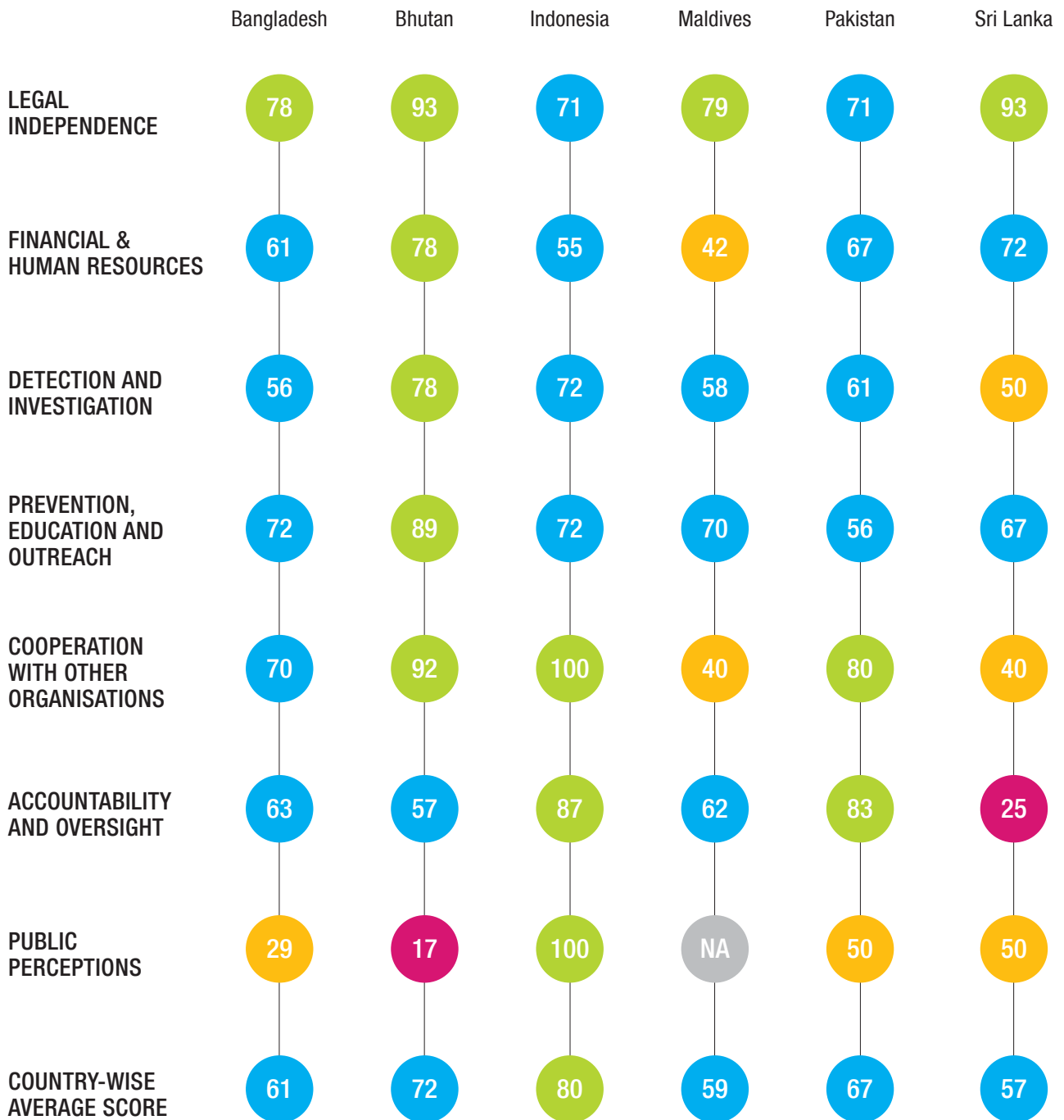
Transparency International conducted the research in Bangladesh, Bhutan, Indonesia, Maldives, Pakistan and Sri Lanka. It covered ACAs in Bangladesh, Bhutan and the Maldives, the Komisi Pemberantasan Korupsi

(KPK) in Indonesia, the National Accountability Bureau (NAB) in Pakistan, and the Commission to Investigate Allegation of Bribery and Corruption (CIABOC) in Sri Lanka. The reference period for the studies was the three years from 2013 to 2015.

In order to judge the performance of ACAs, Transparency International developed a framework for assessing seven key criteria that influence their work. Fifty indicators or enabling factors were identified through a consultation process with anti-corruption experts and Transparency International chapters. Each indicator was scored and the results aggregated to show how strong the ACAs performed. The following table summarises the findings.



## HOW STRONG ARE ANTI-CORRUPTION AGENCIES IN ASIA PACIFIC?



## KEY FINDINGS, RED FLAGS AND RECOMMENDATIONS IN SEVEN KEY AREAS

### Legal independence and status

The ACAs operate within a reasonably robust legal framework, which entitles them to discharge their mandate freely in terms of functions, authority and jurisdiction. But there were some red flags

- The process for appointing commissioners across all ACAs is not sufficiently transparent.
- The ACAs' impartiality and functional autonomy are at times compromised by government/partisan political interference, which is manifested in the way they handle particular corruption cases.

### Financial and human resources

The results for this section varied with some countries' ACAs performing better than others. The budgetary allocation to the ACA is an important indicator of the government's political will in combating corruption. The assessment findings regarding the ACAs' financial resources reveals a mixed picture, as regards their sufficiency and stability.

- Some ACAs in the region receive adequate financial allocation from the government – Bhutan and Sri Lanka, while others (Maldives) experience a shortfall that impedes the effective implementation of their work.
- In most ACAs, there is a lack of staff expertise and skills in the key areas of the detection and investigation of corruption cases, particularly when they involve complex financial offences. This results in a low number of convictions.

### Detection and investigation

The ACAs' accessibility to corruption complainants varies and this is consistent with the low number of complaints lodged relative to the population and levels of corruption in the countries. ACAs demonstrate only moderate levels of efficiency and professionalism in corruption investigations.

- The ACC in Bhutan receives a significant number of complaints but in the others countries this is only moderate, except for the NAB in Pakistan and ACC in Bangladesh, where accessibility is low.
- Most ACAs are highly responsive to corruption complaints, as evidenced by the number of investigations taken up following complaints and duly completed.

### Prevention, education and outreach

By law, one of the core functions of an ACA is to carry out prevention, education and outreach activities. The comparative review of the ACAs reveals that, with exceptions, these functions are carried out on a moderate scale.

- Pakistan's NAB scores poorly in this dimension with Bhutan performing well
- Some of the ACAs have developed an anti-corruption strategy and action plan to generate wider community awareness of their activities.

### Cooperation with other organisations

The effectiveness of the ACAs largely depends on the support, cooperation and institutional coordination between and among the other supportive and complementary agencies that address the broader issues of integrity and ethics. This dimension reveals stunning variations in scores, with a minimum score of 40 (the Maldives) and a maximum, perfect, score of 100 (Indonesia).

- In most cases there is ample room to improve the coordination between the ACAs and other organisations.
- Cooperation with the ACAs of other countries is inadequate in most countries. This impedes timely and efficient corruption investigations.

### Accountability and oversight

There is a lack of external oversight mechanisms. Although nearly all the ACAs have internal monitoring and evaluation systems for self-accountability and oversight, there is no scope for public representation in these agencies, except in as much as their annual reports are available on their websites. Scores in this dimension ranged from 25 in Sri Lanka to 87 in Indonesia, with the average around 68.

## Public perceptions of ACAs' effectiveness

The inability to prosecute some corrupt individuals with political and financial clout has led to declining public confidence and a lack of trust that ACAs can perform their role diligently and objectively, without fear or prejudice. This is evident from the unwillingness to report corruption in the participating countries, with an inadequate number of complaints (see above).

## RECOMMENDATIONS

Each of the country studies has produced recommendations that are specific to the country context and to the respective ACAs. A review of these recommendations reveals an emphasis on three major priority areas: **independence** to carry out the ACA's mission; public **accountability** and trust; and institutional **capacity** to enforce the ACAs' anti-corruption mandate.

Transparency International makes the following key recommendations for:

### Governments and political parties

- The independence of ACAs should be ensured, in terms of the selection and appointment of the ACAs' leadership and staff.
- The law must grant ACAs extensive powers to investigate, arrest and prosecute.
- ACAs must be allowed full freedom to discharge their legal mandate impartially, without interference from any quarters.
- There must be an independent oversight mechanism to monitor ACAs functions and practices: for example, a parliamentary oversight committee and/or a committee comprising a cross-section of professional groups and civil society.
- ACAs must be adequately resourced.

### For the ACAs:

- ACAs must demonstrate their ability and willingness to investigate and prosecute those who are involved in grand corruption (the "big fish"), and to impose appropriate sanctions.
- ACAs must lead by example and ensure that its officials and staff practice proactive disclosure of assets, undertake public reporting of their activities and guarantee public access to information.
- ACAs must engage with citizens to educate them, through community relations programmes, on the negative consequences of corruption, and to mobilise their support for their anti-corruption activities.
- ACAs should introduce and implement user-friendly reporting systems to enable citizens to take effective action against corruption.
- ACAs must undertake staff capacity building initiatives. Development partners must support the development of ACAs' staff capacity.
- The system of handling corruption complaints, investigation and case management should be digitalised.

A copy of the full report with the methodology and scoring template are available here: [https://www.transparency.org/files/content/activity/2015\\_ACAs\\_ImplementationGuide\\_EN.pdf](https://www.transparency.org/files/content/activity/2015_ACAs_ImplementationGuide_EN.pdf)

Hard copies of the report are available on request to [press@transparency.org](mailto:press@transparency.org)



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# 1. INTRODUCTION

This report presents a synthesis of the major findings of country-level studies initiated by Transparency International on ACAs. The objective of this initiative is to gauge the strengths and weaknesses of ACAs in selected countries, in an attempt to assist these ACAs to assess their status and performance compared to internationally recognised principles and standards.

The idea of the ACA initiative was well received by Transparency International chapters in the Asia-Pacific region, some of which were particularly keen to undertake the country-level studies as part of their sustained engagement and advocacy with their ACAs.

The initiative was first piloted in Bhutan and, subsequently, our chapters in Bangladesh, Indonesia, Pakistan, Maldives, Mongolia, Sri Lanka, and Taiwan conducted ACA studies in their respective countries. The ACAs under review in these countries were the Anti-Corruption Commissions (ACCs) in Bangladesh, Bhutan and the Maldives, KPK in Indonesia, National Accountability Bureau (NAB) in Pakistan and the Commission to Investigate Allegation of Bribery and Corruption (CIABOC) in Sri Lanka. **For a brief overview of the ACAs, please refer to Annex 1.**

The very nature and function of ACAs make them a strategic partner for civil society organisations like Transparency International and its chapters in the fight against corruption. As such, Transparency International's chapters are committed to working closely with governments that are willing and ready to invest in strengthening their effectiveness in corruption control. While the overall goal of the initiative discussed in this report is to improve the effectiveness of ACAs, leading to reduced levels of corruption in the Asia Pacific region, one primary objective is to support ACAs to improve their effectiveness and performance, through partnership building, dialogue and evidence-based advocacy via the inclusion of a range of relevant stakeholders. The following quote from De Sousa aptly demonstrates why such an assessment is necessary:

*In order to be prepared to make their case heard in what is increasingly a hostile and disillusioned environment, ACAs are increasingly committed to take evaluation procedures seriously and devote some time to develop performance indicators and to learn how to communicate them. Having said so, “good” performance is not necessarily important to determine their fate. They are created and terminated by a political decision and not always an informed one. Political decisions to terminate ACAs are often justified in terms of efficacy (or the lack of it), but without an assessment of concrete performance indicators.<sup>1</sup>*

It is therefore expected that the findings of the ACA studies will encourage other ACAs in the region to build on the experience and good practice of the ACAs under review to develop innovations and make strong progress in anti-corruption activities, without fear or favour.

