

ANTI-CORRUPTION AGENCY STRENGTHENING INITIATIVE

**Assessment of the Bhutan
Anti-Corruption Commission 2021**

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Anti-Corruption Agency Strengthening Initiative

Assessment of the Bhutan Anti-Corruption Commission 2021

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EXECUTIVE SUMMARY

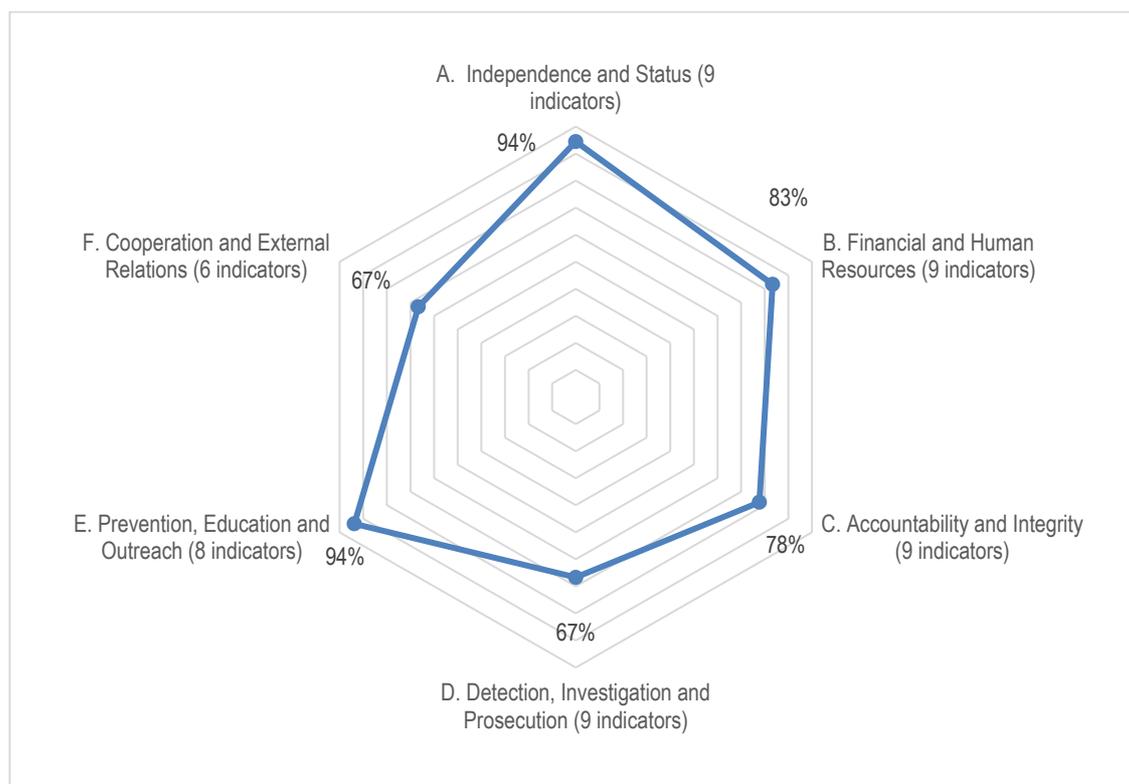
Between September and December 2021, Transparency International carried out a second assessment of the Anti-Corruption Commission (ACC) of Bhutan to measure progress since the [first pilot assessment](#) in 2015. Based on a set of 50 indicators addressing the independence, internal governance and anti-corruption functions of the institution, the assessment aims to furnish the commission with up-to-date information regarding its performance and opportunities for improvement and to provide all stakeholders committed to tackling corruption in the country with a better understanding of the enabling and disabling factors that affect the commission's effectiveness. This report offers practical solutions to the key challenges in the form of recommendations for reform. It therefore serves as a guide for both the Anti-Corruption Commission and other interested parties to strengthen and expand the impact of anti-corruption efforts in Bhutan.

KEY FINDINGS

The 2021 assessment of Bhutan's Anti-Corruption Commission finds that the institution continues to perform very well: 66 per cent of the 50 measured indicators were rated as high, 30 per cent as moderate and 4 per cent as low. The overall rating has declined slightly since the first assessment in 2015 (when 70 per cent of the 50 indicators were rated as high, 26 per cent as moderate and 4 per cent as low). Despite modest improvements in terms of financial and human resources, internal reporting and external oversight, there has been a slight deterioration in the area of detection and investigation, with insufficient attention paid to proactive investigations based on the commission's own intelligence. However, the two assessments are not directly comparable as the research framework has undergone some changes.

According to the 2021 assessment, the commission's strongest dimensions are: (A) independence and status (94 per cent); (E) prevention, education and outreach (94 per cent); and (B) financial and human resources (83 per cent). By contrast, the commission's weakest dimensions are: (D) detection, investigation and prosecution (67 per cent); (F) cooperation and external relations (67 per cent); and (C) accountability and integrity (78 per cent).

Figure 2: 2021 assessment summary: ratings by dimension



Dimension A: Independence and status. This is the strongest dimension and the ratings have remained largely the same since the 2015 assessment. The Anti-Corruption Commission continues to benefit from very strong institutional and legal autonomy and has extensive investigation powers and a broad mandate (investigation, prevention, education, research and integrity promotion). While the mandate for prosecuting corruption cases lies with the Office of the Attorney General, the commission may, in exceptional circumstances, take over a prosecution where the Office of the Attorney General refuses to prosecute without due justification. There is little evidence of external interference in the day-to-day operations of the commission or political pressure on its decision-making. However, there remains a lack of transparency around the nomination of commissioners, despite the publication of rules of procedure for appointments to constitutional offices. As a result, it is difficult to obtain a full account of the reasoning behind appointment decisions.

Dimension B: Financial and human resources. This is the third strongest dimension and it has seen minor improvements since 2015. The Anti-Corruption Commission's human resource budget can be considered sufficient, although its programme budget is more limited. Commission staff are generally well educated and highly skilled and the commission's investigation expertise has steadily increased since its establishment in 2005. The commission has also been granted limited autonomy to decide on recruitment criteria, but it is not able to recruit staff directly or set salary scales, which affects its ability to attract competent professionals when most needed. The high rate of staff turnover identified in 2015 remains a critical challenge. Some of the reasons include the psychological, emotional and social toll of the work and the limited longer-term training and career development opportunities within the commission. To help address the high turnover rate, the commission has sought legislative amendments to delink its human resource management from the

Royal Civil Service Commission (RCSC). The Good Governance Committee of the National Assembly was consulting on the proposed amendments at the time of the assessment.¹

Dimension C: Accountability and integrity. This dimension has seen some modest improvements since 2015 in terms of internal reporting and external oversight mechanisms. The Anti-Corruption Commission's comprehensive annual reports are reviewed at length by two different parliamentary oversight committees. That said, there is no official engagement of civil society or the private sector in ensuring the commission's accountability. In an effort to strengthen its accountability, the commission has developed a media and communication strategy and related guidelines, which outline the basic steps and deadlines to respond to requests for information from the media. However, there are no established mechanisms for responding to requests from the public at large and enabling citizens to monitor and hold the commission to account for its decisions. In practice, the commission's approach to reactive information provision has been inconsistent and varies by requester. More generally, Bhutan remains the only country in South Asia without an access to information law. The increase in the proportion of anonymous complaints over the past five years is also a cause for concern because anonymous complaints are less likely to lead to full investigations. In order to operationalise the provisions of the 2011 Anti-Corruption Act, the commission also adopted the Whistleblower and Witness Protection Guideline in 2020 to ensure the protection of witnesses and informers, but it is too early to assess the new policy's effectiveness.

Dimension D: Detection, investigation and prosecution. There has been some deterioration overall since 2015 in what is the weakest of the six dimensions. Between 2016 and 2021, the Anti-Corruption Commission received roughly 1 complaint per 2,000 citizens per year.² This rate is high considering the low level of perceived corruption in the country.³ The high proportion of referrals to the Office of the Attorney General (64 per cent of cases investigated between 2015 and 2019), combined with the high conviction rate (80 per cent between 2017 and 2020), suggests that the commission's investigations are generally of a high standard. The public's perception of the commission's performance in combatting corruption is also high, although it decreased slightly from 91 per cent in 2016 to 85 per cent in 2019.⁴ Despite a concerted effort by the commission, the backlog in addressing corruption complaints remains relatively high at 96 unresolved complaints in 2020. Also, investigations tend to focus on minor infringements (such as administrative offences) that stem from complaints received, while less attention is paid to strategic investigations based on the commission's own proactive intelligence-gathering. The commission noted that it is working to strengthen its intelligence division and has plans both to increase the division's staff from 8 to 37 and to upgrade the division to a department.⁵

Dimension E: Prevention, outreach and education. This continues to be the strongest area of the Anti-Corruption Commission's work. Among other things, the commission conducts advocacy and learning sessions, regular organisational reviews, corruption risk management training in public agencies, and reviews of systemic weaknesses on the basis of previous investigations, most of which have received positive feedback. In addition, the commission has endeavoured to expand its reach, introducing a comprehensive Youth Integrity Programme (YIP) in consultation with education agencies and a new Business Integrity Initiatives of Bhutan (BIIB) programme, but success to date has been limited. Despite some improvements in outreach and communication through more targeted anti-corruption messaging, the commission's online presence remains limited, and it has limited in-house capacity to develop strong outreach and education materials. Moreover, the

¹ https://www.nab.gov.bt/en/media/view_news_detail/1054

² Compiled from the commission's annual reports (2016-2021): <https://www.acc.org.bt/?q=node/287>

³ <https://www.transparency.org/en/countries/bhutan>

⁴ <https://bhutantransparency.org/wp-content/uploads/2021/06/NCBSR-2020-final.pdf>

⁵ Feedback provided during the online validation meeting, 21 December 2021. See Annex 2.

commission does not currently have any strategies or targets in place to enable and monitor outreach to marginalised groups (including women and minority groups).

Dimension F: Cooperation and external relations. This is the weakest of the six dimensions. People’s confidence in government support to the Anti-Corruption Commission remains high, although significantly lower than it was in 2016. According to a 2020 survey, public confidence in the government’s performance in the fight against corruption has fallen from 85 per cent to 62 per cent.⁶ Collaboration between the commission and other integrity agencies within Bhutan and with its international counterparts is generally strong. While the commission and the Office of the Attorney General continue to work in close partnership, the two institutions differ in their views on the circumstances under which the commission has the right to prosecute corruption.⁷ Cooperation with civil society remains limited.

