Africa Integrity Indicators Findings

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Africa Integrity Indicators Findings (2015)

Transparency & Accountability findings

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Social Development findings

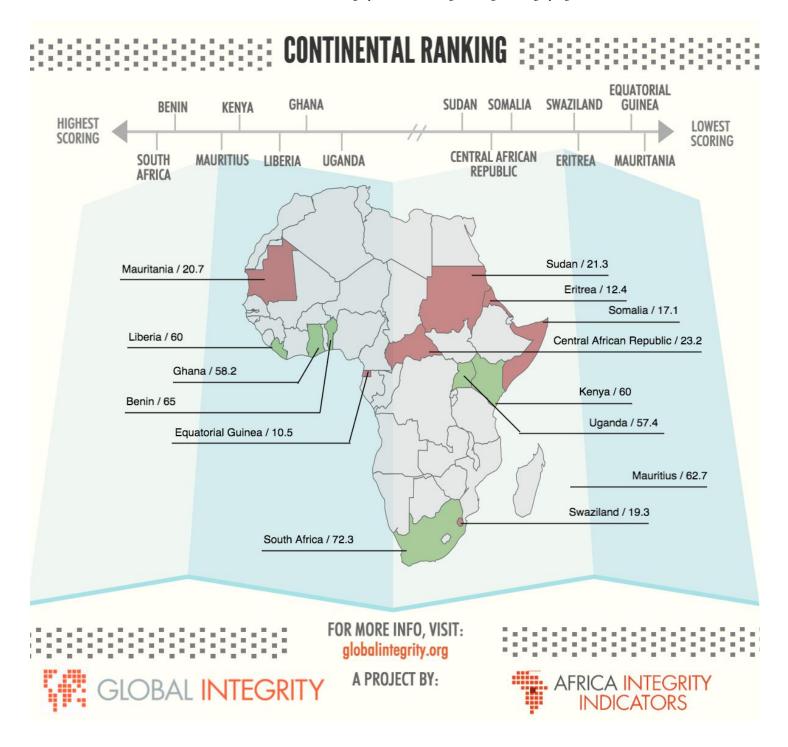
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Global Integrity has analyzed the research and produced an initial set of findings, presented in the sections below. Each findings section includes an infographic exhibiting highlights, findings sections providing short narrative bullets on some of the data highlights, observations on aggregate trends, and a regional trends section comparing regional performance. While this is designed as a starting point, the rich data lends itself to much deeper analysis – and is designed to be particularly fruitful when identifying areas for improvement at the country level. Aggregate category and subcategory scores serve as guideposts only – specific items for improvement are found at the indicator level, found using the data explorer at aii.www.globalintegrity.org. For instance, a country may have a low aggregate score in the public management integrity section. Looking into this, a user may notice that the lowest scores of the section were earned in indicators focusing on certain elements of the procurement process – effective blacklisting, or timely public accessibility of award and contract information, etc. In this case, these would present clear opportunities for improvement. Likewise, just because a certain country receives a middling or relatively higher aggregate score in a subcategory, this does not preclude room for significant improvement in certain areas – there will often be an indicator or two where the performance is lower, and left unattended, these represent an identified corruption risk that can be improved upon.

Global Integrity is dedicated not only to producing high quality data, but ensuring that it is as useful as possible for reformers (both inside and outside of government) around the world. If you're interested in working with this data to identify such opportunities in your country, contact us at aii@globalintegrity.org.

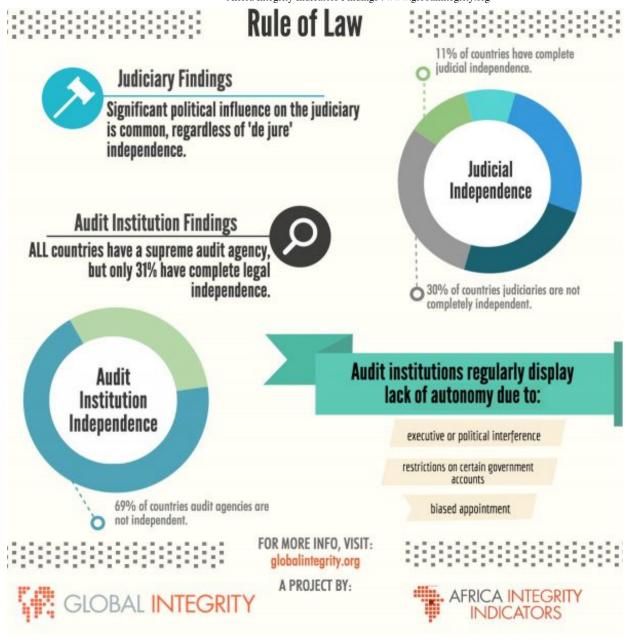
Transparency & Accountability

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Africa Integrity Indicators Findings

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The Rule of Law subcategory assesses the judiciary's autonomy from any outside control of their activities, the existence of unbiased appointment processes and security of tenure, and the production and transparency of well-grounded judicial decisions. It also measures the independence and transparency of a country's supreme audit institution. Rule of Law is one of the six components of the Transparency and Accountability category.

Click <u>here</u> for a pdf version of Rule of Law subcategory findings.

Judiciary Findings

• **Significant executive influence on the judiciary is common whether there is** *de jure* **independence or not.**For instance, in The Gambia (2015), the research notes that two chief justices were removed in July 2013 and

February 2014 without due process, thus warranting a low score. Similarly, while *de jure* judicial independence exists in Angola, in practice this is highly compromised due to executive and political influence. There, the

researcher reported, "As an example of the MPLA influence over judicial appointment, Manuel Aragão was selected by the High Council of the Judicial Power as a Supreme Court justice. He has a long political career within the MPLA structure, is a former justice minister and a member of the National Assembly, but has no previous legal qualification or experience and has never been a magistrate or had a career in the judiciary."

- Several venues support direct executive influence on the judiciary. In many instances, the executive has a position on the supreme council of the judiciary, which is directly involved in judicial promotion and disciplinary decisions. For instance, the comment in Cameroon (2014) notes, "According to Article 1 of Law No. 82/14 / of 26 November 1982 establishing the organization and functioning of the Superior Council of Magistracy, the Supreme Judicial Council is chaired by the President of the Republic. This executive influence undermines the independence of the judiciary." Thus, just under half of the countries surveyed earned a score of NO on the indicator about whether in law the independence of the judiciary is guaranteed.
- o In many countries, the judiciary earns low scores on both the laws and the practice. For instance, in Equatorial Guinea there is no legal independence and the executive wields considerable influence. The researcher reported that the President appoints judges of the Supreme Court without any parliamentary oversight, and also controls the judicial council. Furthermore, "Disciplinary measures continued to be arbitrary and mainly due to political motivations. The judge that was detained in Bata in 2013 due to a judicial decision that affected the president's son was released in December 2013 after being in prison for three months without charges."
- Does the judiciary have a role in reviewing laws? Even in countries where the law guarantees that the judiciary operates independently, the judiciary does not necessarily have full jurisdiction to review laws in six of them. For instance, the researcher in Zambia reports, "There is no provision that explicitly enables the judiciary to review the constitutionality of legislation or review laws. In fact, Section 34 of the National Assembly (Powers and Privileges) Act expressly denies the judiciary the right to review actions of the legislature."
- The legal framework improved from 2013-2014 in many countries. For example, Tunisia improved its in law score due to legal changes during the 2015 study period (Sept 2013-Sept 2014). In 2014's research, Tunisia scored a NO on indicator #1, as the new post-revolution law provided only general independence for the judiciary, and yet did not establish the judiciary's mandate to review laws. Tunisia then earned a YES in 2015, as the January 2014 passage of the new Tunisian Constitution provided such a mandate, along with more explicit provisions on judicial independence. Liberia also improved due to the introduction of constitutional protections from external intimidation.
- o In practice, judicial independence exists in different degrees in about half of the countries. For instance, in Botswana, "There has been no evidence that shows that pressure is exerted on judges from the government. Judges have autonomy to interpret and review existing laws, legislation and policy. During the period of study, there were no incidents such as politics, nepotism or influence that transpired and trampled upon the power of the judiciary to perform as an independent entity." There are also clear examples across the continent of merit-based appointment procedures being insulated from undue executive influence. For instance, in Cape Verde, "National-level judges are chosen through a merit-based selection system. Vacancies for Supreme Court judges are competitive and open by resolution of the Supreme Council of the Judiciary. The filling of vacancies of judges of the Supreme Court is by promotion through curricular public tender, open to associate judges."

More judicial transparency is needed. The lowest scoring indicator on the judiciary was #4 on the public
availability of the rationale for judicial decisions. Several countries provide public access to judicial decisions
through an online database and offline requests, but in many cases only litigants can access this information. In
other cases, such a Malawi, databases are available, but they are significantly outdated (only cases through 2010
are easily accessible to the general public).

