



## REQUEST FOR PROPOSAL

### Consultant to Conduct a National SDG16 Gap Analysis

#### 1. INTRODUCTION

##### 1.1 Purpose

The purpose of this Request for Proposal (RFP) is to invite prospective research experts to submit a technical and financial proposal to provide services as a consultant to Transparency Maldives (TM) to conduct a national Sustainable Development Goals (SDGs) Gap Analysis. The RFP provides service providers with the relevant operational and performance requirements.

##### 1.2 Coverage & Participation

Transparency Maldives (TM) reserves the right not to enter into any contract, to add and/or delete elements, or to change any element of the coverage and participation prior to the award without prior notification at any time without any liability or obligation of any kind or amount.

#### 2. GENERAL INFORMATION

##### 2.1 The Organization

Transparency Maldives (TM) is a non-partisan organization that endeavors to be a constructive force in society by promoting collaboration and discussion on corruption, transparency and accountability. TM seeks to engage with stakeholders from all sectors (government, business, political and civil society, among others) to raise awareness of corruption's detrimental effects on development and society, improve transparency and accountability in governance, and eliminate corruption from the daily lives of people.

Transparency Maldives is the National Chapter of Transparency International in the Maldives.

##### 2.2 Schedule of Events

The following tentative schedule will apply to this RFP, but it may change in accordance with TM's needs or unforeseen circumstances. Changes will be communicated by email to all Service Providers.

Event	Date
Release of RFP	24 <sup>th</sup> March 2021
Questions from Service Providers Due Questions and requests for clarification related to this RFP are to be directed in writing to: Hassan Rushdhan <a href="mailto:procurement@transparency.mv">procurement@transparency.mv</a>	31 <sup>st</sup> March 2021

Answers from TM will be provided in the online <a href="#">document</a> .	3 <sup>rd</sup> April 2021
RFP Closes – All Bids Due	7 <sup>th</sup> April 2021, 5 pm

### 3. SCOPE OF WORK & GUIDELINES

#### 3.1 Background

The 2030 Agenda for Sustainable Development acts a roadmap to ensure member states who adopted the bold Sustainable Development Goals (SGDs) remain on track with their commitment. Maldives’ adoption of this Agenda meant that the country would work towards the universal set of goals, target, and indicators which would end all forms of poverty, inequality and tackle climate change by the year 2030. The Service Provider must conduct a gap analysis on Maldives’ policy and institutional alignment to SDG 16: Promote Just, Peaceful, and Inclusive Societies.

#### 3.2 Objectives, Scope and Description of Activities

The purpose of this gap analysis is to

- i) to examine the content of the policies in the Maldives to evaluate the degree to which they align with SDG16 targets,
- ii) to establish the institutional landscape in the Maldives in relation to the policies implemented towards achieving SGD16 targets.

The Service Provider must undertake a desk research of the policies implemented and institutional set ups made in relation to SDG 16.4, 16.5, 16.6., and 16.10.

TM plans to provide the Service Provide with a non-exhaustive list of guiding documents for their desk review purposes which will include a shadow reporting questionnaire (Refer to Annex 3), reporting template and a monitoring methodology document. TM will provide the Service Provider with a Shadow Reporting Questionnaire for SDG 16 targets which should form the basis of the gap analysis. Service Provider must conduct desk review, focus group discussions and key informant interviews with government officials and key stakeholders to determine the policy and institutional gaps.

#### 3.3 Deliverables and Timeline

The Service Provider is shall submit an inception report setting out the conceptual framework; stakeholder mapping methodology; information on data sources and collection, sampling and key indicators; workplan indicating timing, key deliverables and milestones; and templates that will be used for data collection. Upon completion of the first draft report, TM will conduct an internal validation of the report. Once TM has confirmed that the contents of the report are in line with TM’s expectations, the Service Provider will hold a validation workshop with stakeholders to establish content validity. Along with the final report, the Service Provider will also submit field/interview notes, transcripts, and audio recordings to TM.

Deliverable	Timeline
Inception report	30 days
Conduct desk and field research	30 days
First draft of the report	30 days
Validation of the report	20 days
Meeting with stakeholders	12 days

### 3.4 Audience

The audience of the study is intended to be government partners, policy makers, civil society, and the public.

## 4. FUNCTIONAL REQUIREMENTS

Service Providers are expected to start the assignment in **April 2021 for a period of 4 (four) months.**

## 5. FORM/CONTENT OF THE RESPONSE

Service Providers must provide the following information in order for their proposal to be considered. Both individuals and teams may submit proposals.

1. Details about the Service provider.
  - Describe your experience in conducting research
  - Provide a brief description of each team member and a statement of how team members meet the knowledge and skills needs of the assignment.
2. Inception report.
  - Desk review proposal
  - Stakeholder mapping
  - Research methodology
  - Outline on how the research quality will be assured
  - Organization of research team, field schedule, and logistics
  - Appendices should include bibliography of literature reviewed, secondary data/ stats analysis tables.
  - Annexes should include key informant interview guide based on the shadow reporting document requirements.
3. Technical proposal detailing:
  - Outline of the development strategy
  - Proposed timeline from kickoff to launch

- The time frame for completion of the project will be evaluated. In addition, the time frames will be part of the contractual agreement; therefore, a realistic time frame for completion is requested.

4. Evidence of successful completion of a project of similar size and complexity. Please provide a list of project reference contacts. The URL should be submitted. Only sites that are live will qualify for the evaluation.

### **5.1 Technical Proposal**

The technical proposal should include the following information:

Statement of Experience: This section should outline a statement of the Service Provider's capabilities and include details of previous related assignments of similar size and complexity. Please provide a list of projects and reference contacts.

Statement of Qualifications: This section should describe the Service Provider's professional qualifications. Please include CV/resume providing evidence of how the Service Provider meets the knowledge and skills needs of the assignment.

Proposed Methodology: This section should demonstrate the Service Provider's methodological approach for meeting the specifications set out in this RFP.

### **5.2 Financial Proposal**

Please see Annex 1 of this RFP.

### **5.3 Conflict of Interest Declaration**

The Service Provider's must provide a conflict-of-interest declaration with details of potential conflict of interest and how to mitigate them. Failure to declare conflict of interest may result in disqualification of the Service Provider's proposal.

## **6. PROPOSAL PREPARATION INSTRUCTIONS**

### **6.1 Service Providers' Understanding of the RFP**

In responding to this RFP, Service Providers accept full responsibility to understand the RFP in its entirety, and in detail, including making any inquiries to TM as necessary to gain such an understanding. TM reserves the right to disqualify any Service Provider who demonstrates less than such understanding. Further, TM reserves the right to determine, at its sole discretion, whether Service Providers have demonstrated such understanding. Such disqualification shall be at not fault, cost, or liability whatsoever to TM.

### **6.2 Good Faith Statement**

All information provided by TM in the RFP is offered in good faith. Individual items are subject to change at any time. TM makes no certification that any item is without error. TM is not responsible or liable for any use of the information or for any claims asserted there from.

### **6.3 Communication**

Verbal communication shall not be effective unless formally confirmed in writing by a TM staff in charge of managing this RFP process. In no case shall verbal communication govern over written communication.

#### 6.4 Service Providers’ Inquiries

Applicable terms and conditions herein shall govern communications and inquiries between TM and Service Providers as they relate to this RFP. Inquiries, questions and requests for clarification related to this RFP are to be directed in writing to:

Hassan Rushdhan

[procurement@transparency.mv](mailto:procurement@transparency.mv)

##### 6.4.1 Formal Communications shall include, but are not limited to:

- Questions concerning this RFP must be submitted in writing
- Service Providers shall recommend to TM any discrepancies, errors or omissions that may exist within this RFP. With respect to this RFP, Service Providers shall recommend to TM any enhancements, which might be in TM’s best interests.
- Inquiries about technical interpretations must be submitted in writing.

#### 6.5 Addenda

TM will make a good-faith effort to provide a written response to the questions or request for clarification that requires addenda.

### 7. Proposal Submission

It is mandatory for Service Providers to send a Technical and Financial proposal as separate documents in electronic copy via email to [procurement@transparency.mv](mailto:procurement@transparency.mv) on or prior to 5pm on 7<sup>th</sup> April 2021 with the subject line, Proposal to Conduct a National SDG16 Gap Analysis.

### 8. Criteria for Selection

TM will evaluate proposals based on the following criteria:  <b>Selection Criteria</b>		<b>Points</b>
<b>1. Technical Proposal</b>		<b>80%</b>
<b>1.1 Proposed methodology and approach</b>  <ul style="list-style-type: none"> <li>– Is the scope of task well defined and does it correspond to the RFP?</li> <li>– Is there an adequate methodology in place for collecting data?</li> <li>– Is the presentation clear and is the sequence of activities and the planning logical, realistic, and promise efficient implementation to the project?</li> <li>– Is the research quality assurance method detailed?</li> </ul>	<p style="text-align: center;">20</p> <p style="text-align: center;">20</p> <p style="text-align: center;">20</p> <p style="text-align: center;">20</p>	20%

<p><b>1.2 Service Provider Experience</b></p> <ul style="list-style-type: none"> <li>– Experience in conducting gap analysis of similar size and complexity.</li> <li>– Experience in drafting studies, reports, and policy briefs to a wide range of audience. Experience conducting research projects of similar size and complexity.</li> </ul> <p>Service Providers are requested to provide a list of projects, your specific role, and reference contacts.</p>	<p>20</p> <p>20</p>	<p>40%</p>
<p><b>1.3 Service Provider Qualifications</b></p> <ul style="list-style-type: none"> <li>– Postgraduate degree in a field related to public policy or a relevant field of education.</li> <li>– Relevant short-term trainings or professional qualifications.</li> </ul> <p>Service providers are requested to submit educational certificates (with transcripts) to support their merit and list relevant short-term training undertaken.</p>	<p>10</p> <p>20</p>	<p>20%</p>
<p><b>2. Financial Proposal</b></p>	<p>10</p>	<p><b>20%</b></p>

### 8.1 Selection & Notification

Service Providers determined by TM who possess the capacity to compete for this contract will be selected. The selected Service Provider will be notified via email. Those Service Providers not selected for the negotiation phase will also be notified via email.

## 9. ADDITIONAL TERMS & CONDITIONS

### 9.1 Non-Disclosure Agreement

TM reserves the right to require any respondent to enter into a non-disclosure agreement.

### 9.2 Costs

The RFP does not obligate TM to pay for any costs, of any kind whatsoever, which may be incurred by a Service Provider or any third parties, in connection with the proposal.

### 9.3 Intellectual Property

Service Providers shall not use any intellectual property of TM including, but not limited to, all logos, registered trademarks or trade names of TM, at any time without the prior approval of TM, as appropriate.

#### **9.4 Service Provider's Proposals**

All proposals and supporting documentation shall become the property of TM, subject to claims of confidentiality in respect of the proposal and supporting documentation.

#### **9.5 Partial Awarding**

TM reserves the right to accept all or part of the quotation when awarding the Contract.

#### **9.6 No Liability**

TM reserves the right to accept or reject any quotation or stop the procurement process at any time, without assigning any reason or liability.

TM shall not be liable to any Service Provider, person or entity for any losses, expenses, costs, claims or damages of any kind:

- Arising out of, by reason of, or attributable to, the Service Provider responding to this RFP; or
- As a result of the use of information, error or omission contained in this RFP document or provided during the RFP process.
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#### **10. Entire RFP**

This RFP, any addenda to it, and any attached schedules, constitute the entire RFP.

***[End of RFP]***

**ANNEX 1: FINANCIAL PROPOSAL**

Service Providers are required to prepare a Financial Proposal following the below format and submit as a separate document from the Technical Proposal (see Section 3, 3.4 of the RFP for submission guidelines). Proposals will be disqualified if they are not submitted using this price template.

Pricing must be in Maldivian Rufiyaa.

**Bid Title:**

**Date:**

**A: Cost Breakdown per Deliverable**

Deliverables (as per RFP)	Price (Lump Sum, All Inclusive)
Example: Cost for the time spent on the project	
<b>Total</b>	

*\*This shall be the basis of the payment tranches.*

**B: Cost Breakdown by Component**

No.	Activities	Quantity	Rate	No. of Days	Total Amount
A	Key Human Resources				
1	Eg: Budget analyst				
Subtotal A					
B	Administrative Costs				
1	Interviews				
Subtotal B					
C	Total A+B				
D	GST (6%) if applicable				
E	Grand Total (C+D)				

*N. B. Administrative and other associated costs, if any, should be built into the above headings proportionately.*

Name:

Designation:

Signature:



**ANNEX 2: DRAFT OF THE CONSULTANCY CONTRACT WITH TM**

date

**THE CONSULTANCY CONTRACT**

Between Transparency Maldives  
G. Liverpool North  
Malé,  
Maldives.  
Tel: (+960) 330 4017  
Fax: (+960) 300 6062

(hereinafter referred to as “the Client”)

And

(X)

(hereinafter referred to as “the Consultant”)

**1. Contract Documents**

1.1 The Consultant and the Client agrees to be bound by the provisions contained in the following documents, which shall take precedence over one another in case of conflict in the following order:

- a) This Contract;
- b) The Terms of Reference.

1.2 All the above shall form the Contract between the Consultant and the Client, superseding the contents of any other negotiations and/or agreements, whether oral or in writing, pertaining to the subject of this Contract.

1.3 Should individual clauses of this Agreement be ineffective, this shall not affect the effectiveness of any other clause of this Agreement.

**2. Obligations of the Consultant**

2.1 The Consultant shall perform and complete the services described in Annex I: Terms of Reference (the Services), with due diligence and efficiency and in accordance with the Contract.

2.2 This Agreement is a contract for the provision of services and not a contract of employment. Accordingly, the relationship of the Consultant to the Client will be that of an independent contractor and at no time will the Consultant hold him/herself out to be an employee of the Client. Given the Consultant's status as an independent contractor, the Consultant and the Client agrees that:

2.2.1 The Consultant's place and time of work shall be determined at the discretion of the Consultant within the agreed framework of tasks to be fulfilled.

2.2.2 The Consultant is paid neither for illness or vacation. The Consultant will be responsible for accounting for, filing of, and being liable for the Consultant's tax, social security and any other liabilities.

2.2.3 The Consultant shall provide all technical and administrative support needed in order to ensure the timely and satisfactory performance of the Services. The Consultant shall work with the Consultant's own facility, equipment and premises.

2.2.4 Neither of the parties to this Contract is the partner of the other and nothing in this Contract shall render the Consultant an employee or a partner of or joint venture with the Client.

2.3 All documents shall be transmitted by the Consultant by e-mail to the Client.

2.4 The Consultant represents and warrants the accuracy of any information or data provided to the Client for the purpose of entering into this Contract, as well as the quality of the deliverables and reports foreseen under this Contract in accordance with the highest industry and professional standards.

2.5 The Consultant shall maintain confidentiality in any and all matters in the course of activities with the Client. This provision shall remain in force after termination of this Contract. In the event of termination of the contract, the Consultant is obliged to submit to the Client all property, records and documents related in any way to the consultant's activities and work for the Client. The Consultant shall also have the obligation to keep the Client informed of matters of interest or concern to the Client that arise in connection with the Consultancy.

### 3. Intellectual Property, Copyrights and other Property

3.1 The Client owns the exclusive, transferable and unrestricted rights in any work completed under this Contract whether patentable or not. With regard to copyrights, the Client is granted an exclusive world-wide sub licensable licence for unlimited use.

3.2 All documents and results produced by the Consultant under this contract are the exclusive property of the Client; this includes all accounts, data gathered and produced, discs, documents, letters, memoranda, notes, papers, publications, records, reports, samples, tapes and other items provided to or produced by the Consultant in providing the Services, shall be and remain the property of the Client, and shall be handed over to the Client from time to time on demand and in any event on the Termination Date.

3.3 The Consultant will promptly disclose all works in which copyright or design rights may exist which s/he may make in the cause of providing the Services. Any such copyright works or designs created in the course of providing the Services shall be the vested in the Client by way of an exclusive world-wide sub licensable licence for unlimited use and to the extent that such copyright or design rights are not vested in the Client, the Consultant hereby assigns the same to the Client absolutely for the entire period or copyright in such invention and all and any renewals and extensions therefore perpetuity throughout the world.

3.4 The Consultant shall immediately notify the Client of any circumstances, which may place the consultant in a real or apparent conflict of interest in relation to the obligations under the Contract or the interests of the Client, generally. There is a conflict of interests where the impartial and objective exercise of the functions of any person under this Contract is compromised for reasons involving family, emotional life, political or national affinity, economic interest or any other shared interest with another person. There may be a conflict of interest where the Consultant uses the title and association with the Client from this contract for securing other assignments performed in the Consultant's own name, and in such instance the Consultant shall seek the prior Contract of the Client to enter into such other assignment.

3.5 The Consultant shall inform the Client of other assignments undertaken over the duration of this contract. The Consultant shall not work for any competitor of the Client or any company affiliated with such competitors, except with the agreement of the Executive Director of the Client.

#### 4. Payment

4.1 In full consideration for the complete and satisfactory performance of the Services under this Contract, the Client shall pay the Consultant professional consultancy fees in amount not to exceed (X)

4.2 Payments effected by the Client to the Consultant shall be deemed neither to relieve the Consultant of its obligations under this Contract nor as acceptance by the Client of the Consultant's performance of the Services.