RECOMMENDATIONS

The Anti-Corruption Commission benefits from a supportive enabling environment, which is one of the key drivers behind its overall success. There are a few areas in which the enabling environment could be strengthened (most notably in terms of civil service staff recruitment rules and the commission’s relationship with the Office of the Attorney General – see below). Nevertheless, the main areas of opportunity identified by this assessment are internal to the commission. As a result, the majority of the recommendations that follow are aimed at the commission itself. (More details on the recommendations appear in Part 4: Conclusions and recommendations).

Investigation

1. The commission should continue its nascent work to strengthen and broaden the scope of its intelligence division in order to enable the organisation to initiate more proactive investigations in future and keep pace with emerging anti-corruption challenges.
2. The commission could consider pooling its expertise and research capacity to focus more on systemic problems that increase the risk of abuse of power and conflicts of interest. Greater cross-fertilisation between specialised investigation branches could help reduce silos, increase efficiency and help inform investigation decisions.

Transparency and outreach

3. The commission should develop a strategy to engage all sectors of society. The Youth Integrity Programme is an important first step in this direction. The commission should consider expanding the approach to other groups, such as women and minority groups.
4. The commission should consider collaborating more with external stakeholders on education materials and campaigns, including civil society and the media. The effort should also extend to social media engagement, which is still underdeveloped.
5. The National Council should prioritise passage of the Right to Information Bill to enable institutionalisation of the right to know across public sector agencies, including the commission.
6. Regardless of the above, the commission could develop a publicly accessible access to information policy, outlining clear procedures and timelines for requesting information. As a general rule, the default position should be that information is proactively disclosed

⁶ <https://bhutantransparency.org/wp-content/uploads/2021/06/NCBSR-2020-final.pdf>

⁷ <https://kuenselonline.com/constitutionality-of-prosecution-by-acc-to-dominate-discussion/>

unless there is a strong justification for confidentiality, such as information that may be prejudicial to ongoing investigations.

Human resource management

7. Parliament should pass the proposed amendments to the Anti-Corruption Act granting the Anti-Corruption Commission powers to determine its organisational structure and regulate staff appointments, management and dismissal independently of the Royal Civil Service Commission.
8. The commission should produce a financial and strategic plan that identifies financial needs, environmental constraints and specific recruitment targets.
9. The commission should consider revising its compensation and benefits framework to take account of the level of stress and the psychological, emotional and social toll involved in different areas of its work.
10. The commission should consider incorporating exit interviews of current, former and outgoing employees to understand why it is difficult to recruit and retain mid- and senior-level staff.

External relations

11. The commission could support the participation of citizens and civil society in parliamentary oversight committee sessions, through consultations and briefings to discuss the annual report, or by requesting written information to complement its findings.
12. The commission could publicly present the results of its reports to citizens, civil society organisations and the media in order to facilitate discussion of the results and findings and enable citizens to voice their concerns and questions. To ensure legitimacy, the commission should be prepared to receive feedback and demonstrate action in response.

INTRODUCTION

The UN Convention against Corruption prescribes the existence of independent bodies established through national legal systems to enforce, implement and promote anti-corruption policies and principles. A well-functioning oversight mechanism with a focus on anti-corruption is vital for good governance in any country context. Along these lines, the 2012 Jakarta Principles,⁸ developed in consultation with anti-corruption agency (ACA) heads, practitioners and experts from around the world, represent a widely accepted standard to which agencies can be held accountable.

In practice, assessment against these standards is sporadic, owing partly to the lack of political will by governments to scrutinise their own oversight mechanisms. Another reason is the absence of a coherent and practicable way to measure performance. Transparency International has responded to this opportunity by developing an initiative aimed at strengthening ACAs in the Asia Pacific Region. The proposed Anti-Corruption Agencies Strengthening Initiative combines biennial assessments of ACAs with sustained engagement, dialogue and advocacy at both national and regional levels.

Under the initiative, Transparency International has developed a practical and comprehensive benchmarking tool aimed at highlighting the strengths and weaknesses of ACAs. The assessment tool has been developed and refined over a period of five years in consultation with experts and practitioners from around the world. The latest iteration of the tool is based on the experience of conducting an initial pilot in Bhutan in 2015 and a first round of assessments in seven other countries in the Asia Pacific region in 2016 and 2017.⁹ Between September and December 2021, Transparency International carried out a second assessment of the Anti-Corruption Commission of Bhutan to measure progress since the initial pilot assessment. The assessment was aimed at furnishing the Bhutan commission with up-to-date information on its performance and opportunities for improvement, while also providing all stakeholders committed to tackling corruption in the country with a better understanding of the enabling and disabling factors that affect the commission's effectiveness. In addition to a comprehensive evaluation of performance on a set of robust indicators, the report provides practical solutions to key challenges in the form of recommendations for reform. This report therefore serves as a guide for both the commission and other interested parties to strengthen and expand the impact of anti-corruption efforts in Bhutan.

DATA COLLECTION AND METHODOLOGY

The assessment process entailed a document analysis, including a review of laws and media pieces, followed by semi-structured interviews and focus group discussions with key stakeholders – primarily within the government but also with non-state actors. Fieldwork took place from September to November 2021 in Thimphu. A draft report outlining key findings and recommendations was produced and reviewed by the commission for accuracy and completeness, before being presented to relevant stakeholders for feedback and to initiate dialogue on key issues. A validation meeting with the commission and external stakeholders took place on 21 December 2021 in Thimphu, with

⁸ The principles can be found at the website of the UN Office on Drug and Crime, *Jakarta Statement on Principles for Anti-Corruption Agencies*, 26-27 November 2012, available at https://www.unodc.org/documents/corruption/WG-Prevention/Art_6_Preventive_anti-corruption_bodies/JAKARTA_STATEMENT_en.pdf.

⁹ Between 2015 and 2017, the methodology was used in the completion of national level assessments of anti-corruption agencies in the following countries: Bangladesh, Bhutan, Indonesia, Maldives, Mongolia, Pakistan, Sri Lanka, Taiwan.

remote participation from Transparency International and the lead researcher (see Annexes 2 and 3 for a list of people who were interviewed and consulted).

The assessment tool is designed to capture internal and external factors affecting the commission and to get a sense of the commission’s reputation and actual performance. With this in mind, a comprehensive indicator framework, which is made up of a total of 50 indicators, was developed in consultation with experts (see Annex 1 for more information). The 50 indicators were formulated to develop a broad platform on which to assess the commission’s capacity and effectiveness and identify any gaps and areas of opportunity. (Annex 3 classifies each indicator according to whether it addresses internal or external factors that affect the commission or it addresses the commission’s performance directly).

The indicators pertain to six assessment dimensions:

ASSESSMENT DIMENSIONS	NUMBER OF INDICATORS
A. Independence and status	9
B. Financial and human resources	9
C. Accountability and integrity	9
D. Detection, investigation and prosecution	9
E. Prevention, education and outreach	8
F. Cooperation and external relations	6
Total	50

Each indicator has three possible scores – 1 (low), 2 (moderate) and 3 (high) – that relate to three defined levels which vary according to the assessed condition. Neither the indicators nor the dimensions are weighted since their relative importance differs from one context to another. To rate each indicator, the research team identified specific sources of information, where necessary, from the commission’s legal basis of support and reports, and further substantiated each score through in-depth interviews with the commission’s staff and management and with other government agencies, branches of government, the media and civil society organisations.

The report is divided into four sections. Section 1 presents Bhutan’s basic economic, social and political characteristics and its perceived level of corruption. Section 2 explores the legal and institutional conditions in which the Anti-Corruption Commission operates, as well as its functions and organisational structure. Section 3 presents key findings and a detailed assessment of each indicator, including comments on the key issues and specific gaps that have been identified. Section 4 presents a brief set of conclusions, together with Transparency International’s recommendations to strengthen the commission.

1. BHUTAN'S POLICY CONTEXT AND PERCEPTIONS OF CORRUPTION

SOCIO-ECONOMIC SITUATION

Bhutan will move from a least developed country (LDC) to a lower middle-income country by 2023.¹⁰ The country has a population of 748,931¹¹ and a landmass of 38,394 square kilometres.¹² It remains one of the most peaceful countries in Asia, with the Global Peace Index ranking Bhutan consistently in the top 20 worldwide since 2012, although the country's ranking did slip to 22 in 2021.¹³

Bhutan has a stable economic environment with an annual average economic growth of 7.6 per cent between 2007 and 2017, far exceeding the average global growth rate of 3.2 per cent during the same period.¹⁴ Bhutan has a gross domestic product (GDP) per capita of US\$3,122 (US\$11,508 after adjusting for purchasing power parity), giving it one of the highest income levels in South Asia.¹⁵ In 2019, Bhutan's GDP growth rate was 5.5 per cent, which was higher than in 2018.¹⁶ However, the Asian Development Bank forecast that economic growth would contract by 3.4 per cent in 2021 owing to the introduction of measures to combat the Covid-19 pandemic, including two prolonged nationwide lockdowns. Nevertheless, growth was expected to recover moderately to 3.7 per cent in 2022, thanks to strong policy responses to the pandemic.¹⁷

The growth and stability of the economy are driven by hydropower construction, supportive fiscal and monetary policies, and domestic services.¹⁸ The Global Competitiveness Report 2017-2018 ranks Bhutan 82 out of 137 countries with an average total score of 4.1 points. It places Bhutan at a transition stage from a factor-driven economy to an efficiency-driven economy. Although Bhutan is on par with other emerging and developing countries in South Asia, the region as a whole continues to score poorly on business sophistication and innovation. Upgrading information and communications technology (ICT) infrastructure and increasing ICT use remain among the biggest challenges.¹⁹ Other problematic factors for doing business in Bhutan continue to be access to finance, restrictive labour regulations and an inadequate supply of infrastructure.²⁰

¹⁰ <https://kuenselonline.com/bhutan-enters-preparatory-period-to-shed-lcd-status/>

¹¹ Retrieved from the Ministry of Foreign Affairs (<https://www.mfa.gov.bt/wp-content/uploads/2021/03/Bhutan-at-a-glance-2020-1.pdf>)

¹² <https://www.britannica.com/summary/Bhutan>

¹³ Institute of Economics & Peace, [Global Peace Index Report 2021](#)

¹⁴ <https://blogs.worldbank.org/endpovertyinsouthasia/update-bhutan-s-economy>

¹⁵ <https://data.worldbank.org/indicator/NY.GDP.PCAP.CD?locations=BT>

¹⁶ <https://www.unicef.org/media/100501/file/Bhutan-2020-COAR.pdf>

¹⁷ <https://www.adb.org/news/bhutan-economy-shrink-2021-expected-rebound-2022-adb>

