

COMMENTARY ON THE JAKARTA PRINCIPLES FOR ANTI-CORRUPTION AGENCIES

Evaluation Framework: Mandate		
Does your country have one or more ACAs for each of the following anti-corruption mandates: (i) prevention, (ii) education, (iii) awareness raising, (iv) investigation and (v) prosecution?	Yes	No
Explanation:		
Are the mandates for each ACA accompanied by adequate powers to effectively discharge their mandates?	Yes	No
Explanation:		
Has any review taken place to avoid duplication in mandates?	Yes	No
Explanation:		

Evaluation Framework: Collaboration		
Does the law require or allow the ACA to collaborate with other state agencies to tackle corruption (including other ACAs)?	Yes	No
- If no, does anything in the law prohibit collaboration? Yes/No	Yes	No
- If yes, does such collaboration take place in practice?	Yes	No
- If yes, is such collaboration formalized through MoUs or formal agreements?	Yes	No
Explanation:		
Does the law call on and/or empower other state agencies to work with the ACA?	Yes	No
- Does such collaboration take place in practice?	Yes	No
- If yes, is such collaboration formalized through MoUs or formal agreements?	Yes	No
Explanation:		
Does the law require or allow the ACA to collaborate with civil society to tackle corruption?	Yes	No
- Does such collaboration take place in practice?	Yes	No
- If yes, is such collaboration formalized through MoUs or formal agreements?	Yes	No
Explanation:		
Does the law require or allow the ACA to collaborate with the private sector to tackle corruption?	Yes	No
- Does such collaboration take place in practice?	Yes	No
- If yes, is such collaboration formalized through MoUs or formal agreements?	Yes	No
Explanation:		
Does the law require or allow the ACA to collaborate with foreign ACAs with similar mandates and/or international bodies, mechanisms or processes to tackle corruption?	Yes	No
- Does such collaboration take place in practice?	Yes	No
- If yes, is such collaboration formalized through MoUs or formal agreements?	Yes	No

COMMENTARY ON THE JAKARTA PRINCIPLES FOR ANTI-CORRUPTION AGENCIES

Explanation:		
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Evaluation Framework: Collaboration

Is your ACA established by your national Constitution?	Yes	No
Explanation:		
If your ACA was not established by your national Constitution, is your ACA established by a law passed by Parliament?	Yes	No
Explanation:		
What is the current status of anti-corruption law reform in relation to your ACA?		
Explanation:		

Evaluation Framework: Appointment

Does the law require any or all of the following criteria for the ACA leadership:	Yes	No
- Minimum education or experience qualifications?	Yes	No
- Demonstrated moral character or integrity?	Yes	No
- No criminal convictions and/or pending criminal cases?	Yes	No
- No recent active political party membership?	Yes	No
Explanation:		
Is there a public call for candidates for the ACA leadership?	Yes	No
Explanation:		
Are candidates for ACA leader/s publicly vetted?	Yes	No
Explanation:		
Is any selection committee representative of different strands in society?	Yes	No
Explanation:		
Does the ACA leadership's appointment process require transparent, inclusive, accountable cross-party parliamentary vetting and/or endorsement of the final candidate?	Yes	No
Explanation:		

Evaluation Framework: Continuity

Does the relevant ACA law include a provision for automatic delegation of powers in the absence of the ACA head?	Yes	No
Explanation:		
Does the relevant ACA law include a maximum time limit for the post of ACA head to be left vacant?	Yes	No

COMMENTARY ON THE JAKARTA PRINCIPLES FOR ANTI-CORRUPTION AGENCIES

Explanation:

Evaluation Framework: Removal		
Does the ACA head have a minimum fixed term of appointment under the law of no less than four years?	Yes	No
Explanation:		
Does removal of the ACA head require a similar process to be followed as for the removal of the Chief Justice?	Yes	No
Explanation:		
Does the ACA head's removal process require that certain limited grounds of misbehaviour or incapacity be proven in order to be triggered?	Yes	No
- Does the ACA head have a right to publicly defend him/herself against such charges?	Yes	No
Explanation:		
Does the ACA head's removal process involve more than one branch of Government?	Yes	No
- If the legislature is involved, is a special majority vote required to approve removal?	Yes	No
- If the judiciary is involved, does a specially-constituted tribunal have to approve removal?	Yes	No
Explanation:		

Evaluation Framework: Ethical Conduct		
Is your ACA subject to a comprehensive Code of Conduct?	Yes	No
- Are all staff required to comply with the Code of Conduct?	Yes	No
- Are Commissioners or Heads of the ACA covered by a Code of Conduct?	Yes	No
Explanation:		
Does the ACA provide regular training for staff on the Code of Conduct and its obligations?	Yes	No
Explanation:		
Does the Code of Conduct include an oversight and compliance mechanism?	Yes	No
- Is there an impartial mechanism for making determinations regarding compliance?	Yes	No
- Are there sufficient penalties for breaching the Code?	Yes	No
Explanation:		

COMMENTARY ON THE JAKARTA PRINCIPLES FOR ANTI-CORRUPTION AGENCIES

Evaluation Framework: Immunity		
Does the law provide specific immunities for ACA heads and employees for acts committed as part of their jobs?	Yes	No
Explanation:		
Does the law provide specific protection to ACA heads and employees from malicious civil and criminal proceedings for acts committed outside their jobs?	Yes	No
Explanation:		