## 5. Method of Payment

5.1 Upon delivery of the outputs, the Consultant shall be entitled to a total fee of (X).

5.2 The Consultant shall be obligated to maintain records of work and expenses for a period of eight (8) years and the Client reserves the right to request such records of work for the purposes of audit. The Consultant shall fully cooperate with the requirements of any such audit.

5.3 If any delay is to be expected from the consultant in submitting the deliverables on time, the consultant shall be obligated to inform the Client in writing for approval, not less than five (5) working days prior to the deadline for submission.

5.4 All delays must be communicated to the Client and a mutually agreeable date for submission must be agreed to. All uncommunicated and unapproved delays will be penalized by up to 20% of the amount tied to the deliverable, depending on the delay in submission. Delays of up to (3) days will be penalized by 5%, a week by 10%, and over a week by 20%.

## 6. Submission of invoices

6.1 An original invoice shall be submitted by mail by the Consultant for each payment under the Contract to the following address:

Transparency Maldives,  
H. Fennaage,  
2<sup>nd</sup> Floor,  
Buruzu Magu  
Male', Maldives

Attn: Executive Director

6.2 Invoices submitted by fax shall not be accepted by the Client.

## 7. Time and manner of payment

Invoices shall be processed within fourteen (14) days of the date of their receipt and acceptance by the Client.

## 8. Entry into force. Time limits.

8.1 The Contract shall enter into force upon its signature by both parties.

8.2 The Consultant shall complete the Services as detailed in the timeline presented in Annex 1 of this agreement.

8.3 All time limits contained in this Contract shall be deemed to be of the essence in respect of the performance of the Services.

## 9. Termination

9.1 The Consultant or the Client may terminate this fixed term contract without cause before the date of its expiry by giving 1 months' notice in writing. In this instance the Client will seek to pay for any deliverable met by the consultant, as outlined in clause 5.1, at the time of termination.

9.2 In the event of termination of the contract, the Consultant is obliged to submit to the Client all property, records and documents related in any way to the work under this contract. The Consultant shall also pass on all material information to the Client.

9.3 In the event of termination of the contract due to a lack of good faith on the part of the Consultant, the Client shall be entitled a refund of any monies paid out already under the Contract.

## 10. Liabilities

10.1 The Consultant shall be responsible for complying with any legal obligations incumbent upon them.

10.2 The Consultant shall bear sole responsibility vis-à-vis third parties, including for damage of any kind sustained by them as a result of implementing the Contract. The Consultant shall discharge the Client of all liability arising from any claim or action brought as a result of an infringement by the Consultant or the Consultant's employees or individuals for whom those employees are responsible of rules or regulations, or as a result of violation of a third party's rights.

10.3 Except in cases of *force majeure*, the Consultant shall make good any damage sustained by the Client or the Donor as a result of the faulty execution of the Contract.

10.4 The Client reserves the right to suspend or cancel payments or claim repayment in full or in part including the interest accrued to the contribution if the funds are found to be misused, not satisfactorily accounted for and/ or the stated project objectives and contractual requirements are not being met.

#### 11. Confidentiality

The Client and the Consultant undertake to preserve the confidentiality of any document, information or other material directly related to the subject of the Contract that is duly classed as confidential, if the disclosure could cause prejudice to the other party or the Donor. The parties shall remain bound by this obligation beyond the closing date of the action.

#### 12. Evaluation, Checks and Audits

In case the Client decides to carry out a check, an audit or an interim or final evaluation of the project involving the Services, the Consultant agrees to provide the Client, or any other outside body authorised by the Client, with all such access, documents and information that can help it to complete these tasks.

#### 13. Publicity

Unless requested otherwise by the Client, any communication or publication by the Consultant related to the Services (if allowed by the Client), shall indicate that these were coordinated and are owned by the Client.

#### 14. Modifications

Any modification to this Contract shall require an amendment in writing between both parties duly signed by the authorized representative of the Consultant and the Client. Amendments shall be marked with consecutive numbers.

#### 15. Applicable Law and Jurisdiction

This contract is deemed made in Maldives and shall be construed and applied in all respects in accordance with Maldivian law. The parties hereto submit and agree to jurisdiction of a court of Maldives, should disagreements arise.

#### 16. Terrorism

The Consultant must not engage in transactions with, or provide resources or support to, individuals and organizations associated with terrorism.

## 17. Human Trafficking

The Consultant must not engage in: 1) Trafficking in persons (as defined in the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organized Crime). 2) Procuring a commercial sex act. 3) Use of forced labor in the performance of this Contract. 4) Acts that directly support or advance trafficking in person, including the following acts: i. Destroying, concealing, confiscating, or otherwise denying access to the employee's identity or immigration documents; ii. Failing to provide return transportation or pay for return transportation costs to an employee from a country outside the United States to the country from which the employee was recruited upon the end of employment if requested by the employee, unless: a. exempted from the requirement to provide or pay for such return transportation; or b. the employee is a victim of human trafficking seeking victim services or legal redress in the country of employment or a witness in a human trafficking enforcement action. iii. Soliciting a person for the purpose of employment, or offering employment, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment; iv. Charging employees' recruitment fees; or v. Providing or arranging housing that fails to meet the host country housing and safety standards.

## 18. Whistleblowing

An employee of a Consultant may not be discharged, demoted, or otherwise discriminated against as a reprisal for "whistleblowing." In addition, whistleblower protections cannot be waived by any Contract, policy, form, or condition of employment. A management official or other employee of the Consultant who has the responsibility to investigate, discover, or address misconduct. The Consultant must inform its employees working on this assignment in the native language of the workforce that they are afforded the employee whistleblower rights and protections Whistleblower Protection Act 2019.

## 19. Children's Rights Protection

If this assignment may involve children, or if personnel implementing this assignment may come into contact with children (defined as anyone less than 18 years old), the Consultant must abide by the following child safeguarding core principles and include them in its code of conduct for all personnel: 1) Ensure compliance with host country and local child welfare and protection legislation or international standards, whichever gives greater protection, and with Maldives law where applicable; 2) Prohibit all personnel from engaging in child abuse, exploitation, or neglect; 3) Consider child safeguarding in project planning and implementation to determine potential risks to children that are associated with project activities and operations; 4) apply measures to reduce the risk of child abuse, exploitation, or neglect, including, but not limited to, limiting unsupervised interactions with children; prohibiting exposure to pornography; and complying with applicable laws, regulations, or customs regarding the photographing, filming, or other image



generating activities of children; 5)Promote child-safe screening procedures for personnel, particularly personnel whose work bring them in direct contact with children; and 6)Have a procedure for ensuring that personnel and others recognize child abuse, exploitation, or neglect; mandating that personnel and others reports allegations; investigating and managing allegations; and taking action in response to such allegations, including, but not limited to, dismissal of personnel.

20. Notifications

For the purpose of notifications under the Contract, the contact persons and addresses of the Client and the Consultant are as follows:

*For the Client:*

*For the Consultant:*

If the above terms and conditions meet with your Contract, please initial every page of this document and its attachments, and return to the Client, duly signed and dated.

Agreed and Accepted:

Signature

Signature

Name

Name

Position

Position

Day Month Year

Day Month Year

*For the Client*

*For the Consultant*



## ANNEX 3: SHADOW REPORTING QUESTIONNAIRE

# Shadow Reporting Questionnaire for SDG 16.4, 16.5, 16.6 & 16.10

## Background

The purpose of this questionnaire is to enable National Chapters to conduct an independent appraisal of their country's progress in fighting corruption, tackling illicit financial flows, and improving transparency and access to information, as national governments begin implementing the Agenda 2030 for Sustainable Development.

The information gleaned from this exercise can be used as an input into two processes. At the global level, this information can be used to complement National Voluntary Reviews at the High-Level Political Forum in July 2018, while at national level, the information generated can feed into governmental SDG reporting processes taking place on a rolling basis in each country.

## Introduction

The SDGs set out an ambitious global development agenda until the year 2030. They consist of 17 goals and a total of 169 targets.<sup>1</sup> The goals broadly cover three aspects of development: economic prosperity, social development and the protection of the environment.

Global progress towards the targets will be monitored through a set of indicators, a number of which have yet to be finalised,<sup>2</sup> while the data needed to measure progress against some indicators has never before been collected by UN agencies. At national level, countries are encouraged to integrate global targets into national planning and policy processes, developing national targets and indicators tailored to their specific circumstances.

Over the coming years, state parties will report on national progress against the 17 SDGs to the High-Level Political Forum<sup>1</sup> on a voluntary basis. While “in-depth” reporting on SDG 16 is due in 2019, integrity risks across the SDG framework make it essential to monitor national progress against corruption from the outset. National Voluntary Review reports to the 2018 High-Level Political Forum will cover all goals, though this year's focus is on SDG 6 (water and sanitation), SDG 7 (sustainable energy), SDG 11 (cities), SDG 12 (sustainable consumption), SDG 15 (ecosystems and biodiversity), and SDG 17 (partnership), providing opportunities to track the impact of corruption in these sectors.

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<sup>1</sup> UN: Transforming our world: the 2030 Agenda for Sustainable Development; <https://sustainabledevelopment.un.org/post2015/transformingourworld>. For more background and recent developments around the SDG, see <https://sustainabledevelopment.un.org>.

<sup>2</sup> You can find data by SDG indicator, by country or area at <http://unstats.un.org/sdgs/indicators/database/>. A list of 230 indicators has been proposed: <http://unstats.un.org/sdgs/indicators/Official%20List%20of%20Proposed%20SDG%20Indicators.pdf>.

Outside official review processes, national chapters can:

- monitor country-specific corruption indicators which may not have been officially selected by government, but are relevant to implementing the SDGs;
- comment on the official country report, calling attention to inaccuracies, omissions, or weaknesses;
- conduct parallel reviews and produce shadow reports using alternative data sources to complement and/or scrutinise the story of progress being told through official monitoring.

The purpose of this questionnaire is to support national chapters to monitor national anti-corruption progress. To do so, it covers a broad range of issues related to a robust anti-corruption framework. It aims to assist national chapters to identify areas where the national anti-corruption system leaves room for improvement and to collect data and information that will serve as a basis for compiling the shadow report.

Not all aspects and issues covered by the questionnaire may be relevant to all national contexts and the work of all chapters. Chapters can customise this questionnaire to reflect their national circumstances and support their advocacy priorities. Some sections can be dropped and questions may be adapted to fit the needs and context of each country.

Based on this first data collection effort, chapters will be able to compile shadow reports, using a template provided by the Secretariat. The shadow reports will be presented in July 2018, when national governments come together to present their first progress reports. They will complement and challenge reports produced by national governments, highlight areas that require reforms and provide specific recommendations and next steps in order to generate momentum for the anti-corruption movement.

The development of regional reports is also envisaged to support national advocacy efforts based on these national shadow reports. These regional reports will build on the data provided by national chapters through this questionnaire.

## How to complete this questionnaire

This questionnaire covers four SDG 16 targets which specifically relate to the fight against corruption:

- \* 16.4 – By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organised crime
- \* 16.5 – Substantially reduce corruption and bribery in all their forms
- \* 16.6 – Develop effective, accountable and transparent institutions at all levels
- \* 16.10 – Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements

Questions are designed to collect relevant data and information to track progress made towards achieving these targets, using a mix of qualitative and quantitative indicators and suggesting possible data sources. Users completing this questionnaire may find it useful to refer to the Resource Guide on SDG indicators developed by the Secretariat.

When filling out the questionnaire, one to three paragraphs will likely be sufficient to answer most questions. To the extent possible, the response should always be backed by adequate and reliable sources. Please always try to provide links and sources to the information you have based your assessment on.

Text in *italic* provides background information to clarify the question and points researchers to possible sources where relevant information to answer a question may be found.

Sections with “guidance” provide links to relevant background documents that may also be useful when developing recommendations for the shadow report.

There are three types of questions in this questionnaire.

- A number of questions pertaining to the de jure legal framework contain “scoring” references. Please provide a scoring or rating suggestion, based on information you have identified. Details about the scoring process are provided in the methodological scoring document, and a list of all the questions and an overview of the scores is provided [in this spreadsheet](#). **Scored questions are highlighted in this colour.**
- Alongside the score, there will be an opportunity to provide a brief narrative to answer the question and addressing de facto implementation and compliance. **Narrative questions are highlighted in this colour.**
- Information and data from relevant third party assessments will also be requested. **These questions are highlighted in this colour.**

Questions marked with \* should be considered “optional” and only be answered if they appear relevant to the national context, time and resources permitting.

## Scores

Scored questions will require researchers to assign a numerical value to their country’s legal framework, based on guidance provided in the question. Each numerical value will correspond to one of the following five scores:

- Dark Green / 1
- Light Green / 0.75
- Orange / 0.5
- Light Red / 0.25
- Dark Red / 0
- Grey / Not applicable or no data available

**Note:** not all five coloured scores will be available for each question. Where a law or agency does not exist, subsequent questions about the provisions of that law or mandate of that agency should be scored 0 rather than marked as “not applicable”.

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**Target 16.6: Develop effective, accountable and transparent institutions at all levels**

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17. Protection of fundamental freedoms
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## Background

### 1. National SDG implementation plan and monitoring process

- 1.1 Has the government taken steps to develop an SDG action plan on how to implement the Agenda 2030 at the national level?

*Has there been a public consultation process or a format that allowed civil society organisations to make contributions? Has the action plan been published?*

- 1.2 Which government body or bodies are in charge of the implementation of the national SDG implementation process, and in particular concerning the implementation of SDG 16?

*Please name the organisation(s) and available points of contact for SDG coordination –the general SDG coordination contact point and any specific governance/corruption contact point.*

- 1.3 Has civil society been able to contribute to the selection of national indicators concerning SDG 16 and have there been any formal discussions about how anti-corruption targets will fit into the implementation of a national SDG plan?

*For example, has there been an opportunity to work with national statistical offices to map the availability of data for the global indicators at the national level, or to develop complementary national indicators for SDG 16? In case there is a national SDG action plan in place, are there anti-corruption targets included in it?*

- 1.4 Has the development of national SDG implementation reports relating to SDG 16 been open and inclusive?

*Has civil society had an opportunity to provide input or review draft version of the official national implementation reports?*

- 1.5 How do you assess the quality of the official assessment and the data provided in official implementation reports for targets 16.4, 16.5, 16.6 and 16.10?

- 1.6 Are there any salient corruption or governance issues which are omitted or not adequately addressed in the official national report?

### 2. Recent developments

- 2.1 Has the country adopted a national anti-corruption action plan?

#### Scoring

- 1: A national anti-corruption action plan has been adopted
- 0.5: There is an ongoing process to draft and adopt a national anti-corruption action plan

- 0: There is no national anti-corruption action plan and no apparent process to adopt one  
● -: Not applicable or no data available

- 2.2 % of respondents state that their government performs “well” at fighting corruption in government, according to Transparency International’s Global Corruption Barometer.

*Please provide the percentage from the most recent TI Global Corruption Barometer (<http://gcb.transparency.org>), and provide the year of the GCB you are quoting (if data is available for your country), otherwise please provide similar survey results from another regional or national survey, if available.*

- 2.3 Has your country’s current political leadership made public declarations about fighting corruption in the past two years? Have there been high-level commitments by the current administration to strengthen the legal framework, policies or institutions that are relevant to preventing, detecting and prosecuting corruption?

*How do you assess the political will for advancing anti-corruption at the moment? Please briefly describe which major political leaders, most importantly the government, have made public statements to fight corruption, and what commitments they made. Please provide relevant sources.*

- 2.4 Is there evidence that laws and policies are not equally applied to all officials, resulting in an increased risk for misuse of power and grand corruption?

*Have there been reported cases where politicians violated laws and established policies with impunity? Is there evidence that supervisory and anti-corruption bodies, prosecutors, law-enforcement agencies or the judiciary did not pursue investigations or actions against powerful individuals due to political interference? Have there been corruption allegations or scandals involving high-level officials in the past two years, and were there independent investigations into these allegations by the competent authorities? Did any of them result in convictions? Is there any evidence that political leaders and high-level public officials, or people close to them, have personally benefitted from decisions they made while holding public office? Please provide brief descriptions of up to three selected cases that you deem most serious. If possible, prioritize cases related to grand corruption – cases of abuse of high-level power that benefit the few at the expense of the many and cause serious and widespread harm to individuals and society.*

- 2.5 Have there been significant anti-corruption reforms or advances in the fight against corruption in the past two years?

*Such reforms may include improvements in the legal framework, new policies, the adoption of a broader national strategy to promote integrity and transparency, the establishment or strengthening of anti-corruption or supervisory bodies, or evidence of improved capacity or independence of key actors in the anti-corruption framework. Alternatively, is there evidence that the anti-corruption framework has deteriorated? Please describe briefly.*

- 2.6 How do you assess the space for civil society and the media to investigate and highlight corruption risks and cases, and to demand accountability from the country’s political and economic elite?

*Have there been significant developments that affected the room of manoeuvre of the media and civil society, positively or negatively? Have fundamental freedoms, such as freedom of*

## Target 16.4: “By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organised crime”

<u>Indicator 16.4.1:</u>	Total value of inward and outward illicit financial flows (in current United States dollars)
<u>Indicator 16.4.2:</u>	Proportion of seized, found or surrendered arms whose illicit origin or context has been traced or established by a competent authority in line with international instruments.