## 1.1. BACKGROUND

An autonomous and well-functioning anti-corruption body is a fundamental pillar of the national integrity system in any country context, the principal aim of which is to reduce and prevent corruption. This is stated clearly in the United Nations Convention Against Corruption 2003, which explicitly underpins the significance of having in place an independent body/bodies within national governance systems to promote and enforce anti-corruption policies and practices, to prevent corruption and to disseminate knowledge about corruption (Article 6[1]). The Convention emphasises that States Parties should grant these bodies full independence to carry out their functions free from any undue influence, and to that end provide necessary material and human resources, including specialised training, which will enable them to function effectively (Article 6[2]).



**The performance and effectiveness of an ACA are often informally gauged by the courage, commitment and determination with which it discharges its functions.**

Although anti-corruption bodies existed in different jurisdictions prior to the adoption of the Convention, there has been a noticeable growth of anti-corruption agencies (ACAs) around the world in the past two decades, signifying the important role these bodies play in the prevention and control of corruption. Today, there are more than 100 ACAs around the world—35 in the Asia Pacific region alone.<sup>2</sup>

The work of an ACA is by no means easy or straightforward, nor are there globally acceptable standards to which ACAs must adhere. However, national laws/systems under which ACAs are established strive to prescribe good practice standards within which they must operate. In the absence

of recognised benchmarks, the performance and effectiveness of an ACA are often informally gauged by the courage, commitment and determination with which it discharges its functions, often in complex socio-political environments.

Transparency International believes that given their legal mandate to fight corruption, ACAs must be transparent, accessible and accountable to citizens, and must operate with the highest degree of integrity and objectivity in the discharging of their duties. Attempts have been made in the past to develop standards that would potentially capture and measure an ACA's capacity and effectiveness. In 2011, the United Nations Development Programme (UNDP) developed a Practitioner's Guide for senior ACA officers, UNDP Country Offices and other anti-corruption practitioners, in an attempt to help them assess the capacity of ACAs.<sup>3</sup> In 2012, ACA heads, practitioners and experts from around the world met in Jakarta and agreed on a set of 16 principles, known as the Jakarta Principles,<sup>4</sup> which suggested benchmarks for a "well-functioning ACA". However, these principles are not widely practiced, partly due to the reluctance of governments to check their systems for weaknesses and partly due to the absence of a coherent and practical way to measure performance.

In order to address this gap, Transparency International developed the "Anti-Corruption Agencies Strengthening Initiative" which provides for the assessment and benchmarking of ACAs every two years, to measure progress in the interim period and enable comparison over time. It is expected that this benchmarking will help ACAs address the concerns and recommendations stemming from the assessments. To this end, Transparency International developed a research tool with the help of specialists and practitioners in the field, based on which the country-level studies were conducted. Through a consultation process, Transparency International identified 50 indicators or enabling factors to measure the performance of ACAs across seven key criteria. For more information on the methodology see Annex 2 and Annex 4 for a list of the enabling factors.

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## 2. REGIONAL SYNTHESIS REPORT: OBJECTIVES AND METHODOLOGY

The purpose of the ACA strengthening initiative is to benchmark the performance of ACAs in the Asia Pacific region, based on selected indicators, in order to stimulate engagement and dialogue among ACAs so that they can compare and learn from the best practices of others.

It was envisaged that the next step would be a broader sharing of the findings of the country-level studies, to promote an informed conversation among key stakeholders in the field and to pave the way for necessary reforms.

The idea of developing a synthesis report based on the key findings of all the country-level studies emerged, with the expectation that this would capture in a nutshell the major concerns that cut across all the ACAs covered under the strengthening initiative and identify key elements that would inform the future anti-corruption reform agenda nationally, regionally, and eventually globally.

A draft outline for the synthesis report was developed and shared with the Transparency International chapters involved, and with their respective researchers. Based on their feedback and suggestions, the report outline was finalised and a draft regional synthesis report was prepared based entirely on the data/findings from the original country-level studies. In the interests of brevity, the use of direct sources/references in the key findings section has been avoided. The report was finalised based on comments and feedback from the chapters in the participating countries.



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## 3. GOOD PRACTICES & RECOMMENDATIONS

The ACAs studied generally follow standard procedures in the discharging of their role and functions. However, some have specific mechanisms that significantly contribute to enhancing their capacity and performance. Some examples are highlighted below. These are followed by priority recommendations for governments and for the ACAs.

### Appointment of ACA commissioners

- In Pakistan, the President appoints the NAB Chair, together with both the Leader of the House and the Leader of the Opposition. The involvement of both the government and the opposition in the appointment process is deemed to significantly reduce the risks of partisan influence.
- In the Maldives, the Commissioners are appointed, following a weighted assessment against certain criteria, by a majority vote in the Parliament, from a selection of names forwarded by the President. These names are themselves selected from a list of candidates, which includes those who respond to a public announcement for the post and those whose names are suggested by the President himself.
- In Sri Lanka, although not legally mandated, the Constitutional Council, a constitutional authority that is tasked with seeing how independent commissions function, seeks nominations from the general public and interviews nominees before submitting the list of selected candidates to the President for appointment.

### Prevention, education and outreach

- In Bangladesh the ACC has formed a total of 493 corruption prevention committees, comprising members from local communities and civil society at the sub-national levels, to engage the future generation in creating mass awareness of the fight against corruption.

### Public perceptions of ACAs' performance

- In 2015, TI Indonesia, with support from KPK, conducted a public survey to measure perceptions regarding the performance and potential of the KPK. The survey was conducted in 11 provinces involving 2200 respondents. This allowed citizens to share their views on the fight against corruption.

## PRIORITY RECOMMENDATIONS

The country-level studies have come up with a wide range of recommendations. Bhutan and Pakistan have produced recommendations which, variously, target the government and the ACA. Bangladesh, the Maldives, and Sri Lanka, on the other hand, have produced recommendations that are aimed only at the ACA. Indonesia's recommendations address the government, ACA and civil society.

The country studies produced recommendations that are specific to the country context and to the respective ACAs. A review of the recommendations reveals an emphasis on three major priority areas: **independence** to carry out the ACAs' mission; public **accountability** and trust; and institutional **capacity** to enforce the ACAs' anti-corruption mandate.

The key recommendations are grouped below according to the above-mentioned themes. The target audience is highlighted in each case.



## Target audience: Governments and political parties

### A. Independence

It is imperative that ACAs are legally, structurally and operationally independent, in order that they fulfil their “watchdog role” effectively. The independence of ACAs is manifested in a high degree of operational autonomy and freedom from interference by the government and/or political forces. Independence lies at the heart of an ACA’s capacity to fulfil its role fearlessly and objectively.

#### Independence in law

- ACAs should be independent in terms of the selection and appointment of their leadership and staff.
- The law should explicitly spell out the eligibility criteria for commissioners and members.
- The law must grant ACAs extensive powers to investigate, arrest and prosecute.
- Amendments to the law must be made to ensure operational freedom for ACAs, including the repeal of any provisions that restrict their jurisdiction and functions.

#### Independence in function

- ACAs must be allowed full freedom to discharge their legal mandate impartially, without interference from any quarters.
- ACA must not be used for political gain.

## Target audience: the ACAs

### B. Public trust and accountability

ACAs’ impartiality and openness in their functions are fundamental to securing public trust and confidence. It is equally important for ACAs to demonstrate that their officials and staff are incorruptible. The credibility of an ACA largely depends on its public image and if people are willing to report corruption to it. ACAs must be accountable for their actions and inactions in the discharging of their responsibilities. In this respect, they must be open about engaging with the civil society and media. Civil society and the media can provide relevant information for ACAs to carry out their work and investigate the corrupt.

## Impartial investigation

- ACAs must demonstrate their ability and willingness to investigate and prosecute those who are involved in grand corruption (the “big fish”), and to impose appropriate sanctions.

## Transparency in operations

- ACAs must lead by example and ensure that their officials and staff practice proactive disclosure of assets, undertake public reporting of their activities and guarantee public access to information.

## Outreach

- ACAs must engage with citizens to educate them, through community relations programmes, on the negative consequences of corruption, and to mobilise their support for their anti-corruption activities.
- ACAs should introduce and implement user-friendly reporting systems to enable citizens to take effective action against corruption.
- ACAs should develop a nuanced communication strategy that facilitates citizens’ access to and familiarity with their campaigns and procedures.

## Accountability

- There must be an independent oversight mechanism to monitor ACAs’ functions and practices: for example, a parliamentary oversight committee or a committee comprising a cross-section of professional groups and civil society.
- ACAs must undertake periodic reviews of internal governance to improve policies, processes and practices.
- Steps must be taken to ensure that the ACA does not itself become a source of extortion and malpractice. Officials and staff found guilty of corruption must be punished and dismissed.
- ACAs must practice public reporting on their performance, including the disciplinary measures taken against their officials and staff for corruption.

**Target audience: Governments, the ACAs, development partners and civil society**

### **C. Institutional capacity for effective enforcement**

ACAs must be equipped with adequate human and financial resources to allow them to effectively execute their mandate. In addition to ensuring specialised knowledge and skills, the in-house capacity of ACAs must be strengthened through cross-institutional cooperation and political support in controlling corruption.

#### **Financial independence**

- ACAs must propose annual budgets based on a rigorous analysis of emerging challenges and needs on the ground.
- Ministries of Finance must provide sufficient resources to ACAs to enable them to function effectively.

#### **Capacity building**

- ACAs must undertake staff capacity building initiatives. Development partners must support the development of ACAs' staff capacity.
- ACAs must provide specialised training to equip their staff to handle complex financial crimes, including asset recovery.
- The system of handling corruption complaints, investigation and case management should be digitalised.
- ACAs must develop monitoring and evaluation frameworks, setting targets for all their activities and adjusting those targets in line with shifting priorities.

#### **Recruitment and selection of staff**

- To effectively prevent, detect, investigate and prosecute corruption, ACAs must select and recruit staff from multi-disciplinary backgrounds, with diverse skills and knowledge.

#### **Coordination**

- ACAs must ensure increased coordination and collaboration with other integrity agencies organisations and institutions relevant to their work.
- In working with other organisations and institutions, ACAs must avoid potential conflicts of interest while investigating alleged corruption by the personnel of those entities.



**Grand corruption... has also become a prominent feature in the political discourse of these countries.**

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## 4. COUNTRY CONTEXT

**Local circumstances play a significant role in supporting or hindering the work of an ACA. The effectiveness of ACAs depends on whether they are operating in an “enabling environment”<sup>5</sup>, as anti-corruption measures tend to be compromised in difficult or unfavorable policy contexts.<sup>6</sup>**

For the purposes of the ACA strengthening initiative, the country context, encompassing socio-economic and political factors and perceived levels of corruption, has been considered important in measuring the performance of the ACAs.

### ECONOMY

The level of economic development in a given country is a vital factor for ACA effectiveness because economically robust countries are likely to encounter less difficulty in implementing anti-corruption laws and measures than countries with a weak economy, unless they receive external financial and technical assistance.<sup>7</sup> Similarly, the workload of the ACA also varies according to the size of the country and its population.<sup>8</sup>

The participating countries fall into the lower-income to lower middle-income category, with per capita income in the range of from US\$1,314 (Bangladesh) to US\$4,427 (the Maldives).<sup>9</sup> The participating countries have significantly different demographic profiles. Pakistan, for example, has a population of 189.4 million, while the Maldives has only 400,000 people. Despite challenges stemming from the slow pace of global economic recovery and the various destabilising factors prevalent on the domestic front, the economies of these countries have continued to maintain the momentum in respect of sustainable growth, due to improved macroeconomic management. Notwithstanding significant economic progress in the participating countries, inequalities persist: poverty remains quite high – the percentage of people living below the poverty line is the highest in Bangladesh (37 per cent), and the lowest in Indonesia (11.2 per cent).<sup>10</sup>

### SOCIETY AND POLITICS

The populations in the participating countries follow different religions – they are predominantly Muslims, followed by Buddhists, Hindus and Christians. Literacy rates vary between 61 per cent (Bangladesh) and 99 per cent (the Maldives).<sup>11</sup> Traditional and cultural norms, values and practices largely shape the attitudes of the people and influence their decisions. Awareness of the institutional mandate and processes of bodies like ACAs and agencies of the state is limited.

