

Commonwealth Anti-Corruption Benchmarks

Frequently Asked Questions



The Commonwealth



Commonwealth Anti-Corruption Benchmarks

Frequently Asked Questions

What is the purpose of the Anti-Corruption Benchmarks?

The Commonwealth Anti-Corruption Benchmarks (Benchmarks) contain good practice anti-corruption measures. They are intended primarily to help governments and public sector organisations assess their anti-corruption laws, regulations, policies, and procedures against international good practice, and consider implementing appropriate improvements.

The Benchmark measures are designed to be achievable, practical, and auditable. They provide a holistic and interlocking system that aims to reduce and deal with the risk of corruption in the public and private sectors.

The Benchmarks address corruption across key areas of the public and private sectors which are either important for combatting corruption or which are vulnerable to significant corruption. In relation to each key area, the Benchmarks promote the concepts of honesty, impartiality, accountability, and transparency and provide for specific anti-corruption measures.

Who can benefit from the Benchmarks?

A Government can assess whether its current laws, regulations, policies, and procedures are consistent with the measures recommended in the Benchmarks. If they are not, the relevant government can consider upgrading them so that they meet or exceed the Benchmark standard.

Similarly, a public sector body can review the sections of the Benchmarks which are relevant to its activities and can measure and upgrade its policies and procedures accordingly.

The contents of the Benchmarks have been written in a clear and measurable manner so as to facilitate such review and implementation.

The Benchmarks have been written with sufficient clarity, detail, and supporting guidance that members of the public and NGOs can measure existing laws and regulations, and public sector policies and procedures, against the Benchmarks, and can call for consequent improvements. They thus facilitate the process of holding the government and the public sector to account against international good practice.

Are the Benchmarks also relevant to the private sector?

From an implementation perspective, the Benchmarks are primarily applicable to government and the public sector. However, they also affect the private sector, as most of the recommended actions in the Benchmarks for government and public sector bodies will impact on the private sector (e.g., laws, criminal investigation, the courts, parliament, elections, public sector procurement and project management, reporting corruption, freedom of speech).

Some of the benchmarks apply equally to the public and private sectors (e.g., standards and certification, professional institutions, and business associations).

Annex A to the Guidance provides a simple and clear anti-corruption programme which is recommended as a minimum standard for private sector organisations to comply with if they enter into public sector contracts over a reasonable value threshold.

What topics do the Benchmarks cover?

There are the following 25 benchmarks, each of which comprises a principle supported by a corresponding benchmark. Each benchmark has supporting guidance.

Benchmarks

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Corruption offences, sanctions, and remedies 2. Authority responsible for preventing corruption 3. Investigation, prosecution, asset recovery, and policing 4. The court system 5. Parliament 6. Regulatory authorities 7. Regulation of financial institutions and the financial system 8. Transparency of asset ownership 9. Political lobbying, financing, spending, and elections 10. Public sector organisations 11. Public officials | <ol style="list-style-type: none"> 12. Issuing permits 13. Procurement 14. Contract management 15. Financial management 16. Concession management 17. Asset management 18. Independent monitoring 19. Independent auditing 20. Anti-corruption training 21. Reporting corruption 22. Standards and certification 23. Professional institutions and business associations 24. Participation of society 25. International co-operation |
|---|--|

What is the overall scheme of the Benchmarks?

The overall scheme of the Benchmarks is as follows:

1. To establish the types of corrupt conduct in the public and private sectors that should be criminalised, and to recommend provisions for jurisdiction, liability, sanctions, and remedies, so as to provide an adequate deterrent and penalty for offenders and adequate compensation for the victims of corruption (Benchmark 1).
2. To provide for a body or bodies with overall responsibility for developing and establishing national anti-corruption policies and practices, for encouraging and promoting their implementation in the public and private sectors, and for assessing their implementation and effectiveness. This role includes overseeing the effective implementation of the Benchmarks (Benchmark 2).
3. To ensure that those institutions (law enforcement, the courts and parliament) which are responsible for applying and enforcing anti-corruption law, and for legislating and holding the executive to account, are sufficiently competent and independent to do so, and are themselves free from corruption (Benchmarks 3, 4, and 5).
4. To ensure that there is adequate anti-corruption regulation in relation to those activities which impact on the public or which could cause significant harm or loss to the public, including public services (Benchmark 6), the financial system (Benchmark 7), asset ownership (Benchmark 8), and political lobbying, financing, spending, and elections (Benchmark 9).
5. To ensure that all public sector organisations are subject to adequate anti-corruption controls, including in relation to their organisational management (Benchmark 10), personnel (Benchmark 11), and management functions (Benchmarks 12 to 17), and that there is independent monitoring and auditing

