



Accountability – Africa Integrity Indicators Findings

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The Accountability subcategory measures the public sector anti-corruption framework, as well as police accountability. The first five of these indicators (10-14) assess whether corruption is criminalized and whether there is a body that effectively investigates allegations of public sector corruption. The next two indicators (15-16) assess head of state and government accountability. The final two (17-18) focus on the effective investigation of police misconduct claims. Accountability is one of the six components of the Transparency and Accountability category.

Public Sector Corruption Findings

- **Corruption is criminalized as a specific offence in all assessed countries.** Libya was the only exception in earlier assessments, but that changed with passage of a new law in March 2014.
- **However, only half of the countries have a law establishing an independent body to investigate cases of public sector corruption (#11).** In a number of cases, such as in Botswana, there is a specifically mandated body but it lacks sufficient legal independence from executive control.
- **Even when the body exists in the law, it doesn't necessarily exist in practice and *de facto* implementation issues are common.** In the most blatant cases, the investigatory body is legally created and yet has no *de facto* existence. For instance, the research reports that in Angola, "The High Authority Against Corruption, mandated by the 1996 law to be created to receive and investigate public-sector corruption, has never been established." A similar scenario exists in The Gambia, where the Anti-Corruption Commission Act was passed in 2012, yet the body itself was not yet constituted.
- **Investigatory performance generally deteriorated between rounds of research, but there were some improvements.** The section's most substantial deterioration was in the indicator assessing whether allegations of corruption were regularly investigated (#12). For instance, in Zimbabwe the research reports cases where credible public allegations of irregularities were not investigated, which can be attributed to the executive's delay in properly constituting the Zimbabwe

Accountability Indicators
10. In law, corruption is criminalized as a specific offense.
11. In law, there is an independent body/bodies mandated to receive and investigate cases of alleged public sector corruption.
12. In practice, allegations of corruption against senior level politicians and/or civil servants of any level are investigated by an independent body.
13. In practice, the body/bodies that investigate/s allegations of public sector corruption is/are effective.
14. In practice, appointments to the body/bodies that investigate/s allegations of public sector corruption support/s the independence of the body.
15. In law, the head of state and government can be investigated and prosecuted while in office if evidence suggests they committed a crime.
16. In practice, heads of state and government are investigated and prosecuted while in office if evidence suggests they committed a crime.
17. In law, there is a mechanism for citizens to report police misconduct or abuse of force.
18. In practice, the mechanism for citizens to report police misconduct or abuse of force is effective.



Anti-Corruption Commission. However, the research also shows some improvements. For instance, in Benin, L'Autorité Nationale de Lutte Contre la Corruption (ANLC) was formed in May 2013 and by the end of the Sept 2013-Sept 2014 period of study, it had investigated numerous complaints.

- **Investigations are rare and not always timely when they take place.** The indicator on the effectiveness of investigations (#13) found that even those entities that had functioning systems in place to receive allegations often failed to investigate complaints in a timely fashion, or at all. For instance, the researcher in Nigeria notes that the country's two main anti-corruption units have functioning mechanisms to receive and record citizen's petitions, but in most cases the investigations were only initiated after several weeks or months. Cases of more senior level politicians and civil servants may never be addressed.
- **Appointments are generally not unbiased or merit-based.** The lowest in practice scores of this section are earned in #14, due to a common lack of unbiased, merit-based appointments. In the majority of cases, these appointments were political without specific merit requirements, and in some situations the appointees are not protected from arbitrary removal by any system of tenure or due process. There is limited insulation from political pressure for those serving at the pleasure of the appointing power. For instance, in Malawi incumbents are dismissed despite their success records whenever a new administration takes power – as evidenced by the firing of former ACB head Justice Renzine Nzikamanda by Peter Mutharika's incoming administration – and the president appoints new ones.
- **Less than 10 countries received high scores on the indicator the extent to which investigations are independent, responsive and timely.** An example of a high scoring country is Lesotho, where the Directorate on Corruption and Economic Offenses investigated several high-profile cases involving senior government staff and MPs – including a current Minister as well as the principal secretary in the Ministry of Finance – during the period of study. In South Africa, the Public Protector is a strong performer, though there is room for further improvements, especially in regard to its ability to prosecute. Without this mandate, “Various individuals the Public Protector has found guilty of corruption and misconduct have not been reprimanded.”