While there has been commendable economic progress in these countries, the state of human rights continues to be a concern. There are reports of extra-judicial killings, enforced disappearances, gender-based violence, hate campaigns and violence against religious and ethnic minorities. The situation is compounded by a culture of impunity that enables perpetrators of violence – in particular, law enforcement agencies and those with political and financial power /influence – to get away scot-free. At the same time, non-governmental organisations, civil society organisations, rights groups and the media engage to build pressure on the government to institutionalise democratic norms and practices in the political and administrative processes, and to ensure human rights and fundamental freedoms.

A country's political system has the potential to affect an ACA's performance, both positively as well as adversely. Just as strong political leadership with a will to spearhead good governance reforms can advance the ACA's work, political leadership that engages in the misuse of power can obstruct effective implementation of its functions. With the exception of Bhutan, the executive branch of the government and the ruling political forces in the participating countries often undermine the rule of law. The electoral process in these countries has been questioned, in terms of fairness, transparency and integrity. The prevalence of a culture of confrontational politics and weak parliamentary processes is increasingly resulting in the capture of political space by powerful business interests.

This politicisation has affected key institutions of governance, leading to a weakening of public trust in the very institutions that are meant to protect them and promote their interests. Freedom of expression is often compromised. Some of the participating countries have experienced political turmoil and uncertainty. Grand corruption, which Transparency International defines as the abuse of high-level power that benefits the few at the expense of the many, and causes serious and widespread harm to individuals and society has also become a prominent feature in the political discourse of these countries. The mechanism of social accountability is also weak, if not totally missing in some cases.



**ACAs must provide specialised training to equip their staff to handle complex financial crimes, including asset recovery.**

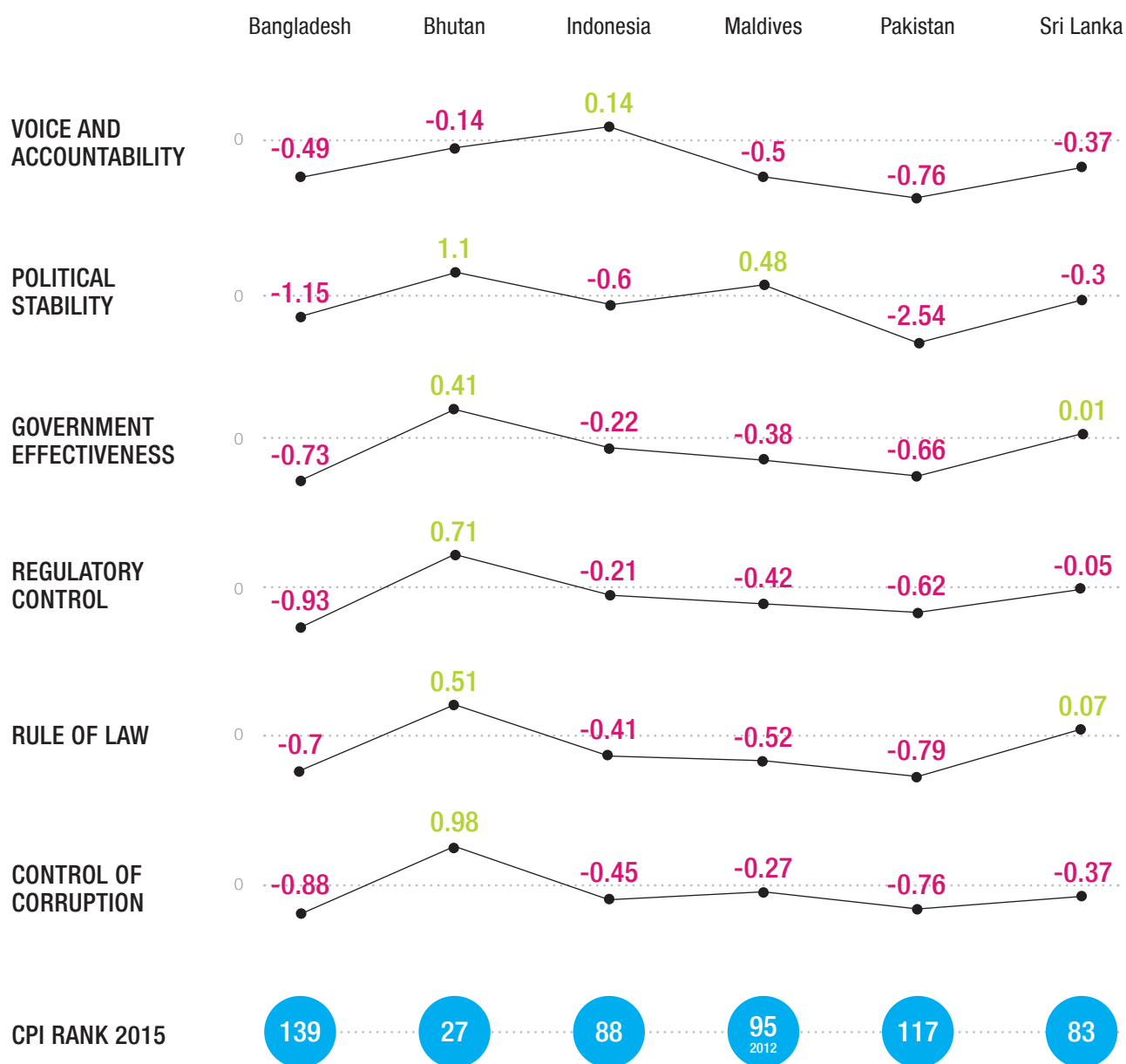
## PERCEIVED LEVELS OF CORRUPTION

The perceived level of corruption in a country is yet another factor that affects the work of an ACA. Indeed, in countries where corruption is perceived to be high, the ACA faces more challenges in implementing its mandate than ACAs in countries where corruption is perceived to be low. Corruption occupies a central place in the everyday discussions and concerns of the public, different professional groups and the media in the countries studied. These countries have demonstrated their commitment to resist corruption by ratifying the United Nations Convention Against Corruption. Some of them also have in place a National Integrity Strategy to promote institutional integrity.

With the exception of Bhutan, corruption is pervasive in the participating countries. Both petty and grand corruptions co-exist in these countries. Transparency International's Corruption Perception Index ranking and score for the participating countries in 2015, the cut-off year within the three-year ACA study reference period, gives some idea of the prevailing levels of corruption. This is shown in the following table, which gives the scores of the participating countries for the global governance indicators developed by the World Bank,<sup>12</sup> together with their scores in Transparency International's Corruption Perception Index:



TABLE 1: COUNTRY SCORES AGAINST GLOBAL GOVERNANCE INDICATORS AND CORRUPTION PERCEPTION INDEX



Since the Corruption Perception Index did not cover the Maldives in 2015, its rank and score in the 2012 Index has been used here to demonstrate the level of corruption in the country.

Country-level experiences reveal that corruption is manifested through political intolerance, lack of accountability and transparency, low levels of democratic culture and partisan political

considerations. The judicial process, especially at the lower level, is influenced by corrupt practices, which have a bearing on the trial of corruption cases.

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## 5. COMPARATIVE ANALYSIS OF KEY FINDINGS AGAINST ASSESSMENT DIMENSIONS

This section consolidates the key findings on the ACAs in the participating countries against the assessment dimensions and provides the comparative scores achieved by the countries against each dimension. The assessment dimensions reflect the core elements envisaged in the Jakarta Principles for ensuring ACAs' independence and effectiveness. For details on the Jakarta Principles see Annex 3.

In order to judge the performance of ACAs, Transparency International developed a framework for assessing seven key criteria that influence their work. Fifty indicators were identified through a consultation process with anti-corruption experts and Transparency International chapters. Each indicator was scored and the results aggregated to show how strong the ACAs performed. What follows is an analysis of the results for the seven key criteria.



**In the Maldives... the involvement of both the government and the opposition in the (ACA commissioners) appointment process is deemed to significantly reduce the risks of partisan influence.**

LEGAL INDEPENDENCE AND STATUS

The ACAs in the study sample operate within a reasonably robust legal framework, which entitles them to discharge their mandate freely in terms of functions, authority and jurisdiction. The ACAs are permanent bodies that exist outside of government agencies. The ACA commissioners’ tenures in office are well protected. However, the process of appointing commissioners is inconsistent and raises concerns as the rationale for their nomination and selection is not transparent and the names of the chair and commissioners are not made public until after their formal appointment.

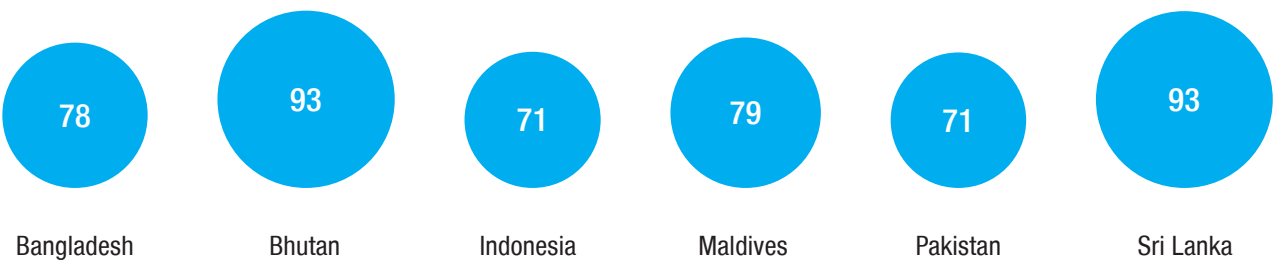
In this regard, some ACAs have practices that are worth drawing attention to in regard to the recruitment of ACA commissioners. For example, in Pakistan, the President appoints the NAB Chair, with the approval of both the Leader of the House and the Leader of the Opposition. Similarly, in the Maldives, the commissioners are appointed following a weighted assessment against certain criteria, by a majority vote in the Parliament, from a selection of names forwarded by the President. These names are selected from a list of candidates, which includes those who respond to a public announcement for the post and those whose names are suggested by the President himself. The involvement of both the government and the opposition in the appointment process is deemed to significantly reduce the risks of partisan influence. In Sri Lanka,

although not legally mandated, the Constitutional Council seeks nominations from the general public and interviews nominees, before submitting the list of selected candidates to the President for appointment.

An effective ACA essentially performs the role of a “watchdog”, independently and objectively investigating corruption cases. While the ACAs in the sample are legally independent as regards investigating and prosecuting corruption cases, in practice, their impartiality and functional autonomy are at times compromised by the government/partisan political influence, as manifested in the way they handle particular corruption cases. Irrespective of their commitment to discharging their duties diligently and without bias, external factors and in some cases lack of capacity, often undermine their efforts to go after the “big fish”. With the exception of Bhutan and the Maldives, governments in the participating countries are found using corruption as a weapon against political opponents evidenced by investigations against opposition leaders by the ACAs.

The figure below provides the comparative scores of the ACAs studied. As shown, the average score of the ACAs for the dimension of legal independence and status is in the range of from 71 (Indonesia, Pakistan) to 93 (Bhutan, Sri Lanka), with a mean of 80.5. These scores show that in theory the ACAs have relatively strong legal independence but it must be noted that in practice this may not always be the case.