### 3. Anti-money laundering

#### 3.1 Has the country adopted a law to criminalize money laundering, in line with recommendation 3 of the FATF?

You will likely find relevant information in FATF mutual evaluation reports <http://www.fatf-gafi.org/publications/mutualevaluations>. You can base your scores on the rating of recommendation 3 in the most recent available FATF mutual evaluation report <http://www.fatf-gafi.org/publications/mutualevaluations>, see the executive summary). FATF 4<sup>th</sup> round ratings are available at the following link: <http://www.fatf-gafi.org/publications/mutualevaluations/documents/assessment-ratings.html>

##### Scoring

- 1: Compliant (C)
- 0.75: Largely Compliant (LC)
- 0.5: Partially Compliant (PC)
- 0: Non-compliant (NC)
- - : Not applicable or no data available

#### 3.2 \* Has the government during the last three years conducted an assessment of the money laundering risks related to legal persons and arrangements, in line with Principle 2 of TI’s “Just for Show?” report? Has the final risk assessment been published?

*If yes, please state which entity carried out the assessment, when it was conducted, and if it is available to the public (in full, or only as an executive summary?). You find further guidance and information on risk assessments produced by G20 countries in the “Just for Show?” report (see: questions 2 and 5, [https://www.transparency.org/whatwedo/publication/just\\_for\\_show\\_g20\\_promises](https://www.transparency.org/whatwedo/publication/just_for_show_g20_promises). You may also find relevant information in an FATF Mutual Evaluation reports (recommendation 1, <http://www.fatf-gafi.org/publications/mutualevaluations>).*

##### Scoring

- 1: A risk assessment was carried out and is available to the public
- 0.5: A risk assessment was carried out; only an executive summary of the risk assessment



has been published

● 0: No, the risk assessment has not been published or conducted

● - : Not applicable or no data available

3.3 Are financial institutions (banks) prohibited by law from keeping anonymous accounts and are they required to undertake due diligence on their customers, in line with FATF recommendation 10?

You may find relevant information in the wording of anti-money laundering laws and mutual evaluation reports on FATF compliance <http://www.fatf-gafi.org/publications/mutualevaluations>. FATF 4<sup>th</sup> round ratings are available at the following link: <http://www.fatf-gafi.org/publications/mutualevaluations/documents/assessment-ratings.html>

Scoring

● 1: Financial institutions are prohibited by law from keeping anonymous accounts; they are also required to undertake due diligence on their customers, in line with FATF recommendation 10

● 0.5: Only one of those provisions is in place: Financial institutions are prohibited by law from keeping anonymous accounts, or they are required to undertake due diligence on their customers ● 0: Financial institutions are allowed to offer anonymous accounts, and they are not required to carry out due diligence on their customers

● - : Not applicable or no data available

3.4 Are financial institutions required by law to inform relevant authorities when they suspect (or have reasonable grounds to suspect) that funds are the proceeds of criminal activity, in line with FATF recommendation 20?

You may find some relevant information in mutual evaluation reports on FATF compliance and TI's Just for Show report on G20 countries' compliance with G20 beneficial ownership transparency principles [http://www.transparency.org/whatwedo/publication/just\\_for\\_show\\_g20\\_promises](http://www.transparency.org/whatwedo/publication/just_for_show_g20_promises). FATF 4<sup>th</sup> round ratings are available at the following link: <http://www.fatf-gafi.org/publications/mutualevaluations/documents/assessment-ratings.html>

Scoring

● 1: Financial institutions are required by law to inform relevant authorities when they suspect or have grounds to suspect that funds are the proceeds of criminal activity, in line with FATF recommendation 10

● 0.5: Financial institutional are required by law to inform relevant authorities, but the requirements are only partially in line with FATF recommendation 10

● 0: Financial institutions are not required by law to report funds they suspect are the proceeds of criminal activity

● - : Not applicable or no data available

3.5 Are designated non-financial businesses and professions (DNFBPs) – casinos, real estate agents, jewellers, lawyers, notaries, other legal professionals, accountants, and trust and company service providers – required to carry out customer due diligence, to keep records, and to report suspicious transactions to the financial intelligence unit, in line with FATF



## recommendations 22 and 23?

Please read FATF recommendations 18 to 23. You may find relevant information in mutual evaluation reports on FATF compliance for those recommendations <http://www.fatf-gafi.org/publications/mutualevaluations>. FATF 4<sup>th</sup> round ratings are available at the following link: <http://www.fatf-gafi.org/publications/mutualevaluations/documents/assessment-ratings.html> See also TI's Just for Show report on G20 countries' compliance with G20 beneficial ownership transparency principles: [http://www.transparency.org/whatwedo/publication/just\\_for\\_show\\_g20\\_promises](http://www.transparency.org/whatwedo/publication/just_for_show_g20_promises).

### Scoring

- 1: Designated non-financial businesses and professions by law are required to carry out customer due diligence, to keep records and to report suspicious transactions, in line with FATF recommendations 22 and 23.
- 0.5: There are some legal obligations for designated non-financial businesses and professions to carry out customer due diligence, or to keep records, or to report suspicious transactions. These requirements are only partially in line with FATF recommendations 22 and 23.
- 0: There are no legal obligations for designated non-financial businesses and professions to carry out customer due diligence, or to keep records, or to report suspicious transactions
- - : Not applicable or no data available

- 3.6 \* Does the law require financial institutions to conduct enhanced due diligence in cases where the customer or the beneficial owner is a PEP (politically exposed person) or a family member or close associate of a PEP?

*This information may be partly included in the FATF mutual evaluation report. Search for answers in national anti-money laundering legislation or any guidance or policies issued by the Financial Intelligence Unit, or contact them. See TI's Just for Show report on G20 countries' compliance with G20 beneficial ownership transparency principles [http://www.transparency.org/whatwedo/publication/just\\_for\\_show\\_g20\\_promises](http://www.transparency.org/whatwedo/publication/just_for_show_g20_promises).*

### Scoring

- 1: Yes, financial institutions are required to conduct enhanced due diligence in cases where their client is a foreign or a domestic PEP, or a family member or close associate of a PEP
- 0.5: Yes, but the law does not cover both foreign and domestic PEPs, and their close family and associates
- 0: No, there is no requirement for enhanced due diligence in the case of PEPs and associates
- - : Not applicable or no data available

- 3.7 \* Does the law require enhanced due diligence by DNFBPs in cases where the customer or the beneficial owner is a PEP or a family member or close associate of the PEP?

*This information may be partly included in the FATF mutual evaluation report. Search for answers in national anti-money laundering legislation or any guidance or policies issued by the Financial Intelligence Unit, or contact them. See TI's Just for Show report on G20 countries' compliance with G20 beneficial ownership transparency principles*

[http://www.transparency.org/whatwedo/publication/just\\_for\\_show\\_q20\\_promises](http://www.transparency.org/whatwedo/publication/just_for_show_q20_promises).

Scoring

- 1: Yes, DNFBPs are required to conduct enhanced due diligence in cases where their client is a foreign or a domestic PEP, or a family member or close associate of a PEP
- 0.5: Yes, but the law does not cover both foreign and domestic PEPs and their close family and associates
- 0: No, there is no requirement for enhanced due diligence in the case of PEPs and their associates
- : Not applicable or no data available

3.8 Has the country signed the multilateral competent authority agreement on the exchange of country-by-country reports on key indicators of multinational enterprise groups?

Please answer “Yes” if your jurisdiction is listed in the OECD’s Country-Specific Information on Country-by-Country Reporting Implementation <https://www.oecd.org/tax/automatic-exchange/country-specific-information-on-country-by-country-reporting-implementation.htm>.

Scoring

- 1: Yes
- 0: No
- : Not applicable or no data available

3.9 Has the country signed the competent authority multinational agreement on automatic exchange of financial account information?

The OECD maintains a list of signatories and the date the information exchange is intended to start by <https://www.oecd.org/tax/automatic-exchange/international-framework-for-the-crs/MCAA-Signatories.pdf>. Please answer with “Yes”, if your jurisdiction is included in the list and provide the start date stated in the document. The OECD also provides information on the details of which jurisdictions will bilaterally exchange financial account information <https://www.oecd.org/tax/automatic-exchange/international-framework-for-the-crs>.

Scoring

- 1: Yes
- 0: No
- : Not applicable or no data available

3.10 \* How is the jurisdiction’s performance on the exchange of information for tax purposes on request assessed by the OECD’s Global Forum on Transparency and Exchange of Information for Tax Purposes?

Please select the applicable rating – Compliant/ Largely Compliant/ Partially Compliant/ Non-compliant – awarded to your jurisdiction by the OECD <https://www.oecd.org/tax/transparency/exchange-of-information-on-request/ratings/#d.en.342263>. You may find additional relevant information in the Global Forum’s Peer Reviews [http://www.oecd-ilibrary.org/taxation/global-forum-on-transparency-and-exchange-of-information-for-tax-purposes-peer-reviews\\_2219469x](http://www.oecd-ilibrary.org/taxation/global-forum-on-transparency-and-exchange-of-information-for-tax-purposes-peer-reviews_2219469x) and on the Exchange of Tax Information Portal <http://eoi-tax.org/>.

#### Scoring

- 1: Compliant (C)
- 0.75: Largely Compliant (LC)
- 0.5: Partially Compliant (PC)
- 0: Non-compliant (NC)
- - : Not applicable or no data available

3.11 What is the country's score in the Basel Institute on Governance's Basel Anti-Money Laundering Index <https://index.baselgovernance.org/>?

3.12 What is the country's secrecy score in the Tax Justice Network's Financial Secrecy Index <https://financialsecrecyindex.com/introduction/fsi-2018-results?>

3.13 \* What is the estimated illicit financial outflow of funds from your country in the latest available year, according to Global Financial Integrity <http://www.gfintegrity.org/issues/data-by-country?>

3.14 Is there evidence that money laundering is effectively prosecuted?

*If available, please provide the following statistics from the two most recent years: The number of criminal investigations for money laundering (ML) activity; the number of prosecutions for ML activity; the number of ML convictions (number of cases and individuals convicted); average length of custodial sentences imposed for ML convictions; average value of fine imposed on ML convictions; number of sanctions imposed for ML offences; value of proceeds of crime, instrumentalities, or property of equivalent value confiscated. FATF considers these statistics to be particularly useful, the data is likely to be included in the most recent mutual evaluation report <http://www.fatf-gafi.org/publications/mutualevaluations>.*

3.15 \* How many suspicious transactions reports did financial institutions and different types of DNFBPs file in the last two years for which data is available?

*If any data is available, you may find it in the most recent FATF mutual evaluation report or an annual report issued by the country's Financial Intelligence Unit. [Please name the source.](#)*

3.16 Have there been any noteworthy changes or developments in the past two years that indicate an improvement or deterioration in the framework or practice to prevent and fight money laundering?

#### Guidance

- FATF recommendations relevant to the above questions <http://www.fatf-gafi.org/publications/fatfrecommendations/documents/fatf-recommendations.html>
- FATF mutual evaluation reports provide details on the AML framework in your country (<http://www.fatf-gafi.org/publications/mutualevaluations>): reports on high-risk and non-cooperative jurisdictions are also available <http://www.fatf-gafi.org/publications/high-riskandnon-cooperativejurisdictions>
- Find an overview of FATF 4<sup>th</sup> round ratings at the following link: <http://www.fatf-gafi.org/publications/mutualevaluations/documents/assessment-ratings.html>
- OECD: Country-by-country reporting <https://www.oecd.org/tax/automatic-exchange/about-automatic-exchange/country-by-country-reporting.htm>

- The Tax Justice Network’s assessment of your country  
<https://financialsecrecyindex.com/introduction/fsi-2018-results>

## 4. Beneficial ownership transparency

### 4.1 To what extent does the law in your country clearly define beneficial ownership?

*The beneficial owner(s) is the person who ultimately exercises control through legal ownership or other means. The beneficial owner should always be a natural (physical) person and never another legal entity. Please provide the name and links to the law that defines beneficial ownership and provide an assessment of this definition. You find more information in TI’s “Just for Show?” report and the G20 country reports (Principle 1, [https://www.transparency.org/whatwedo/publication/just\\_for\\_show\\_q20\\_promises](https://www.transparency.org/whatwedo/publication/just_for_show_q20_promises)).*

#### Scoring

- 1: Beneficial owner is defined as a natural person who directly or indirectly exercises ultimate control over a legal entity or arrangement, and the definition of ownership covers control through other means, in addition to legal ownership
- 0.5: Beneficial owner is defined as a natural person [who owns a certain percentage of shares], but there is no mention of whether control is exercised directly or indirectly, or if control is limited to a percentage of share ownership
- 0: There is no definition of beneficial ownership, or the control element is not included
- - : Not applicable or no data available

### 4.2 Does the law require that financial institutions have procedures for identifying the beneficial owner(s) when establishing a business relationship with a client?

*Please assess your country’s framework against the standards described in Principle 7 of TI’s “Just for Show?” report, which also provides relevant information on G20 countries ([https://www.transparency.org/whatwedo/publication/just\\_for\\_show\\_q20\\_promises](https://www.transparency.org/whatwedo/publication/just_for_show_q20_promises)). For a detailed definition of “financial institution”, please see the FATF definition (<http://www.fatf-gafi.org/glossary/d-i/>).*

#### Scoring

- 1: Yes, financial institutions are always required to identify the beneficial owners of their clients when establishing a business relationship
- 0.5: Financial institutions are required to identify the beneficial owners only in cases considered as high-risk, or the requirement does not cover the identification of the beneficial owners of both natural and legal customers
- 0: No, there is no requirement to identify the beneficial owners
- - : Not applicable or no data available

### 4.3 Does the law specify which competent authorities (e.g. financial intelligence unit, tax authorities, public prosecutors, anti-corruption agencies, etc.) have access to beneficial

#### ownership information?

You may find information in TI's "Just for Show?" report and the G20 country reports (Principle 4, [https://www.transparency.org/whatwedo/publication/just\\_for\\_show\\_g20\\_promises](https://www.transparency.org/whatwedo/publication/just_for_show_g20_promises)).

#### Scoring

- 1: Yes, the law specifies that all law enforcement bodies, tax agencies, and the financial intelligence unit should have access to beneficial ownership information
- 0.75: Yes, a decree or another authoritative standard or policy specifies that all law enforcement bodies, tax agencies, and the financial intelligence unit should have access to beneficial ownership information
- 0.5: Only some competent authorities are explicitly mentioned in the law, decree or policy
- 0: The law or relevant decrees or policies do not specify which authorities should have access to beneficial ownership information
- - : Not applicable or no data available

#### 4.4 \* Which information sources are competent authorities allowed to access for beneficial ownership information?

These rules may be defined by law or by a policy. You may also find information in TI's "Just for Show?" report and G20 country reports (Principle 4, [https://www.transparency.org/whatwedo/publication/just\\_for\\_show\\_g20\\_promises](https://www.transparency.org/whatwedo/publication/just_for_show_g20_promises)).

#### Scoring

- 1: Information is available through a central beneficial ownership registry/company registry
- 0.75: information is available through decentralized beneficial ownership registries/company registries
- 0.5: Authorities have access to information maintained by legal entities / or information recorded by tax agencies/ or information obtained by financial institutions and DNFBPs
- 0: Information on beneficial ownership is not available
- - : Not applicable or no data available

#### 4.5 Which public authority supervises/holds the company registry?

*In case there are regional company registries, please briefly explain which authorities are supervising/holding them (you don't have to provide a list of all entities).*

#### 4.6 What information on beneficial ownership is recorded in the company registry?

You may find information in TI's "Just for Show?" report and the G20 country reports (Principle 4, [https://www.transparency.org/whatwedo/publication/just\\_for\\_show\\_g20\\_promises](https://www.transparency.org/whatwedo/publication/just_for_show_g20_promises)).  
*In countries where there are sub-national registries, please respond to the question using the state/province registry that contains the largest number of incorporated companies.*

Scoring

- 1: All relevant information is recorded: name of the beneficial owner(s), identification or tax number, personal or business address, nationality, country of residence and description of how control is exercised
- 0.75: Information is partially recorded
- 0.5: Only the name of the beneficial owner is recorded
- 0: No information is recorded
- - : Not applicable or no data available

4.7 What information on beneficial ownership is made available to the public?

*You may find information in TI's "Just for Show?" report and the G20 country reports (Principle 4,*

*[https://www.transparency.org/whatwedo/publication/just\\_for\\_show\\_g20\\_promises](https://www.transparency.org/whatwedo/publication/just_for_show_g20_promises)).*

*Please briefly describe what information is available to the public, based on the details listed in the scoring criteria below. Mention any other information included in the registry that appears relevant. Please provide a link to the register.*

Scoring

- 1: All relevant information is published online: name of the beneficial owner(s), identification or tax number, personal or business address, nationality, country of residence and description of how control is exercised
- 0.75: Information is partially published online, but some data is omitted (e.g. tax number); sufficient information is accessible to identify the beneficial owner
- 0.5: Only the name of the beneficial owner is published, or information is only made available on paper/physically
- 0.25: Only the name of the direct owner (who may not be beneficial owners) is accessible
- 0: No information is published, or accessible information is insufficient to identify direct or beneficial owners
- - : Not applicable or no data available

4.8 \* Does the law require legal entities to update information on beneficial ownership, shareholders, and directors provided in the company registry?

