

## Anti-corruption Authorities Initiative: Survey on the Effectiveness of Anticorruption

## Background Information

1. Please enter country name in the space below

THE REPUBLIC OF MALAWI

2. Name of the agency

THE ANTI-CORRUPTION BUREAU

3. Date of establishment (please include any predecessors if relevant)

1995

4. Contact Information

THE ANTI-CORRUPTION BUREAU, CITY CENTRE, MULANJE HOUSE, P.O. BOX 2437,  
LILONGWE, MALAWI- TEL: +265 1 770166; FAX: + 265 1 770108

5. Website

[www.acbmw.com](http://www.acbmw.com)

## Legal Framework

6. What are the main anti-corruption laws in your country? (please include year of entry into force)

THE CORRUPT PRACTICES ACT (CAP. 7:04) OF THE LAWS OF MALAWI.

THE ACT ENTERED INTO FORCE IN 1995, AMENDED IN 2004.

7. Does your Government have a single or primary anti-corruption strategy? When was it last updated?

YES, THE NATIONAL ANTI-CORRUPTION STRATEGY.

LAST UPDATED IN 2009.

8. Does your country have right to information legislation?

Yes  No

9. Does your country have conflict of interest legislation?

Yes  No

10. Does your country have a financial disclosure system to help prevent conflicts of interest?

Yes  No

11. Does your country have statutory or constitutional provisions granting immunity from criminal prosecution to elected or appointed officials?

Yes  No, But the State President is immune from criminal prosecution during his or her office

12. Is your agency protected from political interference by law?

Yes  No

## Institutional Framework

13. What functions does your agency perform?

*Please check all that apply*

Research  Prevention  Investigation  Prosecution  Forensic  Auditing  Policies

14. Is there one agency in charge of coordinating AC efforts across agencies?

Yes  No

If yes, please specify: The Anti-Corruption Bureau

15. Does your agency have the ability to share information or data with

(a) Other agencies within your Government, and

Yes  No

(b) Government partners from other countries?

Yes  No

16. Please enter the current size of permanent staff. Do you have secondees? If so, are they counted separately?

146 employees. We do not have secondees.

**17. Number of prosecutors (if applicable)**

10 Prosecutors

**18. Number of investigators including legal advisors (if applicable)**

29 Investigators

**19. Number of support staff (if applicable)**

N/A

**20. Are staff positions permanent? Or subject to periodic renewal? What percentage of each?**

Staff positions are on a three year contract, subject to periodic renewal

**21. Does your agency keep records on its investigative activity? If it does not, go to question 22. If yes, please show the information you have on the following**

**a. Number of complaints received**

1152 complaints in the year 2013/14

**b. Number of investigations conducted**

Over 1000

**c. Number of investigations completed**

435 in the year 2013/14

**d. Number of cases recommended for prosecution**

79 in the year 2013/14

**e. Number of cases prosecuted by –i) Your agency ii) DPP, AG, or other separate office**

56 cases prosecuted by the Anti-Corruption Bureau in the year 2013/14

**f. Number of convictions**

6 convictions so far, other cases still in court

**22. Please state the number of learning activities and outreach events organized by your agency (if applicable)**

293 awareness meetings; 26 citizen forums; 21 anti-corruption presentations; production and distribution of over 25,000 print Information Education and Communication materials; and production and airing of 84 radio spots

**23. Please state the value of assets recovered by your agency (if applicable)**

N/A

**24. Please enter the names of other agencies with similar functions as this ACA**

None

**25. Does your agency have a system to monitor performance of staff?**

Yes  No

**26. Are human resource management actions, i.e., recruitment, promotion, and termination based on staff integrity and professionalism?**

Yes  No

**27. Are new vacancies for your own agency announced publically?**

Yes  No

**28. Are the results of these recruitment processes announced publically by your agency?**

Yes  No

**29. Who appoints the head of your agency?**

The State President does the appointment, but such appointment is subject to the confirmation of the Public Appointments Committee of Parliament

**30. Who has the authority to remove the head of the ACA?**

The State President has the authority, but such removal is subject to the confirmation of the Public Appointments Committee of Parliament

**31. To whom does the head of your agency report to?**

To Parliament, the Minister of Justice, the Cabinet and the State President

**32. Is there any term limit for the head of the ACA?**

- Yes       No term limit, but the head is appointed to a three year contract, renewable.  
If yes, please specify:

**33. Is the agency subject to judicial review?**

- Yes       No

**34. Is the agency subject to expenditure reviews?**

- Yes       No

**35. Does your agency measure "performance"?**

- Yes       No

*If yes, against which indicators?*

- Number of investigations conducted
- Number of investigations concluded
- Ratio of number of investigations/staff
- Percentage of total budget allocated to outreach activities and communication.
- Number of outreach activities delivered

Others, please specify

**36. In practice is your agency protected from political interference?**

- Yes       No

**37. Does your agency keep a comprehensive skill list of its staff?**

- Yes       No

**38. Is the staff provided with regular training and refresher training to ensure that their skills are up-to-date?**

- Yes       No

**39. What training has your agency received from foreign organizations or international agencies in the past year?**

Monitoring and Evaluation (CAACC); Cyber Crime Investigations (US Embassy); Pharmaceutical Crime Investigations (Global Fund); Data Analysis using IBM 2 software (Royal Norwegian Embassy); Forensic Skills Training (Royal Norwegian Embassy).

**40. Are employees protected by law from recrimination or other negative consequences when reporting corruption (i.e. whistleblowing)?**

- Yes       No

**41. Does your agency have a communication strategy?**

- Yes       No

**42. Does your agency have a comprehensive corporate plan?**

- Yes       No

**43. Is there a strategy for formulating a partnership with outside agencies to fight corruption?**

- Yes       No

**44. Is there a strategy for dealing with the media?**

- Yes       No

**45. In practice does your agency has sufficient powers to carry out its mandate?**

- Yes       No

**46. Has your agency requests for additional powers or authorities pending in the parliament or before the executive?**

- Yes       No

## Resource Mobilization

**47. Does your agency have budgetary autonomy?**

- Yes       No

**48. What is the annual budget of your agency?**

It is not fixed, it varies from one financial year to another

**49. The annual budget is determined by (please choose the answer(s) that best fit(s) your agency)**

<input type="radio"/>	Number of staff
<input type="radio"/>	Number of investigations
<input type="radio"/>	Budget is constitutionally mandated
<input checked="" type="radio"/>	Other, please specify –The number of planned programmes and activities, but nevertheless Government has a final say on our budget depending on available financial resources

**50. Is there any receive any financing from donors?**

- Yes  No

**51. Does your agency use a computerized system to handle cases?**

- Yes  No

**If yes, was it developed especially for your agency or was it purchased off-the-shelf? Are you willing to recommend to others? What is its name and where did you obtain?**

## Social Framework

**52. Does your agency provide a mechanism for citizens to report complaints anonymously or provide information on corrupt activities?**

- Yes  No

**53. Does your agency or government provide a hotline to report corruption?**

- Yes  No

**54. Does your agency produce regular public reports of its activities? Annually? More frequently? Less?**

- Yes  No

## Innovation

**55. Does your agency use any IT tools to**

- a. Facilitate reporting of corruption and fraud by citizens (like [www.Ipaidabribe.org](http://www.Ipaidabribe.org) )
- b. Share information with citizens about its own activities
- c. Share and/or obtain information for its own investigations
- d. Other – please explain

**56. Does your agency use social media to raise awareness on corruption among the public?**

- Yes  No