Audit Institution Findings

- o Are audit institutions independent? All countries have a supreme audit agency however, only 17 have what indicator #6 considers "legally guaranteed independence." Oftentimes, the entity is an accounts chamber from a judicial branch that lacks sufficient independence, or it is formally independent but lacks a legal mandate to audit certain government accounts and/or refer cases to public prosecution. For instance, in Ghana the audit service has a wide mandate, but it cannot forward any of its findings to public prosecution. Instead, it may only issue recommendations in its report to parliament, where the Public Accounts Committee itself makes a determination on any potential response. However, laws give auditors independence in a third of the continent. For example, in Malawi, Section 16(2) of the Public Audit Act of 2003 provides the auditor general with the power to refer cases directly to the director of public prosecutions as necessary.
- Audit institutions regularly display signs of lack of autonomy. In Law, 17 countries (31%) completely guarantee the independence of the supreme audit institution, but in practice only four of them actually do it. There are significant examples of executive interference into audit operations through influence, restrictions from auditing certain accounts, and biased appointments. For instance, in Liberia, the 2014 research notes, "In practice, there are exemptions to agencies of government to be audited by the General Auditing Commission (GAC), Liberia's supreme audit institution. All national security institutions, including the Liberia National Police and the Ministry of Defense, are not subject to audits..." Furthermore, in 2015 Liberia's researcher reported of the political nature of appointments, "The auditor general and the two deputies do not necessarily have to go through any selection process, merit or otherwise. The president nominates the three without due consideration for particular guideline or system, nor does the president consult anyone." In Rwanda, while the entity is not legally restricted from auditing certain accounts, in practice it fails to do so, due either to lack of cooperation, lack of resources, or the influence of fear or favor. For instance, the 2015 research on Rwanda reports, "An official of the OAG, interviewed on Nov. 8, 2014, on the condition of anonymity, said that three public institutions are not audited: the Office of the President (for no apparent reason), the Rwanda Social Security Board (RSSB) and the National Bank of Rwanda (BNR)... Similarly, the expenditure for the military goes unaudited."
- Appointments are merit-based and insulated from politics only in 11% of the countries. One of the better examples is South Africa, where the research notes, "The Auditor General is appointed according to a merit-based system. During the appointment process of the Auditor General, a list of nominees was made publicly available and hearings were held. These hearings were made public on the website of the parliamentary monitoring group. The law states that parliament has to vote for the appointment, thus through a multi-party scrutiny procedur. At least 60 percent of parliament (240 of the National Assembly's 400 MPs) has to support the appointment of an

Auditor General. Advocate Paul Hoffman said that "a head of state can't appoint someone favourable to his/her party" and that "it is furthermore difficult to remove the Auditor General, almost as difficult to remove a judge."

- The independence of audit institutions is often undermined by the lack of protections from removal. An example of removal during the period of study occurred in Tunisia, where the president of the Court of Accounts was dismissed by the Prime Minister. In Burkina Faso, the research reported flaws in the appointment system, where cabinet members make appointment and removal decisions.
- Audit reports are rarely published and accessible to the public. Indicator #9 on the publication of audit reports received the lowest average score of the subcategory, and the scores seem to have deteriorated from 2014 to 2015. In some countries, the supreme audit institution isn't active in producing reports or it produces only a single report per year. In others, the institution is producing reports, but these are not readily accessible to the public. This indicator is highly responsive to changing publication patterns between research periods. For instance, while in 2014 Liberia's General Auditing Commission made a large number of reports available to the public, during the 2015 research period, no new reports were published (several were delayed or pending).

Observations

- o Of the nine indicators, seven showed an average increase, one remained constant (#5), and only one deteriorated (#9). The most substantial improvements were found in the two appointment indicators (#3 and #8).
- In 2015, the five highest scoring countries in this category were South Africa, Cape Verde, Kenya, Namibia, and Mauritius. South Africa's score held constant, but took the top position from Cape Verde, which saw a score decrease of 5.6 between 2014 and 2015. Cape Verde's score deterioration followed lower scorings in the audit section – indicators 7 (independence) and 8 (appointments).
- Namibia showed the most significant movement among the top five, moving from 7th position in 2014 to 4th position in 2015 with an improvement of 5.6. Notably, part of this increase followed a higher scoring on audit agency report accessibility (#9), an indicator where an average deterioration was experienced overall.
- In 2015, the lowest scoring countries were Mauritania, Equatorial Guinea, and Cameroon. Swaziland, Sudan,
 Somalia, Central African Republic, and Burundi were all tied in the fourth to lowest position. While four of these countries showed no score movement between 2014 and 2015, Sudan and Swaziland's scorings deteriorated, while CAR's improved slightly.

Regional Trends

1.1 Rule of Law	2014 Ave	2015 Ave	Change
Overall	38.75	40.28	1.52
East Africa	36.80	37.90	1.10

Central Africa	30.13	32.78	2.65
North Africa	25.86	26.20	0.33
Southern Africa	46.03	46.74	0.72
West Africa	43.68	46.18	2.50

- There is a wide divergence in regional performance in this subcategory. The spread between the highest and lowest regional averages is 28.70, substantially larger than all other Transparency & Accountability subcategories.
- Southern Africa was the strongest performer, with Central and North Africa as the lowest. No region exhibited deterioration between 2014 and 2015.
- Central Africa improved by 2.65 and West Africa improved by 2.5. North Africa showed the least movement between 2014 and 2015.

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Africa Integrity Indicators Findings



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.

Click here for a pdf version of Accountability subcategory findings.

Public Sector Corruption Findings

- **Corruption is criminalized as a specific offense 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.
- o 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 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.
- o **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

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- o 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

- o 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.
- o 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 Trends

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

- 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.

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Africa Integrity Indicators Findings



The Elections subcategory measures the independence of the election oversight agency, as well as access to state-owned media outlets. The first four of these indicators (19 – 22) focus on the election oversight entity, assessing whether the law guarantees the independence of the agency mandated to organize and monitor elections, as well as the defacto realities supporting – or contravening – that independence.

Click here for a pdf version of Elections subcategory findings.

Independence of Election Oversight Entity

- Many oversight entities are legally independent but have an insufficient or limited mandate. Seventy percent of assessed countries have an oversight entity with legal independence, and 70% (38 of the 54) of the countries have laws that provide legal, the mandate to review elections, issue binding decisions, and choose the cases to be heard by the agency. However, 30% lack these powers. For example, in Nigeria "INEC [Independent National Electoral Commission] has no powers to receive complaints and issue binding decisions on electoral matters. All enforcement of electoral cases falls to the courts. There is no section of the Electoral Act or Constitution that gives INEC any such powers, and all disputes are settled in court." In some cases there is no independent entity at all for instance, in Morocco, elections are conducted and overseen by the Ministry of Interior.
- o Appointment processes commonly undermine the independence of the entity. There are numerous examples of appointments made without following merit and being fully controlled by the executive. For instance, in Equatorial Guinea, the research notes, "In practice, sources affirmed that the JEN [National Election Commission] is controlled by the Minister of Interior, who continues to propose the majority of electoral authorities to the president, who makes the appointments through a presidential decree... Election officials continued to be appointed according to their affiliation to the ruling party and government officials. Officials are rarely removed, as they are expected to maintain their affiliation to the ruling party..." Twenty-one (39%) countries scored a 0 on this indicator, and another nine (17%) scored a 25, due to biased appointments.
- o Merit-based appointments that support the entity's independence are not common but do exist. Only eight countries (15%) earned high scores in this regard and evidence suggests strong merit-based appointment processes are being adhered to in these limited instances. For example, in Benin candidates are appointed based on merit qualifications, and to avoid political bias two members are appointed by the majority, two by the opposition, and one by the collective of judges. Another example is Namibia, where "The positions of the director and commissioners (5) are advertised in public, and credible candidates are shortlisted. A selecting committee is in place to conduct interviews. This panel consists of Law Society, ombudsman and high court judge, and these three institutions make selections and preside over the interview process and shortlists of credible commissioners. Interviews of candidates are open to the public. In the case of the appointment of the director, the commissioners recommend three to five names to the president in order of performance from the interview process."
- Lack of protection from arbitrary removal is relatively common, which makes oversight entities more
 vulnerable to political pressure. For example, in Sudan the research notes that members of the National
 Elections Commission serve at the will of the president, and there is no system of due process to protect any from
 arbitrary removal or replacement.
- A third of the countries show significant improvements in *de facto* independence of the election entity. One example is the Central African Republic, where a new system's implementation earned score improvements from a 25 score in 2014 to 75 score in 2015 for indicator 20, and from 25 to 100 for indicator 21. A new 2013 electoral code reformed the National Authority for Elections (ANE) and implemented an improved system of merit appointments to term-protected positions, based on a selection committee for assessing merit and a consensus decision from a committee composed of political parties and civil society representatives. The prior system was unbalanced, and allowed for direct nomination and appointment of the Chairman by the President, bypassing merit considerations. Another notable improvement is found in Guinea-Bissau, where a 2014 reorganization of the

National Electoral Commission (CNE) included four magistrates, rather than proportional political party representation. With the newly formed CNE magistrates being protected from removal during their term, the indicator received a high score of 75 for indicator 21, noting that though "there have been various political pressures from the military and political parties through unsuccessful financial inducements and threats, the CNE was able to guarantee their independence and not be influenced by other branches of power."

• **Election oversight entities do not publish meaningful reports for citizens.** Only five countries (9%) earned a high score (75 or 100) here and the vast majority (49 or 91%) produced one or fewer substantial reports during the most recent election. In many cases, the only publication consisted only of the election results, with no substantive information at all published on how the election itself was conducted, or on the work of oversight entities.

State-Owned Media

- o The majority of countries assessed show clear evidence of state media bias in elections. Only nine (17%) countries earned a score of 75 or higher, 21 countries (39%) earned a 0 score, and another nine (17%) earned a 25, evidencing the prevalence of biased state media in elections. For example, in the Seychelles a low was earned due to ruling party control and monopolization of the state media. Recommendations have called for free and equal broadcast time, but no steps towards implementing the recommendations had been taken during the period of study. Zambia and Zimbabwe also experience the ruling parties' influence over state owned media: in Zambia, state-owned media doesn't report government violence that could affect the ruling party's electoral chances, and in Zimbabwe, the ruling party reportedly receives more access and better treatment (while most private media outlets are more aligned with the opposition).
- The exceptions to the biased media are few in number, but increasing in strength. Namibia earned a much-improved score in 2015 based on significant improvements. Earlier research covering the 2009 election (the most recent at the time of research) noted significant bias in state media coverage. However, the latest research found several changes made that improved the situation in the 2014 election cycle: "The Namibian Broadcasting Corporation, a state medium, has set up an Election Task Force that is re-evaluating the parastatal's election policy. The task force also ensures allocation of free airtime for all parties as well as paid airtime too. The airtime to political parties will not only be free but also equal and necessarily equitable. ... During this study period, also a pre-electoral period, all parties have received equitable airtime on NBC. Discussion programmes hosted political leaders from across the divide. Even one hard-hitting show, One on One, hosted many political leaders without regard to which party they belong to." Sao Tome and Principe, for the first time in history, has recently made available 10 minutes of airtime at 8 p.m. for different parties for debates of local, regional and parliamentary elections.

Observations

• While the lone *de jure* indicator held constant, the four *de facto* indicators each gained.

