

## Transparency International Anti-Corruption Helpdesk Answer

# Anti-corruption measures in constitutions

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In the last decade, there has been a growing tendency to include anti-corruption provisions in new or revised national constitutions, which reflects the increasing prominence of anti-corruption efforts both in the international arena and in many countries around the world.

While most constitutions that address corruption seek to establish an independent anti-corruption agency, others list curbing corruption as a duty for the state and citizens alike. There are several permutations and combinations available to those looking for inspiration when it comes to embedding anti-corruption measures into their own constitution through the inclusion of clauses suitable to the needs of a particular environment. The challenge in many cases, however, comes down to the translation of laws into practice.



# Query

Can give us information about the existence of anti-corruption measures in the different constitutions around the world?

## Caveat

All country examples for constitutional anti-corruption clauses listed in this paper have been found in the public domain under relevant databases (i.e. [The Constitute Project](#) and [Constitution Net](#))

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## Background

Constitutions concurrently create, empower, and limit the institutions that govern society. In doing so, they are closely connected to the provision of public goods. Democracy, economic performance and the protection of human rights are among the outcomes and values that national constitutions typically aim to render inviolable (The Constitution Unit, UCL 2021).

Constitutions, in principle, may be understood as a general framework that serve to limit state power through the separation of powers and the protection of fundamental freedoms (Sajo n.d.).

As a result, measures to tackle specific issues, such as corruption, have been traditionally left to

## Main points

- Anti-corruption clauses in constitutions may be implicit or explicit.
- Constitutional measures dealing with corruption ought to be context specific.
- Themes such as access to information, whistleblower protection and anti-money laundering (AML) have also made their way into certain constitutions.
- Where an anti-corruption constitutional mandate exists, it needs to be supplemented with concrete implementation on the ground. In practice this often requires increasing the independence and capacity of oversight agencies.

the legislative process (Chêne 2013; Sajo n.d.), which is seen as the domain of politics rather than fundamental values and principles.

Despite this, during the past decade there has been a notable trend towards including anti-corruption measures during constitutional drafting processes in countries that are revising or rewriting their constitution (International IDEA 2019). Possible reasons for this move, while being context specific, could have to do with the evolution of anti-corruption from being a topic of minor and contested political significance to being seen as a fundamental “guiding principle” or value for the state, along with rule of law, democracy, human rights, etc. Settings with widespread and well-founded allegations of elite corruption, and where old regimes have been toppled, may have led to the architects of the new constitutions embedding anti-corruption in the countries’ core legal document.

Egypt and The Gambia serve as examples for this point. Popular anger over graft, cronyism, and nepotism in the regime of Hosni Mubarak helped to fuel Egypt's 2011 uprising (Noll 2019). This may explain the motivation behind the revised constitution of Egypt containing explicit commitments to fighting corruption. The Gambia, on the other hand, suffered with systemic corruption and kleptocracy under the violent rule of its now ousted president Yahya Jammeh. Consequently, a committee was established under the new administration to determine how the constitution, consistently weakened and undermined under Jammeh, could be reformed to better protect citizens’ rights (Transparency International 2019). Few anti-corruption measures were added to this end, and others are at the drafting stage.

<sup>1</sup> For example, Warburton (1998) argues that actors in corrupt transactions are often power-holders and power-seekers. Corruption, therefore, could be understood as the means by which power is swapped to promote the interests

When it comes to anti-corruption, various conditions set out in the constitution intended to ensure well-functioning governance frameworks may act as implicit means of tackling corruption (Chêne 2013).

Constitutional provisions that can implicitly support anti-corruption efforts include clauses intended to:

- uphold the rule of law;
- an effective separation of powers;
- an independent judiciary;
- the accountability and transparency of the state;
- control mechanisms of the various branches of the state; and
- basic political freedoms and civil rights, such as freedom of expression and association, freedom of the press, access to information and participation.