FIGURE 1: COUNTRY-WISE SCORES FOR LEGAL INDEPENDENCE AND STATUS DIMENSION



## FINANCIAL AND HUMAN RESOURCES

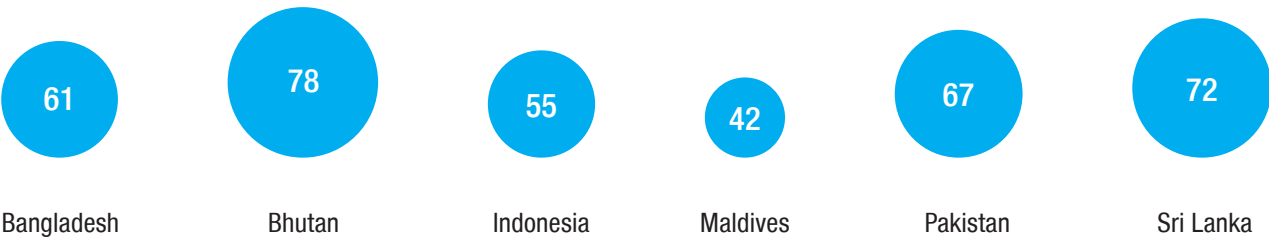
The budgetary allocation to the ACA is an important indicator of the government's political will in combating corruption. The assessment findings regarding the ACAs' financial resources reveals a mixed picture, as regards their sufficiency and stability: some ACAs in the region receive adequate financial allocation from the government, while others experience a shortfall that impedes the effective implementation of their work. Similarly, the average proportion of ACAs' budget to the total government budget during the three-year reference period was low in some cases and was moderate in others.

Bhutan's ACC enjoys an advantage in this regard, as the average proportion of its budget to the total government budget during the reference period was high – over 0.20 percent. The stability of an ACA's budget clearly depends on how well the ACA can convince the government of its needs and priorities. There are also exceptional cases, as in the Maldives, where the ACA budget has been subjected to sudden cuts.

As regards human resources, most ACAs in the sample apply meritocratic and transparent procedures in recruiting their personnel. In some instances, staff salaries and benefits are competitive, while in others they are moderate. Staff attrition rates vary between high and moderate depending on local contexts, with the exception of CIABOC in Sri Lanka and KPK in Indonesia, where staff attrition is low. In most ACAs, there is a dearth of staff expertise and skills in the key areas of the detection and investigation of corruption cases, particularly when they involve, for example, complex financial offences as in the case of the ACC in Maldives. There is a demand for greater investment in capacity building and specialised training initiatives to equip the ACA staff with current knowledge and techniques on corruption investigation.

The figure below reveals that the average score of the ACAs for this dimension is in the range of from 42 (the Maldives) to 78 (Bhutan), with a mean of 62.5.

FIGURE 2: COUNTRY-WISE SCORES FOR THE FINANCIAL AND HUMAN RESOURCES DIMENSION





## DETECTION AND INVESTIGATION

The ACAs' accessibility to corruption complainants, including from the public and whistle-blowers, in the three-year reference period varied from high in ACC in Bhutan to moderate in others, except for the NAB in Pakistan and ACC in Bangladesh, where accessibility to complaints is low. This state of affairs is consistent with the low number of complaints lodged relative to the population and perceived levels of corruption in the countries. Most ACAs have been found to be highly responsive to corruption complaints when they get them, as evidenced by the number of investigations taken up following complaints and duly completed. In Bhutan, however, although it gets good marks on the accessibility to corruption complainants, the ACC ranks low in responsiveness to complaints. This is due to its limited capacity to investigate all corruption complaints and the system of prioritising complaints for investigation based on relevance and scale of corruption.

As one of the principal functions of an ACA is to investigate corruption, its personnel should have the necessary skills to perform this function. Most of the ACAs studied demonstrated moderate levels of efficiency and professionalism in corruption

investigations. For most of the ACAs there is evidence of their investigating influential or powerful people for corruption, which confirms their willingness to rise above fear or favour in executing their mandate. However, this is not consistent.

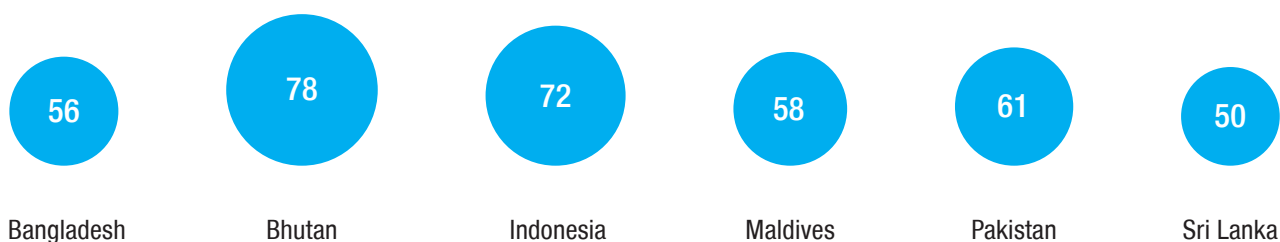
The ACAs' effectiveness in investigating corruption cases is determined by their rates of prosecution and conviction: in other words, the percentage of cases investigated by the ACA that result in prosecution and conviction in court. Conviction rates in the sample countries vary from high for the ACC in Bhutan and the KPK in Indonesia, to low for the ACCs in Bangladesh and the Maldives and CIABOC in Sri Lanka.

Findings on the ACAs' role in restitution, asset recovery, freezing and confiscation of assets reveal a mixed picture, with some ACAs scoring high and others moderate.

Most ACAs reveal a moderate trend in compiling gender-sensitive demographic information that allows them to monitor how corruption and their services affect women differently.

The figure below shows that the average score of the ACAs for this dimension is in the range of from 50 (Sri Lanka) to 78 (Bhutan), with a mean of 62.5.

FIGURE 3: COUNTRY-WISE SCORES FOR THE DETECTION AND INVESTIGATION DIMENSION



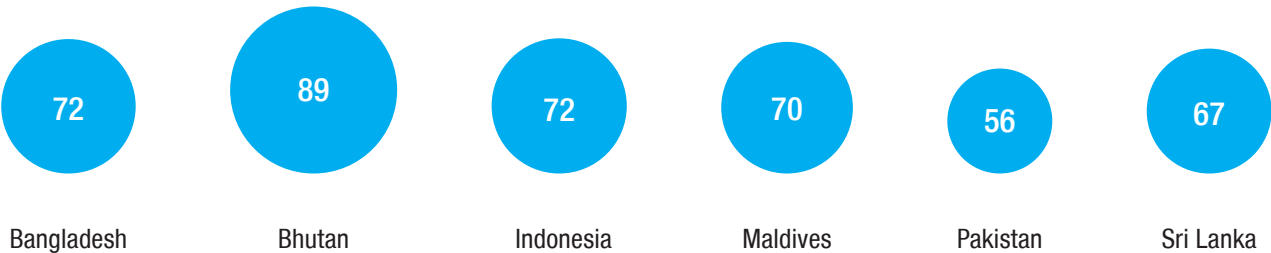
## PREVENTION, EDUCATION AND OUTREACH

By law, one of the core functions of an ACA is to carry out prevention, education and outreach activities. The comparative review of the ACAs reveals that, with exceptions, these functions are carried out on a moderate scale. The ACAs generally use websites and social media, short text messages to mobile phones, Twitter and Facebook, short films, posters, and banners to disseminate anti-corruption information. The ACA websites share press clippings and disseminate information about inquiries, recoveries and case reports. The ACAs observe special days, for example Anti-Corruption Day by, implementing special programmes.

Some of the ACAs have developed an anti-corruption strategy and action plans to generate wider community awareness and engagement, while others are in the process of doing so. For almost all ACAs, the budgetary allocation for prevention, education and outreach is generally deemed less than adequate. This has an impact on their overall performance. In the absence of in-house capacity and the requisite resources, the practice of undertaking exploratory corruption research is limited in most ACAs.

Figure 4 below reveals that the average score of the ACAs for this dimension is in the range of from 56 (Pakistan) to 89 (Bhutan), with a mean of 71.

FIGURE 4: COUNTRY-WISE SCORES FOR PREVENTION, EDUCATION AND OUTREACH DIMENSION



COOPERATION WITH OTHER ORGANISATIONS

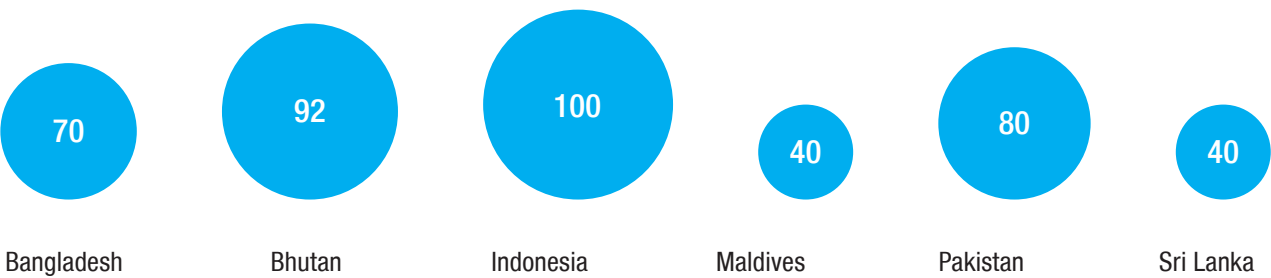
The effectiveness of the ACAs largely depends on the support, cooperation and institutional coordination between and among the other supportive and complementary agencies that address the broader issues of integrity and ethics. This dimension reveals stunning variations in scores, with a minimum score of 40 for the Maldives and a maximum, perfect, score of 100 for Indonesia.

The nature and frequency of the cooperation of ACAs with other integrity agencies in the countries in the sample raise some concerns for the ACAs.

Cooperation with the ACAs of other countries is also inadequate in most countries. Likewise, ACAs' coordination with other government organisations is neither adequate nor effective. This impedes the timely and efficient corruption investigations. The fact that different agencies are regulated by different laws leads to gaps in the knowledge and understanding of the inherent ambiguities, which add to the problem. Indeed, ACAs' limited human resources and capacity have a direct bearing on their chances of fostering institutional relationships.

The figure below shows that the average score of the ACAs for this dimension is in the range of from 67 (Sri Lanka) to 92 (Bhutan), with a mean of 70.3.

FIGURE 5: COUNTRY-WISE SCORES FOR THE COOPERATION WITH OTHER ORGANISATIONS DIMENSION



## ACCOUNTABILITY AND OVERSIGHT

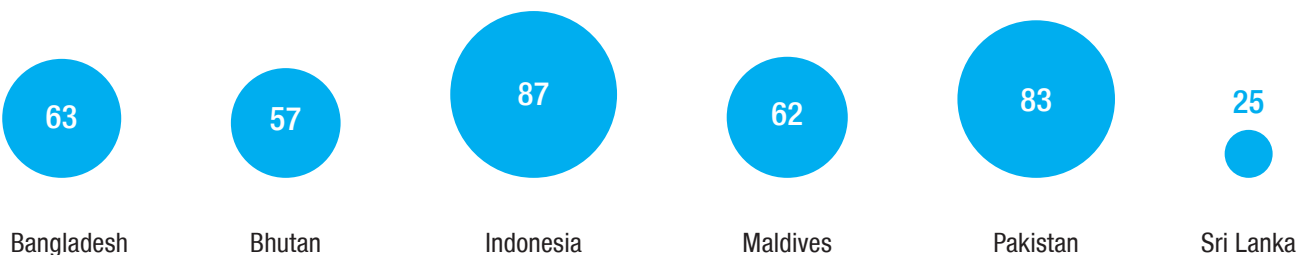
The ACAs under review have a somewhat mixed accountability structure. Some report directly to the president, some to the parliament or its concerned standing committee and others to the parliament through the president. The ACAs usually produce an annual report that encapsulates necessary information on their activities. The annual report is submitted to the relevant accountability authority and is also published on the website, where the public can access it.

