Survey on the effectiveness of Anticorruption Authorities

**Background Information**

1. Please enter country name in the space below
   
   Malawi

2. The name of the agency
   
   Anti-Corruption Bureau

3. The date of establishment
   

4. Contact Information
   
   265 1 770 166/167/370/130/125
   Anti-corruption@acbmw.com

5. Webpage
   
   www.anticorruptionbureau.com

**Legal Environment**

6. What are the main anticorruption laws of your country?
   
   - Corrupt Practices Act
   - Penal Code
   - Criminal Procedure and Evidence Code
   - Money Laundering and Financing of Terrorism Act
   - Public Procurement Act

7. Does your government have a single or primary anticorruption strategy?
   
   Single Strategy but with a three pronged approach i.e. Education, Prevention and Enforcement (Investigations and Prosecutions)

8. Does your country have freedom of 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

**Institutional Environment**

11. What are the main functions and operations of your agency? Please check all that apply
    
    ○ Research   ○ Prevention   ○ Investigation   ○ Prosecution   ○ Forensic   ○ Accounting   ○ Policy

12. Is there one agency in charge of coordinating AC efforts across agencies?
    
    ○ Yes   ○ No
If Yes, Please specify: The Anti-Corruption Bureau is mandated under the Corrupt Practices Act to spearhead the fight against corruption____________________________________________________

13. 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

14. Please enter current size of permanent staff in the space below
    
    246

15. Number of prosecutors (if applicable)
    
    34

16. Number of investigators (if applicable)
    
    63

17. Number of cases handled annually (if applicable)
    
    1328

18. Please enter the name of other agencies with similar functions.
    Malawi Police Service

19. Does your agency have a system to monitor performance of staff?
    ○ Yes  ○ No

20. Are the human resource management, i.e. recruitment, promotion, termination built on the emphasis of staff integrity and professionalism?
    ○ Yes  ○ No

21. Who appoints the head of your agency?
    The State President with confirmation of the Public Appointments Committee of Parliament

22. Who has the authority to remove the head of the ACA?
    The State President with confirmation of the Public Appointments Committee of Parliament

23. Is there any term limit for the head of the ACA?
    ○ Yes  ○ No
    If Yes, Please specify: ___. However, it's on a 4 year contract renewable upon performance_________________
24. Is the agency subject to judicial review?
   - Yes  
   - No

25. Is the agency subject to expenditure reviews?
   - Yes  
   - No

26. Does your agency publish an annual report of activities?
   - Yes  
   - No

27. Does your agency measure performance?
   - Yes  
   - No

   If yes, against what 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
   - Other, please specify – Percentage of investigations leading to prosecutions and number of cases filed in court

28. Does your agency keep a comprehensive skill list of its staff?
   - Yes  
   - No

29. Is the staff provided with regular training and refresher training to ensure that their skills are up-to-date?
   - Yes  
   - No

30. Are employees protected by law from recrimination or other negative consequences when reporting corruption (i.e. whistle-blowing)?
   - Yes
   - No

   The Corrupt Practices Act (Sec 22) provides immunity to employees against any action or thing done or omitted to be done in good faith in the exercise of their duties. The Act (Sec 50(d)) also criminalizes any action or any punishment or victimization of any whistle-blower by any person either by himself or through another person

31. Does your agency have a communication strategy?
   - Yes  
   - No

32. Does your agency have a comprehensive corporate plan?
   - Yes  
   - No

33. Is there a strategy in formulating partnership with outside agencies in fighting corruption?
   - Yes  
   - No

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34. Is there strategy in dealing with media?
   ○ Yes  ○ No

**Resource Mobilization**

35. Does your agency have budgetary autonomy?
   ○ Yes  ○ No

36. What is the annual budget of your agency?
   $7.5 Million

37. Is the annual budget determined by (Please choose the answer/s that best fits your agency)
   ○ Number of staff
   ○ Number of investigations
   ○ Budget is constitutionally mandated
   ○ Other: Activity based budget (support services and core functions i.e. investigations, prosecutions, corruption prevention and public education)

38. How much does it roughly cost to (please enter the dollar amount per stated activity)
   The whole process to conclusion would roughly cost $7,500

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<th>Manage a paper case</th>
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39. Any Donor Involvement?
   ○ Yes  ○ No

40. Does your agency use a computerized system to handle cases?
   ○ Yes  ○ No

**Social Environment**

41. Does your agency offer a mechanism for citizens to report anonymously complaints or offer information on corrupt activities?
   ○ Yes  ○ No

42. Does your agency or government provide a hotline to report corruption?
   ○ Yes  ○ No

43. Does your agency produce regular public reports of its activities?
   ○ Yes  ○ No

Note:
1. (Q 14) Authorised staff establishment is 246. Because of financial constraints currently only 124 posts have been filled.

2. (Q 15) Authorised staff establishment for Prosecutions Dept is 34. Currently only 15 posts have been filled.

3. (Q 16) Authorised staff establishment for Investigations Dept is 63. Currently only 33 posts have been filled.

4. (Q 18) The Malawi Police Service also deals with (official) corruption under Section 95 of the Penal Code