All of these “good governance” provisions can implicitly contribute to an enabling environment conducive to controlling corruption (Olaya and Hussmann 2013). Moreover, organising the state through a constitutional structure with primacy of public interest<sup>1</sup> as a governing principle helps to tackle incentives for corruption (Chêne 2013; Olaya and Hussmann 2013).

Such factors lead some authors to contend that it is not always necessary to include explicit constitutional provisions to prohibit and combat corruption (Chêne 2013; Olaya and Hussmann 2013; Ackerman n.d.).

of both parties in the transaction. The by-product is that both parties' interests are promoted over that of the public, thus subverting the most basic principle of governance.

Nevertheless, a growing number of countries include explicit anti-corruption provisions in their constitutions. Some of the early examples of this approach included Philippines, Thailand, Singapore, Kenya, and Pakistan (Chêne 2013). Since the mid-2010s, however, this trend has accelerated notably, with most of the examples covered in this paper coming from the last five years.

A few specific types of anti-corruption themes that may find their way into constitutions include, but are not limited to (Olaya and Hussmann 2013; UNODC 2020):

- Defining corruption and associated penalties
- Integrity and transparency of public officials
- Integrity and transparency of political life
- Access to information
- Whistleblower protection
- Open data
- Asset recovery
- Anti-money laundering (AML)
- Audits
- Presence of anti-corruption institutions
- Clear corruption investigation purpose and principles

For a detailed overview of issues surrounding the inclusion of anti-corruption provisions in constitutions, please refer to the 2013 Helpdesk Answer [Anti-corruption Clauses in Constitutions](#).

While there are several permutations and combinations for addressing corruption in constitutions, either through explicit or implicit provisions, what is crucial to understand is that there is no singular best practice in this regard, as the constitutional experience is context specific and not easily transferable from country to country (Chêne 2013).

A few common constitutional practices adopted by countries in order to support measures to curb corruption<sup>2</sup> include (Transparency International 2014):

- **Establishing mechanisms to ensure the integrity and accountability of public officials:** Relevant provisions could include measures such as asset declaration requirements, codes of conduct, and conflict of interest stipulations for all public officials, as well as publishing budgets and carrying out independent audits. Examples include Belize (1981), Colombia (2005), Serbia (2006) and New Zealand (2014).
- **Maintaining the integrity of political life and the democratic process:** Ensuring that democratic processes remain free from undue influence and captured by special interests. Some constitutions have specific provisions on the financing of political parties and electoral campaigns. The Dominican Republic (2015) and Burundi (2018) are a few examples with such provisions.

<sup>2</sup> All listed constitutions can be accessed via the [Constitute Project](#) database.

- **Supporting the integrity and the primacy of the public interest as the governing principles of the state:** Countries that have adopted such a reference include Qatar (2003), Colombia (2005) and Angola (2010).
- **Forming institutions to monitor and investigate corruption:** These are often in the form of specialised anti-corruption agencies. Such an approach has been taken by several countries, including but not limited to Kenya (2010), Morocco (2011), Mexico (2015), and Singapore (2016).

**Making acting with integrity a fundamental duty for all citizens:** The inclusion of such a provision is not as common, but examples of this include Bhutan (2008), Bolivia (2009) and Madagascar (2010).

- **Explicitly committing the state to combating corruption:** Countries that have adopted this approach include Nigeria (1999), Ecuador (2008), Sudan (2019) and Algeria (2020 draft).

## Illustrative cases of explicit anti-corruption constitutional clauses

There is no one size fits all policy when it comes to explicitly addressing corruption in constitutions. In this section, as an update to the [2013 paper](#) tackling the same topic, constitutions established/revised from 2014

onwards are considered (including those currently in draft form at the time of publishing this paper).

For countries with constitutions/constitutional revisions before 2014, please refer to the earlier version of this paper [here](#). Cases where countries have included constitutional provisions along the themes of access to information, whistleblower protection and AML are discussed in the final section of this Helpdesk answer.