Head of State Accountability Findings

- **The research shows that the majority of countries have a legal mechanism that allows for heads of state and government to be held accountable for crimes committed while in office.** However, systems are very different. In some cases, the only way to hold a president accountable is through impeachment. In other cases, there are specific crimes for which the president can be held accountable, yet these may require a vote to move forward. For instance, in Angola the National Assembly must vote by a 2/3 majority to allow any prosecution to go forward for specific cases, so as bribery and treason. While impeachment is a less than perfect tool for accountability, there are several examples where this (or a similar) avenue is unavailable. In Botswana, the President is immune from criminal proceedings, and there is no Constitutional provision empowering the legislature to remove the president from office to allow any such proceedings to commence. In Benin, only the High Court of Justice is competent to judge the President and members of the government in the case of high treason or offenses committed in the exercise of their functions, including any potential involvement in embezzlement, bribery, or illicit enrichment.
- **In most countries (47 out of 54 countries) it is mandated that the head of state should be prosecuted if evidence suggests they have committed a crime.** However, in a few countries the law extends immunity beyond the President's term. For instance, in Equatorial Guinea, former presidents become members of the Senate automatically after their mandate, which maintains their immunity (provided to all members of the senate). Likewise, in Zambia, the president is provided with immunity that extends once out of office, unless the National Assembly votes to determine that any criminal proceedings 'would not be contrary to the interest of the state.'

Police Force Investigation Findings

- **Over two-thirds of the assessed countries had an entity established with the mandate to receive and investigate police misconduct or abuse of force (#17).** In some of those cases, the entities were a human rights commission, an ombudsman, or an independent police oversight authority (for example Kenya, Zambia, South Africa). A small number of countries only have an internal police reporting mechanism or citizens must address their complaints to the courts.
- **Lack of resources and other problems limit the investigation of police abuse.** In many situations, the mechanisms established by law to investigate police abuse are not effective. For instance, in Ghana, the Commission on Human Rights and Administrative Justice (CHRAJ) has an adequate legal mandate, yet it only investigates if there is an allegation and its "efficiency is hampered by poor funding, and inadequate critical staff in terms of lawyers and research officers, which have rendered it unable to bite." In another example, Kenya has an Independent Policing Oversight Authority with a strong mandate, and its in practice scoring improved between 2014 (when the



authority was just setting up shop) and 2015 assessments. However, it earns a low in practice score of 25 based on its limited capacity to effectively respond and fully investigate received complaints. The agency has recently hired an additional 14 investigators (increasing the number from 6), which could improve *de facto* performance. In contrast, there are examples of systems that are reported to be unresponsive in practice. For instance, in Tanzania, the Commission on Human Rights and Good Governance is not commonly used by citizens to report police issues, and the public struggle to have their complaints heard by an uncooperative police force or the Ministry of Home Affairs.

- **Are the mechanisms to report police misconduct effective? While 70% of the countries have legally mandated mechanisms for reporting police misconduct**, only one country stood out as having a well functioning system: Rwanda. Rwandan citizens can issue complaints through the human rights commission or through the Inspector General of the Police, which has toll-free numbers and an online platform to facilitate reports. These are publicized and the public makes use of them, which has led to investigations and disciplining police. However, some reports indicate that in some cases investigations can be biased or no action taken.

Observations

- Of the nine indicators, five showed an average increase, two remained constant, and two deteriorated. The most substantial deterioration was found in *de facto* investigation of senior level politicians and/or civil servants. The most substantial improvement was found in *de facto* investigation of police misconduct.
- In 2015, the highest scoring countries in this category were South Africa, Benin, Kenya, Ghana, Mali and Mauritius. Benin (+8.3), Kenya (+5.6) and Mauritius (+2.8) exhibited improvements, and Ghana's score slightly deteriorated (-2.8).
- In 2015, the lowest scoring countries were Equatorial Guinea, Morocco, Libya, Eritrea, and the Central African Republic. Of these, only Libya exhibited a changed score between the two rounds, with an improvement of an 11.1 to a 22.2. Though it still earned all 0s for *de facto* implementation, the improvement followed a new law criminalizing corruption.



Regional Trends¹

- There is a wide divergence in regional performance in this subcategory. The spread between the highest and lowest regional averages is 24.94. Three Transparency & Accountability subcategories have significantly less regional variation.
- West Africa was the strongest performer, followed very closely by Southern and East Africa. There is a significant gap between these tightly scoring top 3 regions, and the lower scoring regions Central and North Africa.
- While there was an average increase in scores between 2014 and 2015, Central Africa's performance deteriorated – stemming from a significant deterioration in Cameroon's scoring, as well as smaller deteriorations in Chad and Gabon.