- of public sector organisations and contracts with the specific purpose of deterring and detecting corruption (Benchmarks 18 and 19).
6. To ensure that all public officials are subject to measures that promote integrity and combat corruption, including in relation to their employment, conduct, training, and disciplining (Benchmark 11).
 7. To ensure that there are reliable, accessible, and properly advertised systems which enable public officials, businesspersons, and members of the public to report corruption safely and confidentially and, if desired, anonymously, and with sufficient legal protections (Benchmark 20).
 8. To ensure that proper anti-corruption training is provided to all public officials, and to all those private sector individuals who are involved in public sector work above a prescribed value threshold, so that they are aware of the risks of corruption, the damage it can cause, and how to prevent, deal with, and report corruption (Benchmark 21).
 9. To promote the development and implementation of national and international standards which are designed to ensure better compliance with laws, regulations, and recognised good practice, and thereby help to deter corruption (Benchmark 22).
 10. To encourage and enable professional institutions and business associations to play a proactive role in combatting corruption by developing and implementing professional, business, and ethical standards, and codes of conduct, with which their members should comply in the public interest (Benchmark 23).
 11. To ensure that there is transparency in relation to all public functions so that the public have sufficient understanding and knowledge to enable them to monitor and assess whether those functions are being carried out in accordance with the law and without corruption. (All Benchmarks provide for specific disclosures of information to the public.)
 12. To ensure that the public is freely able to participate in, report on, comment on, and lawfully protest against, the actions of government, public officials, and public sector organisations (Benchmark 24).
 13. To ensure international co-operation in relation to the prevention of corruption, public education concerning corruption, the investigation and prosecution of corruption offences, and the recovery and return of the proceeds of crime (Benchmark 25).
 14. To ensure that those private sector organisations which carry out public sector work or receive public sector funds over a prescribed value threshold are subject to adequate anti-corruption measures in relation to their internal management and their external dealings (Annex to the Guidance).

What is the structure of the Benchmarks?

For ease of use, and so as to avoid unnecessary repetition or duplication between anti-corruption measures, the Benchmarks have been structured on a modular basis. The modules, where necessary, cross-refer to each other. For example, Benchmark 10 (which provides for an anti-corruption management system for public sector organisations) cross-refers to other Benchmarks rather than repeat their provisions in Benchmark 10. Thus, it cross-refers to Benchmark 11 (Public officials) for anti-corruption controls in relation to the employment of its personnel; to Benchmarks 12 to 17 in relation to anti-corruption management of its functions; to Benchmarks 18 and 19 in relation to measures concerning monitoring and auditing; and to Benchmarks 20 and 21 in relation to measures concerning reporting systems and anti-corruption training.

The intention is that each benchmark should be read with the guidance to that benchmark. The guidance section provides, for each benchmark, a brief explanation of the purpose of the benchmark, explanation of various provisions in each benchmark, and references to published good practice.

What is the source of the Benchmarks?

The Benchmarks are largely based on key published and recognised national and international sources. These are referenced in the guidance section.

These sources are wide ranging, and include, for example: United Nations Convention against Corruption

- UNODC Legislative and Technical Guides to UNCAC
- Various countries' criminal, civil and administrative laws and associated guidance
- FATF Recommendations
- UNODC/IMF/Commonwealth Model Legislative Provisions on Money Laundering, Terrorism Financing, Preventive Measures and Proceeds of Crime
- UNODC Oslo and Lima Statements on Corruption involving Vast Quantities of Assets
- UNODC Guidebook on Anti-Corruption in Public Procurement
- WTO Revised Agreement on Government Procurement
- UNCITRAL Model Law on Procurement
- EU Public Procurement Directive
- UN International Code of Conduct for Public Officials
- Jakarta Statement on Principles for Anti-Corruption Agencies
- Latimer House Principles
- UN Guidelines on the Role of Prosecutors
- Bangalore Principles of Judicial Conduct
- UN Basic Principles on the Independence of the Judiciary
- Commonwealth's Model Law on Judicial Services Commissions
- Limassol Conclusions on Combating Corruption within the Judiciary
- EU Fourth Anti-Money Laundering Directive
- Commonwealth Parliamentary Association Recommended Benchmarks for Democratic Legislatures
- OSCE Handbook for the Observation of Campaign Finance
- ISO 37001 Anti-bribery Management Systems Standard
- ICC Rules on Combating Corruption
- OECD Good Practice Guidance on Internal Controls, Ethics, and Compliance
- Transparency International's Business Principles for Countering Bribery
- PEFA Framework for Assessing Public Financial Management
- UNODC Resource Guide on Good Practices in the Protection of Reporting Persons
- ICC Guidelines on Whistle-blowing
- Council of Europe Recommendation on the Protection of Whistle-blowers
- Universal Declaration of Human Rights
- UN International Covenant on Civil and Political Rights
- Commonwealth Schemes for International Cooperation in Criminal Matters.