*You may find information in TI's "Just for Show?" report and the G20 country reports (Principle 4,*

*[https://www.transparency.org/whatwedo/publication/just\\_for\\_show\\_g20\\_promises](https://www.transparency.org/whatwedo/publication/just_for_show_g20_promises)).*

Scoring criteria:

- 1: Yes, legal entities are required by law to update information on beneficial ownership or information relevant to identifying the beneficial owner (directors/shareholders) immediately or within 24 hours after the change
- 0.75: Yes, legal entities are required to update the information on beneficial ownership or directors/shareholders within 30 days after the change
- 0.5: Yes, legal entities are required to update the information on the beneficial owner or directors/shareholders on an annual basis
- 0.25: Yes, but the law does not specify a specific timeframe
- 0: No, the law does not require legal entities to update the information on control and



ownership

● - : Not applicable or no data available

4.9 \* Is there a registry which collects information on trusts?

*Does the register contain information on the beneficiaries or beneficial owners and officers of the trust? Does it contain annual accounts? Please also consider including any similar types of legal entity in your country, such as foundations. You may find information in TI's "Just for Show?" report and the G20 country reports (Principle 6, [https://www.transparency.org/whatwedo/publication/just\\_for\\_show\\_g20\\_promises](https://www.transparency.org/whatwedo/publication/just_for_show_g20_promises)).*

Scoring

- 1: Yes, information on trusts, including beneficiaries/beneficial owners, is maintained in a registry and accessible to the public
- 0.5: Yes, there is a registry of trusts, but information available to the public is not sufficient to identify the beneficiaries/beneficial owners
- 0: No, there is no registry in which all trusts are listed
- - : Not applicable or no data available

4.10 \* What is the country's score in the Open Company Data Index produced by Open Corporates <http://registries.opencorporates.com?>

4.11 How strong is the level of transparency of the company registry in practice?

Please provide the following information:

- a. Is the registry easily accessible online? Is it searchable by various relevant parameters (such as addresses of registration, company name, company ID and by the names of directors and owners)?
- b. Is access free? If not, how much do you have to pay for search and receive the ownership information of one company?
- c. Are annual accounts and other filings of companies accessible to the public?
- d. Is registration required for the entity to be legally valid and/or allowed to operate in the country?

4.12 Have there been any developments in the past two years that indicate an improvement or deterioration of the transparency of corporations and other legal entities?

Guidance

- More information about the importance of beneficial ownership transparency is available at Open Ownership (<http://openownership.org/>) and in TI's 2015 report: Just for Show? Reviewing G20 promises on beneficial ownership ([https://www.transparency.org/whatwedo/publication/just\\_for\\_show\\_g20\\_promises](https://www.transparency.org/whatwedo/publication/just_for_show_g20_promises))
- Mutual evaluation reports by the FATF, especially compliance with recommendations 24 and 25 (<http://www.fatf-gafi.org/publications/mutualevaluations>)
- STAR: Beneficial Ownership Guides (<https://star.worldbank.org/star/about-us/g20-anti-corruption-working-group>)
- Relevant information on corporate ownership transparency may be included in an assessment of your country in the Financial Secrecy Index (<https://financialsecrecyindex.com/introduction/fsi-2018-results>)

- You may find information that helps you answer these questions on the website of Open Corporates' Open Company Data Index (<http://registries.opencorporates.com/>) and by accessing and searching one (or in some cases, several) national company registries
- OCCRP's investigative dashboard (<https://investigativedashboard.org/databases>) may help you to identify relevant business registries and databases
- There may have been media coverage or other reports that describe the use of certain legal entities in corruption or money-laundering scheme
- You may find information about weaknesses in the ownership transparency regime in the Tax Justice Network's assessment of your jurisdiction (<https://financialsecrecyindex.com/introduction/fsi-2018-results>)

## 5. Recovery of stolen assets

### 5.1 Does the country have a specific asset recovery policy?

*Such a policy may exist as one or several laws, decrees or in another form. Have there been speeches or statements by national political leaders or government press releases which articulated a concrete or concerted policy stance affirming to making asset recovery a policy priority? Is there evidence that resources been put in place to facilitate the implementation of such a policy?*

#### Scoring

- 1: A comprehensive asset recovery policy is in place
- 0.5: The country has adopted an asset recovery policy, but it fails to address some important aspects
- 0: No asset recovery policy has been adopted
- - : Not applicable or no data available

### 5.2 Has the country established a wide range of asset recovery mechanisms, including a) measures that allow for the seizure and confiscation of proceeds from money laundering without requiring a criminal conviction (non-conviction based confiscation), b) a policy that requires an offender to demonstrate that the assets were acquired lawfully, and c) the recognition/enforceability of foreign non-conviction based confiscation/forfeiture orders?

*See FATF mutual evaluation reports on recommendation 4 (<http://www.fatf-gafi.org/publications/mutualevaluations/>).*

#### Scoring

- 1: The country has adopted measures that allow for non-conviction based confiscation and/or measures that shift the burden of proof that assets were acquired legally on the offender, as well as a mechanism that allows for the recognition and enforcement of foreign non-conviction based confiscation orders
- 0.5: The country has adopted two of the above mechanisms
- 0.25: One of the above mechanisms has been adopted
- 0: None of the approaches has been adopted
- - : Not applicable or no data available



5.3 **Has the country created a specialized asset recovery team or unit?**

*Please provide the name of this agency, team or unit and a link to the website. Does publicly available evidence (such as government statistics and press releases, news reports, answers to FOI requests, etc.) suggest that the unit has sufficient resources and political independence?*

Scoring

- 1: There is a team, unit or agency that specializes in asset recovery and the legal framework provides sufficient political independence and resources to carry out its responsibilities
- 0.5: There is a team, unit or agency that specializes in asset recovery and the legal framework provides either sufficient political independence or sufficient resources to carry out its responsibilities
- 0.25: There is a team, unit or agency that specializes in asset recovery but the legal framework fails to provide sufficient political independence and resources for this body
- 0: There is no specialized team or agency tasked with asset recovery
- - : Not applicable or no data available

5.4 **Is there evidence of a strong political commitment to promoting asset recovery?**

*Have there been speeches or statements by national political leaders or government press releases which articulated a concrete or concerted policy stance affirming to making asset recovery a policy priority? Is there evidence that adequate resources are allocated towards State bodies responsible for carrying out asset recovery actions?*

5.5 **Does the country actively participate in international cooperation networks focusing on asset recovery?**

*Is the country a member or observer in organisations and networks relevant to asset recovery? You can find a list of such bodies on page 5 of STAR: Nine Key Principles of Asset Recovery Benchmarking Survey (<https://star.worldbank.org/star/about-us/q20-anti-corruption-working-group>). Does the country have designated appropriate authorities responsible for mutual legal assistance requests relating to asset recovery, as well as points of contact for asset recovery and law enforcement cooperation? Have efforts been made to improve the capacity to respond to requests for mutual legal assistance in corruption and asset recovery cases? Does the country encourage spontaneous disclosures by domestic authorities to facilitate an international response? Does the country provide technical assistance specifically pertaining to asset recovery to developing countries? You may find relevant information in FATF mutual evaluation reports on recommendations 35 to 40 (<http://www.fatf-qafi.org/publications/mutualevaluations/>).*

5.6 **\* Is there public evidence of any asset recovery cases involving your country in the past two years?**

*Is there evidence (such as credible news reports, press releases of government agencies, statistics etc. ) that proceeds of foreign corruption cases have been confiscated in your*

country, that such proceeds from cases in your country have been returned to another country, or of close bi-lateral cooperation on investigations involving asset recovery? The STAR Corruption Case database (<http://star.worldbank.org/corruption-cases>) may help you to identify relevant cases. If there were numerous cases, please state the (approximate) number of identified cases and provide a brief description of the three biggest and most relevant cases, preferably ones involving grand corruption.

- a. Is there public evidence of proactive enforcement actions? Is there evidence of a proactive information exchange concerning proceeds of corruption with relevant stakeholders from other countries?

*Is there evidence that enforcement bodies take an active approach to tracing and confiscating assets, including without foreign requests to do so? Have relevant bodies which seized assets actively informed counterparts in the jurisdiction of origin?*

- b. Has there been adequate transparency and accountability with regard to the confiscation of assets and their return?

*Are there known cases where assets were returned by/to your country? Was there adequate transparency about this transfer, including what assets were recovered and who received the returned assets? Is information on the number of cases, their impact and outcomes released in a regular manner (at least annually)?*

#### Guidance

- The second review cycle of the UN Convention Against Corruption, which includes Chapter V and its provisions on asset recovery, is currently underway. First country review reports may become available throughout 2017 (<https://www.unodc.org/unodc/en/treaties/CAC/country-profile/index.html>)
- FATF mutual evaluation reports (<http://www.fatf-gafi.org/publications/mutualevaluations>).
- TI Working Paper 02/2011: Recovering Stolen Assets: A Problem of Scope and Dimension, ([https://www.transparency.org/whatwedo/publication/working\\_paper\\_02\\_2011\\_recovering\\_stolen\\_assets\\_a\\_problem\\_of\\_scope\\_and\\_dimen](https://www.transparency.org/whatwedo/publication/working_paper_02_2011_recovering_stolen_assets_a_problem_of_scope_and_dimen))
- TI Working Paper 01/2015: Curbing Illicit Financial Flows to Unlock a Sustainable Future, ([https://www.transparency.org/whatwedo/publication/curbing\\_illicit\\_financial\\_flows\\_to\\_unlock\\_a\\_sustainable\\_future](https://www.transparency.org/whatwedo/publication/curbing_illicit_financial_flows_to_unlock_a_sustainable_future))
- STAR: G20 Working Group: The Nine Key Principles of Asset Recovery, Benchmarking Survey of G20 Countries and G20 Asset Recovery Guides, available at (<https://star.worldbank.org/star/about-us/g20-anti-corruption-working-group>)
- STAR: Asset Recovery Handbook, (<https://star.worldbank.org/star/publication/asset-recovery-handbook>)

## 6. Fight against organised crime (optional)

- 6.1 **\* Is there evidence of strong public trust in the integrity of the police?**

*Please refer to available data on perceived corruption and integrity of the police in the*

*Global Corruption Barometer (<http://gcb.transparency.org>, or in other regional or national surveys. Has there been a significant change in public trust in law enforcement in recent years (based on results from similar previous surveys)? If any polling data on perceived ability of law enforcement to fight against organised crime is available, please also provide that information.*

- 6.2 \* Is there evidence, for example through media investigations or prosecution reports, of a penetration of organised crime into the police, the prosecution, or the judiciary? If no, is there evidence that the government is alert and prepared for this risk?

*Please refer to statements and press releases by government bodies, assessments of Anti-Corruption Bodies, academia, think tanks, civil society organisations or to relevant media coverage.*

- 6.3 \* Is there evidence of effective policing against organised crime by (specialized) law enforcement units? Do these bodies have sufficient independence, resources, capacity and adequate integrity mechanisms to be effective?

*Please refer to statements and press releases by government bodies, assessments of Anti-Corruption Bodies, academia, think tanks, civil society organisations or to relevant media coverage.*

## 7. Arms trafficking (optional)

- 7.1 \* Has the country ratified the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organised Crime?

*See the list of countries that have signed and/or ratified the protocol, maintained by UNODC (<http://www.unodc.org/unodc/en/treaties/CTOC/countrylist-firearmsprotocol.html>).*

### Scoring

- 1: The Protocol has been ratified (or accepted)
- 0: The Protocol has not been ratified
- - : Not applicable or no data available

- 7.2 \* Has the country signed and ratified the Arms Trade Treaty (ATT)?

*See the list of ratifications maintained by the UN (<https://www.un.org/disarmament/convarms/att/>).*

### Scoring

- 1: The ATT has been ratified
- 0.5: The ATT has been signed but not ratified
- 0: The ATT has not been signed or ratified
- - : Not applicable or no data available

7.3 \* Does the government have a well-scrutinised process for arms export decisions that aligns with international protocols, particularly the Arms Trade Treaty?

*Is there evidence that the country has taken action to comply with each of the three ATT articles: 7.1 iv, 11.5 and 15.6? Are upcoming arms exports subject to robust parliamentary approval and debate? Does the Parliament play any role in approving or scrutinising arms exports? You may find relevant information in the TI Government Defence Index (question 21, <http://government.defenceindex.org>).*

7.4 \* Are there independent, well-resourced, and effective institutions within the defence and security apparatus tasked with building integrity and countering corruption?

*Are there identifiable institutions within defence and security bodies that are independent, suitably staffed and funded, and is there evidence of the effectiveness of their work? You may find relevant information in the TI Government Defence Index (question 8, <http://government.defenceindex.org>).*

7.5 \* How effective are controls over the disposal of assets? Is information on these disposals and the proceeds of their sale transparent?

*Are there strong controls over asset disposals? Are planned disposals known in advance and published? Are the financial results of disposals publicly available? Are asset disposals scrutinised by an audit body that is widely regarded as independent? Are audit reports available to the public within a reasonable time frame? You may find relevant information in the TI Government Defence Index (questions 22 and 23, <http://government.defenceindex.org>).*

7.6 \* How do you assess the integrity and corruption risks related to customs and border officials? Do customs and border agency have adequate capacity and resources to ensure effective control of goods moving in and out of the country?

*Have customs and border control agencies adopted strong anti-corruption and ethics mechanisms? Is there evidence that anti-corruption trainings are conducted? Are there documented cases and reports that would suggest that customs and border officials have been bribed to allow for the illegal trafficking of arms?*

## Target 16.5: “Substantially reduce corruption and bribery in all their forms.”

<u>Indicator 16.5.1:</u>	Proportion of persons who had at least one contact with a public official and who paid a bribe to a public official, or were asked for a bribe by those public officials, during the previous 12 months
<u>Indicator 16.5.2:</u>	Proportion of businesses that had at least one contact with a public official and that paid a bribe to a public official, or were asked for a bribe by those public officials during the previous 12 months

## 8. Experience and perceptions of corruption

- 8.1 \_\_\_% of respondents state that they or a member of their household made an unofficial payment or gift when coming into contact with public services over the past 12 months, according to Transparency International's \_\_\_ Global Corruption Barometer (or similar national surveys).

*Please provide the percentage from the most recent TI Global Corruption Barometer (<http://gcb.transparency.org>) or its regional editions, and provide the year of the survey you are quoting. If no GCB data is available, you can use data from other surveys (see guidance below). In this case, please name the source, information when the field work for your country was conducted and ensure that you correctly represent the answers respondents provided and the question(s) they were asked.*

- 8.2 \_\_\_% of respondents state that corruption or bribery is one of the three most important problems facing this country that the government should address, according to Transparency International's \_\_\_ Global Corruption Barometer (or similar national surveys).

*Please provide the percentage from the most recent TI Global Corruption Barometer (<http://gcb.transparency.org>), and provide the year of the GCB you are quoting.*

- 8.3 \_\_\_% of respondents state that their government performs “badly” at fighting corruption in government, according to Transparency International's \_\_\_ Global Corruption Barometer.

*Please provide the percentage from the most recent TI Global Corruption Barometer (<http://gcb.transparency.org>), and provide the year of the GCB you are quoting (if data is available for your country).*

- 8.4 In Transparency International's most recent Corruption Perceptions Index 2016, the country scored \_\_\_ points on a scale of 0 (highly corrupt) to 100 (very clean), ranking \_\_\_ out of 176 countries.

*Please provide the percentage from the most recent TI Global Corruption Barometer (<http://gcb.transparency.org>), and provide the year of the GCB you are quoting.*

- 8.5 Has corruption experienced by people increased or decreased in recent years?

*Compare data from the most recent edition of the Global Corruption Barometer 2015/2016 with data from the 2013 edition (if no data is available for your country, try to find other relevant surveys you could use for a comparison over time).*

### Guidance

- Relevant survey data may be available in the Afrobarometer (<http://www.afrobarometer.org/online-data-analysis>), in editions of the Eurobarometer (<http://ec.europa.eu/COMMFrontOffice/publicopinion/index.cfm/Survey/index#p=1&search=corruption>) or other regional or national surveys.

- The World Bank’s Enterprise Survey includes polling data on corruption (<http://www.enterprisesurveys.org/data/exploretopics/corruption>)
- The World Economic Forum’s Global Competitiveness Report contains indicators on public trust in politicians and on irregular payments and bribes ([http://www3.weforum.org/docs/GCR2016-2017/05FullReport/TheGlobalCompetitivenessReport2016-2017\\_FINAL.pdf](http://www3.weforum.org/docs/GCR2016-2017/05FullReport/TheGlobalCompetitivenessReport2016-2017_FINAL.pdf))

## 9. Anti-Corruption framework and institutions

### 9.1 Are the following offences clearly defined and banned by criminal law?

Please assess if the country is compliant or not compliant with each of these provisions. You will find relevant information in available UNCAC review reports (<https://www.unodc.org/unodc/en/treaties/CAC/country-profile/index.html>) and civil society monitoring reports of UNCAC Coalition member organisations ([http://uncaccoalition.org/en\\_US/uncac-review/cso-review-reports](http://uncaccoalition.org/en_US/uncac-review/cso-review-reports)). You may find the relevant references to your national legislation in the UNODC TRACK database (<https://track.unodc.org/LegalLibrary>).