¹⁸ The World Bank, <https://www.worldbank.org/en/country/bhutan/overview>

¹⁹ World Economic Forum, The Global Competitiveness Report 2017-2018, refer to p. 2

²⁰ World Economic Forum, The Global Competitiveness Report 2017-2018

The private sector in Bhutan is in its early stages of development and is predominantly characterised by small-scale enterprises in trade, industry and services²¹. The World Bank's Worldwide Governance Indicators for Bhutan report an improved score for regulatory quality, rising from the 14th percentile in 2015-16 to the 39th percentile in 2020 (which nevertheless means that 61 per cent of countries still score better than Bhutan).²²

The 2017 Poverty Analysis Report by the National Statistics Bureau found that poverty was significantly higher in rural areas (11.9 per cent) than in urban areas (0.8 per cent). Poverty rates have dropped significantly in recent years. The proportion of poor in urban areas fell from 2 per cent in 2012 to 0.8 per cent in 2017, whereas rural poverty fell from 16.7 per cent to 11.9 per cent during the same period. Nonetheless, levels of inequality have not changed significantly and poverty reduction efforts in districts are uneven, leaving some citizens stuck in poverty.²³

According to the World Bank, since Bhutan's poverty is almost exclusively rural with many relying on subsistence-level farming, its rural population was expected to be largely shielded from the labour market shock that resulted from the Covid-19 pandemic. However, disruptions in the production, transport and sale of agricultural products may impact the income of some farmers who are relatively more commercially oriented.²⁴ The pandemic is expected to have caused a small increase in poverty in 2020, mainly owing to high food price inflation and some disruption in agricultural activities. Poverty is estimated to have increased slightly to 11.2 per cent in 2020, up from 10.7 per cent in 2019.²⁵ Nevertheless, Bhutan's response to the Covid-19 pandemic is considered to have been highly effective in preventing rapid spread without resorting to onerous limitations on basic freedoms.²⁶ By the end of 2020, the country had registered approximately 670 cases and no deaths.²⁷

While most social development indicators in the country are on par with other countries in the region, the literacy rate remains persistently low (rising from 63 per cent in 2013 to 67 per cent in 2017).²⁸ Literacy is important not only for upward social mobility and development but also for democratic governance, as literacy facilitates engagement between government authorities and the public so that citizens can demand rights, participate in public decisions, especially at the local level, promote accountability and challenge corruption. From the perspective of integrity promotion, there have been efforts to reach out to rural communities to promote integrity work, but the literacy level makes it difficult to rely on easily accessible materials.²⁹

²¹ ADB, Country Partnership Strategy: Bhutan 2014-2018 (Private Sector Assessment: Summary)

²² <https://info.worldbank.org/governance/wqi/Home/Reports>

²³ <https://www.nsb.gov.bt/download/5111/>

²⁴ World Bank, Poverty & Equity Brief for Bhutan, April 2021

https://databank.worldbank.org/data/download/poverty/987B9C90-CB9F-4D93-AE8C-750588BF00QA/AM2020/Global_POVEQ_BTN.pdf

²⁵ World Bank, Poverty & Equity Brief for Bhutan, April 2021

https://databank.worldbank.org/data/download/poverty/987B9C90-CB9F-4D93-AE8C-750588BF00QA/AM2020/Global_POVEQ_BTN.pdf

²⁶ Freedom House, Freedom of the World – Bhutan 2020 <https://freedomhouse.org/country/bhutan/freedom-world/2021>

²⁷ Freedom House, Freedom of the World – Bhutan 2020 <https://freedomhouse.org/country/bhutan/freedom-world/2021>

²⁸ National Statistics Bureau

²⁹ https://www.oecd.org/pisa/pisa-for-development/Bhutan_PISA_D_National_Report.pdf

Table 1a: Key socio-economic data on Bhutan

DIMENSION	DATA	DATA SOURCE(S)
Land area (in sq km)	38,394	Bhutan at a Glance (National Statistics Bureau, 2020)
Size of population	748,931	Bhutan at a Glance (National Statistics Bureau, 2020)
GDP per capita (US\$)	3,122	World Bank, December 2021
Type of government	Democratic constitutional monarchy	Asian Development Bank

Table 1b: Policy context of Bhutan – Worldwide Governance Indicators (2000-2020)

DIMENSION	2020	2015	2010	2005	2000
Voice & accountability	53.6	46.3	34.6	16.8	13.9
Political stability	84.9	81.9	71.6	92.2	68.3
Government effectiveness	65.9	67.8	69.9	62.7	80.0
Rule of law	71.2	70.2	60.7	59.3	55.9
Regulatory quality	40.4	26.9	10.5	45.6	36.4

Source: World Bank, Worldwide Governance Indicators

POLITICS AND SOCIETY

Bhutan is a democratic constitutional monarchy. The transition to a constitutional democracy began in 1998, when King Jigme Singye Wangchuck handed over executive power to a council of ministers headed by a prime minister. In 2002, he announced his abdication and a plan to hand over the reins to Crown Prince Jigme Khesar Namgyel Wangchuck. Bhutan began drafting its Constitution and establishing legislation, policies and institutions in the same year. One of the institutions created before ratification of the Constitution in 2006 was the Anti-Corruption Commission (ACC).

The Constitution establishes a parliamentary system with the right to form political parties. The legislative power includes a 47-member National Assembly (lower house) and a 25-member National Council (upper house). The Government is led by a Cabinet nominated by the Prime Minister and organised into 10 ministries. There are also four constitutional bodies: the Election Commission of Bhutan (ECB), the Royal Civil Service Commission (RCSC), the Royal Audit Authority (RAA) and the Anti-Corruption Commission (ACC).

Under the new system of governance, Bhutan has continued to experience considerable political stability and consolidation despite changes in government after three rounds of parliamentary elections. The country held its first and second elections in 2008 and 2013, respectively.³⁰ The third parliamentary elections were held in early 2018. With an overall voter turnout of 71.5 per cent, the winning party took 55 per cent of the votes and secured 30 of 47 National Assembly seats.³¹ In 2021, following by-elections in three constituencies,³² the ruling party secured a further two seats in the National Assembly, increasing its total to 32 seats and strengthening its overall majority.

In addition to regular national elections, authority is gradually being devolved from the central government to local government. Bhutan is divided into 20 districts (dzongkhags), each of which is headed by a district administrator (dzongda); 205 blocks (gewogs) headed by an elected block head (gup); and four municipal administrative bodies (thromde) headed by an elected mayor (thrompon). Each local area is responsible for creating and implementing its own development plan in coordination with its district (dzongkhag).³³ Non-party local elections were held in January 2011, January 2016 and November 2021. Thromde elections were held for Thimphu, Phuentsholing and Gelephu in April 2021.³⁴

The Freedom House 2021 report classifies Bhutan as “partly free” with a score of 61 out of 100 (on a scale where 0 is least free and 100 is most free), representing a slight increase from the 2020 score of 58 out of 100. According to the most recent UN Universal Periodic Review for Bhutan in May 2019, Bhutan has accelerated the promotion of human rights through policy and legislative measures and through targeted plans and interventions at the grassroots level on matters relating to children and women’s rights, domestic violence, human rights education, the gender gap in tertiary education, politics and leadership.³⁵ Also, in December 2020, Bhutan’s parliament voted to decriminalise same-sex relations and the decision took effect in February 2021 with the endorsement of King Jigme Khesar Namgyel Wangchuck.³⁶

On the other hand, Bhutan continues to perform poorly in terms of freedom of assembly. There is no legal protection for workers to strike, although the Constitution nominally guarantees the right of workers to form unions. Despite the fact that the Constitution protects the freedom of religion, there are limits on the freedom of expression and belief, with a high degree of self-censorship and other constraints on the media, as well as limitations on the practice of religion with local authorities reportedly harassing non-Buddhists.³⁷ Internationally, the unresolved grievances of ethnic Nepalese who fled or were expelled in the early 1990s also remain an ongoing issue, although the grievances have lost prominence.³⁸

The civil society sector is considered to have a small but growing presence and relevance in Bhutan, marked in recent years by increased partnership both with the government and with development partners. Civil society organisations (CSOs) have acknowledged the increased level of engagement with the government, but describe the nature of the relationship as analogous to that of a “big

³⁰ Information consolidated from <https://www.electionguide.org/countries/id/26/>

³¹ ADB, 2014

³² The ruling party won in Pemagatshel (Nganglam) and Bumthang (Chhoekhor Tang), which were opposition seats prior to the by-elections. See news links (<http://www.bbs.bt/news/?p=154064> and <https://kuenselonline.com/breaking-dawa-wins-choekhor-tang-bye-election/>).

³³ <https://www.dailybhutan.com/article/what-are-the-different-local-governments-in-bhutan>

³⁴ Information consolidated from <https://www.electionguide.org/countries/id/26/>

³⁵ UN Human Rights Council, Universal Periodic Review-Bhutan. The final report of the Working Group on the Universal Periodic Review can be found at <https://www.ohchr.org/EN/HRBodies/UPR/Pages/BTindex.aspx>

³⁶ <https://www.humandignitytrust.org/news/kings-assent-leads-himalayan-nation-of-bhutan-to-become-latest-country-to-decriminalise-same-sex-activity/>

³⁷ Freedom House, Freedom of the World – Bhutan 2020

³⁸ BTI Transformation Index, [Bhutan Country Report 2020](#)

brother and small brother” whereby the government dictates the terms of collaboration.³⁹ Regulated by the CSO Authority, there are currently 54 registered CSOs (43 public benefit organisations and 11 mutual benefit organisations).⁴⁰ Most CSOs are involved in the provision of services, while only a few specialise in advocacy and awareness-raising on issues related to human rights or governance.⁴¹

The media sector continues to operate with limited resources and is highly reliant on government advertising revenue. The exercise of self-censorship is common.⁴² Bhutan does not have any legislation guaranteeing the right to information. A Right to Information Bill passed by the National Assembly in 2014 was designed to put the onus on government officials and agencies to release information. However, the National Council has yet to approve the bill.⁴³ As a result, government information is generally not considered public and efforts to promote integrity and curb corruption are disconnected from discussions on transparency and the right to know.⁴⁴

LEVELS OF CORRUPTION

Good governance is one of the nine domains of Bhutan’s overarching development paradigm: Gross National Happiness. Efforts to reduce corruption, strengthen democracy and decentralisation, and improve the justice system continue to take priority as key result areas in the government’s Five Year Plan (2018-2023) for the creation of a “just, harmonious and sustainable society through enhanced decentralisation”.⁴⁵