The major concern under this dimension is the lack of any external oversight mechanism. Apart from occasional media reports on ACAs' performance, there is generally no external review of ACAs. In Bangladesh, there is a permanent Internal Anti-Corruption

Committee, headed by the ACA Chair, to monitor, supervise, enquire into and investigate any corruption allegations against ACA officials and to take legal and departmental actions. Although nearly all the ACAs have internal monitoring and evaluation policies and systems for self-accountability and oversight, there is no scope for public representation in such structures. While the apex courts have the supreme authority to exercise their supervisory jurisdiction whenever ACAs transgress their limits, other public agencies are not regularly involved in the investigation of ACA personnel for corruption. There is no consistent mechanism to avoid or detect conflicts of interest.

The following figure shows that the average score of the ACAs for this dimension are in the range of from 25 (Sri Lanka) to 87 (Indonesia), with a mean of 62.8.

FIGURE 6: COUNTRY-WISE SCORES FOR ACCOUNTABILITY AND OVERSIGHT DIMENSION





PUBLIC PERCEPTIONS OF ACAS' EFFECTIVENESS

Public confidence and trust in ACAs plays a critical role in measuring the success of ACAs in corruption prevention and control in their respective jurisdictions. ACAs experience an “image crisis” when public perceptions of their independence and effectiveness fail to reach the expected level. The assessment findings reveal a variation in public perceptions of the ACAs’ effectiveness in corruption control in the region.

With the exception of KPK in Indonesia, which achieved a high score in this respect, others (CIABOC in Sri Lanka and NAB in Pakistan) have fared moderately, while the ACC in Bangladesh scored low. It was not possible to score the ACC in Bhutan against all indicators under this dimension for want of relevant information; however, Bhutan scored moderately against the indicator of public perceptions of the ACA's effectiveness in corruption control. In the absence of sufficient data on any of the indicators, the ACC in the Maldives could not be scored against this dimension.

Except for the KPK in Indonesia, no ACA in the participating countries has conducted a survey on

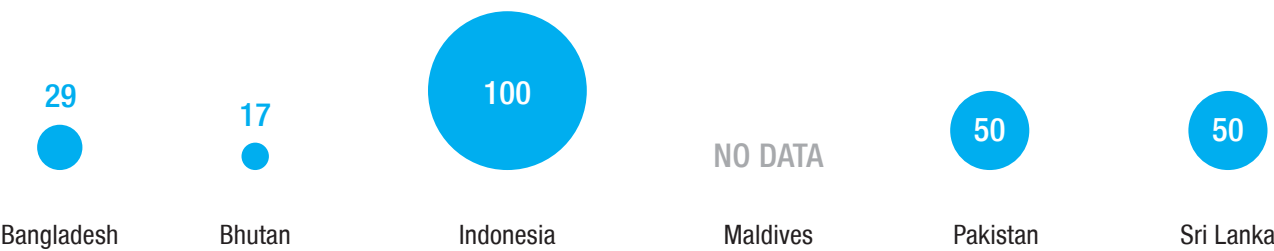
public perceptions of its performance. Treatment of persons under investigation sometimes raises concerns among the public, for example, in Bhutan.

People, including female citizens who have direct contact with Indonesia's KPK, have good perceptions of its effectiveness in corruption control and in how it deals with complaints. This is reflected in existing survey findings and the views of a cross-section of professional groups having direct contact with KPK. CIABOC has scored moderately against these indicators, while the ACC in Bangladesh and the NAB in Pakistan have no data in this regard.

A lack of information on public perceptions of ACAs’ performance against selected indicators in the majority of the participating countries reveals a general indifference to the significance of public opinions regarding their role and function. This in turn undermines the potential of using public opinions to strengthen the ACCs’ institutional image and performance and also may have an effect on the ACCs accessibility for complaints.

The following figure shows that the average score of the ACAs for this dimension is in the range of from 17 (Bhutan) to 100 (Indonesia), with a mean of 49.2.

FIGURE 7: COUNTRY-WISE SCORES FOR PUBLIC PERCEPTION DIMENSION



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## 6. COLLECTIVE CONCLUSIONS

**The findings of the country-level studies reveal that most of the ACAs have a strong legal basis, which empowers them to execute their mandate and functions impartially. However, the ACAs' operational autonomy and impartiality are at times curtailed by political factors.**

In practice this means there is a tendency to focus more on “small fish”, instead of going after grand corruption perpetrated by the rich and the powerful. This has led to declining public confidence and lack of trust that ACAs will perform their task diligently and objectively, without fear or prejudice. This decline is evident in the unwillingness of the public to report corruption, as manifested in the inadequate number of complaints. The transparency, accountability and integrity of ACAs are indispensable to improve public trust in the system.

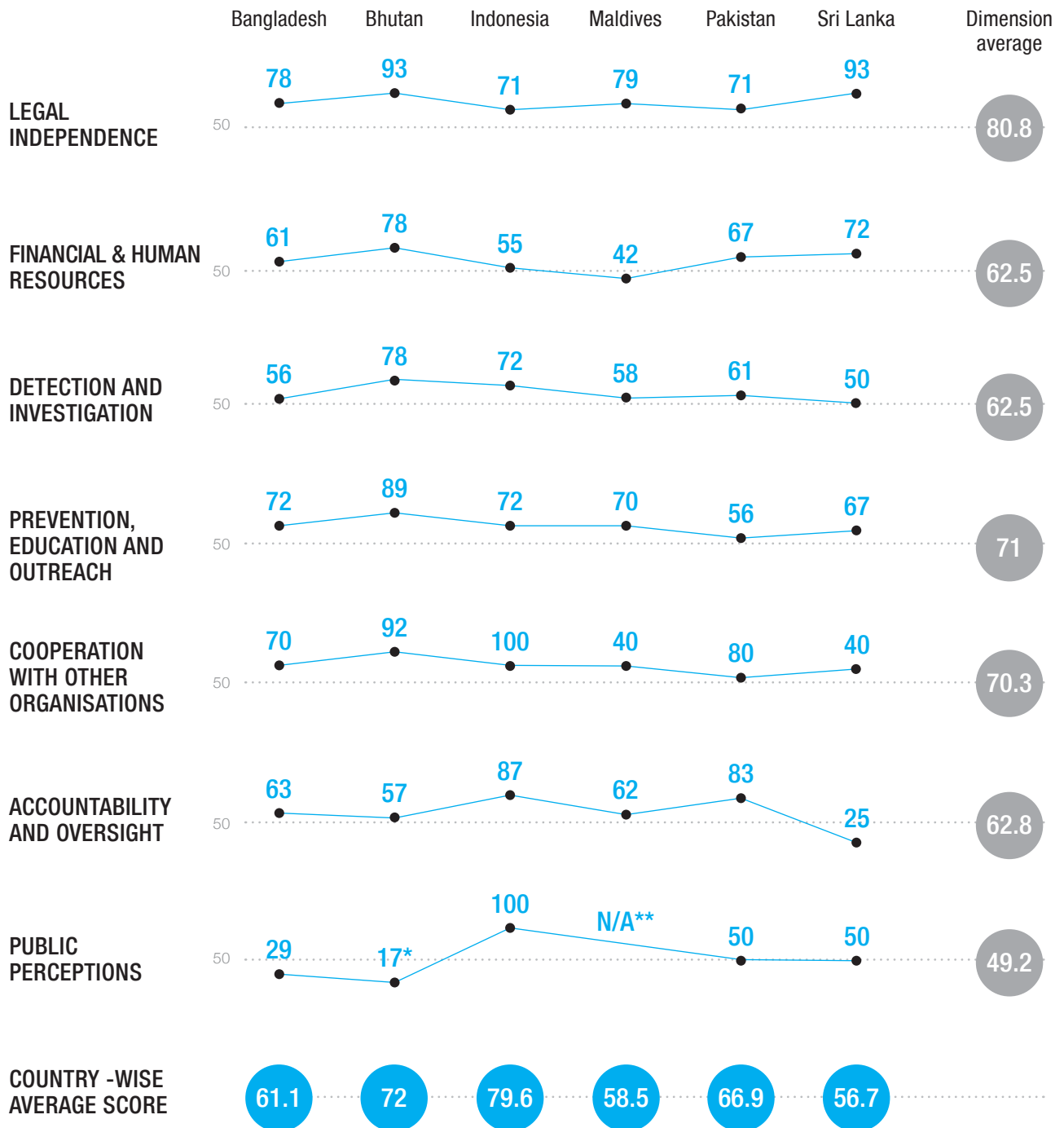
Many ACAs are under-resourced in terms of the required skilled personnel, and to a certain degree funds, to implement their activities properly. The capacity to detect, investigate and prosecute corruption cases, particularly those of a complicated nature, is limited in most cases. This results in a low number of convictions.

The ACAs are devoid of any external accountability system and the practice of public reporting of their activities is inadequate. ACAs' coordination with other government organisations can be vastly improved: this would facilitate timely and efficient corruption investigations.

Table 2 and Figure 8 below demonstrate how each of the countries have scored for the given dimensions, including the correlation between enabling factors and their performance **(see Annex 4 for a classification of the indicators by enabling and performance factors.)**

Table 2 reveals that the average score for the legal independence dimension varies from 71 to 93, i.e. the range of deviation is 22. The lower dispersion of the score on the legal independence dimension indicates that the ACAs are more or less on an equal footing in this regard. On the other hand, the large variation in public perceptions of the ACAs reflects significant concerns in terms of their objectivity, role, and credibility.

TABLE 2: COUNTRY-WISE DIMENSION SCORES, WITH AVERAGE



\*The Bhutan study used only three indicators to gauge public perceptions, whereas the others used seven indicators.

\*\*The Maldives study did not cover the public perceptions indicator due to unavailability of data.

FIGURE 8: COUNTRY-WISE DIMENSION SCORES, WITH AVERAGE

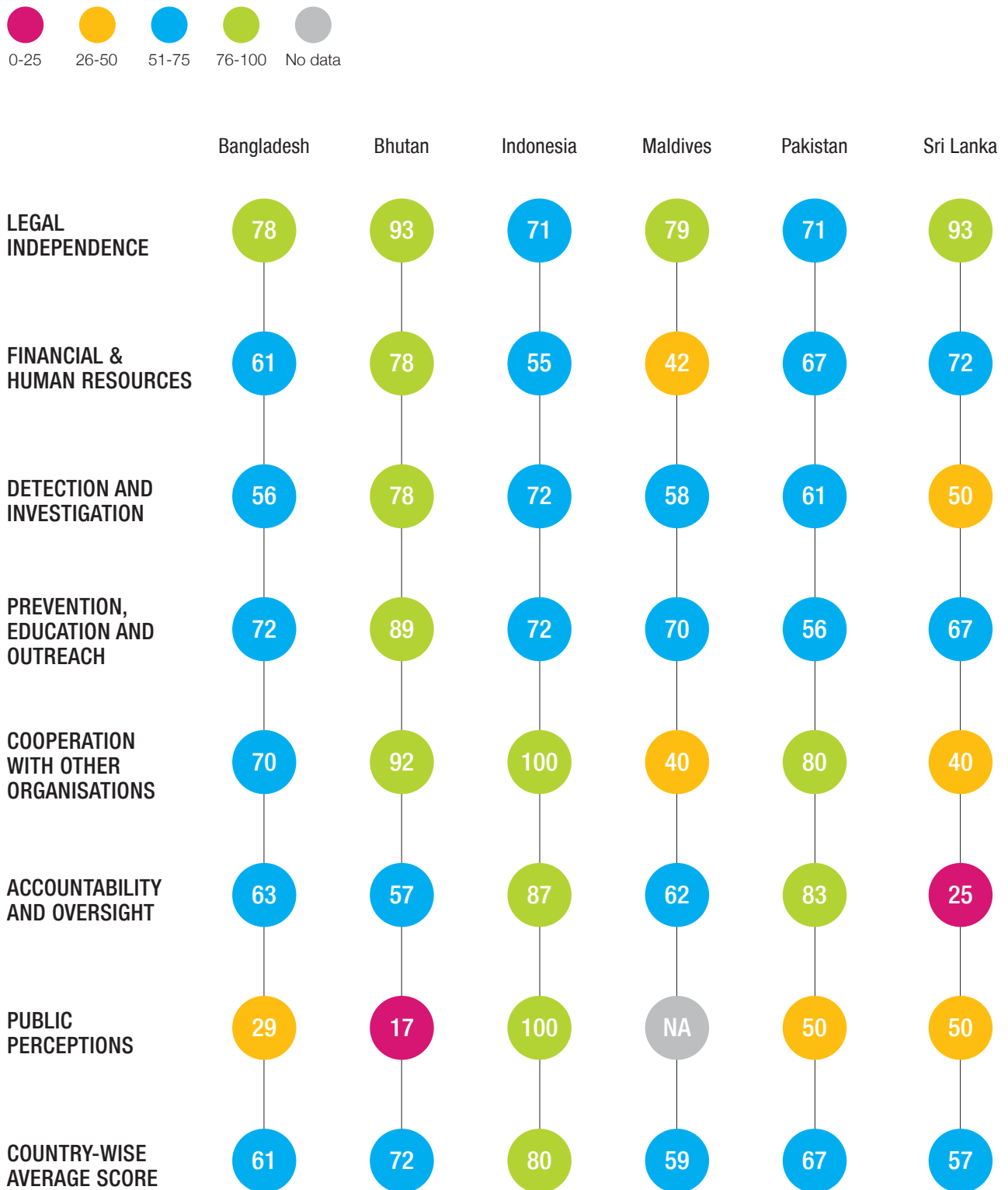


Table 3 below shows scores on country performance and enabling factors of ACAs. It should be noted that Bhutan could not be included in this analysis due to lack of relevant data in the country study.