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- In 2015, the highest scoring countries in this category were Benin, Tunisia, South Africa, Madagascar, Sao Tome
 and Principe, and Zambia. Of this group, Benin, South Africa, Madagascar, and Sao Tome and Principe exhibited
 improvements, and Tunisia's score slightly deteriorated.
- In 2015, the lowest scoring countries were The Gambia, Swaziland, Equatorial Guinea, Tanzania, Somalia, Morocco, Eritrea, and Algeria. Of these, the scores of 6 held constant between 2014 and 2015, while both Algeria and Swaziland showed deterioration.

Regional Trends

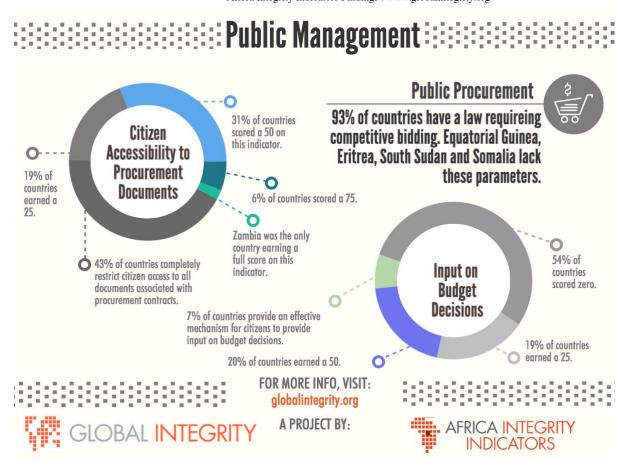
1.3 Elections	2014 Ave	2015 Ave	Change
Overall	38.80	42.69	3.89
East Africa	32.92	35.00	2.08
Central Africa	31.67	41.11	9.44
North Africa	34.38	33.75	-0.63
Southern Africa	40.42	45.42	5.00
West Africa	45.67	49.33	3.67

- Of the six Transparency & Accountability subcategories, Elections shows by far the least score variation among regions. Here, the difference between the highest scoring region (West Africa) and the lowest scoring region (Central Africa) is only 15.58 – significantly less than the other five subcategories, four of which show a divide of more than 21 between the highest and lowest scoring regions.
- Between 2014 and 2015 research rounds, Central Africa showed significant improvement as a region (+9.44) as did
 Southern Africa (+5.0).

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Africa Integrity Indicators Findings





The Public Management subcategory assesses the transparency of public procurement, state-owned companies and natural resource allocation, and the budgeting process. The first five of these indicators (24 – 28) focus on public procurement. Indicators 29 and 30 assess whether citizens have access to the financial records of state-owned companies and natural resource exploitation, respectively. The remaining four indicators (31 – 34) assess the budget process. Public Management makes up one of the six components of the Transparency and Accountability category.

Click <u>here</u> for a pdf version of Public Management subcategory findings.

Public Procurement Findings

- Laws requiring competitive bidding in public procurement are common, but not universal. Only Equatorial Guinea, Eritrea, South Sudan and Somalia lack a law requiring competitive bidding for major public procurements. For example, in South Sudan a Public Procurement bill went before the National Assembly in 2012, but by 2014 it had yet to be enacted. Likewise, while the Somali Constitution calls for a law to provide a framework for public procurement, no specific law has yet been passed regarding competitive bidding.
- **Public procurement documents are frequently not easily accessible to requesting citizens.** Almost half (43%) of the assessed countries scored a 0 on this indicator with extremely low or no transparency. For instance, in Angola the research notes that "requests for public consultation of such documentation often go unanswered or are plagued by multiple bureaucratic obstacles that render the process slow and onerous." Some countries seared slightly higher with a 25 with limited information being shared publicly, but still fell short of procurement

transparency. For instance, in Cape Verde, the results of tenders are published in local newspapers, but there is no citizen accessible archive that contains the contracts details. Only four (7.4%) countries scored a 75 or higher. As an example, in Zambia, the Public Procurement Authority (ZPPA) responds to citizen requests, and makes available all documentation submitted with tenders, which usually includes full contracts, proposals and execution reports, among other elements.

• Not all countries have laws prohibiting procurement violators from participating in future bids. Nine (17%) countries fail to legally restrict such participation. In practice, 29 countries (54%) either don't keep and enforce any list of violators, or do not make it accessible to the public. For instance, in Lesotho the research found that procurement violators were not barred from future bidding. On the other hand, several countries showed an improvement in this indicator. For example, in Kenya at least two firms were debarred, and the enforced list was made available to the public on the authority's website, while formerly no such information was shared with the public.

State-Owned Companies and Natural Resource Allocation findings

- o In the majority of countries (32 of 54), citizens are not able to access the financial records of state-owned companies. In this indicator, no country earned a 100 (earned in cases of full publication on a quarterly basis) where such information was available, as it was generally annual publication.
- o The financial records related to natural resources were slightly more accessible to citizens. Half (27) of the assessed countries earned a 0 due to lack of public accessibility. For example, in Liberia, neither the government, nor the companies have published this information. The researcher notes that while the Liberia Extractive Industries Transparency Initiative (LEITI) initially published some of this information, nothing has been made publicly available for the past two years. There were, however, several examples of public accessibility. For instance, in the Democratic Republic of the Congo, the research notes significant improvement in financial transparency, with the government publishing revenues related to oil and mining contracts and the majority of mining companies themselves making their own records available on a quarterly basis.

Budget Process Findings

- Only 12 (22%) countries require the proposed budget as well as the approved budget to be published. In
 most countries only the approved budget is published. Liberia is an example of the opposite: Section 14 of the
 Public Financial Management Act requires that the proposed budget be made available to the public immediately
 following its submission to the Legislature, as well as requiring the approved budget to be made publicly available.
- o Only a third of the countries score high on whether significant public expenditures receive legislative approval (#31). There were a number of improvements over the past two research periods, but there was also some significant deterioration. For instance, in Benin, which had formerly scored well here, the 2014 budget was

rejected by the legislature, and then passed by executive decree, thus lowering the scoring for the most recent round. Some countries scored low because their approved budgets can be amended significantly without any legislative oversight. This is for example the case noted by the researcher in Cameroon. However, in higher scoring countries, changes are proposed by the government and the legislative branch is empowered to approve or reject these proposals – such as in Cape Verde.

- o **Regular legislative oversight of public funds is less common.** Twenty-three 23 (43%) of the countries either have no legislative committee responsible for budget oversight, or it exists but in practice it takes no action. For instance, in Sudan there is a committee that has such a mandate (the Committee on Economic and Financial Affairs), but it does not meet regularly and it hasn't conducted any investigations in the last five years due to other priorities, such as taxation and customs. On the other hand, the research provides details of some positive examples for instance, the in Lesotho the Public Accounts Committee meets regularly and is one of the 'relatively effective' oversight committees, having conducted investigations into several irregularities, publishing a report in February 2014.
- o In most countries, there is no effective mechanism for citizens to provide input for budget decisions. Here, 29 (54%) countries lack meaningful citizen engagement in the budget process and earned a 0 score. However, there are a few examples of effective systems designed to facilitate citizen participation in the public budget. For instance, the research for Rwanda notes a proactive, detailed mechanism supporting citizen engagement in the budget process through the promotion of discussion groups, an online platform, SMS platform, and toll-free line.

Observations

- All three *de jure* indicators held constant, and all scoring movements occurred in the *de facto* indicators. Of the eight *de facto* indicators, three deteriorated (#25, 31 and 34) while the remaining showed some improvement.
- o In 2015, the highest scoring countries in this category were Kenya, Zambia, Mauritius, Liberia, the Democratic Republic of the Congo, and South Africa. Of this group, four exhibited improvements, with Liberia showing a very substantial improvement (+27.3): a formerly disorganized Public Procurement and Concession Commission (PPCC) is increasingly effective for example, by maintaining a list of debarred countries and making it accessible to requesting citizens. South Africa showed a slight deterioration in this subcategory, with Mauritius exhibiting a larger (-15.9) deterioration.
- In 2015, the lowest scoring countries were Equatorial Guinea, Eritrea, Somalia, Angola and South Sudan. The bottom three countries exhibited a minor improvement, with the remaining three holding constant.

Regional Trends

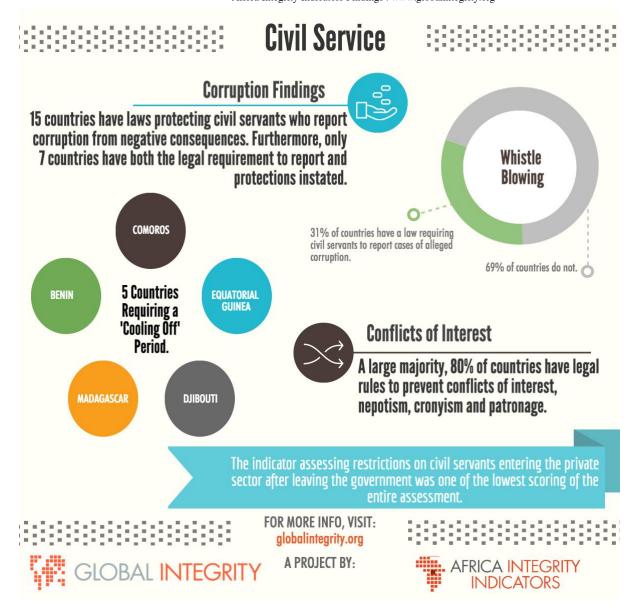
1.4 Public Management	2014 Ave	2015 Ave	Change
Overall	40.15	40.78	0.63

East Africa	36.36	38.45	2.08
Central Africa	37.37	36.36	-1.01
North Africa	27.56	27.84	0.28
Southern Africa	47.73	44.70	-3.03
West Africa	43.48	46.82	3.33

- West Africa showed an improvement between 2014 and 2015, attaining the highest average scores among regions as Southern Africa's average scores declined.
- As West Africa's de jure indicators retained the same scoring between rounds, the improvement is found solely from de facto improvements – several small, yet significant improvements along with a much more substantial improvement in Liberia.
- As with most of the six Transparency & Accountability subcategories, Public Management exhibits a substantial gap between the highest and lowest performing regions. Here, the difference between the highest scoring region (West Africa) and the lowest scoring region (North Africa) is 18.98.
- North Africa continued to earn the lowest score among regions. Outside of Morocco, which earned a relatively robust 61.4 here, no other country in the region earned a score of over 32.