#### a. Active bribery of domestic public officials, in line with Art. 15(a) of UNCAC

##### Scoring

- 1: The offence is clearly defined and banned
- 0.5: The offence is banned, but there are shortcomings in its definition
- 0: The offence is not adequately defined or not banned
- - : Not applicable or no data available

#### b. Passive bribery of domestic public officials, in line with Art. 15(b) of UNCAC

##### Scoring

- 1: The offence is clearly defined and banned
- 0.5: The offence is banned, but there are shortcomings in its definition
- 0: The offence is not adequately defined or not banned
- - : Not applicable or no data available

#### c. Embezzlement, misappropriation or other diversion of property by a public official, in line with Art. 17 of UNCAC

##### Scoring

- 1: The offence is clearly defined and banned
- 0.5: The offence is banned, but there are shortcomings in its definition
- 0: The offence is not adequately defined or not banned
- - : Not applicable or no data available

#### d. Trading in influence, in line with Art. 18 of UNCAC

##### Scoring



- 1: The offence is clearly defined and banned
- 0.5: The offence is banned, but there are shortcomings in its definition
- 0: The offence is not adequately defined or not banned
- - : Not applicable or no data available

e. **Abuse of functions, in line with Art. 19 of UNCAC**

Scoring

- 1: The offence is clearly defined and banned
- 0.5: The offence is banned, but there are shortcomings in its definition
- 0: The offence is not adequately defined or not banned
- - : Not applicable or no data available

f. **Illicit Enrichment, in line with Art. 20 of UNCAC**

Scoring

- 1: The offence is clearly defined and banned
- 0.5: The offence is banned, but there are shortcomings in its definition
- 0: The offence is not adequately defined or not banned
- - : Not applicable or no data available

g. **Bribery in the private sector, in line with Art. 21 of UNCAC**

Scoring

- 1: The offence is clearly defined and banned
- 0.5: The offence is banned, but there are shortcomings in its definition
- 0: The offence is not adequately defined or not banned
- - : Not applicable or no data available

h. **Embezzlement of property in the private sector, in line with Art. 22 of UNCAC**

Scoring

- 1: The offence is clearly defined and banned
- 0.5: The offence is banned, but there are shortcomings in its definition
- 0: The offence is not adequately defined or not banned
- - : Not applicable or no data available

i. **Laundering the proceeds of crime, in line with Art. 23 of UNCAC**

Scoring

- 1: The offence is clearly defined and banned
- 0.5: The offence is banned, but there are shortcomings in its definition
- 0: The offence is not adequately defined or not banned
- - : Not applicable or no data available

j. **Concealment, in line with Art. 24 of UNCAC**

Scoring

- 1: The offence is clearly defined and banned
- 0.5: The offence is banned, but there are shortcomings in its definition

- 0: The offence is not adequately defined or not banned
- - : Not applicable or no data available

k. **Obstruction of justice, in line with Art. 25 of UNCAC**

Scoring

- 1: The offence is clearly defined and banned
- 0.5: The offence is banned, but there are shortcomings in its definition
- 0: The offence is not adequately defined or not banned
- - : Not applicable or no data available

9.2 \* Please provide case statistics for each of those offences, including, if available, the number of trials in each of the past two years (ongoing and finalized), the number of convictions, the number of settlements, the number of acquittals and the number of cases currently pending.

9.3 \* **Anti-Corruption Agency**

*You may find relevant information to answer the following questions in an NIS assessment conducted by your chapter (<https://www.transparency.org/whatwedo/nis>). Alternative sources are provided in the guidance at the end of this section.*

- a. To what extent is there formal operational independence of the Anti-Corruption Agency (ACA), and what evidence is there that, in practice, it can perform its work without external interference?
- b. To what extent does it have adequate resources and capacity to achieve its goals in practice?
- c. To what extent are there mechanisms in place to ensure the integrity of the ACA, and to what extent is its integrity ensured in practice?
- d. To what extent does the ACA engage in preventive, educational and investigation activities on corruption and alleged corruption cases?

9.4 \* **Supreme Audit Institution**

- a. To what extent is there formal operational independence of the audit institution, and what evidence is there that, in practice, it can perform its work without external interference?
- b. To what extent does it have adequate resources and capacity to achieve its goals in practice?
- c. To what extent are there mechanisms in place to ensure the integrity of the audit institution, and to what extent is its integrity ensured in practice?
- d. To what extent does the audit institution provide effective audits of public expenditure? Are its reports, findings, and recommendations available to the public?

9.5 \* **Judiciary**

- a. To what extent is the judiciary independent by law, and to what extent does it operate without interference from the government or other actors?
- b. To what extent are there laws seeking to ensure appropriate tenure policies, salaries and working conditions of the judiciary, and does it have adequate levels of financial resources, staffing, and infrastructure to operate effectively in practice?
- c. To what extent does the public have access to judicial information and activities in practice?



- d. To what extent is the integrity of members of the judiciary ensured in practice? To what extent is the judiciary committed to fighting corruption through prosecution and other activities?
- 9.6 \* Law Enforcement Agencies
- To what extent are law enforcement agencies independent by law, and to what extent are they independent in practice?
  - To what extent do law enforcement agencies have adequate levels of financial resources, staffing, and infrastructure to operate effectively in practice?
  - To what extent do law enforcement agencies have to report and be answerable for their actions in practice? To what extent is the integrity of members of law enforcement agencies ensured?
  - To what extent do law enforcement agencies detect and investigate corruption cases in the country?

#### Guidance

- TI: NIS assessments (<https://www.transparency.org/whatwedo/nis>) and NIS indicators, ([https://www.transparency.org/files/content/nis/NISIndicatorsFoundations\\_EN.pdf](https://www.transparency.org/files/content/nis/NISIndicatorsFoundations_EN.pdf)) Bertelsmann Foundation Transformation Index – BTI (<https://www.bti-project.org/en/reports/>)
- Freedom House (<https://freedomhouse.org/reports>)
- GAN Business Anti-Corruption Portal: country profiles (<http://www.business-anti-corruption.com/country-profiles>)
- Reports by Global Integrity (<http://www.globalintegrity.org/research/reports/>)
- UNODC: Legislative Guide and Technical Guide on UNCAC ([https://www.unodc.org/pdf/corruption/CoC\\_LegislativeGuide.pdf](https://www.unodc.org/pdf/corruption/CoC_LegislativeGuide.pdf), [http://www.unodc.org/documents/corruption/Technical\\_Guide\\_UNCAC.pdf](http://www.unodc.org/documents/corruption/Technical_Guide_UNCAC.pdf))
- GRECO evaluation reports will contain relevant information for countries that are part of the Council of Europe (<https://www.coe.int/en/web/greco/evaluations>)
- UNCAC Coalition: civil society review reports and self-evaluation reports ([http://uncaccoalition.org/en\\_US/uncac-review/](http://uncaccoalition.org/en_US/uncac-review/)) shadow monitoring reports
- UNODC: UNCAC Country Profiles (<https://www.unodc.org/unodc/en/treaties/CAC/country-profile/index.html>)

## 10. Private sector corruption

- 10.1 Is it a criminal offence under the country's laws to bribe a foreign public official?

#### Scoring

- 1: The offence is clearly defined and banned
- 0.5: The offence is banned, but there are shortcomings in its definition
- 0: The offence is not adequately defined or not banned
- - : Not applicable or no data available

*For guidance, see Article 1 of the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and Related Documents ([https://www.oecd.org/daf/anti-bribery/ConvCombatBribery\\_ENG.pdf](https://www.oecd.org/daf/anti-bribery/ConvCombatBribery_ENG.pdf)). You may find*

relevant information in OECD Country Reports on the Anti-Bribery Convention (<https://www.oecd.org/corruption/bycountry>), in UNCAC review reports (<https://www.unodc.org/unodc/en/treaties/CAC/country-profile/index.html>) and in civil society monitoring reports of UNCAC Coalition member organisations ([http://uncaccoalition.org/en\\_US/uncac-review/cso-review-reports](http://uncaccoalition.org/en_US/uncac-review/cso-review-reports)) on Article 16.

#### 10.2 Does the country's legal framework prohibit collusion?

*Does the legal framework prohibit hard core cartels (when firms agree not to compete with one another), including fixing prices, making rigged bids (collusive tenders), establishing output restrictions quotas, and sharing or dividing markets by allocating customers, suppliers, territories or lines of commerce?*

##### Scoring:

- 1: The law prohibits hard core cartels and collusion
- 0.5: The law prohibits hard core cartels, but not all major forms of collusion are banned
- 0: The law does not prohibit hard core cartels or most forms of collusion
- - : Not applicable or no data available

#### 10.3 Is the ban on foreign bribery enforced?

*Is there evidence that the law is applied effectively? Is there a dedicated body charged with investigating allegations of foreign bribery, and if so, does this body have adequate resources and capacity? Have there been investigations against individuals and/or legal entities in cases involving bribery of a foreign public official in the past two years? Have there been any cases where sanctions under criminal proceedings or in administrative and civil proceedings were imposed in the past two years against legal and natural persons? Are the sanctions applied for bribery dissuasive, proportionate and effective? Does the ban also include facilitation payments? Can bribes be deducted as business expenses for tax purposes? You may find relevant information in the OECD's data on enforcement of the Anti-Bribery Convention (<https://www.oecd.org/corruption/dataonenforcementoftheanti-briberyconvention.htm>).*

#### 10.4 Are anti-collusion provisions effectively enforced?

*Is there a dedicated body that investigates and sanctions companies involved in collusive practices? Does this body have adequate independence, resources, and capacity? Is there evidence of sanctions being imposed for collusion in the past two years?*

#### 10.5 Are there specific rules or practices related to the transparency of corporations that result in high corruption risks?

*For example, are companies required to maintain accurate books and records available for inspection that properly and fairly document all financial transactions? Are companies that are publicly traded, as well as large non-listed or privately held companies with substantial international business, required to have accounts externally audited and published on an annual basis according to internationally recognised auditing standards, such as International Standards on Auditing? Are these rules enforced? Are there requirements or incentives for companies that participate in public procurement to adopt integrity measures (code of conducts and an anti-corruption policy for employees, statements certifying that*

they have not engaged in illegal conduct as part of their bid; anti-corruption programmes etc.)?

Guidance:

- Transparency International: Business Integrity Country Agenda (BICA): Conceptual Framework for a BICA Assessment ([https://www.transparency.org/whatwedo/publication/business\\_integrity\\_country\\_agenda\\_bica\\_conceptual\\_framework\\_for\\_a\\_bica\\_assessment](https://www.transparency.org/whatwedo/publication/business_integrity_country_agenda_bica_conceptual_framework_for_a_bica_assessment))
- OECD: Foreign Bribery Report (<https://www.oecd.org/daf/anti-bribery/foreign-bribery-report.htm>)
- Transparency International Policy Position #07/2009: Countering Cartels to End Corruption and Protect the Consumer ([https://www.transparency.org/whatwedo/publication/policy\\_position\\_07\\_2009\\_countering\\_cartels\\_to\\_end\\_corruption\\_and\\_protect\\_the\\_consumer](https://www.transparency.org/whatwedo/publication/policy_position_07_2009_countering_cartels_to_end_corruption_and_protect_the_consumer))
- OECD (1998): Recommendation of the Council concerning Effective Action against Hard Core Cartels.

## 11. Lobbying transparency

### 11.1 Is there a law or policy that sets a framework for lobbyists and lobbying activities?

*If yes, please name the law, briefly describe to which actors it applies and what requirements it contains. Please provide relevant sources/links.*

Scoring

- 1: there is a legal framework that regulates lobbying
- 0: there is no such framework
- - : Not applicable or no data available

### 11.2 Is the definition of (i) lobbyists, (ii) lobbying targets, and (iii) lobbying activities clear and unambiguous? Who is covered by the definition (consultant lobbyists/in-house lobbyists/anybody engaging in lobbying activities)?

*Definitions should also clearly specify what communication with public officials is not considered 'lobbying.' For guidance, see the OECD's Elements of strong lobbying regulation and TI's International Standards for Lobbying Regulation; TI's Lobbying in Europe reports contain information on the framework in EU countries.*

Scoring

- 1: All those who engage in lobbying are covered by the regulations
- 0.5: Only consultant lobbyists and in-house lobbyists are covered
- 0.25: Only consultant lobbyists are covered
- 0: There is no legislative framework on lobbying
- - : Not applicable or no data available

- 11.3 Is there a mandatory lobbying register? Do disclosure requirements provide sufficient and relevant information on key aspects of lobbying and lobbyists, such as its objective, beneficiaries, funding sources, and targets?

*Please briefly explain, if and what information is publicly accessible, for example through a lobbyist register and provide relevant links. Is the information published in a timely manner and regularly updated?*

Scoring

- 1: There is a mandatory lobby register
- 0.5: There is a voluntary lobby register; only some lobbyists are required to register
- 0: No such information is made publicly accessible through a register
- - : Not applicable or no data available

- 11.4 Are there rules and guidelines which set standards for expected behaviour for public officials and lobbyists, for example to avoid misuse of confidential information?

*Guidelines for public officials and civil servants and their communication with lobbyists may be included in a code of conduct or similar policies. Rules of engagement for lobbyists may be included in a code of conduct adopted by the industry or specific companies and organisations.*

- 11.5 Are procedures for securing compliance framed in a coherent spectrum of strategies and mechanisms, including monitoring and enforcement?

*Are there incentives for lobbyists to comply with the integrity and transparency rules? Are there visible and proportionate sanctions (such as the public reporting of confirmed breaches, financial and administrative sanctions, such as debarment, and criminal prosecution as appropriate)?*

*Is there evidence that the organisational leadership in public bodies promotes a culture of integrity and transparency in daily practice through regular disclosure and auditing to ensure compliance?*

- 11.6 Are there documented cases of lobbying misconduct that have been investigated in the past two years? Are there documented cases of sanctions being imposed for non-compliance?

*Please describe briefly and provide relevant sources/links.*

- 11.7 Have there been noteworthy efforts to promote transparency and integrity related to lobbying in the past two years? Have there been relevant changes to the framework or its implementation?

*Please describe briefly and provide relevant sources/links.*

Guidance

- TI EU (2016): International Standards for Lobbying Regulation ([https://transparency.eu/wp-content/uploads/2016/12/International-Standards-for-Lobbying-Regulation\\_EN.pdf](https://transparency.eu/wp-content/uploads/2016/12/International-Standards-for-Lobbying-Regulation_EN.pdf))

- TI (2015): Lobbying in Europe – Hidden Influence, Privileged Access (<http://eurlobby.transparency.org>)
- OECD (2013): Elements of strong lobbying regulation (<http://www.oecd.org/corruption/ethics/Lobbying-Brochure.pdf>)
- TI Helpdesk (2017): Defining Lobbyists and Regulating Lobbying in Europe ([http://www.transparency.org/whatwedo/answer/defining\\_lobbyists\\_and\\_regulating\\_lobbying\\_in\\_europe](http://www.transparency.org/whatwedo/answer/defining_lobbyists_and_regulating_lobbying_in_europe))

## 12. Party and election campaign finance transparency

- 12.1 Is there a legal framework regulating the financing of political parties and the finances of candidates running for elected office?

*Please provide the name and a link to the relevant law(s), decrees or other regulation. You may briefly elaborate on any political actors that are not covered by the regulation and mention any important shortcomings of the legislation. For example, do existing rules address the following aspects?*

- *parameters for the limits, purpose and time periods of campaign expenditures;*
- *limits on contributions;*
- *identification of donors, including whether or not anonymous, international and third-party donations or loans are permissible, restricted or prohibited;*
- *what types of in-kind contributions are allowable;*
- *the form and timing of submission and the publication of accounts and expenditure by party organisations;*
- *means to verify income and expenditure;*
- *whether tax relief is allowed on donations or loans;*
- *means to dissuade governments from using public resources for electoral purposes;*
- *how government subsidies for elections and parties are calculated and awarded and how the development of new parties is encouraged (while the creation of parties whose prime purpose is to access funding is avoided)*

### Scoring

- 1: There is a legal framework regulating the financing of political parties and the finances of candidates running for elected office
- 0.5: There is a legal framework regulating the financing of political parties and the finances of candidates running for elected office but some actors or candidates are not subject to this regulation
- 0: there is no such framework
- - : Not applicable or no data available

- 12.2 Are political parties and individual candidates running for elected office required to disclose financial statements for their campaigns detailing itemized income and expenditure, as well as individual donors to their campaign finances?

*Please briefly elaborate: Can donors be uniquely identified, based on details that are made public? How timely is the information disclosed, does information on campaign finances become available to the public before election day? What are the exact thresholds for*

*contributions to be disclosed? Are the accounts published in a standardized manner and in a format, that facilitates analysis and re-use of the data?*

Scoring

- 1: Political parties (and, if applicable, political candidates) are required to release itemized income and expenditure reports on their campaigns and to disclose donors who contributed to a party's or candidate's electoral campaign, with the threshold of disclosure at 1,000 Euro/USD or less
- 0.5: Political parties (and, if applicable, political candidates) are required to release income reports of political campaigns to the public and to disclose major donors who contributed to a campaign, with a threshold between 1,001 and 5,000 Euro/USD
- 0.25: Political parties (and, if applicable, political candidates) are required to release income reports of political campaigns to the public and to disclose big donors of an electoral campaign, with the threshold being between 5,001 and 20,000 Euro/USD
- 0: Parties and candidates are not required to release financial information, or the reporting does not require the disclosure of donors who contributed more than 20,001 Euro/USD to a campaign
- - : Not applicable or no data available

12.3 Are political parties and, if applicable, individual candidates running for elected office required to disclose annual accounts with itemized income and expenditure and individual donors?