Evaluation Framework: Remuneration		
Does the law empower the ACA and/or its board to determine the remuneration levels for staff, in order to ensure appropriate levels to recruit qualified staff?	Yes	No
Explanation:		
Are remuneration levels currently competitive and sufficient to attract qualified staff, in comparison with pay levels for similar positions in other agencies or the private sector?	Yes	No
Explanation:		
Is the ACA budget sufficient to pay competitive salary rates for staff?	Yes	No
Explanation:		

Evaluation Framework: Authority Over Human Resources		
Does the ACA have the power to recruit and dismiss their own staff?	Yes	No
Explanation:		
Are laws, rules, policies and/or procedures in place which clearly set out a transparent, merit-based process for recruitment of staff?	Yes	No
Explanation:		
Are laws, rules, policies and/or procedures in place which clearly set out the process for disciplining and dismissal of staff?	Yes	No
Explanation:		

Evaluation Framework: Adequate and Reliable Resources		
Is there a separate budget line for the ACA in the national budget voted by the legislature?	Yes	No
Explanation:		
Is there a legally guaranteed minimum budget for the ACA?	Yes	No
Explanation:		

COMMENTARY ON THE JAKARTA PRINCIPLES FOR ANTI-CORRUPTION AGENCIES

Does the ACA receive its funding early in the financial year and/or in a predictable manner?	Yes	No
Explanation:		
Is the current ACA budget sufficient to ensure the ACA can effectively discharge its mandates?	Yes	No
Explanation:		
Is the current ACA budget sufficient to support capacity development for staff and/or operational improvements within the ACA?	Yes	No
Explanation:		
Assessed over the previous 3 years, has the ACA budget been relatively stable and/or grown to match the development of the ACA?	Yes	No
Explanation:		

Evaluation Framework: Financial Autonomy

Does the ACA have control over the management and control of its budget resources?	Yes	No
Explanation:		
Does the ACA comply with international and national accounting and audit requirements?	Yes	No
Explanation:		
Does the ACA publish an annual audit report?	Yes	No
Explanation:		

Evaluation Framework: Internal Accountability

Does the ACA have rules and standard operating procedures in place to provide guidance on exercising the ACA's powers (particularly in relation to complaints handling, investigations and prosecutions)?	Yes	No
Explanation:		
Does the ACA law require the ACA leadership and staff to complete asset declaration and conflict of interest forms?	Yes	No
Explanation:		
Does the ACA have staff monitoring process in place, to track whether staff are using ACA's powers legally and properly?	Yes	No
Explanation:		
Does the ACA have an internal staff disciplinary process in place?	Yes	No
Explanation:		
Do these disciplinary processes allow for a staff right of reply and appeal?	Yes	No
Explanation:		

COMMENTARY ON THE JAKARTA PRINCIPLES FOR ANTI-CORRUPTION AGENCIES

Are disciplinary processes being effectively used in practice?	Yes	No
Explanation:		

Evaluation Framework: External Accountability		
Are the ACA's intrusive and coercive powers subject to judicial oversight?	Yes	No
Explanation:		
Is the ACA overall performance subject to oversight by a cross-party parliamentary committee?	Yes	No
Explanation:		
Is the ACA case management subject to some form of external oversight?	Yes	No
Explanation:		
Does any relevant oversight body have powers to give guidance or direction to the ACA?	Yes	No
Explanation:		

Evaluation Framework: External Accountability		
Is your ACA required to report on its activities?	Yes	No
- If yes, is your ACA report required to be public?	Yes	No
- If yes, does your ACA produce a public report on its activities at least once a year?	Yes	No
Explanation:		
Does your ACA report including information on the following:		
- Performance of the ACA, broken down against each specific mandate (eg. prevention, education and awareness-raising, investigations, prosecutions)?	Yes	No
- Expenditures, including outcome reporting and audit information?	Yes	No
- Implementation of treaty obligations (e.g. UNCAC reporting, regional CAC reporting)?		
Explanation:		
Is any annual or other report submitted to a public body for public discussion (eg. Parliament)?	Yes	No
- If yes, is your report publicly reviewed/discussed in practice?	Yes	No
Explanation:		

COMMENTARY ON THE JAKARTA PRINCIPLES FOR ANTI-CORRUPTION AGENCIES

Evaluation Framework: Public Communication and Engagement		
Does your ACA have sufficient resources (human and financial) dedicated to undertaking public communication and engagement?	Yes	No
Explanation:		
Does your ACA regularly communicate with the public? If yes, what methods have you used?	Yes	No
- Do you undertake impact assessment to assess the effectiveness of your public outreach?	Yes	No
- If yes, has your public engagement been shown to be impactful?	Yes	No
Explanation:		
Does your ACA engage with the media on your anti-corruption communication and awareness activities?	Yes	No
- If yes, has your media engagement been impactful?	Yes	No
Explanation:		
Does your ACA have its own website?	Yes	No
- If yes, is your website regularly updated with ACA reports and news?	Yes	No
Explanation:		
Do you undertake any public surveys in relation to anti-corruption in your country?	Yes	No
- If yes, have they been useful in monitoring changing behaviors and/or in support of anti-corruption advocacy?	Yes	No
Explanation:		