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Africa Integrity Indicators Findings



The Civil Service Integrity subcategory provides an assessment of civil service integrity systems. The de jure indicators (35 – 37, 40) focus on legal requirements and protections surrounding the reporting of corruption and conflict of interest. The two de facto indicators (38 – 39) assess political interference and whether appointments are biased or merit based. As subcategory 1.5, Civil Service Integrity makes up one of the six components of the Transparency and Accountability category.

Click here for a pdf version of Civil Service Integrity subcategory findings.

Civil Service Integrity findings

• The majority (69%) of the countries have no law that requires civil servants to report cases of alleged corruption. This indicator is focused on a legal requirement to report, rather than the possibility of reporting, or protection while reporting. Seventeen countries do have such a requirement. For instance, in Sierra Leone, the Anti-Corruption Act includes a duty for civil servants to report public-sector corruption whenever a public officer suspects that such an act has been committed or is about to be committed. However, some of these laws only require such reporting to be done by senior level civil servants, such as in South Sudan, where the law requires

that "Any executive or legislative constitutional office holder, Justice, or senior civil servant who has knowledge of a corrupt practice and fails to report the same to the Commission commits an offence and shall, on conviction, be sentenced to imprisonment for a term not exceeding three months, or a fine or with both."

- Only a minority (28%) of countries has a law protecting civil servants who report corruption from negative consequences. For instance, in Zambia the Public Interest Disclosure Act provides such protections. In seven countries, there is both a legal requirement and legal protection from negative consequences South Sudan, the Democratic Republic of the Congo, Malawi, Sierra Leone, South Africa, Mauritius, and Liberia. Interestingly, not all countries that have a duty to report provide such clear protection. In 10 countries, civil servants have a duty to report, and yet limited or no legal protection from negative consequences (Guinea-Bissau, Equatorial Guinea, Tunisia, Republic of the Congo, Mali, Cape Verde, Ethiopia, Nigeria, Zimbabwe, and Namibia).
- The majority of countries (78%) have legal rules to prevent conflicts of interest, nepotism, cronyism and patronage. Some countries have a law governing conflict of interests but scored low because the law explicitly excluded some branches of the public service. Such is the case in Central African Republic.
- o Only five countries require a cooling off period after civil servants leave their government post to take a position that would constitute a conflict of interest. Djibouti is one of those: the Penal Code provides for a five year period following the termination of service for a number of operations, and violations to this law can be penalized with two years imprisonment and a fine of 500,000 Djiboutian francs. Benin is another example, where the Law on Corruption notes, "The government official admitted retired or resigned may not exercise professional activities directly related to the duties he assumed when he was in office until a period of five years." Some countries, such as Namibia, have laws restricting civil servants from freely working in the private sector while in the civil service, but no provisions regulate conflicts of interest after resignation.
- o The research shows there is substantial political interference in the civil service. While six countries earned a score of 75 or higher, elsewhere the research reported instances of civil servant removal and replacement based on political affiliation. For instance, in Equatorial Guinea, civil servants are easily removed for political reasons: the research showed that in May 2014 party officials reviewed public employees' salaries to verify they were paying their party fees. Even more common is an appointment system that leads to hiring based on bias rather than merit. For example, in Cameroon the appointment process is affected by tribal, political or family connections. There are fewer examples of countries that are able to insulate the civil service from biased appointments. One is Botswana, which the research notes has been able to maintain an effective merit-based appointment system, evaluation and promotion, with the Directorate of Public Service Management managing the process throughout the ministries.

Observations

o Of the six indicators, only #39 on civil service appointments deteriorated from the 2014 to the 2015 rounds of research. Two of the *de jure* indicators remained constant with no relevant legal changes taking place, while two (36 and 37) showed improvement. The slight aggregate improvement on indicator #36 was based on Liberia's 2014 implementation of Executive Order 62 on the Protection of Whistleblowers. Indicator #37 showed a larger

improvement, with Liberia and Egypt both moving to 'YES' scores. In Liberia, a new Code of Conduct was passed in 2014, while in Egypt the 2014 Constitution improved the legal framework.

- o In 2015, the highest scoring countries in this category were Mauritius, Liberia, Botswana, South Africa, Democratic Republic of the Congo, Malawi, and Sierra Leone. Of this group, three exhibited improvements, with Liberia showing a very substantial improvement (+41.7) with the researcher in particular noting that the establishment of the Liberia Anti-Corruption Commission covers all corrupt practices in all the branches of the government, which changed the political landscape of Liberia significantly.
- o In 2015, the lowest scoring countries were Somalia, Mauritania, Eritrea, Sao Tome and Principe, and Guinea. Guinea and Somalia exhibited deterioration between the last two rounds, while Sao Tome and Principe showed slight improvement. Although the laws are clearly stated in Guinea, the rating system has proved to be ineffective, as people have been promoted based on relationships instead of merit. In Somalia, previous research the establishment of new government administrations occasionally suggested optimistic changes among civil service officers. However, the latest research indicated that each new administration recruits new staff and people refer to their government posts as 'summer jobs,' epitomizing the uncertainty surrounding jobs.

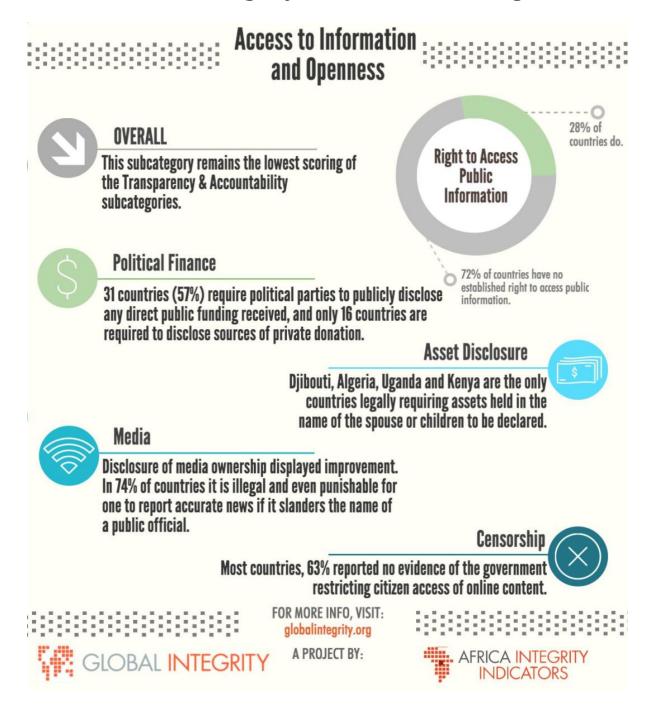
Regional Trends

1.5 Civil Service	2014 Ave	2015 Ave	Change
Overall	32.72	33.87	1.16
East Africa	30.21	31.25	1.04
Central Africa	27.78	29.63	1.85
North Africa	19.79	19.27	-0.52
Southern Africa	44.44	45.14	0.69
West Africa	32.78	35.00	2.22

- Four of the five regions showed improvement over the past two research rounds, with only North Africa deteriorating slightly.
- As with most of the six Transparency & Accountability subcategories, Civil Service Integrity exhibits a substantial
 gap between the highest and lowest performing regions. Here, the difference between the highest scoring region
 (Southern Africa) and the lowest scoring region (Middle Africa) is 25.87. Southern Africa considerably outperforms
 all other regions in this subcategory.

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Africa Integrity Indicators Findings



The Access to Information & Openness subcategory provides an assessment of civil service integrity systems. Three indicators (41-43) assess citizen access to information. The next four indicators (44-47) assess asset disclosure requirements and citizen access. Four indicators (48-51) focus on citizen access to sources of political party donations – both public and private. The next six indicators (52-57) deal with the media and information landscape, from ownership to reporting standards to censorship in both traditional and online sources. The final two indicators (58-59) cover the online presence of government ministries and agencies. Access to Information & Openness is one of the six components of the Transparency and Accountability category.

Click here for a pdf version of Access to Information & Openness subcategory findings.

General Access to Information Findings

- Legal rights to public information are rare, but increasing. The majority (72%) of countries still have no legally enshrined right to access public information. However, this improved in two cases. In Sierra Leone, the government passed the Right to Information Act in October 2013, while in Mozambique a Right of Access to Information Act was passed in August 2014, 10 years after the bill was first submitted.
- Scores were low across the board and even countries where there is a specific access to information law, in practice citizen requests are frequently unsuccessful. Only 21 countries (39%) scored above zero, and only six scored above a 25. For example, in Botswana ministries do not freely provide public information. In Burundi, the government has adopted a culture of secrecy and authorities remain silent while requests are issued and even requests from attorneys that need legal files may be denied. In Mauritius, there is no right to information law in place and many barriers block access to information, as authorities follow the parameters for the Official Secrets Act. Allegedly, requests can be filed for the cost of a photocopy, but in practice most of the time citizens fail to obtain the information they seek. Even where information laws exist, the practice falls short of the books. In Angola, for example, there is a law but no central agency or office in charge of answering information requests. "There is a general attitude of disregard or even contempt toward formal information requests filed by citizens... information is often obtained only off the record and based on personal connections," according to research. Significant difficulties in accessing public information even in the presence of an enabling law were also reported in Togo, Mozambique, Zimbabwe, Sierra Leone, and Niger. Of the remaining countries with appropriate laws, only one managed a score of above a 25 on *de facto* accessibility.
- Compared to general public information requests, legislative processes and documents are occasionally more accessible to citizens, but still difficult to obtain. Only four countries earned full marks in this indicator, and another seven earned a 75. For instance, in Zambia various documents are updated and available online including reports, laws, bills, points of order, rulings, debate transcripts, and others. Beyond the transcripts, important debates are often broadcast live. Importantly, interested citizens, such as academics and journalists are able to receive copies of voting records quickly upon request. On the other end of the spectrum are the 12 countries (22%) that earned the lowest score. Equatorial Guinea is an example: there are no archive or records system for the legislative process since the 2013 election, and citizens have no access to information on an opaque legislative process no information on debates, on voting records, or even full texts of bills. While some citizens are able to receive copies of laws from the Ministry of Public information, this process is at times unsuccessful, and when it works it carries a fee higher than photocopying cost.