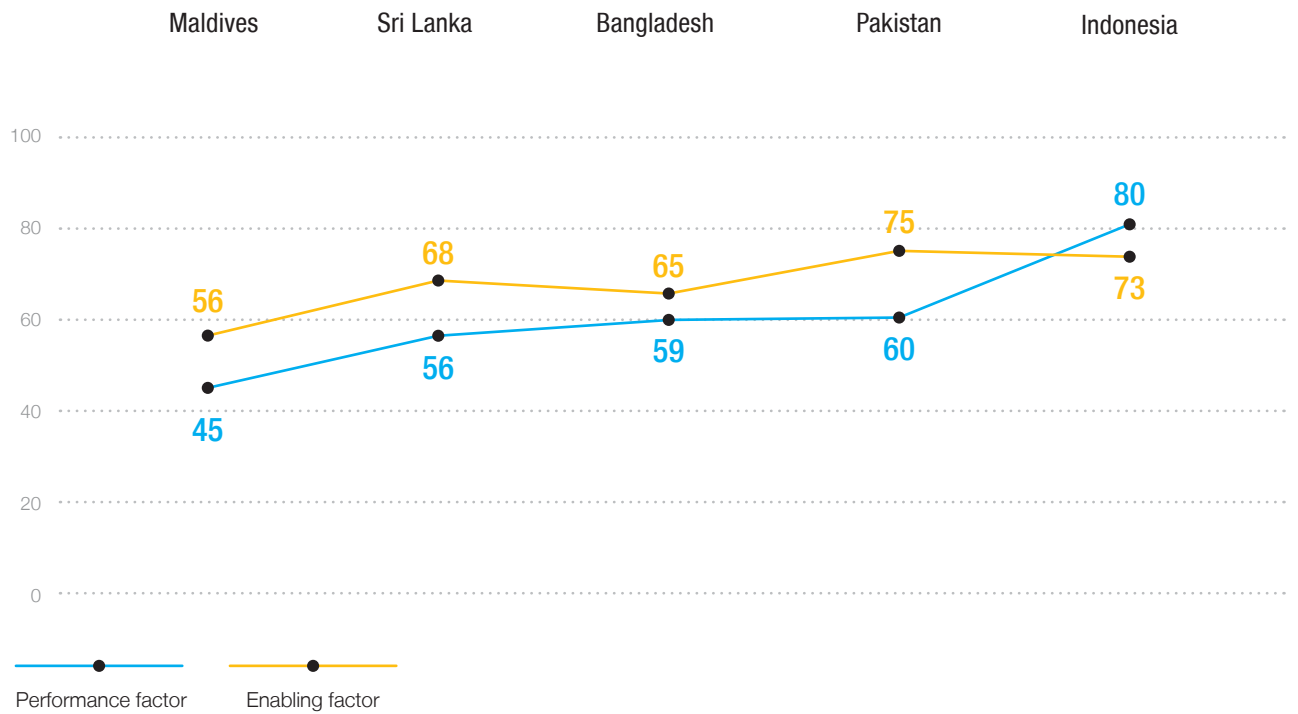
TABLE 3: COUNTRY PERFORMANCE AND ENABLING FACTORS SCORES

COUNTRY	PERFORMANCE FACTOR	ENABLING FACTOR
Bangladesh	59	65
Bhutan	Data not available	Data not available
Indonesia	80	73
Pakistan	60	75
Maldives	45	56
Sri Lanka	56	68

The figure below reveals that there is a significantly high correlation between the enabling factors and the performance factors ( $r=0.744$ ). In other words, the higher the enabling factors – the better the overall performance of ACAs.



FIGURE 9: PERFORMANCE RELATIVE TO ENABLING FACTORS





It is evident that the Maldives may be performing least well because of the existing enabling factors. Sri Lanka and Bangladesh are found to be mid-level performers, with Bangladesh performing slightly better than Sri Lanka vis-à-vis enabling factors. Interestingly, Pakistan also appears to have mid-level performance despite its strong enabling factors. Indonesia emerges as a top performer even though its enabling factors are not as strong as those of Pakistan's.

Clearly, sustained political will is an essential precondition for the independence and effectiveness of ACAs. Commitment of political leaders and key actors in governance to promote and practice zero tolerance against corruption and grant them structural and operational freedom can indeed help ACAs reach their full potential.

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# ANNEX 1: ACA PROFILES

A brief overview of the profiles of the ACAs in the participating countries is given below as background information to supplement the analysis of the indicators on the factors influencing their performance and effectiveness.

ACA/COUNTRY	Anti-Corruption Commission (ACC), Bangladesh	Anti-Corruption Commission (ACC), Bhutan	Komisi Pemberantasan Korupsi (KPK) Indonesia
FORMATION	The Anti- Corruption Commission Act 2004.	Royal decree, 2005.	Law no. 30, 2002.
COMPOSITION	Three commissioners, of whom one is the chairman recommended by a search committee and appointed by the president with a tenure of five years.	Three commissioners, of whom one is the chairman, appointed by the king upon the recommendation of a five-member council.	Five commissioners: a chairman who is concurrently a member, and four vice-chairpersons who are concurrently members.
ACCOUNTABILITY	To president and, through him to parliament.	ACC submits an annual report, which is reviewed by two different parliamentary committees (assembly and council).	CIABOC is answerable only to the parliament.
BUDGET 2015–2016	US\$0.78 million	U\$1.9 million	No figure available. Budget is adequate but is below 0.10% of the government budget
HUMAN RESOURCES	1,264	78	Data not available.
JURISDICTION	Legislators, Judiciary, police, military, public service, government-owned corporations, public contractors, charities / non-governmental organisations, all forms of business	Data not available	Legislators, judiciary, police, military etc., public service, government-owned corporations, public contractors, charities / non-governmental organisations, business sector

ACA/COUNTRY	Anti-Corruption Commission (ACC), Maldives	National Accountability Bureau (NAB), Pakistan	Commission to Investigate Allegations of Bribes and Corruption (CIABOC), Sri Lanka
FORMATION	Constitutional decree, 2008	The National Accountability Ordinance, 1999.	Bribery Act 1954, as amended in 1994. Declaration of Assets and Liabilities Law (1) 1975 and Act 19 of 1994, Section 5 (a-l), and 17th Constitutional amendment, 2001.
COMPOSITION	Five commissioners: a chairman who is concurrently member and four vice-chairpersons who are concurrently members.	Headed by the chairman; the Prosecutor General of Accountability is another principal officer. with a deputy chairman, with six division chiefs.	Headed by a chairman, with two commissioners.  Appointed for five years by the president.
ACCOUNTABILITY	The ACC is accountable to the parliament.	No external accountability mechanism for monitoring, but NAB submits an annual report to the president.	CIABOC submits an annual report to the president – and is answerable to the parliament.
BUDGET 2015–2016	US\$1.85 million	US\$ 27.4 million	US\$1.68 million
HUMAN RESOURCES	102	Data not available	802 approved investigator positions, but only 353 are in place.
JURISDICTION	Data not available.	Legislators, judiciary, police, military, etc. other public services, government-owned corporations, public contractors.	Legislators, judiciary, police, military, other public service, government-owned corporations, public contractors, non-governmental organisations/charities, business sector.

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# ANNEX 2: METHODOLOGY

## NOTE ON ACA STUDY

**Recognising the value in developing an ACA assessment tool, Transparency International consulted with anti-corruption experts and shared with them the concept and a draft framework.**

The initiative received support from ACAs in the Asia Pacific region during the 18th and 19th Steering Group Meetings of the Asian Development Bank/Organisation for Economic Co-operation and Development Anti-Corruption Initiative for the AsiaPacific in 2013 and 2014.

Utilising its capacity, expertise and networks, Transparency International developed a research tool with the help of specialists and practitioners in the field over a period of two years. The tool aimed to highlight the strengths and weaknesses of ACAs, in terms of their context, structure, policies and practices. In 2014, Transparency International commissioned Dr Jon Quah, an expert in the field of anti-corruption, to review and improve the framework and to develop a set of indicators based on elements from Transparency International's National Integrity Systems assessment methodology and other relevant tools and principles. In April 2015, Transparency International organised a focus group discussion in Bangkok, bringing together practitioners, researchers and ACAs to examine the indicator framework and approach, who subsequently functioned as an advisory group that helped to guide the finalisation of the tool.

The tool was piloted in Bhutan in 2015. The lessons learned in the process were utilised to fine-tune the methodology, in consultation with the advisory group. Transparency International facilitated the training of the researchers from selected Transparency International chapters on the tool and methodology for ACA assessment. Subsequently, chapters in Bangladesh, Pakistan, the Maldives, Sri Lanka, Indonesia, Mongolia and Taiwan conducted country-level studies. The research tools included:

- a literature/document review
- key informant interviews
- focus group discussions
- a validation meeting

Interviews and/or focus group discussions were conducted involving the following individuals:

- ACA commissioners and heads of the ACA departments
- chairperson and members of the ACA oversight committees or citizen advisory bodies, if these exist
- chairperson of public service commission or civil service commission
- auditor-general or commissioner of audit
- attorney-general and prosecutors dealing with corruption cases
- executive director and selected officials of Transparency International chapters in the participating countries
- representatives of relevant donor agencies, such as the Asian Development Bank, United Nations Development Programme, World Bank and others, in the participating countries
- representatives of other civil society organisations concerned with anti-corruption activities
- selected members of parliament, including members of opposition political parties

- scholars who have done research on corruption in the participating countries
- selected journalists covering corruption cases in the participating countries
- individuals who have been investigated and interrogated by the ACAs, if they can be identified and are willing to be interviewed by the researchers
- other individuals recommended for interview by the above persons.

The following steps/methods were followed, involving different stakeholder groups involved in conducting the country studies:




## ASSESSMENT FRAMEWORK: DIMENSIONS, INDICATORS AND SCORING

The assessment tool has been designed to capture internal and external factors affecting the ACA, as well as getting a sense of the ACA's reputation and actual performance. Bearing this in mind, the advisory group agreed on 50 indicators, divided between seven specific dimensions (see tables below). These indicators have been formulated to create a broad platform from which to assess the capacity and effectiveness of the ACA, and to identify gaps and areas of opportunity.

