

# 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

1996 by an act of Parliament of 1995

4. Contact Information

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

5. Webpage

[www.anticorruptionbureau.com](http://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)?** *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*

- Yes       No

**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**

34. Is there strategy in dealing with media?

- Yes

**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)

<input type="radio"/>	Number of staff
<input type="radio"/>	Number of investigations
<input type="radio"/>	Budget is constitutionally mandated
<input type="radio"/>	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

\$	File a case	\$	Manage a paper case	\$	Analyze a case
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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