

QUESTIONNAIRE

Annex 1

Indicators	Formal Provisions	What actually happens
Executive		
<ul style="list-style-type: none"> • Can citizens sue Government for infringement of their civil rights? • Are there procedures for the monitoring of assets, including disclosure provisions, for the chief executive, Ministers and other high level officials, • Are there conflict of interest rules? • Are there rules and registers concerning gifts and hospitality? 	Yes	High
	Yes	High
	No	Low
	Yes	High
If so, are these registers kept up to date? By whom?	Public Service Ethics Committee	
1. Have they legal powers to enforce disclosure?	Yes	High
2. Have they staff to investigate allegations?	Yes	Low
3. What powers of sanction are in place against parliamentarians?	Public Service Ethics Act	
4. Have they ever been invoked?	No	None
• Are members of the executive obliged by law to give reasons for their decisions?	Yes	High
• Do Ministers or equivalent high level officials have and exercise the power to make the final decision in ordinary contract award and licensing cases? Is this power limited to special circumstances?	Yes	High
• Are there administrative checks and balances on decisions of individual members of the executive?	Yes	High

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Legislature		
Is the legislature required to approve the budget?	Yes	High
Are there significant categories of public expenditure that do not require legislative approval? Which?	Yes	Funds
Are there conflict of interest rules for parliamentarians?	No	Low
Are there rules concerning gifts and hospitality?	Yes	High
If so, are these registers kept up to date? By whom?	Public Service Ethics Committee	
1. Have they legal powers to enforce disclosure?	Yes	High
2. Have they staff to investigate allegations?	Yes	Low
3. What powers of sanction are in place against parliamentarians?	Public Service Ethics Act	
4. Have they ever been invoked?	No	Low
If so, are there public registers for gifts and hospitality?	Yes	High
Is there an independent Electoral Commission (if not, are the arrangements for elections in the hands of agencies who are widely regarded as being non-partisan)?	Yes	High
Political Party Funding		
• Are there rules on political party funding?	Yes	High
• Are substantial donations and their sources made public?	Yes	Low
• Are there rules on political party expenditures?	Yes	Low
• Are political party accounts published?	Yes	Low
• Are accounts checked by an independent institution?	Yes	High
• Does that institution start investigations on its own initiative?	Yes	High
Supreme Audit Institution		
Is the national auditor general independent? i.e. Is the appointment of the general auditor required to be based on professional criteria/merit?	Yes	High
Is the appointee protected from removal without relevant justification?	Yes	High
Are all public expenditures audited annually?	Yes	High
Is reporting up to date?	Yes	High
Are reports submitted to a Public Accounts Committee and/or debated by the legislature?	Yes	High
Are all public expenditures declared in the official budget?	Yes	High

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<p>Judiciary</p> <ul style="list-style-type: none"> • Have the courts the jurisdiction to review the actions of the executive (i.e. Presidency, the Prime Minister's or other Ministers and their officials)? • Are judges/investigative magistrates independent? i.e. Are appointments required to be based on merit? Are the appointees protected from removal without relevant justification? • Are recruitment and career development based on merit? • Have there been instances of successful prosecutions of corrupt senior officials in the past 3 years? • Does the education system pay attention to integrity issues and corruption/bribery? Is it expected to? 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>High</p> <p>High</p> <p>High</p> <p>High</p> <p>High</p>

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Civil Service		
<ul style="list-style-type: none"> • Are there laws establishing criminal and administrative sanctions for bribery? • Are there rules requiring political independence of the civil service? • Are recruitment/career development rules based on merit? • Are there specific rules to prevent nepotism? Cronyism? (note: rules discriminating positively in favour of marginalised or minority groups are <u>not</u> included in this description) • Are there rules (including registries) concerning acceptance of gifts and hospitality? 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p>	<p>High</p> <p>High</p> <p>High</p> <p>None</p> <p>High</p>
<p>If so, are these registers kept up to date? By whom?</p> <ol style="list-style-type: none"> 1. Have they legal powers to enforce disclosure? 2. Have they staff to investigate allegations? 3. What powers of sanction are in place against parliamentarians? 4. Have they ever been invoked? 	<p>Public Service Ethics Committee</p> <p>Yes</p> <p>Yes</p> <p>Public Service Ethics Act</p> <p>No</p> <p>Yes</p>	<p>High</p> <p>Low</p> <p>None</p> <p>High</p> <p>Low</p>
<ul style="list-style-type: none"> • Are there restrictions on post public service employment? • Are procedures and criteria for administrative decisions published (e.g. for granting permits, licences, bank loans, building plots, tax assessments, etc)? • Are there complaint mechanisms for public servants and whistleblower protection measures? • Are there means for complaints by members of the public? 	<p>Yes</p> <p>No</p> <p>Yes</p>	<p>High</p> <p>Low</p> <p>High</p>
Police and Prosecutors		
<ul style="list-style-type: none"> • Is the commissioner of police independent? i.e. Are appointments required to be based on merit? Is the appointee protected from removal without relevant justification? • Are public prosecutors independent? • Are there special units for investigating and prosecuting corruption crimes? • Is there an independent mechanism to handle complaints of corruption against the police? • Does civil society have a role in such a mechanism? • In the last five years, have police officers suspected of corruption been prosecuted (or seriously disciplined or dismissed)? • Are there any cases of corruption within the prosecuting agencies? • Which legislative instruments can be used by the police and public prosecutors for the investigation and prosecution of cases of corruption/bribery? Is private-to-private corruption punishable by law? 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>High</p> <p>High</p> <p>High</p> <p>Low</p> <p>Low</p> <p>Low</p> <p>Low</p> <p>Low</p>
<ul style="list-style-type: none"> • Is the law applied? • How many cases of prosecution have been undertaken in the past years? How many have been successful? If the number is low, are there other effective measures or other good reasons why the number is low? 	<p>Yes</p> <p>Yes</p>	<p>High</p> <p>High</p>
<p>The Criminal Act Act on the Aggravated Punishment, etc., of Specific Crimes</p>		