Asset Disclosure Findings

o **Asset disclosure regimes are weak and often nonexistent.** These four indicators are all among the lowest scoring indicators in the entire assessment. While a number of countries have legal provisions requiring senior officials (including heads of state and government) to file asset disclosures, most of these do not extend disclosure requirements to immediate family members. Thus, only four countries meet the criteria for a YES score here A Djibouti, Algeria, Uganda and Kenya. In these countries, the law requires the assets held in the name of the spouse

as well as dependent children to be declared as well. On indicator 46 regarding asset disclosures in the civil service, only one country earns a YES – Kenya (through the Public Officer Ethics Act).

• When they exist, asset disclosures frequently lack detailed information or are not easily accessible to the public. Only four countries earned scores higher than zero and only one scored higher than 25. For instance, in Kenya "An April 2014 article by Samuel Kimeu, executive director of Transparency International Kenya also points that: 'While technically it is possible for the public to access wealth declarations, in practice it's a near impossibility. There is no record of a successful request for the release of wealth declaration information in Kenya, completely defeating the purpose for which it was established."' Only four countries scored above a 0 in indicator 45 (on whether the asset disclosure process for senior officials of the three branches of government is effective), and only one country in indicator 47 (on whether the asset disclosure process for members of the civil service is effective).

Political Party Financial Transparency Findings

- Less than half (43%) of the countries legally require that political parties publicly disclose direct public funding they receive, but only a third (30%) are required to publicly disclose the sources of private donations. For example, while in South Africa public funding allocations are disclosed to the public, there are no laws that require parties to disclose their private funding sources. In Liberia, there have been improvements in reporting of political finance data. In response to political parties rarely disclosing private donations, Liberia's electoral management body threatened to revoke the parties' certificates for failure to report financial statements. During the research period, several parties were still awaiting the Supreme Court's ruling on whether or not they were being deregistered for failure to comply with campaign finance regulations, and the electoral management body has reported favorable improvements in the recent reports filed by the political parties.
- Even where laws require disclosure of public and private funding, *de facto* accessibility is quite limited. For example, in Guinea, requests for information on both public and private funding is guaranteed by law, but in practice the political parties rarely report what they receive and public donations are usually published by the Independent National Electoral Commission (CENI). For private donations, it is significantly more difficult to obtain information because political parties are not obliged to publish it. In Uganda 10 political parties didn't submit financial records to the government during the period of study, despite reminders and warnings by the electoral authority, while in Ghana, information is not proactively published and requests to the Electoral Commission to access party donor information were denied. In fact, only three countries earned a score higher than 0 on the indicator about private donation information. Morocco was one such example, earning a relatively high score (for this indicator) of 50. By law, political parties are required to submit financial reports to the Supreme Audit Institution and, while not all parties comply and some file these reports late, the information is available upon request, as it is explicitly outlined that the public shall have access to these reports.

Media Findings

• **Disclosure of media ownership shows signs of improvement.** Nearly half (24) of the assessed countries eached a 75 or higher on this indicator (52) and when comparing the 2014 and 2015 there seems to be increased

disclosure of ownership. Still, six countries (11%) earned a 0, as exemplified by Guinea, where private media ownership is only known to the government, and only when there are public court cases against a media outlet is the general public able to become aware of an outlet's ownership. In Sao Tome and Principe, the researcher notes that since there are only a few private media organizations in the country, and since it is a small tightly knit society, it is not difficult to informally learn the identities of the owners, even when they are not explicitly indicated in the publications.

- o In the majority of countries (74%), it is not legal to report accurate news if it damages the reputation of a public figure. For instance, in Lesotho any action that is likely to make the public hate or disrespect a public officer and embarrass the state is defined as subversion, and thus severely punishable under the Internal Security Act. In many other cases, the laws remain vague, without any clear protection for those publishing accurate information. For example, in Malawi, according to the Protected Flag, Emblems and Names Act, "any person who does any act or utters any words or publishes calculated to or liable to insult, ridicule or to show disrespect to or with reference to the president shall be liable to a fine of £1,000 and to imprisonment for two years." As the research notes, "What is vague and ultimately restrictive to journalists is what constitutes ridiculing, insulting, or showing disrespect to the president. Consequently such a measure limits what can be accurately reported about the presidency."
- o In half of the countries, there is censorship or self-censorship is encouraged. Only in five countries (9%) the government doesn't directly influence media publication, while 18 countries (33%) earned a 0 score and another 14 (26%) earned a 25 score based upon regular direct censorship or government threats and punishment designed to actively promote self-censorship in the media. Sudan exemplifies the most blatant cases the government has prevented the publication of information through seizure and confiscation, while also harassing and threatening journalists. In Tanzania, the scoring deteriorated over the last two rounds, with the government's banning of several newspapers and websites over the most recent study period. A notable deterioration in Botswana was also evidenced in the research, with arrests and potential lawsuits increasingly promoting self-censorship. For example, the editor of the Sunday Standard was arrested and charged with sedition, the author of a story had to flee the country in search of asylum, and in November 2013 President Khama announced that he would be supporting a motion that would allow MPs who want to take the media to court for defamation to have their legal fees covered by the taxpayer.
- o In comparison with the traditional media, there is less direct censorship or self-censorship of citizen-created online content. Compared with only six countries earning a full 100 score in the indicator about censorship and promotion of self-censorship of the media (55), the same indicator in relation to citizen-created content online (56), 22 (41%) countries earned the highest score. Another nine (17%) earned a 75. However, there were a couple notable deteriorations. One example is Madagascar, where citizens and media professionals oppose a new law on Cybercrime due to its dampening effect on the freedom of citizens to express themselves in social networks and other online publications. No cases have been brought to justice under the new law yet.
- Most countries (63%) reported no evidence of the government restricting (or requiring ICT providers to restrict) citizen access to online content. This indicator (57) was one of the higher scoring *de facto* indicators in the assessment, but compared to previous rounds of research it seems to be deteriorating. In regards to the lower scoring countries, the restrictions put in place were very diverse. For instance, in The Gambia, a number of internationally-based news sites were blocked during the year, and Comoros, Equatorial Guinea, Eritrea and

Ethiopia were among countries reported to have blocked widely used communication and networking tools, such as Facebook and Skype.

Government ministries and agencies tend to be more updated websites than those of public services
regulatory agencies. However, at times only certain ministries' websites are accessible or the sites outdated. On
the other hand, the research suggests that it is easier to file a complaint via the websites of regulatory institutions
than via ministries' websites. In some cases, ministerial web pages have been taken off the Internet due to political
disputes, such as in Egypt.

Observations

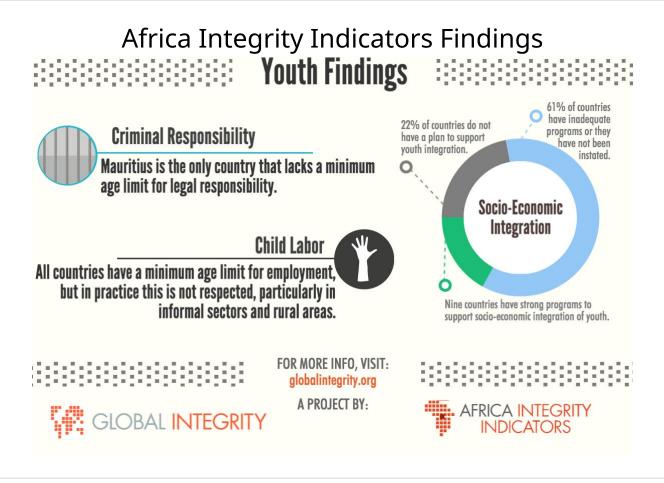
- At the aggregate level, this subcategory showed little movement over the past two research rounds and remained the lowest scoring (at 28.29) of the Transparency & Accountability subcategories.
- Six indicators held constant between the two rounds, six improved, and seven deteriorated. The largest improvements were found in #41 on the legal right to request public information and #42 on the in practice disclosure of media ownership.
- In 2015, the highest scoring countries in this subcategory were Kenya, Liberia, South Africa, Ghana and Uganda. Of
 this group, three exhibited improvements, with Liberia (+14.5) making the most substantial gains. Sao Tome and
 Principe, in the 13th position, also exhibited a relatively large improvement of +7.9.
- The lowest scoring countries were Morocco, Somalia, Sudan, Equatorial Guinea, and Eritrea. Two of these countries held constant scorings, while three (Morocco, Somalia and Sudan) saw further deterioration of their already low scorings.

Regional Trends

1.6 ATI & Openness	2014 Ave	2015 Ave	Change
Overall	29.24	29.46	0.22
East Africa	24.78	24.78	0.00
Central Africa	21.93	23.25	1.32
North Africa	18.26	16.61	-1.64
Southern Africa	34.32	34.10	-0.22
West Africa	37.02	38.33	1.32
			A

- Three of the five regions showed improvement over the past two research rounds. North Africa deteriorated slightly, falling further behind the other regions. West Africa remained in the top position with an improving score.
- As with most of the six Transparency & Accountability subcategories, Access to Information & Openness exhibits a substantial gap between the highest and lowest performing regions. Here, the difference between the highest scoring region (West Africa) and the lowest scoring region (North Africa) is 21.72.

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The Youth Integrity subcategory provides an assessment of the juvenile protective systems. The de jure indicators (60, 61, 63) focus on legal procedures and requirements surrounding age limits for legal responsibility and the employment of minors. The three de facto indicators (62, 64, 101) assess whether these provisions are adhered to and whether there are programs in place to increase the socioeconomic integration of youth. Youth Integrity makes up one of the integral components of the Social Development category.

Click here for a pdf version of Youth indicators findings.