The perceived extent of corruption in Bhutan is consistently found to be low across a variety of survey instruments. Transparency International’s Corruption Perceptions Index (CPI), which measures corruption risks in the public sector based on expert opinion, ranks Bhutan 25 out of the 180 countries assessed in 2021, giving it a score of 68 out of 100. Bhutan continues to perform better than its neighbours India (score: 40) and China (score: 45) and much better than Bangladesh (score: 26) and Nepal (score: 33). This places Bhutan among the top-performing 25 per cent of countries worldwide and the best-performing among all South Asian Association for Regional Cooperation countries, with no variation in the last three years (the score having remained at 68 since 2018).⁴⁶

Two other indicators, the World Bank’s Control of Corruption and the World Economic Forum’s Assessment of Irregular Payments and Bribes, paint a similar picture. Bhutan scored 1.65 on a scale from -2.5 to 2.5 for Control of Corruption in 2020, placing it in the 92nd percentile (only 8 per cent of countries scored better).⁴⁷ Bhutan scored 4.93 on a scale from 0 to 7 and was ranked 38 out of 137 countries according to the 2017 World Economic Forum’s Payments and Bribes indicator.⁴⁸

³⁹ HELVETAS Swiss Cooperation Bhutan, “Public Perception of Civil Society Contributions to Local and National Development in Bhutan”, an EU funded report 2020

⁴⁰ CSO Authority, 2021: <http://www.csoa.org.bt/public/w>

⁴¹ <https://bti-project.org/en/reports/country-report/BTN>

⁴² Freedom House, Freedom of the World – Bhutan 2020 <https://freedomhouse.org/country/bhutan/freedom-world/2020>

⁴³ Freedom House, Freedom of the World – Bhutan 2020 <https://freedomhouse.org/country/bhutan/freedom-world/2020>

⁴⁴ BBS, retrieved on 20 November 2021, “Access to information still a challenge for journalists” at

<http://www.bbs.bt/news/?p=160460>

⁴⁵ <https://www.gnhc.gov.bt/en/wp-content/uploads/2019/05/TWELVE-FIVE-YEAR-WEB-VERSION.pdf>

⁴⁶ <https://www.transparency.org/en/cpi/2020/index/btn>

⁴⁷

https://tcdata360.worldbank.org/indicators/hc153e067?country=BTN&indicator=364&viz=line_chart&years=1996,2020

⁴⁸ https://govdata360.worldbank.org/indicators/h236b6700?country=BTN&indicator=667&viz=line_chart&years=2010,2017

According to the Anti-Corruption Commission’s National Integrity Assessment, which surveys a representative sample of service users and service providers on their experience and perception of corruption, Bhutan achieved an integrity score of 7.95 in 2016⁴⁹ and 7.97 in 2019⁵⁰ on a scale from 0 (highly corrupt) to 10 (highly transparent). The 2019 survey found that 42 per cent of service providers and 34 per cent of service users perceived an increase in corruption over the previous five years, while 27 per cent of service users and 27 per cent of service providers perceived a decrease. Also, 56 per cent of respondents saw the problem of corruption as “quite serious”, 25 per cent as “very serious” and 9 per cent as “not serious”. Similarly, the National Corruption Barometer Report 2020, produced by the civil society organisation Bhutan Transparency Initiative, reported that 32 per cent of respondents believed that corruption was a very serious problem, 28 per cent regarded it as a serious problem and another 28 per cent saw it as a somewhat serious problem.⁵¹

According to the 2020 report, the five most prevalent forms of corruption in Bhutan are: trading in influence (24 per cent), failure to declare conflicts of interest (21 per cent), abuse of functions (21 per cent), bribery (20 per cent) and embezzlement (20 per cent). Respondents agreed that all forms of corruption were most prevalent in government ministries, followed closely by corporations, financial institutions and autonomous agencies. Trading in influence was reported as the most prevalent form of corruption across all these institutions. The 2020 report correlates strongly with the results of the 2016 report, which found that the most commonly reported forms of corruption were nepotism and favoritism, and misuse of public funds, properties and assets⁵².

Table 2: Perception of the ACA performance on global indicators

INDICATOR	RANK / SCORE
CPI (Transparency International) 2021	Rank: 25 of 180 countries / Score: 68/100
Control of Corruption (World Bank) 2020	Percentile rank: 92.79
Irregular Payments and Bribes (World Economic Forum) 2017	Rank: 39 of 144 countries / Score: 4.8/7
Bribery Risk Matrix (Trace International) 2021	Rank: 62 of 194 countries

⁴⁹ Assessment of 254 services from 80 agencies: 10,814 respondents (8,706 external clients and 2,108 internal clients). See: https://www.researchgate.net/publication/333479810_National_Integrity_Assessment_2016_Research_Team_Namgay_Kezang_Tshering_Tshering_Choden_Tshering_Phuntsho_Dorji_Phuntsho_Kinzang_Gyeltshen_Suggested_citation_ACC_2017_National_Integrity_Assessment_201

⁵⁰ Assessment of 272 services from 96 agencies: 13,869 respondents (9,861 external clients and 4,008 internal clients). See: https://www.researchgate.net/publication/342410560_National_Integrity_Assessment_2019

⁵¹ Bhutan Transparency Initiative, National Corruption Barometer Report 2020, pp. 7-9

⁵² Bhutan Transparency Initiative, National Corruption Barometer Report 2020, pp. 7-9

2. INSTITUTIONAL BACKGROUND AND PROFILE OF THE ANTI-CORRUPTION COMMISSION

HISTORY AND LEGAL BASIS

The Anti-Corruption Commission (ACC) is an independent constitutional body established under Article 27 of the Constitution of Bhutan. As such, it occupies an important position in the Bhutanese system of government. It was created on 31 December 2005 to support the government's drive for modernisation and democratisation. It is headed by a chair and two commissioners appointed by the King based on the recommendations of a five-person committee, which is made up of the heads of the executive, judiciary and legislative branches (which includes the National Council) and the leader of the opposition in Parliament.⁵³

The 2011 Anti-Corruption Act of Bhutan provides the legal basis for the operation of the Anti-Corruption Commission based on the United Nations Convention against Corruption. Articles 6 and 7 ensure operational independence and financial stability. The commission has complete autonomy in defining and executing its budget and establishing its personnel and staff needs. Staff are members of the civil service under the jurisdiction of the Royal Civil Service Commission (RCSC), and are appointed, selected and removed pursuant to the Civil Service Act 2010 and the standards set by the Bhutan Civil Service Rules 2018.⁵⁴ (This is discussed in greater detail below under "Dimension A: Independence and status".)

FUNCTIONS AND MANDATE

The Anti-Corruption Commission's vision is of a corruption-free society, and its mission to eliminate corruption has three components: (i) leading by example, (ii) focusing on partnerships, and (iii) mainstreaming anti-corruption measures in public/private organisations and instilling values of credibility, integrity, transparency and impartiality.⁵⁵ Under Bhutan's Twelfth Five-Year Plan (2018-2023), the commission is responsible for implementing a number of agency key result areas, including among others to "enhance the efficiency, effectiveness and credibility of the Anti-Corruption Commission" and to "enhance mainstreaming of integrity and anti-corruption measures in agencies".⁵⁶

⁵³ The selection criteria are established in the Anti-Corruption Act of Bhutan 2011, Chapter 2, Articles 7 to 9, available at https://www.acc.org.bt/sites/default/files/ACA%202011_1.pdf

⁵⁴ Chapter 4, pp. 71-87

⁵⁵ <https://www.acc.org.bt/?q=node/3>

⁵⁶ <https://www.gnhc.gov.bt/en/wp-content/uploads/2019/05/TWELVE-FIVE-YEAR-WEB-VERSION.pdf>

Investigation function

The commission can investigate any act of corruption by civil servants and public officials, by private sector and civil society members, or by foreign officials in Bhutan. It receives complaints directly from citizens and public agencies, as well as referrals from the Royal Audit Authority (RAA), with which it collaborates closely. The RAA refers cases that require criminal indictment of corruption offences to the commission for investigation and prosecution. The commission has the power to investigate corruption cases proactively and refers cases to the Office of the Attorney General (OAG) for prosecution. The commission can also prosecute under certain circumstances, such as when a case is delayed without valid reason or it is manipulated or hampered by interference (although the precise definition of what constitutes a delay, manipulation or interference is open to interpretation). The commission's prosecutorial powers have been invoked on a few occasions since 2012. (They are discussed in greater detail under "Dimension D: Detection, investigation and prosecution".) Complaints are assessed and scored as per the commission's Complaint Management Policy & Procedures Manual. Once a complaint has been evaluated, the commission can decide whether to assign it for investigation, verify it further through information enrichment, share it with other agencies for issues that are administrative in nature, or drop it. (The options are discussed in greater detail under "Indicator 29: Responsiveness to corruption complaints".) The commission and the respective directors decide which complaints to investigate based on urgency and relevance, while also taking into consideration the available financial and human resources.

Prevention and education function

In addition to its investigation function, the commission's other main functions in accordance with Chapter 25 of the Anti-Corruption Act are to:

- educate the public on the dangers of corruption and foster public support in combatting corruption
- identify the practices, procedures and systems of public or private sector entities that may be conducive to corruption
- advise on ways to eliminate corruption
- undertake studies and research to identify the trends, causes, types, pervasiveness, and seriousness or impacts of corruption

The commission conducts three kinds of studies to support its prevention work:

- Systemic studies and research focus on vulnerability and integrity practices around key issues are intended to deepen and broaden understanding of the conditions that enable any identified corrupt practices.
- Organisational reviews and assessments are conducted to identify gaps and provide prevention recommendations.
- Investigation reports include "improvement recommendations" that address legal and institutional gaps in the system.

Other prevention activities include: (i) control procedures, (ii) collaboration efforts with other government agencies, Parliament and the judiciary, and (iii) outreach efforts with local governments, institutes, schools, civil society organisations and the private sector. Control procedures refer to the mechanisms by which the commission collects asset declarations from civil servants, politicians and employees of organisations that use public resources. The commission has been in charge of asset declaration control since 2006 in accordance with the Anti-Corruption Act. Collaboration efforts

include e-learning courses on ethics and integrity management for civil servants, parliamentarians and justices/judges,⁵⁷ training and workshops on various tools to support and institute integrity and anti-corruption measures under the National Integrity and Anti-Corruption Strategy (NIACS) 2019-2023, the development of tools and handbooks, values education and programmes for schools and institutions, and research initiatives and support. Outreach efforts include advocacy and learning sessions for public agencies, students, local government, CSOs, etc. and integrity promotion and corruption prevention in the private sector.⁵⁸ (These efforts are discussed in greater detail under “Dimension E: Prevention, outreach and education”.)