Each indicator has been assigned one of three possible scores – **high, moderate and low** – and three defined levels of value for each indicator – **3** (high), **2** (moderate) and **1** (low) – depending on the condition assessed. In order to arrive at the aggregate score for each dimension, the scores are converted from the 1–3 scale to a 0–2 scale. Thus, all “1” scores become “0”, all “2” scores become “1” and all “3” scores become “2”. For a clear understanding of the dimensions, as well as the overall score, ‘high’ denotes an overall score of 67%–100%, which is colour coded in green in the tables below, ‘moderate’ denotes an overall score of 34%–66%, which is colour coded in yellow, and ‘low’ denotes an overall score of 0%–33%, colour coded in red. To score each indicator the researchers identified specific sources of information and substantiated each score with in-depth interviews with the ACA's staff and management, other government agencies and departments, media and civil society organisations. A clear justification for a score has been provided, along with the sources of evidence.

## ACA'S PERFORMANCE: DIMENSIONS, INDICATORS AND RANGE OF SCORES




### 1. ACA'S INDEPENDENCE AND LEGAL STATUS (7 INDICATORS)

NO.	INDICATOR	RANGE OF SCORES			SCORE
		 HIGH (3)	 MEDIUM (2)	 LOW (1)	
1	ACA's legal independence	Independent corporation	Separate agency outside ministry	Within police or ministry	
2	ACA's mandate	Focus on investigation, education and prevention (and prosecution if applicable)	Primary focus on investigation	Education and prevention without investigation	
3	ACA's legal powers	<i>Extensive</i>	Some	None	
4	Appointment of ACA's commissioner	Independent committee using objective criteria and procedure is transparent	Ministerial committee using objective criteria but procedure is not transparent	Prime minister and/or president	
5	ACA Commissioner's term of office and removal	Fixed term with tenure (difficult to remove Commissioners without cause, e.g. incompetence or proven misconduct)	Fixed term without tenure but not difficult to remove Commissioners	No fixed term and Commissioners can be replaced easily	
6	ACA's operational autonomy and impartiality	High (no political interference)	Medium (some political interference)	Low (high political interference)	
7	Government's reliance on ACA to use corruption as a weapon against political opponents	Government has not used ACA as a weapon against political opponents	Evidence of limited use of ACA by government as a weapon against political opponents	Evidence of widespread use of ACA by government as a weapon against political opponents	

**Sub-total for ACA's independence and legal status score**









## 2. ACA'S FINANCIAL AND HUMAN RESOURCES (9 INDICATORS)

NO.	INDICATOR	RANGE OF SCORES			SCORE
		 HIGH (3)	 MEDIUM (2)	 LOW (1)	
8	Average proportion of ACA's budget to total government budget for past 3 years	Above 0.20%	Between 0.10% to 0.20%	Below 0.10%	
9	Sufficiency of ACA's budget for performing its functions	More than adequate (80% to 100% of budget request is approved)	Adequate (66% to 79% of budget request is approved)	Inadequate (less than 66% of budget request is approved) and relies on funding by CSOs and donor agencies	
10	Security and stability of ACA's budget during past 3 years	High as ACA budget is guaranteed based on previous year's allocation and has not been reduced	Moderate as ACA budget has not been reduced during past 3 years	Low as ACA budget has been reduced during past three years	
11	ACA personnel's salary and benefits	Competitive salary and benefits	Adequate salary and benefits	Low salary and limited benefits	
12	ACA's selection criteria for Personnel	Meritocratic and transparent procedures	Limited meritocratic or transparent procedures	Patronage and non-transparent procedures	
13	Expertise of ACA's personnel in corruption investigation	High level of expertise	Lacking expertise in some areas	Lacking expertise in many areas	
14	Expertise of ACA's personnel in corruption prevention and education	High level of expertise	Lacking expertise in some areas	Lacking expertise in many areas	
15	Training of ACA's personnel	Well-trained personnel with many training opportunities	Some trained personnel with limited training opportunities	Training is unimportant and neglected	
16	Stability of ACA's personnel	Low turnover and resignation rate (0% to 5% per year)	Moderate turnover and resignation rate (more than 5% to 10% per year)	High turnover and resignation rate (more than 10% per year)	

**Sub-total for ACA's financial and human resources score**




### 3. ACA'S DETECTION AND INVESTIGATION FUNCTION (9 INDICATORS)




NO.	INDICATOR	RANGE OF SCORES			SCORE
		 HIGH (3)	 MEDIUM (2)	 LOW (1)	
17	ACA's accessibility to corruption, including public and whistle-blowers during past 3 years	ACA is highly accessible as reflected in the high proportion of corruption complaints received relative to population and perceived level of corruption, and no. of signed complaints	ACA is accessible as reflected in the moderate proportion of corruption complaints received relative to population and perceived level of corruption, and no. of signed complaints	ACA is inaccessible as reflected in low proportion of corruption complaints received relative to population and perceived level of corruption, and no. of signed complaints	
18	ACA's responsiveness to corruption complaints during past 3 years	ACA is highly responsive as reflected in the high proportion of corruption complaints investigated and investigation cases completed during past 3 years	ACA is responsive as reflected in the moderate proportion of corruption complaints investigated and investigation cases completed during past 3 years	ACA is not responsive as reflected in the low proportion of corruption complaints investigated and investigation cases completed during past 3 years	
19	ACA's willingness to initiate corruption investigations during past 3 years	High number of corruption investigations initiated by ACA	Moderate number of corruption investigations initiated by ACA	Low number of corruption investigations initiated by ACA	
20	Average number of cases investigated by ACA personnel during past 3 years	High number of cases investigated during past 3 years	Moderate number of cases investigated during past 3 years	Low number of cases investigated during past 3 years	
21	Efficiency and professionalism of corruption cases investigated by ACA during past 3 years	Highly efficient and professional investigation of corruption cases	Efficient and professional investigation of corruption cases	Inefficient and unprofessional investigation of corruption cases	

NO.	INDICATOR	RANGE OF SCORES			SCORE
		 HIGH (3)	 MEDIUM (2)	 LOW (1)	
22	Average conviction rate of corruption cases investigated by ACA in past 3 years	Above 75%	Between 50% to 75%	Below 50%	
23	ACA's investigation of influential persons for corruption without fear or favour during past 3 years	Considerable evidence of investigation of influential persons for corruption	Some evidence of investigation of influential persons for corruption	No evidence of investigation of influential persons for corruption	
24	ACA's role in restitution, asset recovery, freezing and confiscation during past 3 years	Very active role by ACA	Moderately active role by ACA	Inactive role by ACA	
25	Does the ACA identify gender in compiling corruption complaints and monitoring corruption trends?	The ACA has gender sensitive demographic information that allows it to monitor how corruption and its services affect women differently	The ACA has gender sensitive demographic information that could allow it to monitor how corruption and its services affect women differently, but it does not actively monitor these differences.	The ACA does not collect gender sensitive demographic information.	

**Sub-total for ACA's detection and investigation function score**




#### 4. ACA'S PREVENTION, EDUCATION AND OUTREACH FUNCTIONS (9 INDICATORS)

NO.	INDICATOR	RANGE OF SCORES			SCORE
		 HIGH (3)	 MEDIUM (2)	 LOW (1)	
26	Average proportion of ACA's operating expenditure allocated to public outreach and prevention during past 3 years	Above 1% of ACA's operating expenditure	Between 0.5% and 1% of ACA's operating expenditure	Below 0.5% of ACA's operating expenditure	
27	ACA's corruption prevention initiatives during past 3 years	Many corruption prevention initiatives (average of 3 or more per year)	Some corruption prevention initiatives (average of 1-2 per year)	ACA did not initiate any corruption prevention initiatives	
28	Number of reviews of organizational procedures conducted by ACA to prevent corruption during past 3 years	Many reviews were conducted	Some reviews were conducted	No review was conducted	
29	Frequency of including corruption prevention recommendations in ACA's investigation reports during past 3 years	Frequently	Sometimes	Not at all	
30	ACA's plan for outreach and education and its implementation	Comprehensive and clear plan which is implemented and accessible	The plan for outreach and education exists but not implemented fully	There is no plan for outreach and education activities	
31	ACA's collaboration with other stakeholders in outreach and education activities	High degree of collaboration with three or more joint projects	Some degree of collaboration with one or two joint projects	No collaboration with other stakeholders	
32	ACA's research and exploration of corruption risks, context and conditions	Extensive use of research, to develop risk assessments and sectoral corruption profiles	Some degree of research to support its prevention functions and its outreach and education plan	No discernible independent research carried out by the ACA	

NO.	INDICATOR	RANGE OF SCORES			SCORE
		 HIGH (3)	 MEDIUM (2)	 LOW (1)	
33	ACA's dissemination of corruption prevention information and use of campaigns	Extensive dissemination of corruption prevention and reliance on campaigns	Limited dissemination of corruption prevention information and reliance on campaigns	Does not disseminate corruption prevention information or rely on campaigns	
34	ACA's use of its website and social media for disseminating information on corruption prevention	Extensive use of its website and social media to spread corruption prevention information	Limited use of its website and social media to spread corruption prevention information	ACA does not have a website and does not rely on social media to spread corruption prevention information	

**Sub-total for ACA's prevention, education and outreach functions score**




## 5. ACA'S COOPERATION WITH OTHER ORGANIZATIONS (5 INDICATORS)

NO.	INDICATOR	RANGE OF SCORES			SCORE
		 HIGH (3)	 MEDIUM (2)	 LOW (1)	
35	Support provided by attorney-general's office to ACA for prosecution of corruption cases	High level of support as reflected in absence of interference and average prosecution rate of above 75%	Moderate level of support as reflected in some interference and average prosecution rate of 50% to 75%	Low level of support as reflected in substantial interference and average prosecution rate of below 50%	
36	Cooperation between ACA and other integrity agencies including other ACAs if there are multiple ACAs in country	High degree of cooperation between ACAs or between ACA and other integrity agencies	Limited cooperation between ACAs or between ACA and other integrity agencies	Conflict and lack of cooperation between ACAs or between ACA and other integrity agencies	
37	Cooperation between ACA and other organizations including CSOs and private companies	High degree of cooperation between ACA and other organizations	Limited cooperation between ACA and other organizations	Conflict and lack of cooperation between ACA and other organizations	
38	ACA's participation in international networks	Very active with ACA participating in 3 or more networks	Active with ACA participating in 1 or 2 networks	ACA does not participate in any network	
39	ACA's cooperation with ACAs in other countries	High degree of cooperation with joint projects and technical assistance with several ACAs in other countries	Limited cooperation in some areas with one or two ACAs in other countries	No cooperation between ACA and ACAs in other countries	

**Sub-total for ACA's cooperation with other organizations score**









## 6. ACA'S ACCOUNTABILITY AND OVERSIGHT (4 INDICATORS)

NO.	INDICATOR	RANGE OF SCORES			SCORE
		 HIGH (3)	 MEDIUM (2)	 LOW (1)	
40	Information provided in and accessibility of ACA's annual report and website	Comprehensive information on ACA is provided in annual report and website; submitted to Parliament and easily accessible to the public	Limited information on ACA is provided in annual report and website; submitted to Parliament but not easily accessible to the public	Submits annual report to government but is not available to the public	
41	ACA's oversight mechanisms	Oversight committees with active participation by members of parliament, senior civil servants and prominent citizens	Oversight committees with members of parliament and senior civil servants as members	Accountable to Executive without any oversight committee	
42	ACA's procedure for dealing with complaints against ACA personnel	Complaints against ACA personnel are investigated by another public agency to avoid conflict of interest and results of investigation and punishment imposed are publicized	Complaints against ACA personnel are investigated by its internal control unit but results of investigation and punishment are not publicized	Complaints against ACA personnel are ignored or not investigated without any explanation	
43	Proportion of ACA personnel disciplined or dismissed for misconduct in past 3 years	All valid complaints against ACA personnel result in punishment and punishment imposed is publicized	Some valid complaints against ACA personnel result in punishment and punishment imposed is publicized	Complaints involving ACA personnel are ignored and not investigated at all	