Youth Integrity Findings

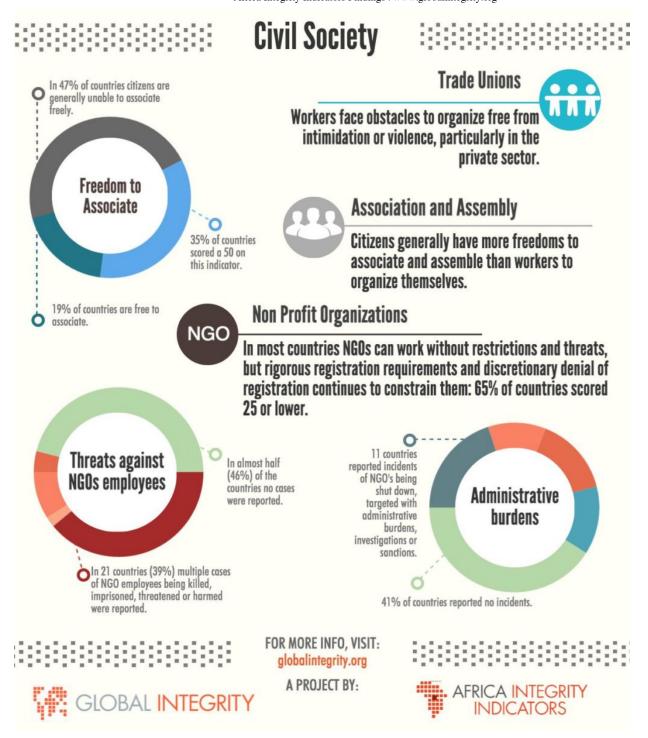
• All but one of the African countries assessed have a law requiring a minimum age limit for criminal responsibility. Mauritius is the only exception and a child under 14 can technically be found responsible for a

crime, even though he will not face sentencing or imprisonment. In some countries, such as Namibia or Mauritania, the age for criminal liability is seven years old, while in other countries the age ranges from 10 to 18 years. Angola is a unique example where by law the degree of criminal punishment may depend on the age group – for example, a child 14 to 16 may receive a lesser punishment than one in the 16 to 18 group.

- Every African country has implemented child friendly procedures in courts and jail, but in practice they are not always implemented. This is caused by lack of training for criminal justice personnel or by the absence of adequate infrastructure separating minors from adult offenders in prison, such as in Chad. On the other hand, there are also examples of alternative forms of detention for adolescents, such as in the case of UNICEF in Angola. Instead of incarceration, the convicted minors can complete community service projects, be enrolled in school, or participate in vocational training. The Gambia is an exemplary case where social workers regularly make home visits, a specialized police unit I assigned to handle children's cases, and detained children are kept separately from adults.
- o All countries have a minimum age for employment, but in most countries it is not respected, particularly in the informal sector. For instance, Cape Verde violations of child labor laws seems to be becoming more blatant, for example in agriculture. Meanwhile, there are also reports of child labor violations in 'informal' trade in the streets. These issues are difficult to police and address in Cape Verde due to the fact that these types of activities are standardized, and deeply rooted in the local culture. In contrast, Sao Tome and Principe saw improvement in this indicator, reporting that the employment age is respected in the formal sector in the capital, though it continues to be difficult to monitor violations in small agricultural and construction companies in the rural area.
- Only nine countries have solid programs in place to support the socio-economic integration of youth. Elsewhere, the research reported that even where some programs exist, they have not been properly established. In the case of Togo, the Ministry of Development sponsors a program for youth employment in addition to a national strategic plan for youth employment that has generated around 200,000 jobs since its implementation in 2011. In Liberia's case, youths make up 60% of the population, and the government believes that uplifting this segment of the population would foster development in the country; therefore, the Ministry of Youth and Sports (MYS) has implemented several programs aimed at youth empowerment, skill building, vocational training and providing employment opportunities. On the other hand, in Mozambique the research shows that although there are two entities monitoring youth affairs, there is no specific strategy being carried out for the socioeconomic integration of the youth.

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Africa Integrity Indicators Findings



Six in practice indicators (65-70) within the Rights subcategory (2.1) assess the ability of workers and citizens to organize freely to exercise their rights. The first two of these indicators (65-66) focus on union rights. The next one (67) focuses on free association, assembly and the ability of citizens to gather to publicly express dissent. The following three (68-70) assess the space within which NGOs can operate.

Click <u>here</u> for a pdf version of Civil Society Space findings.

Trade Unions Findings



- Workers continue to face significant obstacles to organize themselves into trade unions free from intimidation or violence. No countries earned full marks on this indicator, and almost half (47%) earned low scores of 0 or 25. In many cases, those organizing trade unions report being bullied and sometimes terminated, particularly in the private sector. In the lowest scoring countries, threats and intimidation can be much more serious. For instance, in Tanzania, the 2013 research reported threats against organizers, while in 2014, the situation deteriorated and earned a 0 score, due to the leader of a workers association being kidnapped and tortured after organizing a strike.
- o Corporations increasingly fail to observe labor laws and uphold human rights. The research reports a significant deterioration in average scores from the 2014 to the 2015 report indeed, the largest deterioration among all 110 indicators. No countries earned full marks in indicator 66, while a full 80% earned very low scores of 0 or 25. Some common issues reported include corporations ignoring wage requirements and especially workplace safety and health standards. The situation reported in Mali seems to be true for many of the countries assessed there is a disregard for worker rights in many sectors, and workers have a legitimate fear that attempting to claim such rights would lead to sacking. On the positive side, Tunisia is an example of a country with a relatively high score of 75, due to a very active Labor Control body ("Inspection du Travail") that conducts corporate inspections and ably holds corporations accountable.

Association and Assembly Rights Findings

- o The situation with freedom of association is better than with worker rights, even if scores were generally lower in the 2015 round of research. Several countries scored well (19) and provided examples of citizens being allowed to assemble and express dissent without any harassment. For example, Botswana earned a 100, with the research noting large public rallies expressing strong dissent and critique of the current regime held in the run up to the October 2014 election were allowed to move forward without hindrance. Similarly, Sao Tome and Principe scored a 100, with the research providing a number of examples of citizens exercising their right to public dissent through free anti-government demonstrations.
- However, almost half (47%) of the assessed countries earned low scores of 25 or 0. In these cases, the governments restrict citizen assembly when they express dissent. For example, in Cameroon the research reported an increase in government repression of the civic space, with hunger strikers being arrested, public demonstrations being banned, and police being sent to break up attempted gatherings of the opposition. In another example, in Angola, an individual was shot posting leaflets advertising a demonstration; the demonstration went forward, and the government responded with helicopters, tear gas, and mounted police, breaking up the protest, and arresting 292 demonstrators. Likewise, a later demonstration in May 2014 was suppressed by a disproportionate police force who 'violently subdued' a small number of peaceful demonstrators.

NGO Findings

In practice, NGO's generally face less restrictions, obstacles, and threats barring them from their work
 than unions and other entities. The three indicators covering NGO freedom all scored with an average

continental score of 50 or higher. In fact, 10 countries earned 100 scores in each of these indicators (Sao Tome and Principe, Cape Verde, Mauritius, Botswana, Ghana, Namibia, Senegal, Cote d'Ivoire, Burkina Faso, and Swaziland), and only four countries earned 0 (Sudan, Eritrea, Libya and Uganda). In Namibia, although there is a bit of friction between NGOs critical of the government and the current administration, there were no obstacles for existing NGO's, or barriers for establishing new ones.

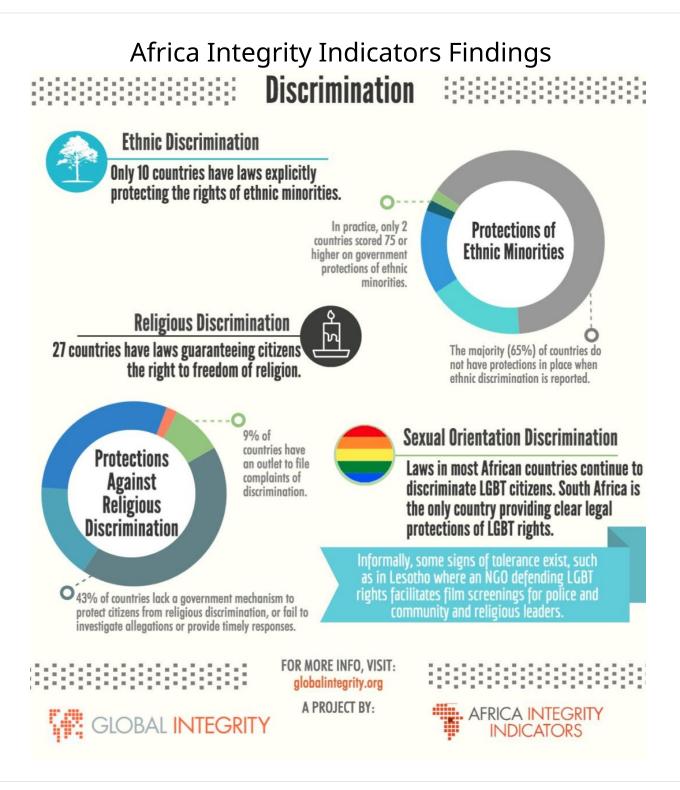
- o On the other hand, onerous registration and discretionary denial of attempted registration continue to limit NGOs, with 65% of countries unable to earn a score above 25. For instance, in Equatorial Guinea a coalition of NGOs has been denied registration on vague grounds since 2012, and in 2014 another organization's request for registration was neither granted nor responded to. According to the research, the biggest obstacle is the requirement of prior approval from the Ministry of Interior and Local Corporations, without which the notary public cannot certify the creation of any NGO. On the other side of the spectrum, 18 countries earned the maximum. Liberia, for example, has a one-stop shop for the registration of all organizations, whether NGOs or businesses, with no difference in the requirements for registration and the process is generally quick and completed in less than a week.
- In almost half of the countries (25) no incidents of NGO employees being killed, imprisoned, threatened or harmed due to their work were reported. However, in 21 countries multiple cases were reported. For instance, in Niger, there were reports of NGO officials from several NGOs being arrested and interrogated about their work, while other NGO officials were smeared by the state media and then jailed. In Zambia, some NGO officials have faced threats of deregistration from the government, backed up by verbal threats and intimidation and some times actual violence from state-sponsored cadres.
- In 22 countries there were no incidents of NGOs being shut down, or harassed with targeted administrative burdens, investigations or sanctions due to their work, but 11 countries reported incidents. In Sudan the government shut down three separate NGOs during the period of study, while in Egypt over 1,000 NGOs had their assets frozen by the government. Even in countries there wasn't direct targeting of such burdens or sanctions, there other methods have been employed by governments to control NGOs. For example, in Equatorial Guinea, NGO funding is distributed only to NGOs favorable to the government, while in Cape Verde, the research notes similarly that the government can create obstacles to funding.