Table 3: Scope of the Anti-Corruption Commission’s jurisdiction and functions

Functions/ mandate/ powers	Jurisdiction							
	Public sector				Non-government			
	Legislature	Judiciary	Police, military etc.	Other public service	State-owned companies	Public contractors	Charities/ NGOs	All business/ some business
1. Research, intelligence, risk assessment and detection	ACC	ACC	ACC	ACC	ACC	ACC	ACC	ACC
2. Corruption investigation – in response to complaints	ACC	ACC	ACC	ACC	ACC	ACC	ACC	ACC
3. Corruption investigation – own motion powers	ACC	ACC	ACC	ACC	ACC	ACC	ACC	ACC
4. Prosecution ⁵⁹	OAG	OAG	OAG	OAG	OAG	OAG	OAG	OAG
5. Asset recovery/ confiscation/ restitution	ACC/ OAG	ACC/ OAG	ACC/ OAG	ACC/ OAG	ACC/ OAG	ACC/ OAG	ACC/ OAG	ACC/ OAG
6. Prevention	ACC	ACC	ACC	ACC	ACC	ACC	ACC	ACC
7. Education and outreach	ACC	ACC	ACC	ACC	ACC	ACC	ACC	ACC

⁵⁷ ACC, Annual Report 2020, pp. 15-16

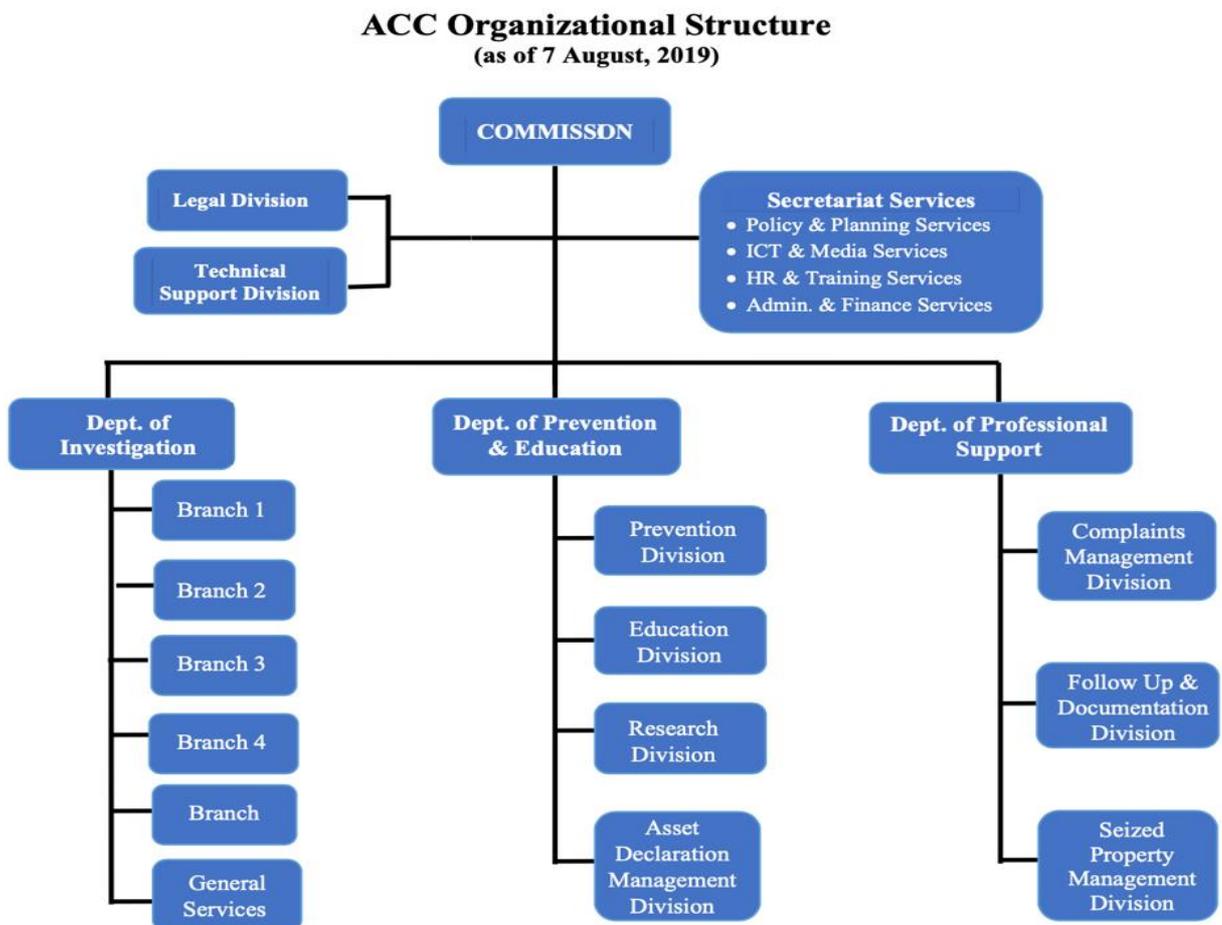
⁵⁸ Details on prevention and outreach work found in ACC Annual Report 2020, pp. 8-16

⁵⁹ Exceptionally, the ACC can take on prosecutions when the OAG refuses to do so.

STRUCTURE

The Anti-Corruption Commission's organisational structure has undergone some changes⁶⁰ since the 2015 assessment. The commission's work is now divided into function-specific departments; (i) investigation, (ii) prevention, education and outreach activities, and (iii) professional support. These departments are supported by legal and technical support divisions as well as the secretariat services, whose main responsibilities are policy and planning, information and communications technology, the media, human resources, and financial services.

Figure 1: ACC organisational structure (2019)



Each department is subdivided into divisions or branches. Department of Investigation branches are organised by sector to foster specialisation (that is, procurement, land and natural resources, finance and business, human resource management and development, and social and political), but with enough flexibility to pool teams when needed for bigger or more complex investigations. The Department of Prevention & Education conducts systemic studies in vulnerable sectors, formulates

⁶⁰ The former Corporate Services has been renamed Secretariat Services, while some functions of the former Operational Services have been moved to new departments.

recommendations, institutionalises integrity practices in government agencies, and conducts outreach and education activities. The Department of Professional Support manages pre- and post-investigation activities, such as complaints handling and review, property seizure and management, and documentation and follow-up on recommendations relating to both investigation and prevention. The Legal Division is tasked with prosecutorial responsibilities, such as substantiating evidence in court. The Legal Division also manages any cases prosecuted by the commission.

FINANCIAL AND HUMAN RESOURCES

The Anti-Corruption Commission operates on a budget allocation of about 0.30 per cent of the approved national budget. This amounts to BTN 210 million (US\$2.8 million) for the period of the Twelfth Five-Year Plan (2018-2023) (capital budget, excluding current expenditure). In mid-2021, the commission's programmes and activities were reviewed and an additional sum of BTN 48.3 million (US\$0.64 million) was allocated for human resource development for sources that included the Royal Government of Bhutan, donors, etc. The commission's annual budget (which includes both capital and current expenditure) was BTN 135.41 million (US\$1.79 million) for FY 2020-21 and BTN 144.989 million (US\$1.9 million) for FY 2021-22. On average the commission used around 85 per cent of its annual budget between 2016 and 2021, which suggests that the allocated funds are adequate.

The commission has 128 full-time staff⁶¹ (in addition to the Chairperson and Commissioners): 2 directors ; 1 specialist; 21 senior integrity promotion officers; 19 integrity promotion officers; 13 assistant integrity promotion officers; 23 integrity promotion staff; 6 senior legal officers; 3 legal officers; 5 legal assistants; 2 senior research officers; 1 research officer; 1 assistant research officer; 4 senior complaints management officers; 2 complaints management officers; 13 corporate service officers (planning, HR, ICT and media) and 12 assistants and support staff.

(The commission's financial and human resources are discussed in greater detail under "Dimension B: Financial and human resources".)

⁶¹ ACC staff numbers as of November 2021.

3. KEY FINDINGS

The assessment of Bhutan’s Anti-Corruption Commission finds that the institution continues to perform very well: 66 per cent of the indicators were rated as high, 30 per cent as moderate and 4 per cent as low. The overall rating has declined slightly since the first assessment in 2015 (when 70 per cent were rated as high, 26 per cent as moderate and 4 per cent as low). Despite modest improvements in terms of financial and human resources, internal reporting and external oversight, there has been a slight deterioration in the area of detection, investigation and prosecution, with insufficient attention paid to proactive, intelligence-based investigations. However, it should also be noted that the two assessments are not directly comparable as the indicator framework has undergone some changes, including the addition of new indicators and the merging of others. Specifically, the seven dimensions of the 2015 assessment have been merged into six dimensions under the revised methodology, and a number of indicators have been revised. (The results of the 2015 assessment appear in Annex 3.)

According to the 2021 assessment, the commission’s strongest dimensions are: (A) independence and status (94 per cent); (E) prevention, education and outreach (94 per cent); and (B) financial and human resources (83 per cent). By contrast, its weakest dimensions are: (D) detection, investigation and prosecution (67 per cent); (F) cooperation and external relations (67 per cent); and (C) accountability and integrity (78 per cent).

Figure 2: 2021 assessment summary: ratings by dimension

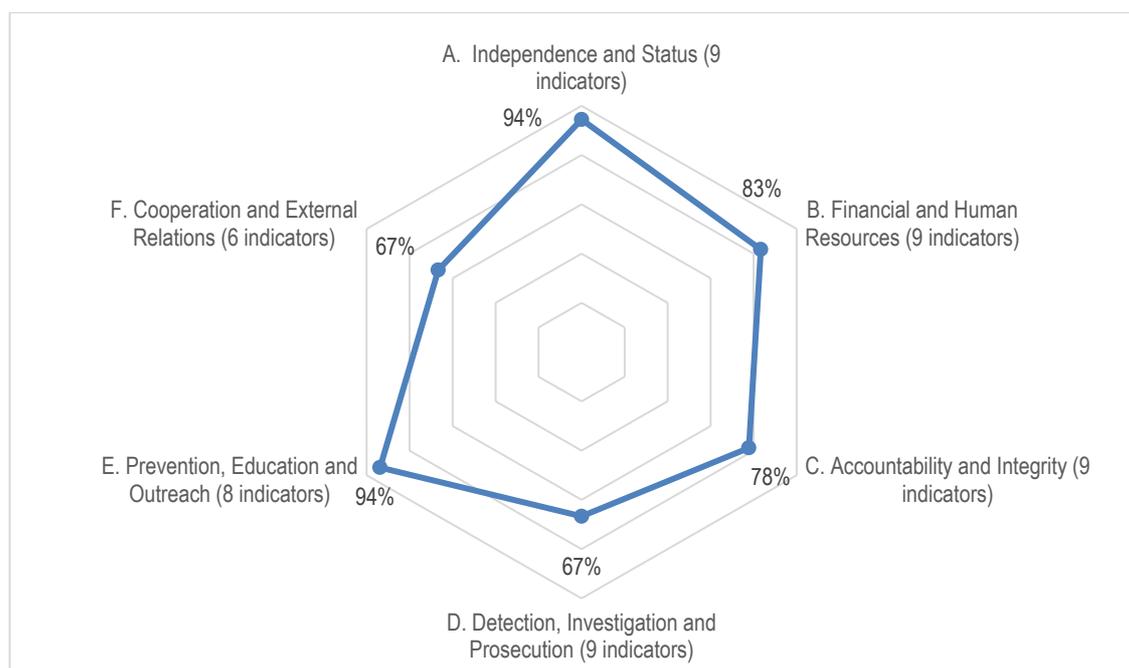


Table 4 below presents a summary of the ratings for each of the 50 assessed indicators, followed by a brief discussion of the main strengths and weaknesses across each of the six dimensions, including comparisons with 2015, where relevant. This is followed by an in-depth assessment of each indicator, including sources and comments in Table 5.