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<p>Public procurement</p> <ul style="list-style-type: none"> • Do rules for public procurement require competitive bidding for all major procurements with limited exceptions? • Are the rules laid down in documents publicly accessible? • Are there strict formal requirements that limit the extent of sole sourcing? • Are all major public procurements widely advertised to the private sector? • Are procurement decisions made public? • Is there a procedure to request review of procurement decisions? • Can an unfavourable decision be reviewed in a court of law? • Are there provisions for blacklisting of companies proved to have bribed in a procurement process? • Are there rules and procedures to prevent nepotism/conflict of interest in public procurement? • Are assets, incomes and life styles of public procurement officers monitored? 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p>	<p>Low</p> <p>High</p> <p>High</p> <p>High</p> <p>Low</p> <p>High</p> <p>Low</p> <p>High</p> <p>Low</p> <p>None</p> <p>High</p>
<p>Ombudsman</p> <ul style="list-style-type: none"> • Is there an ombudsman or its equivalent (i.e. an independent body to which citizens can make complaints about maladministration)? • Is the ombudsman independent? i.e. Are appointments required to be based on merit? Is the appointee protected from removal without relevant justification? Has an ombudsman been removed without relevant justification in the last five years? • Can petitioners complain anonymously if they fear possible reprisals? • Are reports of the ombudsman published? • Does the government act on the Ombudsman's recommendations? 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>No</p> <p>Yes</p> <p>Yes</p>	<p>High</p> <p>High</p> <p>High</p> <p>High</p> <p>None</p> <p>None</p> <p>High</p> <p>High</p>
<p>Investigative/watchdog agencies (e.g. Anti-Corruption Bureau)</p> <ul style="list-style-type: none"> • Are there special investigative or watchdog agencies? • Are they independent? i.e. Are appointments required to be based on merit? Are appointments generally based on merit? Are the appointees protected from removal without relevant justification? Are their reports published (other than when criminal charges are pending)? • Do they report publicly to the legislature on the general scope of their work? • Can people complain to the agency without fear of recrimination? 	<p>No</p> <p>No</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p>	<p>None</p> <p>Low</p> <p>Low</p> <p>Low</p> <p>Low</p> <p>Low</p> <p>None</p> <p>Low</p>

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<p>Media</p> <ul style="list-style-type: none"> • Is there a law guaranteeing freedom of speech and of the press? • Is there censorship of the media? • Is there a spread of media ownership? • Does any publicly-owned media regularly cover the views of government critics? • Have journalists investigating cases of corruption been physically harmed in the last five years? • Does the media carry articles on corruption? • Do media licensing authorities use transparent, independent and competitive criteria and procedures? • Are libel laws or other sanctions (e.g. withdrawing of state advertising) used to restrict reporting of corruption? 	<p>Yes</p> <p>No</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>High</p> <p>None</p> <p>High</p> <p>High</p> <p>None</p> <p>High</p> <p>High</p> <p>Low</p>
<p>Civil Society</p> <ul style="list-style-type: none"> • Does the public have access to information and documents from public authorities? • Do the public authorities generally co-operate with civil society groups? • Are there citizen's groups or business groups campaigning against corruption? • Are there citizen's groups monitoring the government's performance in areas of service delivery, etc? • Do citizen's groups regularly make submissions to the legislature on proposed legislation? 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>High</p> <p>Low</p> <p>High</p> <p>Low</p> <p>High</p>
<p>Local Government</p> <ul style="list-style-type: none"> • Is there a legal requirement that meetings of city/ town councils be open to the press and public? • Are there clear criteria restricting the circumstances in that city/town councils can exclude the press and public? 	<p>Yes</p> <p>Yes</p>	<p>High</p> <p>High</p>
<p>Progress with Government Strategy</p> <ul style="list-style-type: none"> • Has the government announced an anti-corruption strategy and a timetable for implementation? • How much of the strategy has been implemented? • Is the government meeting its own timetable? 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>High</p> <p>High</p> <p>High</p>