Observations

- In 2015, the highest scoring countries over these six indicators included Sao Tome and Principe, Cape Verde,
 Mauritius, Botswana, Tunisia, Ghana, Namibia and Senegal. The lowest scoring countries were Sudan, Eritrea,
 Zimbabwe, Libya, Algeria, Equatorial Guinea, Somalia, Angola, Egypt and Uganda.
- Five of these six indicators exhibited generally deteriorating scores from 2014 to 2015. The most substantial deteriorations were found in #65 and #66 on worker rights, where average scores declined by 12.5 and 15.74, respectively. Additionally, indicator #67 on freedom of association and assembly deteriorated substantially, with the average score declining by -9.72.

• The only indicator to show a slight improvement from 2014 to 2015 was indicator #69 on reports of NGO employee harassment.

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Six indicators (71-76) within the Rights subcategory (2.1) assess whether the government offers citizens protection against discrimination. The first two of these indicators (71-72) assess in law and in practice protections against ethnic discrimination. The next two (73-74) do the same for religious discrimination.

Click here for a pdf version of Discrimination findings.

Ethnic Discrimination Findings

- o Only 10 of the countries assessed have specific laws explicitly protecting the rights of ethnic minorities.

 General constitutional provisions were relatively common, but lacked sufficient legal protections to operationalize the protections. For instance, in the Democratic Republic of Congo the Constitution contains general provisions obligating the state to ensure and promote peaceful and harmonious coexistence of all ethnic groups, but there is no detailed legal provision that prohibits ethnic discrimination, nor that guarantees minority rights. An example of the a country that has full legal protections is Mauritius, where the Equal Opportunity Act of 2008 goes beyond a general constitutional provision and provides more explicit protections against discrimination, including that based on ethnic motivations.
- o Across the continent, few government outlets are in practice responsive to minority complaints of discrimination. The majority of the countries (35) earned a score of 0 and only two received high scores (75 or 100). For example, Botswana received the lowest scores for both the laws and their implementation since reports suggest the government expects minority groups to behave like other groups in order to fit in and 'subdue' their differences, perpetuating existing stereotypes. Alternatively, South Sudan is an example of a country that earned a YES on the legal component, yet earned a 0 score on the implementation, with the research noting the larger tribes exercise relative dominance, with no effective means of recourse for minority ethnicities. Emblematic of the fewer high scoring countries, in South Africa minorities are generally well responded to by the Human Rights Commission, which keeps detailed records of its ensuing investigations and case finalizations.

Religious Discrimination Findings

- Half of the countries (27) have laws that guarantee citizens' freedom of religion, including the rights to fully
 manifest their religion through teaching, practices, or worship, as well as protection from discrimination based on
 religious beliefs.
- However, few have an outlet for complaints or they exist but fail to investigate and provide timely responses. Few countries perform well here (only 11% earned a score of 75 or higher, and 30% earned a moderate score of 50). For instance, in Tunisia in January 2014 a Jewish citizen was nominated for the position of Minister of Tourism, but the ANC Parliament refused his candidacy because of his faith. An example of high scoring country is Cape Verde, where the Human Rights Commission receives discrimination complaints and launches investigations. A highly preforming system also exists in Sierra Leone, where tolerance of the two main religions (Muslim and Christian) exists and churches and mosques coexist peacefully next to each other.

Sexual Orientation Discrimination Findings

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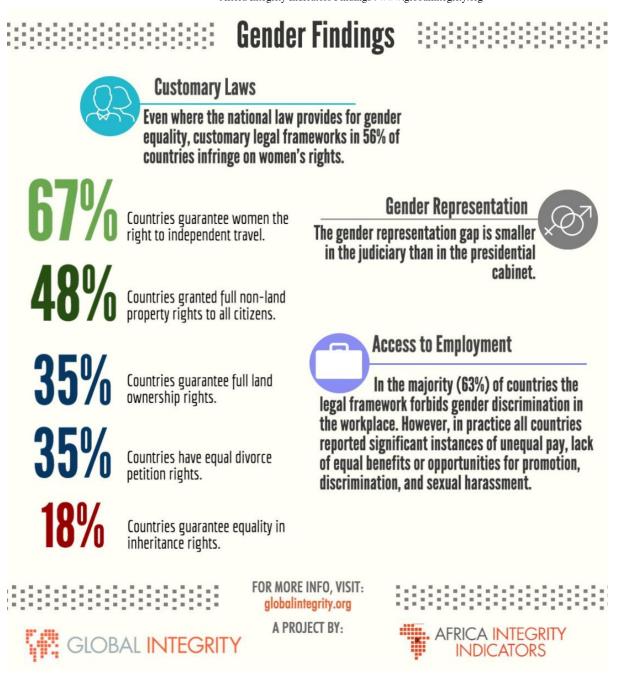
- Only South Africa provides clear legal protections of LGBT rights. In the rest of Africa, many legal codes at best are silent on the issue and at worst continue to criminalize homosexual acts. For instance, in Botswana such acts are punished with imprisonment of up to seven years, while in Burundi the penal code provides for imprisonment of between 3 months and 2 years. Elsewhere, such as in Nigeria, a new anti-gay law was signed in January 2014, providing penalties of up to 14 years imprisonment. The research reports that this has led to an increased amount of harassment of suspects, especially in the north of the country including police investigations. However, some countries are taking progressive steps. While there may be no entity specialized in protecting LGBT rights, several countries reported that an increasing number of citizens have openly declared their sexuality, such as in Benin. In Lesotho, an NGO defending LGBT rights facilitated a film screening for community leaders, religious leaders and police officers to promote understanding and acceptance. The Comoros allows a political party of only LGBT citizens, and in Kenya although the Penal code outlaws LGBTs- the Kenyan government offers protections whenever they are in danger, and has generally made progress towards granting rights to LGBT citizens.
- **An exception.** Interestingly, in Mauritius the Equal Opportunity Act of 2008 was designed to provide a solution to discrimination based on sexual orientation, yet the penal code has continued to criminalize sodomy. An ongoing movement continues to advocate for decriminalizing it.
- These two indicators on LGBT rights were among the very lowest scoring indicators in the entire assessment (indicators 75 and 76 ranking 107th and 105th, respectively, out of 110 indicators).

Observations

 In 2015, the highest scoring countries in terms of average scoring across these six indicators were South Africa and Mauritius, followed by South Sudan, Mozambique, Uganda, and Cape Verde. The lowest scoring countries all scored 0 in each of these six indicators: Libya, Algeria, Egypt, Morocco, Somalia, Equatorial Guinea, Mauritania, Djibouti, Tunisia, and the Central African Republic

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Africa Integrity Indicators Findings



The Gender subcategory assesses the legal framework supporting gender equality, as well as gender representation in the government. The first six of these indicators (77-82) focus on gender equality in the legal framework – assessing equality in the national laws, as well as within customary law, where applicable. The next two indicators (83-84) assess the employment rights of women. The following three indicators (85-87) assess female representation in the cabinet, legislature and judiciary. A final indicator (88) assesses government action to bridge the digital divide.

Click here for a pdf version of Gender subcategory findings.

Gender Representation Findings

• **Equitable gender representation in the cabinet is not common.** In 2015, only four countries reported women comprising at least 33% of their cabinet (Cape Verde, Kenya, Rwanda, and South Africa, with Cape Verde reporting

the highest representation at 50% of the cabinet). Only one country (Libya) reported zero female representation (down from a reported 6% in the previous round), and half of the countries reported less than 18% representation, earning scores of 50 or below.

- **Female representation in the legislature remains disproportionately low.** While nine countries reported over 33% representation, 31 reported less than 18% representation (about half of them less than 13%). Notably, Rwanda is a standout here: while requiring a minimum 30% female representation, they have a reported 64% representation.
- **Female representation in the judiciary is higher than in the executive cabinet or the legislature.** In one third of the countries female judges hold at least 33% of the positions in the country's highest court. However, 30% of countries scored under 25 nine countries (17%) reported less than 5% representation, and five reported no female representation at the highest court (Comoros, Equatorial Guinea, Mauritania, Somalia, and South Sudan).

Legal Equality Findings

- o In about half of the countries (56%), customary legal frameworks infringe on gender rights, even where the national laws provide for gender equality. Seven in law indicators assess women's legal equality, covering land ownership rights, non-land property rights, equal inheritance rights, divorce petition rights, child custody rights, independent travel rights, and employment rights and protections. In each of these indicators, both the national legal framework and customary law are assessed, with an added 'mixed' score being earned where national laws support legal equality, while enforced customary laws contradict this for some portion of the country. In Swaziland, although the 2005 constitution prohibits gender discrimination, women do not have the same land ownership rights as men. In fact, women are cast as legal minors for the entirety of their existence, who could not own property without the consent of her husband or closest male relative. The same precedent covers non-land property as well, and there is no law guaranteeing inheritance rights for women. Additionally, the constitution does not mention divorce, reflecting Swazi society's dislike of divorce, and further exemplifying how women are marginalized. Furthermore, men determine which partner has custody of the children if a couple separates, though in the cases of abandonment or adultery women can be awarded physical custody (with legal guardianship still given to the father). Freedom of movement is a right granted to all Swazis, but "as a legal minor under Swazi Law and Custom a woman cannot assume to have the right of independent travel".
- o The right to independent travel is the least restricted, with an average score of 82. More than half of the countries (67%) guarantee this right and direct restrictions exist only in a small number. One such case is Sudan, where the Muslim Personal Matters Act of 1991 requires married women to obtain their husband's permission for visiting family or working outside the house. It is important to note that while even if the national laws provide such a right in some countries local customary laws restrict it in some regions. For instance, in Nigeria locally enforced customary laws may occasionally restrict female independence of movement, depending on location and time of year, such as for holiday traditions.
- Land ownership rights are more often restricted than non-land property rights, with 35% of the countries
 guaranteeing full land ownership rights, and 48% granting full non-land property rights to all citizens. Here,

19 countries earned a maximum score, while most of the remainder had some provisions within customary laws that restricted land ownership. For instance, while in Malawi the Constitution explicitly allows for women to acquire and maintain property rights regardless of marital status, the research notes, "The majority of Malawians – about 80 percent – live in rural areas where various customary laws are largely in effect. For example, women who live in patrilineal communities in the north of Malawi can only access customary land through their husbands and brothers-in-law." For instance, in Congo-Brazzaville the law gives everyone the power to manage land, but that is not always what happens in practice, as the society remains patriarchal and customary provisions restrict women's access to land.