Table 4: Assessment summary: indicators by dimension

DIMENSION	INDICATORS								
Independence & status	Institutional independence	Appointment and removal of Commissioner(s)	Mandate	Jurisdiction	Investigation & prosecutorial powers	Powers to report and enforce recommendations	Legal autonomy	Operational autonomy	Political use of powers
Financial & human resources	Proportion of budget	Sufficiency of budget	Security & stability of budget	Staff salary & benefits	Staff selection	Investigation & prosecution expertise	Prevention & education expertise	Staff training	Stability of staff
Accountability & integrity	Annual reporting	Responsiveness to information requests	External oversight mechanisms	Internal review mechanisms	Adherence to due process	Willingness of complainants to identify themselves	Complaints handling	Outcomes of complaints	Internal integrity mechanisms
Detection, investigation & prosecution	Accessibility to complainants /informants	Responsiveness to corruption complaints	Proactive investigation	Efficiency & professionalism	Prosecution rate	Conviction rate	Investigation of influential persons	Restitution & asset recovery	Perception of performance
Prevention, education & outreach	Allocated budget	Strategic planning	Anti-corruption learning & development	Organisational reviews	Prevention recommendations	Research on corruption risks	Dissemination & campaigns	Online communication	
Cooperation & external relations	Confidence in Government support to the ACA	Cooperation with other integrity agencies	Cooperation with non-government organisations	International networks	Cooperation with other countries	Accessibility to marginalized groups			

HIGH SCORE	3	Green
MODERATE SCORE	2	Yellow
LOW SCORE	1	Red

SUMMARY OF KEY FINDINGS BY DIMENSION

Dimension A: Independence and status

The independence and status of the Anti-Corruption Commission is the joint strongest dimension, and the ratings have remained largely unchanged since the 2015 assessment. The commission, which is endowed with extensive powers, operates independently of external interference. However, the transparency of the nomination process for commissioners remains limited.

The commission continues to benefit from very strong institutional and legal autonomy. It has extensive investigation powers, including the power to launch investigations on its own initiative, and a broad mandate (investigation, prevention, education, research and integrity advice) and jurisdiction (including national and local governments, civil society organisations, political parties and private sector organisations). There is little evidence of external interference in its day-to-day operations or political pressure on its decision-making. Interviewed representatives of the media, civil society and National Assembly committees considered the leadership of the commission to have strong character and integrity, which they perceived as a strong deterrent to potential interference.

Nevertheless, as was the case in 2015, transparency in the nomination process for commissioners remains limited, despite the publication of rules of procedure for appointments to constitutional offices in 2015. While the rules list the members of the nomination panel and outline the steps in the process, it remains difficult to obtain a full account of the reasoning behind appointment decisions. Concerns over the need for greater transparency in nominations were once again raised by members of the National Council and others during the appointment of the third commission in October 2020. Another area of concern is the commission's power to enforce its recommendations. While the commission is required to engage in regular monitoring to ensure that its decisions and recommendations are properly implemented, not all of its recommendations are binding. While post-investigation referral recommendations are prescriptive, recommendations ensuing from administrative complaints are not. The implementation of systemic recommendations, meanwhile, is monitored as part of agencies' performance targets to incentivise compliance, but the commission does not have any power to enforce them.

Dimension B: Financial and human resources

Financial and human resources is the third strongest dimension and it has seen minor improvements since 2015. Despite the fact that the Anti-Corruption Commission has an ample human resource budget and has been granted some limited autonomy to decide on recruitment criteria, the high rate of staff turnover identified in 2015 remains a critical challenge.

The commission's budget can be regarded largely as sufficient, with an average allocation of 0.30 per cent of the national budget between 2017 to 2021 and an average fund utilisation of 85 per cent between 2016 and 2021. In general, there has been an upward trend in the budget allocation since 2016, with more than 80 per cent of the requested budget approved annually. However, there was a significant drop in the budget (17 per cent) between 2019 and 2020.

Commission staff are selected according to Royal Civil Service Commission (RCSC) standards, through meritocratic and transparent procedures. The Anti-Corruption Commission and the RCSC signed a Memorandum of Understanding in August 2016 that gives some autonomy to the commission to modify recruitment criteria, single window recruitment and training requirements based on specific job profiles. However, limitations on the commission's autonomy to recruit staff directly and set attractive salary scales affects its ability to attract competent professionals when most needed. Moreover, the commission's proposed structural changes are not always approved by the RCSC. To that end, the commission has sought legislative amendments to delink its human resource management from the RCSC. The deliberations were ongoing at the time of the assessment. Notwithstanding these challenges, commission staff are generally well educated and highly skilled. As a result, the commission's investigation expertise has increased steadily since its establishment in 2005.

Although the commission has seen a gradual increase in staff numbers from 85 in 2016 to 128 in June 2021, it has not achieved its full quota of staff. Over 40 entry-level graduates have joined in the last six years, but the commission continues to experience problems with staff retention. Between 2016 and 2020, the average attrition rate was 9 per cent. As was the case in 2015, the high attrition rate continues to be a critical area of opportunity for the commission in the medium to long term. Some of the reasons for high turnover include the psychological, emotional and social toll of the work and the limited longer-term training and career development opportunities within the commission. Among other improvements, the commission has recently introduced staff welfare schemes and childcare facilities as well as initial plans for a housing colony to attract and retain qualified staff. It has also secured a five-year human resource development budget of BTN 48.3 million (US\$0.64 million) for both short- and long-term training and courses.

Dimension C: Accountability and integrity

Overall, this dimension has seen some modest improvements since 2015 in terms of internal reporting and external oversight mechanisms. However, responsiveness to information requests remains an important gap. The increase in the proportion of anonymous complaints over the past five years is also a cause for concern.

The Anti-Corruption Commission continues to publish comprehensive and accessible annual reports that facilitate strong external oversight. The commission's annual report is reviewed at length by two different parliamentary oversight committees, one in each house, who identify and subsequently monitor specific actions to be carried out to strengthen the commission's work. However, the two oversight bodies are made up exclusively of Members of Parliament and there remains no official engagement of civil society or the private sector in the commission's oversight. The commission has recently appointed a designated Information & Media Officer to facilitate cooperation with external stakeholders including the media. The commission has also developed a media and communication strategy and related guidelines, which outline the basic steps and deadlines for responding to information requests from the media. However, there are no established mechanisms for responding to requests from the public at large and thereby enabling citizens to monitor and hold the commission to account for its decisions. In practice, the commission's approach to reactive information provision has been inconsistent and varies by requester. Members of oversight committees, for example, reported a quick turnaround time, whereas representatives of the media reported that it was a lengthy process with no guarantee of information being shared or validated.

The Anti-Corruption Commission has a comprehensive code of conduct. The Human Resource Committee, in its role as an ethics committee, is entrusted to investigate reported/referred cases of breaches of the commission's code of conduct by employees. However, the fact that initial investigations into misconduct are conducted by an internal (rather than an external) body could lead to potential conflicts of interest. In 2014, the commission adopted a grievance redressal mechanism (GRM). An internal commission review conducted in September 2017 indicated the need to enhance the system and create greater awareness. As a result, the GRM was revised in 2019. As of December 2021, however, no grievance has been lodged under the new system.

There is broad confidence in the commission's adherence to due process. However, some concerns have been raised regarding detention and interrogation methods, issues of heavy-handedness and discourteous treatment of persons in a few high-profile prosecutions,⁶² although the commission has denied the accusations. The proportion of complainants who are willing to identify themselves has gradually declined over the past five years (from 51 per cent in 2015 to 35 per cent in 2019). This trend is of concern because anonymous complaints are less likely to lead to full investigations. Although the trend was reversed for the first time in 2020/21, it remains to be seen whether the reversal is a sign of longer-term change. The commission acknowledges that the increasing trend in maintaining anonymity may be due to the fear of reprisals, suggesting the need to strengthen the protection of witnesses and informers, including immunity

⁶² <https://kuenselonline.com/investigations-under-duress-or-not/>

from disciplinary action in respect of assistance given to the commission. To this end, the commission adopted the Whistleblower and Witness Protection Guideline in 2020 to operationalise the provisions of Article 7 of the Anti-Corruption Act, which was designed to ensure the protection of witnesses and informers. While the commission is generally considered to be diligent in protecting whistleblowers, complainants whose allegations ultimately prove to be baseless have sometimes been treated discourteously, such as receiving verbal reprimands.⁶³

Dimension D: Detection, investigation and prosecution

Although not directly comparable with the 2015 assessment, this dimension has seen some deterioration overall and is the weakest of the six dimensions. While the Anti-Corruption Commission remains highly accessible to complainants and investigations are generally of a high standard, they tend to focus on minor infringements, while insufficient attention is paid to strategic investigations based on the commission's own proactive intelligence-gathering.