### Country examples of constitutional anti-corruption provisions

As of 01 February 2021, the Constitute Project lists 74 countries with some form of explicit measure on dealing with corruption.

#### **Burkina Faso (1991, revised 2015)**

The National Transitional Council of Burkina Faso adopted two anti-corruption laws in 2015: one on the prevention and repression of corruption (March 2015) and one organic law (November 2015) on Burkina Faso's anti-corruption authority, the High Authority for State Control and Anti-Corruption (ASCE-LC) (UNODC 2016).

The mandate of the ASCE-LC has been underpinned in the revised national constitution, which was amended in 2015. The relevant constitutional provisions prescribe that the ASCE-LC should maintain a high degree of independence from the executive, strong investigative powers as well as financial autonomy (UNODC 2016; Constitute Project 2021a).

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De facto compliance with the constitutional mandate accorded to the ASCE-LC has nonetheless been reportedly poor. A report published in 2016 after the agency's incorporation found many instances of patronage and corrupt adjudication of public service employment and public contracts by the transitional government (Bertelsmann Stiftung 2018; Ardigo 2020).

The full text of the Burkina Faso constitution can be found [here](#).

### **Chad (2018)**

The preamble to the constitution of Chad affirms opposition to any regime whose policy, among others, is based on corruption (Constitute Project 2021a). Nevertheless, international observers opine that corruption, bribery, and nepotism are endemic and pervasive in the country (Freedom House 2019a).

The full text of Chad's constitution can be found [here](#).

### **Comoros (2018)**

The preamble to the constitution of Comoros outlines a commitment to "promote and reinforce the ways and means which aim to prevent, fight and eradicate corruption," as well as the "embezzlement of public assets and funds, which hinder efforts tending to promote democratic governance, socio-economic

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<sup>3</sup> For example, the contract to build Punta Catalina, a coal fired power plant was awarded to Odebrecht, the Brazilian construction giant at the centre of a huge corruption scandal – with cases extending across at least 12 countries in Latin America and Africa. In 2016, construction firm Odebrecht admitted to paying nearly US\$788 million in

transformation, peace and security" (Constitute Project 2021a). According to a Freedom House (2019b) report, corruption is prevalent in the country at all levels, including within the judiciary, civil service, and security forces.

The full text of the Comoros constitution can be found [here](#).

### **Côte d'Ivoire (2016)**

The constitution of Côte d'Ivoire mandates public bodies to promote, respect and ensure respect for good governance in the management of public affairs as well as in the prosecution of corruption and related offenses (Constitute Project 2021a). However, despite the existence of watchdog agencies, anti-corruption enforcement in Côte d'Ivoire has been relatively minimal with executive intervention in corruption prosecution being common (Ropes and Gray 2020).

The full text of Côte d'Ivoire's constitution can be found [here](#).

### **Dominican Republic (2015)**

All forms of corruption by state agencies are prohibited under the constitution of the Dominican Republic (Constitute Project 2021a). This has not prevented the country being embroiled in various corruption scandals.<sup>3</sup>

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*bribes and kickbacks to politicians in 12 countries to secure lucrative contracts for more than 100 projects and agreed a record US\$3.5 billion fine with the US Department of Justice (Collado 2020).*

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The full text of the 2015 Dominican Republic can be found [here](#).

### **Ecuador 2008 (rev. 2015)**

Among the Ecuador state's prime duties is guaranteeing its inhabitants the "right to a culture of peace, to integral security and to live in a democratic society free of corruption" (Constitute Project 2021a). On the side of duties and obligations of Ecuadorian citizens, they have the obligation to "report and combat acts of corruption" (Constitute Project 2021a).