*Please briefly elaborate: Can donors be uniquely identified, based on details that are made public? How timely is the information disclosed? What are the exact thresholds for contributions to be disclosed? Are the accounts published in a standardized manner and in a format, that facilitates analysis and re-use of the data?*

Scoring

- 1: Political parties (and, if applicable, political candidates) are required to release itemized income and expenditure reports on their annual accounts and disclose donors who contributed to a party's or candidate's annual finances, with the threshold of disclosure at 1,000 Euro/USD or less
- 0.5: Political parties (and, if applicable, political candidates) are required to release annual income reports to the public and to disclose major donors, with a threshold between 1,001 and 5,000 Euro/USD in contributions over one year
- 0.25: Political parties (and, if applicable, political candidates) are required to release annual income reports to the public and to disclose big donors, with the threshold being between 5,001 and 20,000 Euro/USD in contributions over one year
- 0: Parties and candidates are not required to release annual financial information, or the reporting does not require the disclosure of donors who contributed more than 20,001 Euro/USD over one year
- - : Not applicable or no data available

12.4 Are parties' (and, if applicable, candidates') electoral campaign expenditures subject to independent scrutiny?

*Is there publicly available evidence of independent scrutiny, such as audit reports produced by the Central Election Commission, the Court of Audit, or a comparable oversight body? Is the political independence of that body guaranteed by law, and is there evidence that it is not*



*subject to political interference? Does the oversight body have adequate investigative powers to verify financial information?*

Scoring

- 1: The campaign finances of parties and/or candidates for elected office are subject to independent verification, and the legal framework provides the oversight body with sufficient independence, powers and resources to scrutinise the statements and accounts in an effective manner
- 0.5: The campaign finances of parties and/or candidates for elected office are subject to verification, but available the legal framework fails to guarantee the political independence of the oversight body and/or does not provide the oversight body with sufficient powers and resources to effectively scrutinise the statements and accounts in an effective manner
- 0: Parties and/or candidates are not required to release financial information on their electoral campaigns, or the law does provide for a control mechanism
- - : Not applicable or no data available

12.5 Are the annual accounts of political parties (and, if applicable, of candidates) subject to independent scrutiny?

*Is there publicly available evidence of independent scrutiny, such as audit reports produced by the Central Election Commission, the Court of Audit, or a comparable oversight body? Is the political independence of that body guaranteed by law, and is there evidence that it is not subject to political interference? Does the oversight body have adequate investigative powers to verify financial information?*

Scoring

- 1: Annual financial statements of parties and/or candidates are subject to independent verification, the legal framework provides the oversight body with sufficient independence, powers and resources to scrutinise the statements and accounts in an effective manner
- 0.5: Annual financial statements of parties and/or candidates for elected office are subject to verification, but available the legal framework fails to guarantee the political independence of the oversight body and/or does not provide the oversight body with sufficient powers and resources to effectively scrutinise the statements and accounts in an effective manner
- 0: Parties and/or candidates are not required to release annual financial statements, or the law does provide for a control mechanism
- - : Not applicable or no data available

12.6 \* What is the score in the Money Politics and Transparency assessment produced by Global Integrity?

See <https://data.money politicstransparency.org/>

12.7 Have political parties and/or candidates been sanctioned for violating political finance rules or non-compliance with disclosure requirements in the past two years, according to publicly available evidence?

*Please briefly describe if the publicly available evidence suggests that political parties and*



*candidates have faced proportionate, timely and effective sanctions for non-compliance with financial transparency requirements, and if these sanctions were administered in a transparent and objective manner.*

#### Guidance

- You may find relevant information in the law on political parties. Information about the finances of parties and sanctions for violations may be released by the Supreme Audit Institution, the Elections Commission, an Anti-Corruption Agency or a similar body
- Global Integrity/Sunlight Foundation: Money Politics and Transparency, country assessments (<https://data.moneypoliticaltransparency.org>)
- Council of Europe: GRECO evaluation reports (round 3 and follow-up reports), (<https://www.coe.int/en/web/greco/evaluations>)
- International IDEA political finance database (currently being updated, <http://www.idea.int/data-tools/data/political-finance-database>)
- TI Policy Position 01/2009: Standards on Political Funding and Favours ([https://www.transparency.org/whatwedo/publication/policy\\_position\\_no.01\\_2009\\_standards\\_on\\_political\\_funding\\_and\\_favours](https://www.transparency.org/whatwedo/publication/policy_position_no.01_2009_standards_on_political_funding_and_favours))
- IFES: TIDE Political Finance Oversight Handbook (<http://www.ifes.org/publications/tide-political-finance-oversight-handbook>)

## Target 16.6: “Develop effective, accountable and transparent institutions at all levels”

<u>Indicator 16.6.1:</u>	<i>Primary government expenditures as a proportion of original approved budget, by sector (or by budget codes or similar)</i>
<u>Indicator 16.6.2:</u>	<i>Proportion of the population satisfied with their last experience of public services</i>

### 13. Transparency and integrity in public administration

13.1 Is there a law, regulation or Code of Conduct in place, covering public officials, employees and representatives of the national government, that adequately addresses the following issues:

- a. integrity, fairness, and impartiality;
- b. gifts, benefits, and hospitality; and
- c. conflicts of interest?

#### Scoring

- 1: A law, regulation or Code of Conduct is in place and addresses the aspects mentioned above
- 0.5: A law, regulation or Code of Conduct is in place but only addresses two of the aspects mentioned above
- 0.25: A law, regulation or Code of Conduct is in place but only addresses one of the aspects mentioned above

- 0: No law, regulation or Code of Conduct is in place or an existing law, regulation or Code fails to address any of those aspects
- - : Not applicable or no data available

- 13.2 Is there a law or clear policy in place to address the ‘revolving door’ – the movement of individuals between public office and private sector, while working on the same sector or issue, which may result in conflicts of interest and in former public officials misusing the information and power they hold to benefit private interests?

*If yes, please provide the name of the law and a link/source.*

Scoring

- 1: There is a law or clear policy addressing the ‘revolving door’
- 0: There is no law or policy addressing the ‘revolving door’
- - : Not applicable or no data available

- 13.3 Does the law or policy that addresses the ‘revolving door’ cover all relevant public-sector decision-makers?

*The law or policy should cover all relevant decision-makers, such as members of the government and the legislature, political advisors and cabinet members, senior public servants, chief executives and managers of state-owned enterprises. The public-sector positions covered by laws or policies to control the ‘revolving door’ should be context and country relevant. It is thus left to the National Chapter to consider which positions it considers ‘relevant’ in this context. If applicable, describe which positions are covered by such a law or policy, and/or briefly elaborate on important positions that should be covered by a control of the ‘revolving door’ but are not covered by an existing law or policy. There may be different systems to regulate different categories of public office holders.*

Scoring

- 1: The law or policy in principle provides comprehensive coverage of relevant public-sector decision-makers
- 0.5: The law or policy addressing the ‘revolving door’ covers most relevant public-sector decision-makers but fails to include some relevant positions
- 0.25: The law or policy addressing the ‘revolving door’ only applies to some relevant decision-makers and fails to include many relevant decision-making posts.
- 0: No law or policy exists or an existing law or policy does not specify which positions are covered
- - : Not applicable or no data available

- 13.4 Is there a mandatory cooling-off period – a minimum time interval restricting former officials from accepting employment in the private sector that relates to their former position – for members of the government and other relevant high-level decision-makers?

*Please provide what cooling-off period(s) are set by the policy and to whom or in what cases they apply. Good practice stresses that the type of restriction and length of the time limits on certain activities, including lobbying, should be proportionate to the threat imposed from their role as a public official. TI has recommended a cooling-off period of at least two years to mitigate the risk of potential conflicts of interests, but restrictions should always take into*

*account the specificities of the position and the country context. A mandatory cooling-off period should primarily apply to high-level decision-makers – which positions and what types of post-employment should be controlled by a cooling-off period is best determined in the national context.*

Scoring

- 1: The policy contains a minimum cooling-off period of at least 2 years for certain positions and cases where the new employment of former government members and other high-level decision-makers would result in a conflict of interest
- 0.5: The policy contains a minimum cooling-off period of at least 6 months for certain positions and cases where the new employment of former government members and other high-level decision-makers would result in a conflict of interest
- 0: There are no or shorter minimum post-employment restrictions
- - : Not applicable or no data available

13.5 **Is there a single public body or are there designated authorities responsible for providing advice and overseeing ‘revolving door’ regulations?**

*Describe, if such a designated authority exists, name it and briefly describe its mandate. In some cases, these bodies may also be responsible for approving public officials’ future employment plans.*

Scoring

- 1: There is a single body, or there are various designated authorities charged with providing advice and overseeing the implementation of the policy
- 0: No authority or public body is charged with overseeing the implementation of the policy
- - : Not applicable or no data available

13.6 **Are there proportionate and dissuasive sanctions for both individuals and companies that do not comply with the law or policy controlling the ‘revolving door’?**

*Possible sanctions may include fines, the reduction of government pensions, imprisonment, the cancellation or refusal of contracts with the private sector employer of the offending former official, fines to the prospective employer, prohibition to occupy a public office for a certain period of time, suspension of registration in professional associations or registries. Sanctions should be context and country specific, it is up to the National Chapter to decide if possible sanctions are considered proportionate, timely and dissuasive.*

Scoring

- 1: Sanctions in the law (or policy) can be considered proportionate and dissuasive
- 0.5: There are sanctions in the law (or policy) but they are not considered to be proportionate and dissuasive
- 0: The law (or policy) includes no sanctions
- - : Not applicable or no data available

13.7 **Are the ‘revolving door’ provisions implemented and enforced in practice? Have there been any developments in the past year that indicate an improvement (or deterioration) in how the ‘revolving door’ and related conflicts of interests are addressed?**

*Relevant changes may include changes in the legal framework, changes in anti-corruption mechanisms, important cases, and the extent to which civil society is able to participate and contribute in this area. Have there been prominent cases of a ‘revolving door’ that resulted in potential conflicts of interest in the past two years? Please provide any publicly available statistics about enforcement and compliance from the past two years, such as the number of cases in which former officials sought permission from a designated ethics office to move to the private sector and the number of cases in which fines or sanctions were imposed for violating a ‘cooling-off’ periods or other ‘revolving door’ provisions. Procedures and criteria for making approval decisions in individual cases as well as for appeals against these decisions should also be transparent and applied in an objective manner.*

- 13.8 Does the legal framework require high-level public officials and senior civil servants to regularly (at least once per year) declare their interests, including any paid or unpaid positions and financial interests in companies and other entities?

*Please provide the law or regulation containing the disclosure requirements and links to relevant sources and available declarations. You may also want to highlight any relevant gaps in the disclosure requirement.*

Scoring

- 1: The legal framework requires high-level public officials and senior civil servants to declare their interests at least once per year.
- 0.25: The legal framework requires high-level public officials and senior civil servants to declare their interests but either does not require this on at least an annual basis or does not specify how regularly declarations are required
- 0: High-level public officials and senior civil servants are not required to declare their interests
- - : Not applicable or no data available

- 13.9 Do the interest disclosure requirements cover officials of all branches of government – executive, the legislature, the judiciary, and civil service as well as other relevant public bodies?

*Please briefly describe which officials at which level have to comply with interest disclosure requirements (top level officials, members of Parliament, members of the government, cabinet members, heads of public bodies and agencies, heads of departments, other senior officials)? Are there different disclosure requirements for different levels and branches?*

Scoring

- 1: the interest disclosure applies to high-level officials from the executive, legislature, judiciary and civil service/other public bodies
- 0.75: the interest disclosure applies to three of these sectors
- 0.5: the interest disclosure applies to two branches of government
- 0.25: the interest disclosure applies to one branch of government
- 0: there is no interest disclosure requirement
- - : Not applicable or no data available

- 13.10 Does the legal framework require high-level public officials and senior civil servants to regularly (at least once per year) declare their income and assets?

*Please provide the law or regulation containing the disclosure requirements and links to relevant sources and available declarations. You may also want to highlight any relevant gaps in the disclosure requirement.*

Scoring

- 1: The legal framework requires high-level public officials and senior civil servants to declare their income and assets at least once per year.
- 0.25: The legal framework requires high-level public officials and senior civil servants to declare their income and assets but either does not require this on at least an annual basis or does not specify how regularly declarations are required
- 0: High-level public officials and senior civil servants are not required to declare their income and assets
- - : Not applicable or no data available

- 13.11 Do the income and asset disclosure requirements cover officials of all branches of government –executive, the legislature, the judiciary, and civil service as well as other relevant public bodies?

*Please briefly describe which officials at which level have to comply with income and asset disclosure requirements (top level officials, members of Parliament, members of the government, cabinet members, heads of public bodies and agencies, heads of departments, other senior officials)? Are there different disclosure requirements for different levels and branches?*

Scoring

- 1: the asset and income disclosure applies to high-level officials from the executive, legislature, judiciary and civil service/other public bodies
- 0.75: the asset and income disclosure applies to three of these sectors
- 0.5: the asset and income disclosure applies to two branches of government
- 0.25: the asset and income disclosure applies to one branch of government
- 0: there is no asset and income disclosure requirement
- - : Not applicable or no data available

- 13.12 Does the framework require that information contained in interest declarations and income and asset disclosures be made publicly accessible?

*Are declarations of interest available to the public? Are asset and income declarations accessible online in a central registry? Is there evidence that all declarations are published, if required by law? Please provide relevant sources and links.*

Scoring

- 1: All or most information contained in interest declarations and income and asset disclosure forms has to be made available to the public (some redaction may be necessary to protect legitimate privacy interests)
- 0.75: Information contained in both interest declarations and income and asset disclosure forms has to be made available to the public, but there are significant omissions for either interest declarations or income and asset disclosure forms

- 0.5: Information from interest declarations and income and asset disclosure forms has to be publicly accessible, but there are significant omissions for both interest declarations and income and asset disclosure forms
- 0.25: Only limited information from either interest declarations or income and asset disclosure forms has to be made publicly accessible
- 0: No information contained in interest declarations and income and asset disclosure forms has to be made publicly accessible
- - : Not applicable or no data available

13.13 Does the legal framework establish an oversight body that is provided with sufficient political independence and legal powers to scrutinise income and asset disclosures?

*Please elaborate on any features and shortcomings you deem relevant in the narrative.*

Scoring

- 1: The legal framework provides for an independent oversight mechanism with sufficient independence and powers to scrutinise income and asset declarations
- 0.75: The legal framework provides for oversight of the income and asset declarations, but only provides the body or bodies with either sufficient independence or with adequate powers to scrutinise the submissions
- 0.25: The legal framework provides for oversight of the income and asset declarations, but provides the body or bodies neither with sufficient independence nor with adequate powers to scrutinise the submissions
- 0: The legal framework does not provide for any oversight of the income and asset declarations
- - : Not applicable or no data available

13.14 Does the law or policy contain dissuasive and proportionate sanctions for failure to comply with interest and income and asset disclosure requirements?

*What sanctions are envisaged by the law – are there administrative or criminal sanctions for failing to comply with the disclosure regime (false declaration, no filing, etc.)? Is there evidence that these sanctions are proportionate and that they are applied in a transparent manner? It is up to the National Chapter to decide if it considers sanctions dissuasive and proportionate, given the national context.*

Scoring

- 1: The law or policy contains dissuasive and proportionate sanctions for non-filing of disclosures, or for incomplete or false claims made in disclosures, covering both interests and income and assets
- 0.75: The law or policy contains sanctions for non-filing of disclosures, or for incomplete or false claims made in both interests and income and assets disclosures, but these sanctions are only dissuasive and proportionate in either the area of interest declarations or income and asset disclosures
- 0.5: The law or policy contains sanctions covering interest and/or income and asset disclosures, but in neither area are such sanctions dissuasive and proportionate
- 0.25: The law or policy contains sanctions covering interest and/or income and asset disclosures but they only cover some types of non-compliance (such as false or incomplete



claims) while failing to address other forms of non-compliance (such as the non-submission of declarations)

- 0: The law or policy contains no sanctions for non-submission of interest and income and asset declarations, or for incomplete or false claims made in disclosures
- - : Not applicable or no data available

13.15 \* Have there been cases in the past two years of sanctions being imposed on elected or high-level public officials or senior civil servants for failing to file declarations of their interest declaration or their assets and income declaration, or for intentionally providing false or incomplete information in their disclosure, according to publicly available evidence?

*If available, please provide annual statistics for the past two years or briefly describe not more than three selected cases.*

13.16 How do you evaluate the effectiveness of the disclosure mechanism for interests, assets and income? Is there a disclosure requirement for gifts and hospitality received by public officials and civil servants (if applicable)? Have there been any developments in the past two years that indicate an improvement or a deterioration of the disclosure mechanism?

*Relevant changes may include changes in the legal framework, changes in anti-corruption mechanisms, important cases, and the extent to which civil society is able to participate and contribute in this area.*

*Please briefly assess any relevant weaknesses of the interest and asset declarations:*

- *Are declarations easily accessible to the public – is the data easily searchable, are the declarations available in machine-readable formats that facilitate easy reuse and analysis of the information?*
- *Does the disclosure regime cover all relevant elected and senior public officials, does it cover relevant other people connected to those officials (such as their spouses or household members), are all relevant types of income and assets covered, are assets provided with sufficient level of detail (including unique IDs for companies, real estate, etc.), so that independent verification of key bits of information is possible?*
- *Is the disclosure made in a timely and regular (yearly) manner and at the point the official leaves his/her post?*
- *Are adequate steps taken to ensure that disclosures are complete and of sound quality (for example, information is provided in a consistent form)?*
- *Have there been any noteworthy cases where information contained in asset declarations helped to highlight conflicts of interest or potential corruption cases, or where these declarations were used by the media or civil society actors to raise issues related to the accountability of public officials? Please briefly explain and provide relevant sources/links.*

13.17 \* Does publicly available evidence suggest that sufficient resources are allocated to the implementation of an ethics infrastructure? Have there been other noteworthy changes to public sector ethics framework, based on publicly available evidence?