The commission continues to be perceived as highly accessible. Between 2016 and 2021, the commission received roughly 1 complaint per 2,000 citizens per year, which is high considering the low level of perceived corruption in the country. There is broad agreement among stakeholders that the commission is efficient and professional in its investigation work, but that there is some room for improvement. The high proportion of referrals to the Office of the Attorney General (64 per cent of cases investigated between 2015 and 2019), combined with the high conviction rate (80 per cent between 2017 and 2020), suggests that the commission's investigations are of a sufficiently high standard that they are able to provide solid evidence for successful convictions in a large number of cases. The public also generally has a positive perception of the commission's performance in combatting corruption, although it decreased slightly from 91 per cent in 2016 to 85 per cent in 2019.⁶⁴

Despite a concerted effort by the commission, however, the backlog in addressing corruption complaints remains relatively high at 96 unresolved complaints in 2020. Moreover, most cases investigated by the commission are complaint-based rather than based on the commission's own intelligence gathering. As a result, less than 5 per cent of all investigations between 2016 and 2020 were proactive investigations. This is due partly to the high number of complaints lodged (an average of 25 cases a month in 2020), which leaves little capacity for proactive investigation, especially given the limited human resource pool. In addition, because the received complaints tend to be administrative in nature, most commission investigations focus on relatively minor infringements with more limited impact, although the commission's legal division has taken on a small number of major investigations and prosecutions in recent years. The commission reports taking steps to strengthen the intelligence division to enable the commission to launch more proactive cases in the future.

Dimension E: Prevention, outreach and education

The Anti-Corruption Commission continues to perform very well in terms of prevention and education. Despite some improvements in outreach and communication through more targeted anti-corruption messaging, however, the commission's online presence remains limited.

The commission allocated a substantial proportion of its total budget (approximately 10 per cent) to prevention and outreach between 2016 and 2020/21. This has enabled it to conduct a range of prevention and education activities, including over 300 advocacy and learning sessions with over 68,000 participants between 2015 and 2019, regular organisational reviews (including periodic national integrity assessments), corruption risk management training in public agencies, and reviews of systemic weaknesses on the basis of previous investigations to facilitate evidence-based systemic improvements. The response to the commission's education and advocacy programmes over the period has been overwhelmingly positive. In addition, the commission has endeavoured to expand its reach, introducing a comprehensive Youth Integrity Programme (YIP) in consultation with education agencies and a new Business Integrity Initiatives of Bhutan (BIIB) programme, but success to date has been limited. The

⁶³ Interviews with media representatives

⁶⁴ <https://bhutantransparency.org/wp-content/uploads/2021/06/NCBSR-2020-final.pdf>

commission also formed an internal Prevention Advisory Committee in December 2020 to strengthen its prevention programmes.

Recommendations in the 2015 report to create a more nuanced communication strategy were well heeded. The commission not only introduced a designated Information & Media Officer to facilitate cooperation with external stakeholders, but also developed a new media and communication strategy and guidelines on media crisis management and on social media and websites in 2020. As a result, the commission has made some progress in disseminating more targeted anti-corruption messages among the population. Currently, however, the commission does not have any strategies or targets in place to enable and monitor outreach to marginalised groups, including women and minority groups. Since September 2019, the commission has hosted a bimonthly panel discussion in collaboration with the Bhutan Broadcasting Service (BBS) to educate the general public on anti-corruption laws and promote the collective fight against corruption, and it has held a virtual session with media outlets on “Myths vs. Facts” about the commission and its functions. Despite these efforts, the commission acknowledges that news coverage continues to focus on its investigative function, while largely ignoring its other functions. One challenge is the commission’s limited in-house capacity to develop information, education and communication (IEC) materials. While some external stakeholders have raised concerns about the commission’s reluctance to seek external support in developing more effective materials, the commission has stated that the technical development of most of its IEC materials is already outsourced to local firms.

There have also been some efforts to improve the commission’s social media presence in recent years. Its presence on Facebook, for example, has increased since 2019, although user interaction remains very limited and the commission’s Twitter account (@ACCBhutan) is seldom used. The commission acknowledges that it has not yet been able to create a dynamic web and social media presence.

Dimension F: Cooperation and external relations

The Anti-Corruption Commission’s cooperation and external relations is the weakest of the six dimensions. Collaboration with other integrity agencies and international counterparts is generally strong, albeit with some challenges. However, cooperation with civil society is an important area of opportunity.

Citizens’ confidence in government support for the commission remains high, but it is significantly lower than it was in 2016. According to a 2020 survey, confidence in the government’s performance in the fight against corruption has fallen from 85 per cent to 62 per cent.⁶⁵ The commission continues to collaborate with other integrity agencies on corruption investigations, prevention, and training and outreach, including through the Justice Sector Strategic Plan of Bhutan (2019-2023), although implementation of the plan has been adversely affected by the Covid-19 pandemic. The commission has signed 12 Memoranda of Understanding (MoUs) with other government agencies and it has an outreach strategy to work with regional governments. A joint inter-agency task force between the commission and the Office of the Attorney General (OAG) developed a revised MoU in 2020/21 identifying renewed common areas of interest and challenges. Crucially, the two institutions continue to differ in their views on the circumstances under which the commission has the right to prosecute under Section 128 (3) of the Anti-Corruption Act (ACA) 2011. While the OAG has argued that the provision creates overlapping roles and is not in accordance with the Constitution, the commission regards it as a necessary check on the OAG. In practice, in the few cases where the commission has prosecuted cases in the past, the Supreme Court has ruled that it was not unconstitutional.⁶⁶

The Anti-Corruption Commission participates actively in regional cooperation efforts, technical assistance initiatives, and training and development strategies. Bhutan is an active member of the ADB/OECD Anti-Corruption Initiative for Asia and the Pacific. In 2020, the commission initiated a dialogue with the International Anti-Corruption Academy in Austria to sign an MoU to build linkages on mutual areas of

⁶⁵ <https://bhutantransparency.org/wp-content/uploads/2021/06/NCBSR-2020-final.pdf>

⁶⁶ <https://kuenselonline.com/constitutionality-of-prosecution-by-acc-to-dominate-discussion/>

interest, such as capacity building and technical assistance on anti-corruption. The commission has also engaged in strong bilateral collaboration with anti-corruption agencies in more than half a dozen countries. For example, it hosted a delegation from Hong Kong's Independent Commission Against Corruption in September 2019 to reinforce the cooperation between the two agencies. It also sent a delegation to the CIABOC of Sri Lanka on an experience-sharing visit in October 2019.

On the other hand, the commission's cooperation with civil society remains weak and has deteriorated since 2015. Most of the nine MoUs with civil society organisations (CSOs) that were reported in the 2015 assessment have expired after a review of their effectiveness, with the exception of the commission's MoU with the Bhutan Transparency Initiative, with which the commission continues to collaborate closely. In 2020, the commission adopted a CSO engagement programme in place of MoUs to strengthen internal control mechanisms within CSOs and support them in the promotion of anti-corruption and justice in the community.

DETAILED INDICATOR ASSESSMENT

Table 5: Detailed indicator scores, with sources and comments

	Indicator	Indicator value			Justification of scores and data sources
		LOW	MODERATE	HIGH	
A	Independence and status				
1	Institutional independence	Within the police or a ministry	Separate agency located outside a ministry	Independent institution outside the government	<p>The Anti-Corruption Commission is fully independent in accordance with Article 27 of the Constitution and Chapter 5(1) of the Anti-Corruption Act (ACA) 2011. Operational independence and financial stability are ensured under Articles 6 and 7 of the ACA 2011. In practice, however, the commission's full independence has been questioned owing to: (1) the fact that its staff are hired through the Royal Civil Service Commission (RCSC); and (2) the prevailing practice of appointing constitutional post holders to civil service positions after the completion of their terms, which is a potential concern as it may undermine the commission's independence. The latter practice was considered justifiable by the interviewed constitutional post holders and executives as a way to prevent a small pool of highly distinguished, experienced and relatively young individuals from leaving the system. (Note that amendments to the ACA 2011 are under deliberation at the time of writing this report. Human resource issues are part of the deliberations.)</p> <p><u>Sources:</u> Art. 27 of the Constitution, Anti-Corruption Act (ACA) 2011, focus group discussions and interviews with ACC staff, RCSC, ECB, RAA, OAG, Royal University of Bhutan, Ministry of Education, Ministry of Labour & Human Resources, etc.</p>

2	Appointment and removal of commissioners	Prime Minister / President / Head of State makes the appointment decision with no safeguards to ensure impartiality (including a transparent procedure) and commissioners do not have a fixed term and can easily be replaced	A ministerial committee makes the appointment decision with some safeguards in place to ensure impartiality (such as a transparent procedure) and/or commissioners have a fixed term (without tenure) but it is not difficult to remove them	An independent committee makes the appointment decision with strong safeguards in place to ensure impartiality (including a transparent procedure) and commissioners have a fixed term (with tenure) and cannot be removed without proven cause (e.g., incompetence or misconduct)	<p>The Anti-Corruption Commission (ACC) chair and commissioners are nominated and recommended by a high-level committee made up of the Prime Minister, the Chief Justice of Bhutan, the Speaker, the Chair of the National Council and the Leader of the Opposition Party. The appointment is made by the King. The Constitution stipulates the eligibility criteria and required qualifications for nominated candidates. In addition, rules of procedure were adopted in 2015 to cover the submission of names to His Majesty The Druk Gyalpo for appointment to constitutional offices (namely in the Election Commission, Anti-Corruption Commission, RCSC and Royal Audit Authority). The rules include a set of eligibility criteria for any nominees to the offices. According to the interviews, the nominations are vetted by the RCSC, the Royal Audit Authority (RAA) and the Anti-Corruption Commission to ensure there is no evidence of prior misconduct, financial impropriety or corruption. However, the nomination process is not public and it is difficult to obtain a full account of the reasoning behind the high-level committee's decisions. The National Council, which is the upper house, recently raised concerns over the need for greater transparency and clearer criteria in nominations. One of the possible justifications for limited transparency cited by executives and constitutional post holders in the nomination process is to help deter nominees from lobbying for the posts, especially given the apparent closeness of personal connections in a small society like Bhutan. The term of office for commissioners is fixed at five years or until they reach the age of 65 years (whichever comes first). The conditions for removal and dismissal are strictly defined and can only take place through a process of impeachment based on a proven cause of "incapacity, incompetency or serious misconduct" (Art. 32 of the Constitution).</p> <p><u>Sources:</u> Arts. 27 and 32 of the Constitution and Arts. 11 and 14 of the Anti-Corruption Act (ACA) 2011; ECSA (Entitlement and Service Conditions Act for the Holders, Members and Commissioners of Constitutional Offices of Bhutan) 2010 – Chapter 5 (17, 18 and 19); interviews and focus group discussions with the RCSC, ECB, OAG, RAA and ACC, the media and CSOs.</p>
3	Mandate	Education and prevention without investigation	Primary focus on investigation	Focus on investigation, education and prevention (and prosecution if applicable)	<p>The Constitution establishes a broad mandate for the Anti-Corruption Commission. The ACA 2011 establishes broad goals and lays out a wide range of functions, including investigation, prevention, education, research and integrity advice for mainstreaming good practices in the work of government agencies. While the commission refers cases for prosecution to the Office of the Attorney General, Article 128(c) of the ACA 2011 also gives the commission the power to carry out or take over a prosecution process where a case is delayed without valid reason or it is manipulated or hampered by interference (although the precise definition of what</p>