Furthermore, an anti-corruption agency, namely the Transparency and Social Control Branch of Government is mandated by the Constitution to (Constitute Project 2021a):

- Promote and foster "monitoring of public entities and bodies and of natural persons or legal entities of the private sector who provide services or carry out activities for the general welfare," and to ensure that such activities are being conducted with "responsibility, transparency and equity."
- Prevent and combat corruption.
- Establish a coordination body that shall choose the chair for the Transparency and Social Control Branch.
- Draw up public policies for transparency, monitoring, accountability, promotion of public participation and the fight against corruption.
- Articulate the drafting of the national plan for combating corruption.

Another anti-corruption agency, the Council for Public Participation and Social Control (CPCCS), whose members are elected for three years, based on nominations made by general citizens and by social organisations as per a process organised by the National Electoral Council, is given a constitutional remit to (Pogrebinschi 2017; Constitute Project 2021a):

- Promote public participation, encourage public discussion processes, and foster citizenship training, values, transparency, and the fight against corruption.
- Investigate reports about actions affecting public participation or leading to corruption.
- Contribute to the protection of whistleblowers.

The country has been and continues to be beset by corruption, while a weak judiciary and lack of investigative capacity in government oversight agencies contribute to an environment of impunity (Freedom House 2019c). In a 2018 referendum, voters approved a measure to restructure the powerful CPCCS, which is also responsible for appointing election commission members, the attorney general, and the Judiciary Council, among others. The move was to essentially remove Correa-era members of the CPCCS, who had been politicised, and a transitional CPCCS was appointed by the incumbent president Moreno (Freedom House 2019c).

### **Egypt (2014, revised 2019)**

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The preamble of the Egyptian constitution states that it closes the “door for any corruption or tyranny” (Constitute Project 2021a).

The state is also constitutionally committed to fight corruption. To this end, competent control bodies and organisations are identified by law who ought to (Constitute Project 2021a):

- Coordinate with one another in combating corruption.
- Enhance the values of integrity and transparency in order to ensure sound performance of public functions.
- Preserve public funds.
- Develop and follow up on the national strategy to fight corruption in collaboration with other competent control bodies.

In practice, one such body is the Administrative Control Authority (ACA). The ACA’s main official role is to gather information on administrative and financial violations in the state apparatus and to refer cases to prosecutors when wrongdoing is suspected. A report from Project on Middle East Democracy (POMED) (2019) argues that because the ACA does not meet minimum standards of political independence, transparency, and accountability, treating it as a “genuine anti-corruption campaign may be misguided and can even be counterproductive.” The ACA may serve as example of an anti-corruption agency being “manipulated as an instrument of repression and control in an authoritarian set up,” speaking to the need of enabling environments for such constitutional provisions to actually effectively combat corruption (Noll 2019).

The full text of the Egyptian constitution can be found [here](#).

### **The Gambia (1996, revised 2018)**

Under the Gambian constitution, conviction of any abuse of office, corruption or any offence connected with public elections acts as grounds for disqualification from being a member of the National Assembly (Constitute Project 2021a). Other anti-corruption constitutional provisions for the country are at a drafting stage (more details in the following section).

The constitution for The Gambia as it stands can be found [here](#).

### **Mexico (1917, revised 2015)**

Crimes committed by any public official or individuals which are deemed to be corrupt, shall be prosecuted according to the applicable criminal law according to the constitution of Mexico. Moreover, there are explicit constitutional provisions to secure the independence and functioning of the Federal Auditing Office and the Office of the Attorney General (Constitute Project 2021a).

The National Anti-corruption System is set out as the coordinating entity between the authorities of “every government level responsible for prevention, detection and punishment of administrative responsibilities in corrupt acts, as well as the surveillance and control of public resources.” The States and the Federal District are required to establish local anti-corruption systems (Constitute Project 2021a).

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When it comes to investigative functions, constitutional measures stipulate fiscal and financial secrecy or protection of data cannot impede agencies responsible for investigation and sanction of corruption acts (Constitute Project 2021a).

The full text of the constitution of Mexico can be found [here](#).