- *Have integrity advisors or units been established in ministries and other public bodies?*
- *Are trainings on the Code of Conduct for public sector employees carried out?*
- *Are other measures taken to promote and raise awareness of the ethics regulation?*



- *Have an Anti-Corruption Agency, the Supreme Audit Institution or civil society organisations raised concerns about insufficient resources?*
- *Have assigned resources improved over the last two years?*

#### Guidance

- TI: Calling out Public Officials on Corruption: Codes of Conduct ([https://www.transparency.org/news/feature/calling\\_out\\_public\\_officials\\_on\\_corruption\\_codes\\_of\\_conduct](https://www.transparency.org/news/feature/calling_out_public_officials_on_corruption_codes_of_conduct))
- TI: Codes of Conduct: A Tool to Clean-up Government (<http://blog.transparency.org/2012/07/19/codes-of-conduct-a-tool-to-clean-up-government>)
- TI: Codes of Conduct: Benefits and Challenges (<http://blog.transparency.org/2012/07/27/codes-of-conduct-benefits-and-challenges>)
- TI Helpdesk: Topic Guide on Public Sector Integrity ([https://www.transparency.org/whatwedo/answer/topic\\_guide\\_on\\_public\\_sector\\_integrity](https://www.transparency.org/whatwedo/answer/topic_guide_on_public_sector_integrity))
- TI Helpdesk: Corruption and Anti-Corruption Practices in Human Resource Management in the Public Sector ([https://www.transparency.org/whatwedo/answer/corruption\\_and\\_anti\\_corruption\\_practices\\_in\\_human\\_resource\\_management\\_in\\_the\\_public\\_sector](https://www.transparency.org/whatwedo/answer/corruption_and_anti_corruption_practices_in_human_resource_management_in_the_public_sector))
- See the eligibility criteria of the Open Government Partnership (<http://www.opengovpartnership.org/how-it-works/eligibility-criteria>) and the OGP score of your country's asset disclosure system
- You may find information on relevant laws in the World Bank's Financial Disclosure Law Library (<http://publicofficialsfinancialdisclosure.worldbank.org/>)
- TI: Topic Guide on Income and Asset Disclosure ([https://www.transparency.org/whatwedo/answer/topic\\_guide\\_on\\_income\\_and\\_asset\\_disclosure](https://www.transparency.org/whatwedo/answer/topic_guide_on_income_and_asset_disclosure))
- TI: Holding Politicians to Account: Asset Declarations ([https://www.transparency.org/news/feature/holding\\_politicians\\_to\\_account\\_asset\\_declarations](https://www.transparency.org/news/feature/holding_politicians_to_account_asset_declarations))
- You may find relevant information in the law on public sector employment, in a conflict of interest law, in dedicated post-public employment rules or a Code of Conduct. Statistics on compliance may be available from a designated Anti-Corruption Agency or a designated body overseeing public servants
- OECD (2010): Post-Public Employment. Good Practices for Preventing Conflict of Interest ([http://www.keepeek.com/Digital-Asset-Management/oecd/governance/lobbyists-governments-and-public-trust-volume-3\\_9789264214224-en](http://www.keepeek.com/Digital-Asset-Management/oecd/governance/lobbyists-governments-and-public-trust-volume-3_9789264214224-en))
- TI Anti-Corruption Helpdesk (2015): Cooling-Off Periods: Regulating the Revolving Door, ([https://www.transparency.org/files/content/corruptionqas/Cooling\\_off\\_periods\\_regulating\\_the\\_revolving\\_door\\_2015.pdf](https://www.transparency.org/files/content/corruptionqas/Cooling_off_periods_regulating_the_revolving_door_2015.pdf))
- TI Working Paper 06/2010: Regulating the Revolving Door, ([https://www.transparency.org/whatwedo/publication/working\\_paper\\_06\\_2010\\_regulating\\_the\\_revolving\\_door](https://www.transparency.org/whatwedo/publication/working_paper_06_2010_regulating_the_revolving_door))

## 14. Fiscal transparency

14.1 Is there legislation or policy in place requiring a high degree of fiscal transparency?

*Does the legal framework require that key budget documents (pre-budget statements, the executive budget proposal and supporting documents, the enacted budget, a citizen budget, in-year reports in budget success and execution, mid-year reviews, a year-end report and an audit report) be published? You may find relevant information in the Open Budget Survey (<http://www.internationalbudget.org/opening-budgets/open-budget-initiative/open-budget-survey/update/>).*

Scoring

- 1: The legal framework requires a high degree of fiscal transparency and the publication of all the key budget documents listed above;
- 0.75: The legal framework requires a fairly high degree of fiscal transparency and the publication of 7 of the key budget documents;
- 0.5: The legal framework requires some degree of fiscal transparency and the release of 6 of the key budget documents
- 0.25: The legal framework requires little fiscal transparency and only the release of 5 of the key budget documents
- 0: The legal framework requires insufficient transparency and only the release of 4 or less of the key budget documents
- - : Not applicable or no data available

14.2 What is the country's score and rank in the most recent Open Budget Survey, conducted by the International Budget Partnership (<http://www.internationalbudget.org/open-budget-survey/>)?

14.3 Are key budget-related documents published in practice?

*Key budget documents are pre-budget statements, executive budget proposal and supporting documents, enacted budget, citizen budget, in-year reports in budget success and execution, mid-year reviews, year-end reports and audit reports. Is the information available in formats that facilitate use and analysis of the data? You find information on the availability of these documents in the Open Budget Survey (<http://www.internationalbudget.org/opening-budgets/open-budget-initiative/open-budget-survey/update/>).*

Guidance

- International Budget Partnership (<http://www.internationalbudget.org/>)
- Global Open Data Index by the Open Knowledge Foundation (<http://index.okfn.org/dataset/budget>)

## 15. Public procurement

15.1 Does the law clearly define up to what threshold(s) single-sourced purchases of goods, services and public works are allowed?

*Please provide the reference and link to the relevant law(s) or decree(s) and the thresholds*

for the three categories (goods, services and public works) in the local currency and the Euro/USD equivalent.

Scoring

- 1: Thresholds concerning the single-sourcing of goods, services and public works are clearly defined by law
- 0.75: Thresholds concerning the single-sourcing of goods, services and public works are clearly defined by a decree (or a similar administrative standard)
- 0.25: Thresholds for two of the three categories are clearly defined by a law or a decree
- 0: Thresholds for only one or none of the categories are defined by a law or a decree
- - : Not applicable or no data available

15.2 What are exceptions in the legal framework for public procurement that allow for single-sourced contracting above these thresholds?

*Please provide details concerning exemptions you deem important in this narrative, including on exemptions that may only apply to specific types of purchases (for public works, for example).*

Scoring

- 1: Single-sourcing of contracts above certain thresholds is not allowed or only allowed in limited circumstances that are clearly defined by law
- 0.5: The law provides exceptions that may be vulnerable to misuse
- 0: The law does not address this aspect or provides highly ambiguous reasons based on which single-sourced contracting is possible
- - : Not applicable or no data available

15.3 Does the legal framework require that information on public procurement above certain thresholds be published?

Scoring

- 1: The legal framework requires tender announcements and contract award information to be released and procurement contracts to be published in full text (possibly with partial redactions)
- 0.5: The legal framework requires tender announcements and contract award information (including information on the procuring entity, the supplier, the number of bidders, the good/service procured, the value of the contract) to be released
- 0: Less information than described above has to be published
- - : Not applicable or no data available

15.4 Are bidders required to disclose their beneficial owners?

Scoring

- 1: Bidders have to disclose beneficial owners, and this information is made public for successful bidders
- 0.5: Bidders have to disclose beneficial owners, this information is not made public
- 0: There is no requirement for bidders to disclose their beneficial owners
- - : Not applicable or no data available

- 15.5 Are there legal provisions, regulations or policies in place for bidders to file complaints in case they suspect irregularities at any stage of the procurement process?

*Please briefly describe the complaints mechanism and highlight any relevant shortcomings. Does available evidence suggest that mechanisms and procedures are in place to ensure that complaints are handled in an impartial, timely, effective and transparent manner? Is there evidence that companies are aware of the channels to pursue complaints and have confidence in this mechanism? Please provide relevant sources and references.*

- 15.6 Which information and documents related to public procurement and other relevant government contracts (such as privatizations, licenses etc.) are published proactively and are available in full text? Are any of these documents published online through a central website or database?

*Is sufficient information released so that the public is able to identify which entities and actors receive what contracts? Is there evidence of strong compliance with existing legal requirements to publish key information on public procurement above certain thresholds? Please briefly explain and provide relevant sources/links.*

- 15.7 \* To what extent does the country use electronic procurement that is open, provides the public with access to procurement information and opportunities to engage in the procurement process?

*Is procurement data released in a timely and structured manner, and released in a data format that facilitates re-use? Have any actions been taken to adopt the Open Contracting Data Standard and implement the Open Contracting Principles (<http://www.open-contracting.org>)?*

*Are there any aspects, practices or approaches related to government contracting and public procurement in your country that you consider to be (potentially) effective in promoting integrity and deterring corruption that could be replicated elsewhere? Are there growing opportunities for civil society and citizens to provide input to public procurement processes? Is there increasing scope for the participation of relevant stakeholders (supplier representatives, users and civil society) during the pre-tendering phase? Please provide any relevant examples and include links/sources.*

#### Guidance

- Information for several European countries is available through EuroPam (<http://europam.eu>)
- TI: Curbing Corruption in Public Procurement ([https://www.transparency.org/whatwedo/activity/curbing\\_corruption\\_in\\_public\\_procurement](https://www.transparency.org/whatwedo/activity/curbing_corruption_in_public_procurement))
- TI Helpdesk (2015): Public Procurement Planning and Corruption ([https://www.transparency.org/whatwedo/answer/public\\_procurement\\_planning\\_and\\_corruption](https://www.transparency.org/whatwedo/answer/public_procurement_planning_and_corruption))

- TI Helpdesk (2015): Public Procurement Law and Corruption ([https://www.transparency.org/whatwedo/answer/public\\_procurement\\_law\\_and\\_corruption](https://www.transparency.org/whatwedo/answer/public_procurement_law_and_corruption))
- TI Helpdesk (2014): The Role of Technology in Reducing Corruption in Public Procurement ([https://www.transparency.org/whatwedo/answer/the\\_role\\_of\\_technology\\_in\\_reducing\\_corruption\\_in\\_public\\_procurement](https://www.transparency.org/whatwedo/answer/the_role_of_technology_in_reducing_corruption_in_public_procurement))
- Open Contracting Partnership (<http://www.open-contracting.org>)

## 16. Whistle-blowing and reporting mechanisms

- 16.1 Is there a legal framework to protect whistleblowers from the public and the private sector who report reasonable belief of wrongdoing?

*Please provide the name and a link to the law and briefly describe its scope. Are any organisations exempt from whistleblower legislation (such as the police, the military or security services)?*

Score:

- 1: The law provides protection for whistleblowers from both, public and private sector
- 0.5: The law provides protection for whistleblowers from either the public or the private sector
- 0: There is no protection of whistleblowers guaranteed by law
- - : Not applicable or no data available

- 16.2 \* Does the law provide for broad definitions of whistleblowing and whistleblower?

*Whistleblowing should be defined as the disclosure or reporting of wrongdoing which is of concern to or threaten the public interest, including but not limited to: corruption; criminal offences; breaches of obligation; miscarriages of justice; specific dangers to public health, safety or the environment; abuse of authority; unauthorized use of public funds or property; gross waste or mismanagement; conflict of interest; and acts to cover up any of these.*

*The definition of whistleblower should cover any worker who discloses such information and is at risk of retribution. It should cover include individuals outside of the traditional employee-employer relationship, such as contractors, consultants, suppliers, volunteers, trainee/interns, temporary and part-time workers and former employees. See: TI's Principles for Whistleblower Legislation*

*([https://www.transparency.org/whatwedo/publication/international\\_principles\\_for\\_whistleblower\\_legislation](https://www.transparency.org/whatwedo/publication/international_principles_for_whistleblower_legislation))? Please briefly list important shortcomings.*

Score:

- 1: The law contains a broad definition of whistleblowing and whistleblower, that is fully in line with TI's principles
- 0.75: The law contains a broad definition of whistleblowing and whistleblower, that is largely in line with TI's principles
- 0.5: The law contains a definition of whistleblowing and whistleblower, that is partly in

line with TI's principles but excludes some important potential cases

● 0: The law does not contain a definition of whistleblowing or whistleblower, or the definition is very narrow

● - : Not applicable or no data available

16.3 \* Does the law provide sufficient protection for whistleblowers?

*Is the identity of whistleblowers protected (strict confidentiality or anonymity)? Do protections apply to a wide range of retaliatory actions (including disadvantages or discrimination) and detrimental outcomes (e.g. relief from legal liability, protection from prosecution, direct reprisals, adverse employment action, harassment)? Are there sanctions foreseen against perpetrators of retaliation? See TI Principles 6, 7 and 10-14 ([https://www.transparency.org/whatwedo/publication/international\\_principles\\_for\\_whistleblower\\_legislation](https://www.transparency.org/whatwedo/publication/international_principles_for_whistleblower_legislation)). Please briefly explain important shortcomings.*

Score:

● 1: The law does provide strong protection for whistleblowers

● 0.75: The law provides good protection for whistleblowers, but there are some important weaknesses

● 0.5: The law provides limited protection for whistleblowers

● 0: The law provides no or insufficient protection for whistleblowers

● - : Not applicable or no data available

16.4 \* Does the law provide for adequate and diverse disclosure procedures?

*Procedures and regulations for reporting should be highly visible and understandable; confidentiality or anonymity should be protected; there should be timely, thorough and independent investigations of disclosures as well as transparent, enforceable and timely mechanisms to follow up on retaliation complaints. Whistleblowers should be informed about the outcome of any investigation and have the opportunity to comment on the results.*

*If reporting within the workplace does not seem practical or possible, disclosures should be possible to regulatory, oversight or investigative agencies. In cases of urgent or grave public or personal danger, or persistently unaddressed wrongdoing that could affect the public interest, disclosures to external parties (media, civil society organisations, etc.) should be protected. If disclosures of national security or official secrets are not covered by the regular procedures, are there adequate special measures in place? See TI Principles 15-19, 22 and 30 ([https://www.transparency.org/whatwedo/publication/international\\_principles\\_for\\_whistleblower\\_legislation](https://www.transparency.org/whatwedo/publication/international_principles_for_whistleblower_legislation)). Please briefly list important shortcomings.*

Score:

● 1: The law provides for strong disclosure procedures

● 0.5: The law fails to address some important aspects

● 0: The law provides no or inadequate disclosure procedures

● - : Not applicable or no data available



16.5 Does the law provide for adequate remedies for whistleblowers?

*Are there comprehensive and accessible civil and/or employment remedies for whistleblowers who suffer detrimental action (i.e. compensation rights covering attorney and mediation fees as well as compensation for lost past, present and future earnings and status and for pain and suffering; the right to transfer to a new supervisor or department)? Is there a reversal of the burden of proof in favour of the whistleblower who alleges detrimental action? See TI Principles 8. and 20.*

*([https://www.transparency.org/whatwedo/publication/international\\_principles\\_for\\_whistleblower\\_legislation](https://www.transparency.org/whatwedo/publication/international_principles_for_whistleblower_legislation)). Please briefly list important shortcomings.*

Score:

- 1: The law provides for adequate remedies, including compensation rights, the reversal of the burden of proof in favour of the whistleblower, and the right to a new supervisor or department
- 0.75: The law provides several remedies, including two out of the following: compensation rights, the reversal of the burden of proof, and the right to a new supervisor or department
- 0.5: The law fails to address several important aspects, and only provides for one of the following: compensation rights, the reversal of the burden of proof, and the right to a new supervisor or department
- 0: The law provides no or inadequate remedies
- - : Not applicable or no data available

16.6 Is there an independent authority responsible for the oversight and enforcement of whistleblowing legislation?

*Please provide a short description of the authority and its mandate, as well as relevant sources and references. For the scoring, please consider the criteria listed under 16.7.*

Score:

- 1: There is an independent authority with a strong and comprehensive mandate to oversee and enforce whistleblowing legislation
- 0.5: There is an independent authority, but its mandate to oversee and enforce whistleblowing legislation is limited
- 0: There is no independent authority to oversee and enforce whistleblowing legislation
- - : Not applicable or no data available

16.7 \* Where an independent authority to oversee and enforce whistleblowing legislation exists, does it have sufficient powers and resources to operate effectively?

*Is the whistleblowing authority competent to:*

- *Receive, investigate and address complaints of unfair treatments*



- Receive, investigate and address complaints of improper investigations of whistleblower disclosures
- Provide advice and support to whistleblowers
- Monitor and review whistleblower frameworks
- Raise public awareness to encourage the use of whistleblower provisions and enhance cultural acceptance of whistleblowing
- Collect and regularly publish data and information regarding the functioning of whistleblower laws and frameworks

See TI Principles 25 and 28.

[https://www.transparency.org/whatwedo/publication/international\\_principles\\_for\\_whistleblower\\_legislation](https://www.transparency.org/whatwedo/publication/international_principles_for_whistleblower_legislation). Please briefly list important shortcomings.