**Sub-total for ACA's accountability and oversight score**

## 7. PUBLIC PERCEPTIONS OF ACA'S PERFORMANCE (7 INDICATORS)

NO.	INDICATOR	RANGE OF SCORES			SCORE
		 HIGH (3)	 MEDIUM (2)	 LOW (1)	
44	Public confidence that government has given ACA the required powers and resources for curbing corruption	High level of confidence \ as reflected in survey finding (above 75%) and views of ACA senior personnel, CSO leaders and journalists	Moderate level of confidence as reflected in survey finding (50%-75%) and views of ACA senior personnel, CSO leaders and journalists	Low level of confidence as reflected in survey finding (below 50%) and views of ACA senior personnel, CSO leaders and journalists	
45	Public confidence in ACA's adherence to due process, impartiality, and fairness in using its powers	High level of confidence as reflected in survey finding (above 75%) and views of ACA senior personnel, CSO leaders and journalists	Moderate level of confidence as reflected in survey finding (50%-75%) and views of ACA senior personnel, CSO leaders and journalists	Low level of confidence as reflected in survey finding (below 50%) and views of ACA senior personnel, CSO leaders and journalists	
46	Confidence in ACA's adherence to due process, impartiality, and fairness in using its powers among persons who had direct contact with ACA	High level of confidence as reflected in survey finding (above 75%) and views of ACA senior personnel, CSO leaders and journalists	Moderate level of confidence as reflected in survey finding (50%-75%) and views of ACA senior personnel, CSO leaders and journalists	Low level of confidence as reflected in survey finding (below 50%) and views of ACA senior personnel, CSO leaders and journalists	
47	Public confidence in ACA's dignified and respectful treatment of persons under investigation during interrogations	High level of confidence as reflected in the views of ACA senior personnel, CSO leaders and journalists	Moderate level of confidence as reflected in views of ACA senior personnel, CSO leaders and journalists	Low level of confidence as reflected in views of ACA senior personnel, CSO leaders and journalists	

NO.	INDICATOR	RANGE OF SCORES			SCORE
		 HIGH (3)	 MEDIUM (2)	 LOW (1)	
48	Public perception of ACA's effectiveness in corruption control	High level of effectiveness as reflected in survey finding (above 75%) and views of CSO leaders and journalists	Moderate level of effectiveness as reflected in survey finding (50%-75%) and views of CSO leaders and journalists	Low level of effectiveness as reflected in survey finding (below 50%) and views of CSO leaders and journalists	
49	Perception of ACA's effectiveness in corruption control among persons with direct contact with ACA	High level of effectiveness as reflected in survey finding (above 75%) and views of CSO leaders and journalists	Moderate level of effectiveness as reflected in survey finding (50%-75%) and views of CSO leaders and journalists	Low level of effectiveness as reflected in survey finding (below 50%) and views of CSO leaders and journalists	
50	Perception of ACA's effectiveness in dealing with complaints among female citizens who had direct contact with ACA	High level of effectiveness as reflected in survey finding (above 75%) and views of CSO leaders and journalists	Moderate level of effectiveness as reflected in survey finding (50%-75%) and views of CSO leaders and journalists	Low level of effectiveness as reflected in survey finding (below 50%) and views of CSO leaders and journalists	

#### Sub-total for public perceptions of ACA's performance score

# ANNEX 3: THE JAKARTA PRINCIPLES

NO.	PRINCIPLES	DEFINITION
1	Mandate	Combating corruption through prevention, education, awareness-raising, investigation and prosecution, by relying on a single ACA or multiple coordinated ACAs.
2	Collaboration	ACAs should cooperate with state agencies, civil society, the private sector and other international agencies.
3	Permanence	ACAs are established by the Constitution or a special law to ensure their continuity and permanence.
4	Appointment	ACA heads are appointed through a transparent process that ensures their apolitical position, impartiality, neutrality, integrity and competence.
5	Continuity	When the ACA head is suspended, dismissed, resigns, retires or completes his/her tenure, all his/her powers are delegated by law to an appropriate ACA official until the appointment of his/her successor.
6	Removal	ACA heads have security of tenure and are removed only through a legally established procedure like the procedure for removing a key independent authority protected by law, such as the Chief Justice.
7	Ethical conduct	ACAs should adopt codes of conduct requiring the highest standards of ethical conduct from their staff and a strong compliance regime.
8	Immunity	ACA heads and personnel are immune and protected from civil and criminal proceedings for acts committed within the performance of their mandate.
9	Remuneration	ACA personnel are remunerated adequately to ensure that the ACA has a sufficient number of qualified staff to perform its functions.
10	Authority over human resources	ACAs have the power to recruit and dismiss their own staff according to clear and transparent internal procedures.
11	Adequate and reliable resources	ACAs have sufficient financial resources to perform their tasks, taking into account the country's budgetary resources, population size and land area. ACAs are entitled to timely, planned, reliable and adequate resources for the gradual capacity development and improvement of their operations and the fulfilment of their mandate.

NO.	PRINCIPLES	DEFINITION
12	Financial autonomy	ACAs should receive a budget that they manage and control, without prejudice to the appropriate accounting standards and auditing requirements.
13	Internal accountability	ACAs should develop and establish clear rules and standard operating procedures, including monitoring and disciplinary mechanisms, to minimise misconduct or abuse of power by ACA personnel.
14	External accountability	ACAs should strictly adhere to the rule of law and be accountable to mechanisms established to prevent abuse of power.
15	Public reporting	ACAs should formally report on their activities to the public at least annually.
16	Public communication and engagement	ACAs should communicate and engage with the public regularly to ensure public confidence in their independence, fairness and effectiveness.

# ANNEX 4: CLASSIFICATION OF INDICATORS BY ENABLING AND PERFORMANCE FACTORS

	INDICATOR	RELATING TO:	
		ENABLING FACTORS	ACA PERFORMANCE
1	ACA's legal independence	Yes	No
2	ACA's mandate	Yes	No
3	ACA's legal powers	Yes	No
4	Appointment of ACA Commissioner(s)	Yes	No
5	ACA Commissioner(s)' term of office and removal	Yes	No
6	ACA's operational autonomy and impartiality	Yes	No
7	Government's reliance on ACA to use corruption as a weapon against political opponents	Yes	No
8	Average proportion of ACA's budget to total government budget for past 3 years	Yes	No
9	Sufficiency of ACA's budget for performing its functions	Yes	No
10	Security and stability of ACA's budget during past	Yes	No
11	ACA personnel's salary and benefits	Yes	No
12	ACA's selection criteria for personnel	Yes	No
13	Expertise of ACA's personnel in corruption	No	Yes
14	Expertise of ACA's personnel in corruption prevention and education	No	Yes
15	Training of ACA's personnel	No	Yes
16	Stability of ACA's personnel	No	Yes
17	ACA's accessibility to corruption complainants/informants, including public and whistle-blowers during past 3 years	No	Yes
18	ACA's responsiveness to corruption complaints	No	Yes



	INDICATOR	RELATING TO:	
		ENABLING FACTORS	ACA PERFORMANCE
19	ACA's willingness to initiate corruption investigations during past 3 years	No	Yes
20	Average number of cases investigated by ACA	No	Yes
21	Efficiency and professionalism of corruption investigations by ACA during past 3 years	No	Yes
22	Average conviction rate of corruption cases investigated by ACA in past 3 years	Yes	No
23	ACA's willingness to investigate influential persons for corruption without fear or favour during past 3 years	No	Yes
24	ACA's role in restitution, asset recovery, freezing and confiscation during past 3 years	No	Yes
25	Does the ACA identify gender in compiling corruption complaints and monitoring corruption trends?	No	Yes
26	Average proportion of ACA's operating expenditure allocated to public outreach and prevention during past 3 years	Yes	No
27	ACA's corruption prevention initiatives during	No	Yes
28	Number of reviews of organizational procedures, systems & capabilities conducted by ACA to prevent corruption during past 3 years	No	Yes
29	Frequency of including corruption prevention recommendations in ACA's investigation reports during past 3 years	No	Yes
30	ACA's plan for prevention, education and outreach and its implementation	No	Yes
31	ACA's collaboration with other stakeholders in prevention, education and outreach activities	No	Yes
32	ACA's research and exploration of corruption risks, context and conditions	No	Yes
33	ACA's dissemination of corruption prevention information and use of campaigns	No	Yes
34	ACA's use of its website and social media for disseminating information on corruption prevention	No	Yes

INDICATOR	RELATING TO:	
	ENABLING FACTORS	ACA PERFORMANCE
<b>35</b>	Government support (e.g. attorney-general's office, director of public prosecutions) to ACA for prosecution of corruption cases	Yes No
<b>36</b>	Cooperation between ACA and other integrity agencies (including other ACAs if there are multiple ACAs in country)	No Yes
<b>37</b>	Cooperation between ACA and non-government organizations including CSOs and private	No Yes
<b>38</b>	ACA's participation in international networks	No Yes
<b>39</b>	ACA's cooperation with ACAs in other countries	No Yes
<b>40</b>	Information provided in and accessibility of ACA's	No Yes
<b>41</b>	ACA's oversight mechanisms	Yes No
<b>42</b>	ACA's procedure for dealing with complaints	No Yes
<b>43</b>	Outcomes of complaints against ACA or its personnel in past 3 years	No Yes
<b>44</b>	Public confidence that government has given ACA the required powers and resources for curbing corruption	Yes No
<b>45</b>	Public confidence in ACA's adherence to due process, impartiality, and fairness in using its powers	No Yes
<b>46</b>	Confidence in ACA's adherence to due process, impartiality, and fairness in using its powers among persons who had direct contact with ACA	No Yes
<b>47</b>	Confidence in ACA's dignified and respectful treatment of persons under investigation	No Yes
<b>48</b>	Public perception of ACA's effectiveness in corruption control	No Yes
<b>49</b>	Perception of ACA's effectiveness in corruption control among persons with direct contact with ACA	No Yes
<b>50</b>	Perception of ACA's effectiveness in dealing with complaints among female citizens who had direct contact with ACA	No Yes

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# END NOTES

1. The reference period for these studies was the three years from 2013 to 2015. It may be noted that this report does not contain study findings for Mongolia and Taiwan, pending formal approval by the concerned authorities to make the reports public. Luis De Sousa (2010), 'Anti-corruption agencies: between empowerment and irrelevance'. *Crime, Law and Social Change* 53(1): 5, 20.
2. *Transparency International, Anti-Corruption Agencies Strengthening Initiative. Implementation Guide Part 1: Starting Up*, Berlin, 2015, p. 4.
3. UNDP, *Practitioners' Guide: Capacity Assessment of Anti-Corruption Agencies*, New York, 2011, p. 6.
4. See "Jakarta Statement on Principles for Anti-Corruption Agencies" (Jakarta, 26–27 November 2012), available at [www.unodc.org/documents/corruption/WG-Prevention/Art\\_6\\_Preventive\\_anti-corruption\\_bodies/JAKARTA\\_STATEMENT\\_en.pdf](http://www.unodc.org/documents/corruption/WG-Prevention/Art_6_Preventive_anti-corruption_bodies/JAKARTA_STATEMENT_en.pdf).
5. UNDP, op. cit., p. 27.
6. *Transparency International, Anti-Corruption Strengthening Initiative. Implementation Guide, Part 2: Research*, 2015, p. 4.
7. Ibid.
8. Ibid. Also see Jon Quah, *Curbing Corruption Asian Countries: An Impossible Dream?* Bingley, U.K., 2011, pp. 30–31.
9. International Monetary Fund, *World Economic Outlook Database*, April 2015.
10. See Asian Development Bank, at [www.adb.org/countries/poverty](http://www.adb.org/countries/poverty).
11. See World Bank, at [www.data.worldbank.org/indicator/SE.ADT.LITR.ZS?end=2010&locations](http://www.data.worldbank.org/indicator/SE.ADT.LITR.ZS?end=2010&locations).
12. World Bank, "Governance Matters III: Governance Indicators for 1996–2002", Washington D.C., 2004, pp. 3–4.

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