### **Nepal (2015, revised 2016)**

The Nepali state is constitutionally mandated to adopt “effective methods in controlling corruption and irregularities in all sectors, including politics, judicial sector, administration and the social sector.” The Judicial Council is also empowered to pursue court cases against other judges accused of corruption or abuse of authority. Finally, the Commission for Investigation of Abuse of Authority may “conduct or cause to be conducted investigations of corruption by a person holding any public office” (Constitute Project 2021a).

Corruption, especially in the form of embezzlement, however, continues to be a challenge, particularly in the rural areas of Nepal. According to the latest Global Corruption Barometer (GCB) – Asia (2020), in Nepal, 58 per cent of those surveyed think corruption increased during the previous 12 months. The figure is considerably higher than any other country in the region (Transparency International 2020a).

The full text of the constitution of Nepal can be found [here](#).

### **Niger (2010, revised 2017)**

The preamble of Niger reaffirms “absolute opposition” to any political regime founded on “dictatorship, arbitrariness, impunity, injustice, corruption, racketeering, regionalism, ethnocentrism, nepotism, personal power and the cult of personality”. Furthermore, in the exercise of state power, “illicit enrichment, favouritism, corruption, racketeering and the influence-trafficking,” among others, are punished by the law. Money laundering or of illicit enrichment is also punished by the law.

Most international governance indicators point to systemic levels of corruption permeating all levels of society in Niger, although firms and citizens report significantly less experience of corruption than other countries in the region (Chêne 2017).

The full constitution of Niger may be found [here](#).

### **Papua New Guinea (PNG) (1975, revised 2016)**

The Papua New Guinean constitution establishes the Independent Commission Against Corruption (ICAC) with the following functions (Constitute Project 2021a):

- Encourage, cooperate, and coordinate with other public and private sector agencies in research concerning corrupt conduct and anti-corruption strategies and policies.
- Development, implementation and review of anti-corruption strategies and procedures.

- Training, education, and awareness building on issues of corruption and anti-corruption.

There is also a provision for an Oversight Committee to monitor and review the anti-corruption commission (Constitute Project 2021a).

According to a recent study by Walton and Hushang (2020), despite promises to fight corruption, new governments in Papua New Guinea had initially increased budgetary allocations to anti-corruption initiatives but then gradually reduced resources and undermined anti-corruption organisations after accusations of corruption made against the government by the ICAC (Duri and Rahman 2020).

The full text of the PNG constitution can be found [here](#).

### **Singapore (1963, revised 2016)**

The constitution of Singapore has a measure wherein the Prime Minister or not less than one-quarter of the total number of Members of Parliament (excluding nominated Members) may bring a motion alleging that the President is permanently incapable of discharging the functions of their office on grounds of “misconduct or corruption involving the abuse of the powers of his office” (Constitute Project 2021a).

Singapore performs well on anti-corruption indices. Transparency International’s 2020 Corruption Perceptions Index (CPI) accords the

county a score of 85/100 and a rank of 03/180 (Transparency International 2020b).

The complete text of the constitution of Singapore can be found [here](#).

### **Uganda (1995, revised 2017)**

A national objective set out in the constitution of Uganda is that “all lawful measures shall be taken to expose, combat and eradicate corruption and abuse or misuse of power by those holding political and other public offices.” It is also a constitutional duty of every citizen of Uganda to combat corruption and misuse or wastage of public property. The Inspectorate of Government is endowed with investigative and prosecutorial powers in cases involving corruption, abuse of authority or of public office. A special court within the judiciary for combating corruption is also constitutionally established (Constitute Project 2021a).

According to the latest edition of the GCB in the region (2019), 69 percent respondents cited increased corruption in the previous 12 months (Pring and Vrushi 2019).

The full text of the constitution of Uganda can be found [here](#).

