

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

Background Information

1. Please enter country name in the space below

2. Name of the agency

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

4. Contact Information

ombudsinfo@ombudsman.gov.rw"/>

5. Website

www.ombudsman.gov.rw"/>

Legal Framework

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

- Constitution of the Republic of Rwanda of 04/06/2003 as amended to date (OG of 4 June 2003);
- Organic Law n° 01/2012/OL of 02/05/2012 instituting the penal code (OG of 14/06/2012);
- Organic Law n° 61/2008 of 10/09/2008 on the Leadership Code of Conduct as modified and complemented by Organic Law n° 11/2013/OL of 11/09/2013 (OG of 28/10/2013);
- Organic Law N° 12/2013/OL of 12/09/2013 on State finances and property (OG of 05/11/2013)
- Organic Law N° 10/2013/OL of 11/07/2013 governing Political Organizations and Politicians (OG of 12/07/2013);
- Law n° 23/2003 of 07/08/2003 on prevention, suppression and punishment of corruption and related offences (section related to offences and sanctions was abrogated and moved to Penal Code) (OG of 03/09/2003);

- Law n° 47/2008 of 09/09/2008 on prevention and penalizing the crime of money laundering and financing terrorism (section related to offences and sanctions was abrogated and moved to Penal Code) (OG of 23/03/2009);
- Law n° 12/2007 of 27/3/2007 on public procurement as modified and complemented by Law n° 05/2003 of 13/02/2013 (OG of 15/04/2007&22/04/2013);
- Law n°35/2012 of 19/09/2012 relating to the protection of whistle-blowers (OG of 05/11/2012);
- Law n° 04/2003 of 08/02/2013 relating to access to information (OG of 11/03/2013);
- Law n° 76/2013 of 11/09/2013 determining the mission, powers, organization and functioning of the Office of the Ombudsman (OG of 18/10/2013);
- Law N° 86/2013 of 11/09/2013 establishing the general statutes for public service (OG of 21/10/2013).

Orders:

- Presidential Order N°27/01 of 30/05/2011 determining the organization, functioning and mission of the financial investigation Unit (OG of 20/06/2011);
- Presidential Order N° 64/01 of 12/02/2014 determining the responsibilities, organisation and functioning of the Advisory Council to fight against corruption and injustice (OG of 27/02/2014);
- Presidential Order N°46/01 of 29/07/2011 governing modalities for the recruitment, appointment and nomination of public servants (OG of 31/07/2011);
- Presidential Order N° 65/01 of 04/03/2014 determining modalities of imposing disciplinary sanctions to public servants (OG of 06/03/2014); etc
(Note: OG stands for Official Gazette)

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

Yes, we have an Anti-corruption policy which was approved by the Government in 2012.

8. Does your country have right to information legislation?

Yes

9. Does your country have conflict of interest legislation?

Yes (Eg.: Law on public procurement, Organic law on the Leadership Code of Conduct)

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

Yes; the assets declaration system

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

Yes, only for the President of the Republic and members of Parliament, both chambers (the law provides also modalities to waive)

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

Yes (Article 3, Law n°76/2013 of 11/9/2013 determining the mission, powers, organization and functioning of the Office of the Ombudsman)

Institutional Framework

13. What functions does your agency perform?

Please check all that apply

Research Prevention Investigation Prosecution Forensics Auditing
Policy

✓ They all apply

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

Yes

If yes, please specify: Office of the Ombudsman

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

(a) Other agencies within your Government, and

Yes

(b) Government partners from other countries?

Yes

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

78, No secondees.

17. Number of prosecutors (if applicable)

3 Prosecutors (Ombudsman and his/her Deputies have powers of prosecutors) and 2 National Prosecutors on the organizational chart.

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

27

19. Number of support staff (if applicable)

13

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

All staff positions are permanent

**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
In the fiscal year 2013-2014:**

a. Number of complaints received

120

b. Number of investigations conducted

120

c. Number of investigations completed

104

d. Number of cases recommended for prosecution

13

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

13 (DPP)

f. Number of convictions

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

26

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

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

Criminal Investigation Department and Financial Investigation Unit (departments of the Rwanda National Police)

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

Yes

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

Yes

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

Yes

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

Yes

29. Who appoints the head of your agency?

The Cabinet proposes the candidates to the Senate which elects the Ombudsman and his/ her two Deputies.

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

Reasons to terminate office for the Ombudsman and his/her deputies: Resignation, expiration of first/two terms office, illness, death or failure to discharge the duties.

In case of the Ombudsman and his/her Deputies fail to discharge his/her duties, the same procedure to appoint him/her is applicable (Q29).

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

The Office of the Ombudsman reports to the President of the Republic and to the Parliament, both Chambers (Senate and Chamber of Deputies).

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

Yes

If yes, please specify:

- ✓ Five years term renewable once for the Ombudsman and
- ✓ Four years term renewable once, for Deputy Ombudsman

33. Is the agency subject to judicial review?

Yes

34. Is the agency subject to expenditure reviews?

Yes

35. Does your agency measure “performance”?

Yes

If yes, against which indicators?

- ✓ Number of investigations conducted
- ✓ Number of investigations concluded
- ✓ Ratio of number of investigations/staff

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

Yes

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

Yes

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

Yes

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

- ✓ Assets tracing and recovery trainings by StAR Initiative of World Bank;
- ✓ Workshop on whistleblowers and witness protection by EAAACA;
- ✓ Anti-corruption, Financial crime and Assets recovery by Interpol

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

Yes

41. Does your agency have a communication strategy?

Yes

42. Does your agency have a comprehensive corporate plan?

Yes

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

Yes

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

Yes

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

Yes

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

No

Resource Mobilization

47. Does your agency have budgetary autonomy?

Yes

48. What is the annual budget of your agency?

Rwf 1,823,921,897 for fiscal year 2013-2014 (£ 1,671,789 for £=1,091 Rwf on 18/11/2014)

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

✓	Action plan (priorities)
✓	Number of staff

50. Is there any receive any financing from donors?

Yes

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

Yes

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?

- | |
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| <ul style="list-style-type: none"> ✓ Online declaration of assets system (ODAS): In-house developed ✓ Documents and Records Management System: Developed by consultants |
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Social Framework

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

Yes

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

Yes

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

Yes,

- Annually.

55. Does your agency use any IT tools to

- Facilitate reporting of corruption and fraud by citizens (like www.ombudsman.gov.rw)
- Share information with citizens about its own activities
- Share and/or obtain information for its own investigations

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

Yes