- 16.8 Is there a law/policy that establishes a dedicated reporting mechanism for witnesses and victims of corruption (such as a hotline or a secure and anonymous electronic post box)? Does the law provide the body charged with operating it with sufficient independence and powers to investigate the reports it receives?

Score:

- 1: The law/policy creates a dedicated reporting mechanism for witnesses and victims of corruption. The body charged with operating it is provided with sufficient independence and powers to investigate the reports it receives
- 0.5: The law/policy creates a dedicated reporting mechanism for witnesses and victims of corruption, but it does not provide the body charged with operating it with sufficient independence and powers to investigate the reports it receives
- 0: There is no law or policy mandating that a dedicated reporting mechanism for witnesses and victims of corruption be established
- - : Not applicable or no data available

- 16.9 Does such a dedicated reporting mechanism for witnesses and victims of corruption exist in practice?

*Does available evidence suggest that it is secure and able to protect the anonymity of the people who use it in case they wish to remain anonymous? What kind of mechanism(s) exist, and which body is responsible for operating them? Does available evidence suggest that the body operating has sufficient independence, capacity, and resources to investigate cases that are reported? Briefly describe.*

- 16.10 Is data and information regarding the operation and performance of such reporting mechanisms (in compliance with relevant privacy and data protection laws) published?

*Please provide, if available, data for the past two years: the number of cases received; the outcomes of cases (i.e. dismissed, accepted, investigated, validated); the prevalence of wrongdoing in the public and private sectors; awareness of and trust in reporting mechanisms; and time taken to process cases.*

- 16.11 Is there evidence that relevant state bodies have taken active steps to promote public awareness of this reporting mechanism?

*Please provide information on efforts to raise awareness, for example through (advertising) campaigns, trainings for public officials, references to whistleblowing in codes of conducts/ethics, press releases, etc.*

16.12 Have there been prominent cases in the past two years where wrongdoing and corruption were unveiled by a whistleblower or through a reporting mechanism?

*Please provide short descriptions and relevant links/sources.*

- a. Have whistleblowers, in practice, been prosecuted or faced retaliation for unveiling wrongdoings? Where their legally guaranteed rights violated?  
*Please provide a brief description of relevant cases from the past two years, including relevant sources and a few links to media coverage.*
- b. Were any steps taken to improve the system of whistleblower protection?

Guidance

- TI: International Principles for Whistleblower Legislation  
([https://www.transparency.org/whatwedo/publication/international\\_principles\\_for\\_whistleblower\\_legislation](https://www.transparency.org/whatwedo/publication/international_principles_for_whistleblower_legislation))
- TI: Best Practice Guide For Whistleblowing Legislation  
([https://www.transparency.org/whatwedo/publication/best\\_practice\\_guide\\_for\\_whistleblowing\\_legislation](https://www.transparency.org/whatwedo/publication/best_practice_guide_for_whistleblowing_legislation))
- S. Wolfe, M. Worth, S. Dreyfus, A J Brown: Whistleblower Protection Laws in G20 Countries – Priorities for Action  
(<https://www.transparency.de/fileadmin/pdfs/Themen/Hinweisgebersysteme/Whistleblower-Protection-Laws-in-G20-Countries-Priorities-for-Action.pdf>)

**Target 16.10: “Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.”**

<u>Indicator 16.10.1:</u>	<i>Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months</i>
<u>Indicator 16.10.2:</u>	<i>Number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information</i>

**17. Protection of fundamental freedoms**

17.1 What is the country’s score and rating in Freedom House’s Freedom in the World Rating  
<https://freedomhouse.org/report-types/freedom-world?>

*Please provide the score and the rating of your country (“free”, “partly free”, “not free”) and the year of the assessment you are referring to.*

- 17.2 What is the country's rank and score in the most recent World Press Freedom Index, issued by Reporters Without Borders (<https://rsf.org/en/ranking>)?

*Please provide the country's rank, its score and the year of the ranking you are referring to.*

- 17.3 Does the legal framework contain any provisions that threaten or undermine the ability of journalists, bloggers researchers, human rights advocates and other civil society actors to exercise their fundamental rights, to uncover and report on all forms of corruption, and to hold leaders accountable?

*Please name any relevant laws and provisions, briefly explain why they may threaten fundamental rights, and provide links/references to relevant sources.*

- 17.4 Are any policies or practices in place that undermine the ability of journalists, bloggers researchers, human rights advocates and other civil society actors to exercise their fundamental rights, to uncover and report on all forms of corruption, and to hold leaders accountable?

*Please provide relevant examples and links/sources. If there are many factors you deem relevant, please briefly describe the three you deem most severe.*

- 17.5 Have there been documented cases of killings, kidnappings, enforced disappearances, arbitrary detentions, torture or attacks against journalists, associated media personnel, trade unionists, human rights and civil society advocates or other people who investigated, uncovered and advocated against corruption in the previous two years?

*If this is the case, please provide approximate numbers of such cases and describe up to two exemplary cases (possibly ones linked to corruption) and corresponding links/sources. You may find useful information in reports by international human rights watchdogs, including Human Rights Watch (<https://www.hrw.org/world-report/2018>), Amnesty International (<https://www.amnesty.org/en/countries>), Freedom House (<https://freedomhouse.org/reports>), Reporters Without Borders (<https://rsf.org>), in reports and press releases issued by national and local human rights advocates, in national media coverage, in statements made by regional human rights bodies and in reports of a national Human Rights Ombudsman.*

- 17.6 Have there been cases of attacks against NGOs, journalists, and others advocating or reporting on corruption adequately investigated and resolved in the past two years? Were perpetrators identified and held accountable?

*Please provide a brief description if and how such cases were investigated and resolved and provide relevant links/sources. If there were numerous such cases in the past two years, please focus on two exemplary ones.*

- 17.7 Have there been documented cases of government censorship, including of online communication, or of undue political interference that limits people's ability to inform and express themselves online in the past two years?

*If “yes”, please provide a brief description of relevant cases and sources/links. If there were numerous cases or if censorship is an ongoing practice, please briefly describe the three cases or practices you deem most severe.*

## 18. Access to information

- 18.1 Does the legal framework (including jurisprudence) recognize a fundamental right of access to information?

*Please provide a brief description and a reference/link to the relevant legal provision. You will likely find relevant information in the country assessment of the RTI-rating (<http://www.rti-rating.org/country-data/by-indicator/>), indicator 1.*

### Scoring

- 1: There is a full constitutional recognition of a public right of access to information
- 0.5: There is a limited constitutional right
- 0: There is no constitutional right to information
- - : Not applicable or no data available

- 18.2 Does the right of access to information apply to all materials held by or on behalf of public authorities in any format, regardless of who produced it?

*Please provide a brief description and a reference/link to the relevant article. You will likely find relevant information in the country assessment of the RTI-rating (<http://www.rti-rating.org/country-data/by-indicator/>), indicator 5.*

### Scoring

- 1: The right applies to all materials held by or on behalf of public authorities, with no exceptions
- 0.5: There right applies to materials held by or on behalf of public authorities, but there are exceptions for “internal documents” or databases
- 0: The definition of information is very limited and includes several and/or broad exceptions of information that is not covered by the right
- - : Not applicable or no data available

- 18.3 To which branches and bodies does the right of access apply?

*Please provide a brief description which bodies and entities are covered by access to information and which important entities are completely exempt. You will likely find relevant information in the country assessment of the RTI-rating (<http://www.rti-rating.org/country-data/by-indicator/>), indicators 7 to 12. If a particular complex national situation is not adequately reflected by the scores, the national chapter should chose the score that appears most adequate and provide relevant details in the narrative section of this question.*

### Scoring

- 1: The right of access applies, with no bodies excluded, to 1) executive branch; 2) the legislature; 3) the judicial branch; 4) state-owned enterprises; 5) other public authorities including constitutional, statutory and oversight bodies (such as an election commission or an information commission); and 6) private bodies that perform a public function or that receive significant public funding
- 0.75: The right of access applies to at least five of the above-mentioned sectors, with no particular bodies excluded
- 0.5: The right of access applies to at least four of the above-mentioned sectors, but some bodies are exempt
- 0.25: The right of access applies to at least three of the above-mentioned sectors or several key bodies are exempt (such as secret services, military, police, president etc.)
- 0: There is no access to information framework; or: no clear provision on the institutions that are covered; or: the right of access applies to less than three of the above-mentioned sectors and several key bodies are exempt (such as secret services, military, police, president etc.)
- - : Not applicable or no data available

18.4 Are there clear and reasonable maximum timelines for responding to a request, regardless of the manner of satisfying the request?

*Please provide a brief description and a reference/link to the relevant article. You will likely find relevant information in the country assessment of the RTI-rating (<http://www.rti-rating.org/country-data/by-indicator/>), indicator 22.*

Scoring

- 1: Timeframe is 10 working days (or 15 days, or two weeks) or less
- 0.5: Timeframe is 20 working days (or 30 days, four weeks or one month) or less
- 0.25: Timeframe is more than 20 working days (or 30 days, four weeks or one month)
- 0: There is no specified timeframe for responding to a request
- - : Not applicable or no data available

18.5 Are exceptions to the right of access consistent with international standards?

*Permissible exceptions are: national security; international relations; public health and safety; the prevention, investigation and prosecution of legal wrongs; privacy; legitimate commercial and other economic interests; management of the economy; fair administration of justice and legal advice privilege; conservation of the environment; legitimate policy making and other operations of public authorities. It is also permissible to refer requesters to information which is already publicly available, for example online or in published form. Please provide a brief description and a reference/link to the relevant article. You will likely find relevant information in the country assessment of the RTI-rating (<http://www.rti-rating.org/country-data/by-indicator/>), indicator 29.*

Scoring

Score 10 points and then deduct 1 point for each exception which either (a) falls outside of this list and/or (b) is more broadly framed:

- 1: 9 or 10 points
- 0.75: 7 or 8 points

- 0.5: 5 or 6 points
- 0.25: 3 or 4 points
- 0: 0, 1 or 2 points
- - : Not applicable or no data available

18.6 Is a harm test applied to all exceptions, so that disclosure may only be refused when it poses a risk of actual harm to a protected interest?

*Please provide a brief description and a reference/link to the relevant article. You will likely find relevant information in the country assessment of the RTI-rating (<http://www.rti-rating.org/country-data/by-indicator/>), indicator 30. Address any relevant shortcomings concerning the implementation of the harm-test in the narrative of this section. (While affected third parties may be consulted before information is released to a requestor, they must not have veto power over the disclosure. This decision should be made by the public body answering the request, or, in case of an appeal, by an oversight body)*

Scoring

- 1: Harm test is applied to all exceptions
- 0.75: Harm test is applied to all but 1 exception
- 0.5: Harm test is applied to all but 2 exceptions
- 0.25: Harm test is applied to all but 3 exceptions
- 0: No Harm test is required by law, or it does not apply to 4 or more exceptions
- - : Not applicable or no data available

18.7 Is there a mandatory public interest override so that information must be disclosed where this is in the overall public interest, even if this may harm a protected interest? Are there 'hard' overrides (which apply absolutely), for example for information about human rights, corruption or crimes against humanity?

*Please provide a brief description and a reference/link to the relevant article. You will likely find relevant information in the country assessment of the RTI-rating (<http://www.rti-rating.org/country-data/by-indicator/>), indicator 31.*

Scoring

- 1: There is a mandatory public interest override that applies to all exceptions and is not subject to overreaching limitations
- 0.75: There is a mandatory public interest override that applies to all exceptions but one or two and is not subject to overreaching limitations
- 0.25: The public interest test only applies to some exceptions
- 0: No public interest test is required by law
- - : Not applicable or no data available

18.8 Is there an independent Information Commission, or a similar oversight body, with whom requestors have the right to lodge an external appeal?

*You will likely find relevant information in the country assessment of the RTI-rating (<http://www.rti-rating.org/country-data/by-indicator/>), indicator 37-41.*



Scoring

- 1: An Information Commission is in place, and it has the necessary mandate and power to perform its functions, including to review classified documents and inspect the premises of public bodies
- 0.5: An Information Commission or a similar oversight body exists, but either lacks the power to review classified documents or lacks inspection powers
- 0.25: An Information Commission or a similar oversight body exists, but it neither has the power to review classified documents nor to carry out inspections
- 0: No independent oversight body exists
- - : Not applicable or no data available

- 18.9 \* Does the law/policy on access to information contain minimum standards on mandatory proactive (automatic, without having to be requested) publication of information?

*If this is the case, please provide a short description of what information and documents have to be actively released (especially information relevant to deterring or detecting corruption)?*

Scoring

- 1: if the law on access to information (or another relevant law) contains requirements on the mandatory automatic publication of certain information
- 0: if there are no requirements to automatically release certain information
- - : Not applicable or no data available

- a. How do you, based on the evidence available to you, evaluate compliance by public bodies with these requirements to proactively release information?

- 18.10 What is the country's score in the Right-To-Information Rating? (<http://www.rti-rating.org/country-data/>)

- 18.11 \* What are shortcomings of the access to information regime?

*Does the law...*

- *create a specific presumption in favour of access to all information held by public authorities, subject only to limited exceptions, consistent with international standards?*
- *grant everyone (including non-citizens, non-residents and legal entities) the right to request information?*
- *provide a right to both information and access to records/documents?*
- *allow for partial access (a document can be redacted and then be partially released)?*
- *establish an effective appeals mechanism?*  
*You will likely find the needed information in the country assessment of the RTI-Rating (<http://www.rti-rating.org/country-data/>). Another relevant source for the access to information framework in Europe is the EuroPam project (<http://europam.eu>).*



- 18.12 \* Are there any factors that, in practice, make it unnecessarily burdensome and difficult to request or gain access to information?

*Such factors may include that requestors have to identify themselves (anonymous requests are not allowed or possible), high fees to receive information, difficult request procedures, the lack of an effective and timely appeal mechanism, poor record keeping or a lack of awareness among public sector employees about the access to information regime. You may be able to obtain information from colleagues at the TI chapter who have submitted requests in the past, or from other civil society organisations or journalists who have extensively submitted FOI requests. You may also find information in an annual report issued by the Information Commission or a similar oversight body, or in relevant court cases. For European countries, also see EuroPam (<http://europam.eu>).*

- 18.13 \* How many requests for information were made to public authorities each year in the previous two years?

- a) \* How many were answered within the time limits provided by the law?
- b) \* What percentage was fully answered, what percentage partly? What happened with the remaining requests?

*You may find this information in an annual report by an Information Commissioner or another public body charged with overseeing the implementation of the law, or in annual reports issued by public bodies. If only information on the national level is available, please provide this information. If information is only available for some public bodies, please provide available data and sources. If no government data is available, provide data from civil-society operated FOI request portals or results from relevant field tests, if such exist.*

- 18.14 Have there been any developments in the past two years that suggest an improvement or deterioration in the framework for public access to information and/or its implementation?

*Relevant developments may include discussions to adopt a (new) law or policy, changes to current laws and procedures, relevant court decisions, and the reaction of public bodies to requests for information in important cases. Please provide a short description and relevant sources, references and links.*

#### Guidance

- UNESCO: Unpacking Indicator 16.10.2: Enhancing Public Access to Information Through Agenda 2030 for Sustainable Development ([http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/news/access\\_info\\_2030.pdf](http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/news/access_info_2030.pdf))
- Access Info Europe & Centre for Law and Democracy: RTI Rating (<http://www.rti-rating.org> and <http://www.rti-rating.org/wp-content/uploads/Indicators.pdf>)
- Freedominfo.org for recent developments related to the right to information (<http://www.freedominfo.org>)
- Right2Info.org (no longer updated) for international instruments, standards and cases on the right to information (<http://www.right2info.org/international-standards>)

## 19. Open Government Data (optional)

- 19.1 What is the country's rank and score in the most recent edition of the Open Data Barometer, produced by the World Wide Web Foundation (<http://opendatabarometer.org/data-explorer>)?

*The assessment may provide valuable insight on the strengths and weaknesses of the open data implementation in your country.*

- 19.2 What is the country's score in the most recent available Open Data Index, produced by Open Knowledge International (<http://index.okfn.org/place>)?

*The assessment is crowd-sourced and may not be complete for all countries. It evaluates the level of openness of key government datasets, several of which are relevant to the anti-corruption agenda.*

- 19.3 \* Are there noteworthy efforts or initiatives of public bodies to automatically publish information and documents online (especially in machine-readable formats and in line with open data standards) that are relevant to deterring or detecting corruption?

*Possible areas where proactively published information may help to fight corruption include government contracts, public procurement, the budget and details on government spending, government subsidies and grants, registries for land, companies and their (beneficial) ownership, political and party financing, asset disclosures of public officials, and information on extractive industries or other sectors with high corruption risks. Please provide up to three noteworthy examples, briefly describe the open government effort and provide links to them. You may find relevant examples mentioned in National Action Plans or other documents submitted to the Open Government Partnership (<http://www.opengovpartnership.org/countries>) or listed on dedicated for open government data portal.*

- 19.4 \* Are there noteworthy civil society projects or initiatives that use open government data and/or, other publicly available data sources to strengthen government accountability and help deter and/or detect corruption?

*Please provide brief descriptions on up to three noteworthy projects and provide links to them. In case any of them have helped to expose specific corruption cases, please mention that case.*

### Guidance

- Open Knowledge International: Open Data Handbook for background on open data (<http://opendatahandbook.org/guide/en/what-is-open-data>) and additional resources (<http://opendatahandbook.org/resources>).