### **Zambia (1991, revised 2016)**

The constitution of Zambia requires that elections be free from violence, intimidation, and corruption. It also establishes an Anti-Corruption Commission (ACC) (Constitute Project 2021a). However, in practice the authority and autonomy of the institution has been undermined in the past and the ACC has been used to wage

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factional battles within the ruling party as well as the state (US Department of State 2019; Rahman forthcoming).

The full text of the Zambian constitution can be found [here](#).

### **Zimbabwe (2013, revised 2017)**

The state of Zimbabwe is constitutionally mandated to adopt and implement policies and legislation to support “accountability, transparency, personal integrity and financial probity in all institutions and agencies of government at every level and in every public institution.” Moreover, measures “must be taken [by the state] to expose, combat and eradicate all forms of corruption and abuse of power by those holding political and public offices” (Constitute Project 2021a).

An anti-corruption agency known as the Zimbabwe Anti-Corruption Commission (ZACC) is also established and tasked with (Constitute Project 2021a):

- Investigating and exposing cases of corruption in the public and private sectors.
- Combatting corruption, theft, misappropriation, abuse of power and other improper conduct in the public and private sectors.
- Directing the Commissioner-General of Police to investigate cases of suspected corruption and to report to the Commission on the results of any such investigation.

Lastly, the Government is constitutionally required to ensure, through legislative and other means, that the ZACC has power to recommend the arrest and secure the prosecution of those “reasonably suspected of corruption, abuse of power and other improper conduct which falls within the Commission’s jurisdiction” (Constitute Project 2021a).

In terms of implementation, ZACC has limited capabilities to adequately comply with its mandate, primarily being hampered by the following deficiencies (PPLAAF 2020):

- It has no powers of arrest and prosecution and only investigates incidents of corruption and misconduct.
- Its capacity is substandard which in turns hampers its efficacy in fulfilling its mandate.
- It is severely understaffed and underfunded.
- Its reporting standards are not in line with global best practices.
- Its efforts are undermined by its over-reliance on other agencies like the Zimbabwe Police Force.

The full text of the constitution of Zimbabwe may be found [here](#).

### **Draft constitutional provisions explicitly tackling corruption**

#### **The Gambia Draft of 29 Mar 2020**

There are several draft anti-corruption provisions lined under discussion for inclusion into the Gambia’s constitution. A few salient features

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from the measures include (Constitute Project 2021a).

- Clauses on asset declaration<sup>4</sup> by top public officials to the Anti-corruption Commission (ACC), including the president and vice-president, and ministers. Failure to declare assets bring with it sanctions including disqualification from contesting in elections for a period of up to ten years. Moreover, the ACC has to confirm that a candidate for public election has made a full declaration of his or her assets to the commission.
- Any gift to a public official is deemed as a gift or donation to the State or the institution he or she represents, and shall be delivered to the State, through the Anti-Corruption Commission, unless the gift is otherwise exempted, whether conditionally or unconditionally, by an Act of the National Assembly.
- A requirement of periodic free and fair elections without violence, intimidation, improper influence, or corruption.
- Political parties are to not engage in bribery or other forms of corruption.
- A person is also disqualified for election as President if he or she has, within ten years immediately preceding the date of nomination for election as President, been found liable for gross misconduct or misbehaviour, or negligence or corruption by a commission of inquiry.

- The salary and other retirement benefits receivable shall not apply to a President “against whom an adverse finding of abuse of office or corruption has been made by a commission of inquiry after leaving office.”
- Establish and ensure independence of the ACC through delineating specific conditions for their appointment and removal.
- Requiring the Auditor General to report any discrepancies of a criminal or fraudulent nature discovered during the audit of accounts to the Inspector-General of Police and the ACC.

### Algeria Draft of 30 May 2020

Features of the proposed anti-corruption amendments include:

- The country's commitment to work to prevent and combat corruption as enshrined in the African Union Convention on Preventing and Combating Corruption (AUCPCC) the United Nations Convention against Corruption (UNCAC), and the Arab Convention to Fight Corruption.
- Public authorities to respect and apply good governance in public affairs and ensure adherence to the law and transparent regulations that do not contain provisions that lead to corruption.