So as to ensure that the Benchmarks are easily useable, the Benchmarks only summarise key aspects of these sources, and do not attempt to replicate these sources in full. In cases where there may be no recognised international good practice, the Benchmarks propose a good practice measure. The Benchmarks therefore provide a core set of measures, consistent with, but often expanding upon, existing international standards.

Why are the Benchmarks necessary?

Corruption undermines the proper functioning of society. It corrupts government, parliament, the judiciary, law enforcement, public sector functions, private sector commerce, and dealings between private individuals. It results in poor public services and in over-priced and dangerous infrastructure. It damages organisations, resulting in reduced project opportunities and financial loss. It harms individuals, resulting in poor education and health, poverty, hunger, and loss of life. It prevents the proper rule of law so that the innocent and vulnerable bear the consequences while the guilty escape sanction.

While there has been significant national and international action taken over the last 25 years to help prevent and address corruption, existing anti-corruption mechanisms still do not consistently and effectively discourage, prevent, detect, or prosecute corruption. In all countries, to a greater or lesser degree, corruption continues to erode all areas of society.

There is therefore a continuing and urgent need for determined and unified action to be taken by governments, organisations, and individuals to help prevent corruption. The Benchmarks seek to build on and advance the invaluable work that has been done to date to combat corruption.

Who are the publishing organisations of the Benchmarks?

The Benchmarks were produced by the Commonwealth Secretariat in collaboration with GIACC and RICS.

The Commonwealth is a voluntary association of 54 countries with a combined population of 2.4 billion. Its member countries cover 20% of the world's land area, on six continents. **The Commonwealth Secretariat** was established in 1965 to help support member countries. Its vision is to help create and sustain a Commonwealth that is mutually respectful, resilient, peaceful, and prosperous. The Governance and Peace Directorate of the Secretariat is responsible for assisting member countries deliver more effective, efficient, and equitable public governance.

The Global Infrastructure Anti-Corruption Centre (GIACC) is an independent not-for-profit organisation which provides resources to assist in the understanding, identification, and prevention of corruption. GIACC's objective is to promote the implementation of anti-corruption measures as an integral part of government, corporate and project management. It also works through a network of international affiliates and alliances, and publishes the GIACC Resource Centre, which provides free on-line information, advice and tools on preventing corruption.

The Royal Institution of Chartered Surveyors (RICS) is the world's leading professional body for qualification, standards and regulation in land, real estate, infrastructure, and construction, promoting and enforcing excellence internationally. RICS supports international

agencies, governments, business, and the public in setting and enforcing global standards for those working in the built environment.

Who wrote the Benchmarks?

The Commonwealth Anti-Corruption Benchmarks were developed in consultation with representatives of the African Union, the International Monetary Fund, the United Nations Office on Drugs and Crime, and Commonwealth law ministries, anti-corruption agencies, and partner organisations. Catherine Stansbury, Director of the Global Infrastructure Anti-Corruption Centre, is the principal author. She was assisted by Neill Stansbury, Director of the Global Infrastructure Anti-Corruption Centre; Chris Alder, Director of Regulation, Royal Institution of Chartered Surveyors; and Matthew Moorhead, Office of Civil and Criminal Justice Reform, Commonwealth Secretariat.

When were the Benchmarks published?

The Benchmarks were published in April 2021.

How can I get a copy of the Benchmarks?

You can download a copy at: [Commonwealth Anti-Corruption Benchmarks](#)

Is there a charge for using the Benchmarks?

You can download and use the Benchmarks free of charge.

Who do I ask if I have a question in relation to the Benchmarks?

For further information contact occjr@commonwealth.int

Commonwealth Secretariat

Marlborough House, Pall Mall
London SW1Y 5HX
United Kingdom

thecommonwealth.org

© Commonwealth Secretariat 2021

All rights reserved. This publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording or otherwise provided it is used only for educational purposes and is not for resale, and provided full acknowledgement is given to the Commonwealth Secretariat as the original publisher.

Views and opinions expressed in this publication are the responsibility of the author and should in no way be attributed to the institutions to which they are affiliated or to the Commonwealth Secretariat.

Published by the Commonwealth Secretariat.