1.2 Accountability	2014 Ave	2015 Ave	Change
Overall	47.74	48.41	0.67
East Africa	50.00	51.16	1.16
Central Africa	33.02	31.17	-1.85
North Africa	30.56	31.94	1.39
Southern Africa	54.17	54.63	0.46
West Africa	54.81	56.11	1.30

It is important to note that aggregate scores mask very substantial - and very informative – country-level differences that can be found in the disaggregated data. An interested user benefits from exploring the data in detail, focusing on individual indicators and the country context described in the researcher's comment and sources. The indicators are designed to be granular in order to provide actionable information for each country covered, so they should be viewed individually for the clearest view of each country's performance - and opportunities for improvement.

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¹ Regions are here defined as:

- **Central Africa:** Cameroon, Central African Republic, Chad, Republic of Congo, Democratic Republic of Congo, Equatorial Guinea, Gabon, Sao Tome and Principe
- **East Africa:** Burundi, Comoros, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Seychelles, Somalia, South Sudan, Tanzania, and Uganda
- **North Africa:** Algeria, Egypt, Libya, Mauritania, Morocco, Sudan, and Tunisia
- **Southern Africa:** Angola, Botswana, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Zambia, and Zimbabwe
- **West Africa:** Benin, Burkina Faso, Cape Verde, Cote d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo



1.2 Accountability	2014 Score		2015 Score		2014-15 Change	
	Score	Rank	Score	Rank	Score Change	Rank Change
South Africa	86.1	1	86.1	1	+0.0	+0
Benin	75.0	2	83.3	2	+8.3	+0
Kenya	66.7	6	72.2	3	+5.6	+3
Mauritius	66.7	6	69.4	4	+2.8	+2
Ghana	72.2	3	69.4	4	-2.8	-1
Mali	69.4	5	69.4	4	+0.0	+1
Sierra Leone	72.2	3	69.4	4	-2.8	-1
Uganda	66.7	6	66.7	8	+0.0	-2
Rwanda	61.1	11	66.7	8	+5.6	+3
Comoros	55.6	16	66.7	8	+11.1	+8
Namibia	61.1	11	63.9	11	+2.8	+0
Lesotho	55.6	16	61.1	12	+5.6	+4
Liberia	50.0	25	61.1	12	+11.1	+13
Tunisia	66.7	6	61.1	12	-5.6	-6
Burkina Faso	47.2	27	61.1	12	+13.9	+15
Cape Verde	61.1	11	58.3	16	-2.8	-5
Malawi	63.9	10	58.3	16	-5.6	-6
Nigeria	55.6	16	58.3	16	+2.8	+0
Guinea-Bissau	61.1	11	58.3	16	-2.8	-5
Zimbabwe	61.1	11	55.6	20	-5.6	-9
Zambia	55.6	16	55.6	20	+0.0	-4
Senegal	52.8	22	55.6	20	+2.8	+2
Egypt	44.4	30	52.8	23	+8.3	+7
Madagascar	44.4	30	52.8	23	+8.3	+7
Tanzania	55.6	16	50.0	25	-5.6	-9
Mozambique	47.2	27	50.0	25	+2.8	+2
Ethiopia	41.7	35	50.0	25	+8.3	+10
The Gambia	52.8	22	50.0	25	-2.8	-3
South Sudan	52.8	22	50.0	25	-2.8	-3
Seychelles	55.6	16	47.2	30	-8.3	-14
Niger	50.0	25	47.2	30	-2.8	-5
Angola	44.4	30	44.4	32	+0.0	-2
Somalia	47.2	27	44.4	32	-2.8	-5
Congo Brazzaville	41.7	35	41.7	34	+0.0	+1
Gabon	44.4	30	41.7	34	-2.8	-4
Togo	36.1	39	38.9	36	+2.8	+3
Djibouti	33.3	44	38.9	36	+5.6	+8
Burundi	41.7	35	38.9	36	-2.8	-1
Sao Tome and Principe	36.1	39	36.1	39	+0.0	+0
Chad	38.9	38	36.1	39	-2.8	-1
Republic of Cote d'Ivoire	36.1	39	33.3	41	-2.8	-2
Sudan	36.1	39	33.3	41	-2.8	-2
Cameroon	44.4	30	33.3	41	-11.1	-11
Mauritania	33.3	44	33.3	41	+0.0	+3
Algeria	30.6	46	30.6	45	+0.0	+1
Swaziland	36.1	39	30.6	45	-5.6	-6
Botswana	27.8	48	27.8	47	+0.0	+1
Guinea	30.6	46	27.8	47	-2.8	-1
Congo DRC	22.2	49	25.0	49	+2.8	+0
Morocco	22.2	49	22.2	50	+0.0	-1
Eritrea	22.2	49	22.2	50	+0.0	-1
Libya	11.1	53	22.2	50	+11.1	+3
CAR	22.2	49	22.2	50	+0.0	-1
Equatorial Guinea	11.1	53	11.1	54	+0.0	-1