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<sup>4</sup> A candidate for election to the Office of President shall at least twenty-one days before the date for nomination, lodge a declaration of his or her assets with the ACC in such form as the Commission may determine. The ACC shall, upon receipt of an assets declaration from a candidate conduct

necessary investigations and submit a report to the Independent Boundaries and Electoral Commission before the date of nomination confirming whether or not the candidate has made an accurate declaration.

- Establishment of a High Authority for Transparency and to Prevent and Combat Corruption.

## Constitutional clauses with other anti-corruption themes

### Access to information

The right to information, or the right to access information held by public authorities, is a fundamental ingredient in accountability and democratic participation. A strong and effective right to information underpins effective citizen engagement with the mechanics of government, and it is difficult to maintain a truly participatory system without it (CLD 2012). Several countries enshrine the right to information in their constitution. These include, but are not limited to (Constitute Project 2021b):

- Albania (1998, revised 2016)
- Belgium (1831, revised 2014)
- Fiji 2013
- Madagascar 2010
- Norway (1814, revised 2016)
- Papua New Guinea (1975, revised 2016)
- Rwanda (2003, revised 2015)
- Viet Nam (1992, revised 2013)

According to the Constitute Project as of 01 February 2021, 101 constitutions have

<sup>5</sup> *The Federal Economic Competition Commission and the Federal Telecommunications Institute are to be independent agencies in their functioning and decision-making processes, professional in the performance of their roles, and impartial in their proceedings; and shall promote governmental transparency in under principles of digital government and open data.*

<sup>6</sup> *The Fiji constitution states that “A written law shall provide for the protection of whistle-blowers, being persons who, in*

constitutional provisions allowing for some form of right to information.

Many countries that provide a right to information in their constitutions also have constitutional procedures that enable the right to be directly enforceable by the courts. For instance, in several Latin American countries (including Costa Rica, Honduras, Nicaragua, Panama and Peru) the constitutional right to information may be enforced via a habeas data petition or amparo (Right2Info 2012).

Mexico (1917, revised 2015) stands out as a country with open data<sup>5</sup> being a constitutional requirement when it comes to selected state processes in the country (Constitute Project 2021c).

### Whistleblower protection

Whistleblower protection is vital to encourage the reporting of misconduct, fraud, and corruption. The risk of corruption is significantly heightened in environments where the reporting of wrongdoing is not supported or protected. This applies to both public and private sectors (OECD 2011). While there are several jurisdictions that have incorporated legislations on whistleblower protection, Fiji and Iceland stands out as countries<sup>6</sup> with a constitutional

*good faith, make disclosures that an officer mentioned in paragraph (a) has contravened any written law or has breached the code of conduct or has engaged in fraudulent or corrupt practices”.*

*The protection of journalists, their sources of information and whistle-blowers shall be ensured by law in Iceland (Constitute Project 2021d)*

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provision in this regard (Constitute Project 2021d).

### **Anti-money laundering (AML)**

Money laundering underpins corruption and crime, and undermines democracy and the rule of the law (FATF 2020). While many governments have already established comprehensive anti-money laundering regimes, the constitutions<sup>7</sup> of Niger (2010, revised 2017), Thailand (2017), and the United Kingdom (1215, revised 2013), contain provisions to tackle the phenomenon (Constitute Project 2021e).

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<sup>7</sup> In Niger, public assets are sacred and inviolable, therefore every person must respect them and protect them scrupulously. Any act of sabotage, of vandalism, of corruption, of diversion, of squandering, of money laundering or of illicit enrichment is punished by the law.

Thailand disqualifies any person the right to stand for election in an election of Members of the House of Representatives if they have been convicted of an offence of money laundering or suppression of money laundering.

The UK has clauses under select legislations dealing with various internal jurisdictions.

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