- o Equal non-land property rights are also relatively common in both national and customary law, with 26 countries (48%) earning a full score and only four countries (7%) scoring a zero. Non-land property was generally less restricted than land ownership, with 26 countries earning maximum score. For instance, in Ivory Coast, the Ivorian Constitution recognizes "that property is guaranteed for all," without distinction or restriction based on gender. However, in four countries, both the national and customary law restrict female non-land property rights. As an example, in Swaziland, when a woman marries in a traditional setting, her property is possessed by her husband, but if she marries in a civil ceremony all property is placed into a common pool, which is then administered by the husband.
- Equality in divorce petition rights is also often lacking, as evidenced by a 65% of countries where rights are unequal. Only about a third of the countries earned maximum score and 17% earned the lowest score. The majority of countries fell in between, with civil marriages allowing for gender equality in divorce petitions, and yet discriminatory bias persist in marriages governed by customary law. For instance, "For most Gambian women (about 90 percent), matters of marriage and divorce are governed by their personal law, which is Sharia law, regardless of the Women's Act. Under Sharia law, women do not have the same right as men to divorce their spouses at will."
- Only 10 countries guarantee equality in inheritance. In many countries, such as Lesotho, male children are
 given precedence in inheritance, while in some Sharia Law governs inheritance and females are allowed lesser
 inheritance rights.

Access to Employment Findings

- **In law, women generally have equal access to employment opportunities and benefits.** In 34 countries, the legal framework forbids discrimination based on gender and provides some degree of legal protection from actions taken as a result of pregnancy.
- However, in practice, women are often discriminated in the workplace. In practically all the countries women are paid much lower wages for the same work, particularly in certain sectors. For example, in Equatorial Guinea there have been instances of payroll officials deducting amounts from female employees and keeping the money for themselves, and women who complain about this are often ignored. In Uganda, discrimination against women happens more often in the private sector: there is a lack of equal benefits and opportunities for women, and employers are notorious for giving men more opportunities for promotion. In Mozambique as in several other

countries, the legal framework is fairly solid, yet women receive lower pay for equal work and report sexual harassment and firings for refusing to do sexual favors.

Observations

In 2015, the highest scoring countries in this category were Rwanda, Cape Verde, Lesotho, Seychelles, and
Mauritius There was limited change between the last two rounds of research, Rwanda and Lesotho both
experienced small improvements, while the Seychelles and Mauritius minor deteriorations. The lowest scoring
countries were Sudan, Egypt, Equatorial Guinea, Swaziland, and Libya.

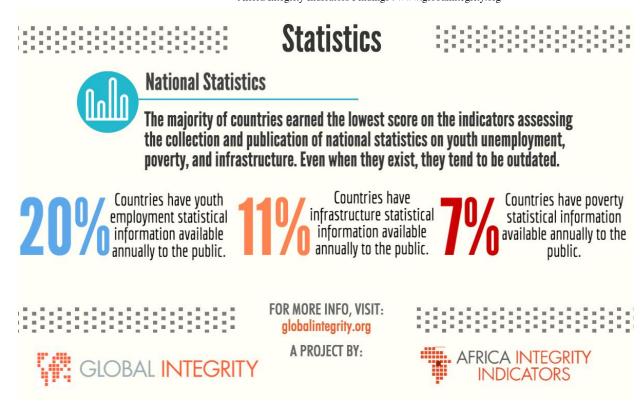
Regional Trends

2.2 Gender	2014 Ave	2015 Ave	Change
Overall	57.99	58.91	0.93
East Africa	60.76	61.63	0.87
Central Africa	50.46	50.46	0.00
North Africa	38.02	39.84	1.82
Southern Africa	65.63	66.67	1.04
West Africa	61.25	62.08	0.83

- Regional scores remained relatively consistent between the two most recent research rounds, showing little overall improvement but no deterioration in the elements assessed. Among the small improvements between the two rounds, the improvement in North Africa was most pronounced.
- The gender category exhibits a substantial gap between the highest and lowest performing regions. The difference between the highest scoring region (Southern Africa) and the lowest scoring region (Northern Africa) is 26.82.

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Africa Integrity Indicators Findings

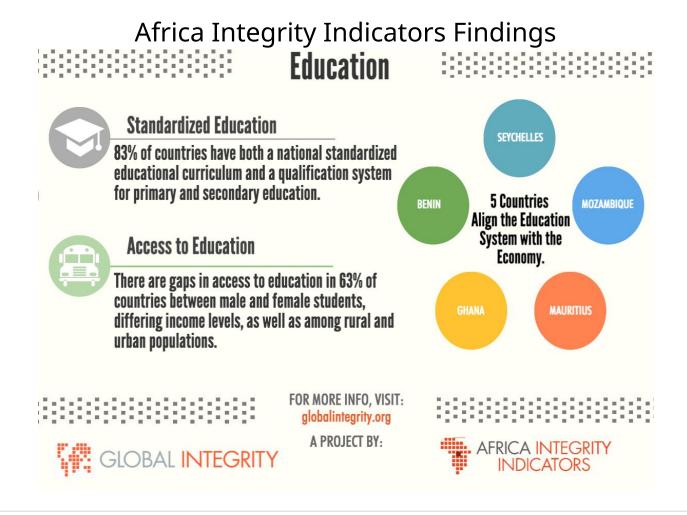


This cluster of indicators assesses the collection and public availability of national statistics collection and publication (91, 92 and 93). Each indicator measured both collection of relevant data, and ease of public accessibility. The maximum score (100) was granted when the collection and publication took place annually, and 50 score required for biannual efforts. A 0 score was earned where no information was collected or it was collected but only every three years or less often. These indicators are part of the Business Environment and Infrastructure category.

Click here for a pdf version of National Statistics findings.

National Statistics Findings

- The most common score for these indicators was a 0 for each of the areas assessed (poverty, infrastructure and youth employment), as the majority of countries collect and publish statistics infrequently (every three years or less often). In a few cases they don't collect them at all. Among those that make them available to the public annually, 11 (20%) countries do it on youth employment, four (7%) on poverty statistics, and six (11%) on infrastructure.
- Mozambique, South Africa, Malawi and Botswana all earned the maximum score for collecting and publishing
 annually statistics on poverty, infrastructure and youth employment. For example, Statistics South Africa (STATS
 SA) collects and publishes statistics in the assessed areas at least annually, including quarterly publication of labor
 and employment statistics. Other strong performers in this area include Egypt and Morocco.
- o In 19 countries no information was available at all or it was available but it was very outdated. For example, in the Comoros, the research shows that some relevant statistical information is published, but for example, information presented in 2013 was based in part on outdated statistics and sources collected from 2000 to 2004.



The Africa Integrity Indicators include three questions on education. The first indicator (108) evaluates the existence of a standardized education curriculum, and corresponding qualifications systems for primary and secondary education. The second one (109) measures the access to education among gender, region and socioeconomic dimensions. Finally, one indicator (110) looks at whether educational planning takes into account the economic framework and consults stakeholders. Education is one of the components of the Social Development indicators.

Click here for a pdf version of Education findings.

Education Findings

o Standardized academic curricula and qualification systems are very common, but not universal. The majority (83%) of the assessed countries have both a standardized educational curriculum and a qualification system for primary and secondary education at the national level. However, some countries lack a qualification system, have one but oversight is not adequate, or the system is not fully implemented. Guinea Bissau, Equatorial Guinea and Cape Verde are examples of that. South Sudan introduced its own academic program four years ago, but the implementation has been inconsistent nationally, demonstrating the difficulties associated with standardizing requirements in the educational system.

- While most countries have effective education systems, access to primary and secondary education is unequal in more than half (63%) of the countries. For example, in Senegal there is an educational gap between male and female citizens, differing income levels, and rural and urban populations. Low-income families who cannot afford to send their children to private schools "record the highest rate of failure." On the other hand, Libya earned a high score (75) due to its highly equitable access to primary and secondary education, no significant gap between genders, and affordable education. However, "the war [has created] havoc with education; schools are [being] suspended, and school premises are serving as shelters for refugees," and access has suffered across the board. The Seychelles is the only African country that seems to have fully achieved public education for all, as recognized by the United Nations Educational Scientific and Cultural Organization (UNESCO), and has increased its literacy level to 94%.
- o Only five (9%) countries successfully cooperate with financial officials and stakeholders to align the educational system with the need of the national economy. Several countries earned low scores due to the fact that consultations are considered largely insufficient, occur too sporadically to be effective, there is generally little planning. There are some good examples, though. The Ethiopian "Ministry of Education coordinates stakeholder consultation meetings with academics, industry officials, employers associations, trade unions and the public" to align educational priorities with economic perspectives, as well as providing technical and vocational education to students unable to continue their studies. Mauritius is an example of an effective system where consultations between the government and stakeholders have successfully introduced new courses in the educational system, such as 'Entrepreneurship, in order to better prepare students to enter the workforce. Comoros earned an intermediate score of 50 because, although the government does often not consult with stakeholders, they are working on planning with a priority plan for 2015-2019.

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. Global Integrity is dedicated not only to producing high quality data, but ensuring that it is as useful as possible for reformers (both inside and outside of government) around the world. If you're interested in working with this data to identify such opportunities in your country, contact us at aii@globalintegrity.org.

Note: Regions used above 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
- o 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

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