					<p>constitutes a delay, manipulation or interference is open to interpretation). This power has sometimes been invoked by the Anti-Corruption Commission, such as in the DeSuung case and the Trongsa land case (see further discussion under indicator 34).</p> <p><u>Sources:</u> Article 27, Constitution of Bhutan; Articles 25 and 128, Anti-Corruption Act (ACA) 2011, Annual Reports (2016-2020); interviews with ACC senior staff.</p>
4	Jurisdiction	Only public sector at the national level	Both public and private sectors but only at the national level or only public sector but at both national and sub-national levels	Both public and private sectors and at both national and sub-national levels	<p>The offences under the ACA 2011 extend to all entities of state and local government. This includes, among others, employees of civil society organisations, members of political parties and private sector employees (Art. 4 of the ACA 2011). The commission's specific powers and jurisdiction extend to advising private entities on the adoption of codes of conduct, suspending licences or blacklisting individuals or entities from public contracts, and requiring any private individual to file their personal assets, income and liabilities (Articles 24 (b, g) and 39 of the ACA 2011). It is worth noting that this blanket jurisdiction may require the commission's capacity to be strengthened and its cooperation with the private sector and civil society to be deepened in order to successfully implement its mandate.</p> <p><u>Sources:</u> Arts. 4 and 24 of the Anti-Corruption Act (ACA) 2011; interviews with commission members and staff, RAA, the media and other constitutional post holders.</p>
5	Investigative and prosecutorial powers	Few or no powers	Some powers	Extensive powers including the power to initiate investigations and/or prosecutions	<p>The Anti-Corruption Commission has extensive investigation and prosecutorial powers. These include, among other things, the power to launch an inquiry or investigation on its own initiative without informing any person or authority (Art. 24.1 of the ACA 2011). In the course of its investigations, the commission may examine individuals (Art. 84 of the ACA 2011); obtain documentation, information, testimony or other evidence by subpoena (Art. 84); exchange information with appropriate bodies (Art 84 of the ACA 2011); conduct physical surveillance and observation and use other special investigation techniques (Art. 86 of the ACA 2011), and search property and seize documents/material (Arts. 95-97 of the ACA 2011) in some cases without a warrant (Art 98 of the ACA 2011). (Note that amendments to the ACA 2011 will come under deliberation during the upcoming session of Parliament starting on 24 November 2021. The commission's prosecutorial powers under section 128 is one of the topics up for deliberation.)</p>

					<u>Sources:</u> Articles 24, 81-88 and 94-111 of the Anti-Corruption Act (ACA) 2011.
6	Powers to report and enforce recommendations	Few or no powers	Some powers	Extensive powers	<p>The Anti-Corruption Commission is required to regularly monitor that its decisions and recommendations are being properly implemented (Art. 17.4 of the ACA 2011). It may require a public agency to develop, maintain and implement anti-corruption measures and monitor their implementation (Art. 36 of the ACA 2011). It may also make recommendations when referring a matter to another public agency, including recommending an appropriate action to be taken and the time limit by which to do so (Article 137.3 of the ACA 2011). The commission may also make recommendations to the government for future legislative reform (Art. 24.1 of the ACA 2011). It can make three kinds of recommendations, pertaining to: (1) complaints of an administrative nature, (2) post-investigation disciplinary/systemic referrals, and (3) reactive/proactive systems studies. Recommendations ensuing from administrative complaints require agencies to submit an action taken report, although the recommendations are suggestive rather than binding. Post-investigation referral recommendations are prescriptive and can be enforced by the commission as per Section 139 of the ACA 2011. Finally, agencies are required to submit quarterly/biannual progress reports on any implementation recommendations emanating from proactive/reactive systems studies. The implementation of systemic recommendations is included as one of the mandatory indicators in the performance targets/agreements/compacts to incentivise compliance. The status of the implementation of all recommendations is reflected in the commission's annual reports submitted to Parliament. However, the commission does not have any explicit authority to report publicly on referrals or to hold public hearings and inquiries.</p> <p><u>Sources:</u> Articles 17, 24, 36, 137 of the Anti-Corruption Act (ACA) 2011.</p>
7	Legal autonomy	No legal autonomy	Some legal autonomy	Full legal autonomy	<p>The Anti-Corruption Commission has full legal autonomy. As noted above, it has discretion to initiate investigations on its own initiative (Art. 24.1 (d) of the ACA 2011). The commission is not subject to the direction or control of any person or authority (Art. 6.2 of the ACA 2011) and may decline to conduct or proceed with an investigation if it deems it to be unnecessary or futile (Art. 79.1 of the ACA 2011). Members and staff of the commission are immune from proceedings against them in respect of their official duties performed in good faith (except for corrupt acts) (Art. 34 of the ACA 2011).</p> <p><u>Sources:</u> Articles 6, 24, 34, 79 of the Anti-Corruption Act.</p>

8	Operational autonomy	Low degree of operational autonomy	Limited degree of operational autonomy	High degree of operational autonomy	<p>Article 27 of the Constitution and Chapter 2 of the ACA 2011 lay out the operational independence of the Anti-Corruption Commission. The commission has the discretion to determine its organisational structure and regulate staff appointments, management and dismissal in accordance with the Civil Service Act (Art. 8.1 and 8.2 of the ACA). As noted above, however, the commission in practice is still required to hire its staff through the Royal Civil Service Commission (RCSC). It could benefit from being more autonomous in this area. Based on the interviews and observations of the research team, there is a high degree of operational autonomy and the perception among stakeholders is that the Anti-Corruption Commission's work is not affected by any political interference. The commission's independent prosecutorial powers ensure additional independence. The power to prosecute may counter any areas of vulnerability to political interference within the larger governance system. According to the commission, this power has been invoked on four occasions in the past and the Supreme Court has ruled that its use is constitutional.</p> <p>Sources: Over 25 interviews and focus group discussions with agencies, oversight committees, the media and civil society organisations; validation meeting with the commission.</p>
9	Political use of powers	Evidence of widespread use of anti-corruption agency (ACA) by government as a tool against political opponents	Some evidence of limited manipulation of anti-corruption agency (ACA) by government for political motives	Government has not used anti-corruption agency (ACA) as a tool against political opponents or for political motives	<p>In 2018, there were calls by the opposition on one hand and by the ruling party on the other for the Anti-Corruption Commission to investigate cases against each other on grounds of an alleged loan scam and the granting of fiscal incentives, respectively. However, the commission found no merit in either the first or the second case. Some misgivings were raised in a few focus group discussions regarding how the commission was perceived to have prosecuted the DeSuung corruption case, where charges against two suspects were dropped by the judiciary on the basis of insufficient evidence, even though the pair were alleged to have embezzled more than other embezzlement suspects who were ultimately prosecuted. Nevertheless, in general, the commission's leadership is regarded to have strong character and integrity, which are perceived to deter political interference. Given its strong operational independence and leadership, the commission is perceived by external stakeholders like CSOs, the media and agencies mostly to act and investigate without a political agenda.</p>

					<u>Sources:</u> Interviews with commission staff, representatives of the media and CSOs, Good Governance Committees of the National Assembly and National Council, Public Accounts Committee of the National Council.
B	Financial and human resources				
10	Proportion of budget	Below 0.10 per cent of government's total budget	Between 0.10 and 0.20 per cent of government's total budget	Above 0.20 per cent of government's total budget	<p>On average, the Anti-Corruption Commission received 0.30 per cent of the national budget between 2017 and 2021. However, the commission received only 0.14 per cent of the national budget in 2019-20. The total budget of the Government of Bhutan for that year was BTN 115,364 million (US\$1,589 million), while the budget allocated to the commission was BTN 163.803 million (US\$2.25 million).</p> <p><u>Sources:</u> ACC Annual Reports (2016-2020) and internal financial documents (2016-2021).</p>
11	Sufficiency of budget	Inadequate (less than 66 per cent of budget request is approved) and relies on funding by CSOs and donor agencies	Adequate (66 to 79 per cent of budget request is approved)	More than adequate (80 to 100 per cent of budget request is approved)	<p>For the most part, the Anti-Corruption Commission has had its budget and financing requests met, although this is not always the case. Between 2016 and 2020, more than 80 per cent of the requested budget was approved annually (84 per cent in 2020, 99 per cent in 2019, 94 per cent in 2018, 80 per cent in 2017 and 112 per cent in 2016). In 2020-2021, the commission received BTN 135.41 million (US\$1.8 million) and spent BTN 116.657 million (US\$1.55 million). In 2019-2020, it received BTN 163.803 million (US\$2.17 million) and spent BTN 142.839 million (US\$1.89 million). In 2018-2019, it received BTN 143.947 million (US\$1.9 million) and spent BTN 127.164 million (US\$1.68 million). In 2017-2018, it received BTN 134.364 million (US\$1.78 million) and spent BTN 112.293 million (US\$1.48 million). In 2016-2017, it received BTN 140.782 million (US\$1.86 million) and spent BTN 130.596 million (US\$1.72 million). The reduction in budget from FY 2016-17 to FY 2017-18 was largely attributed to the Swiss Development Commission (SDC) phasing out of Bhutan, which resulted in the withdrawal of a substantial amount of funding support to the commission's programmes and activities. Despite the reduction, however, the commission was able to carry out its activities within its means. The commission's average percentage of fund utilisation between 2016 and 2021 was around 85 per cent of total capital, which suggests that the approved budget was sufficient. Nevertheless, the commission's proposed structural changes are not always approved by the RCSC. For example, the commission had proposed to institute a security unit under Secretariat Services headed by an officer-level member of staff, in light of the physical and psychological challenges faced by commission staff. However, the RCSC only approved support-level staff. The commission also proposed the creation of a dedicated unit under the Prevention Division responsible</p>

					for supporting engagement with the private sector, CSOs, the media and youth, but the RCSC did not approve the request. <u>Sources:</u> ACC Annual Reports (2016, 2017, 2018, 2019 and 2020); ACC budget and expenditure (2016-2021); ACC internal documents; interviews with GNHC and ACC senior staff.
12	Security and stability of budget	ACA budget has been reduced during the past 3 to 5 years and/or the budget is not disbursed in a timely manner	ACA budget has not been reduced during the past 3 to 5 years	ACA budget is guaranteed based on previous year's allocation and has not been reduced	As noted above, the commission's annual budget has fluctuated between 2016 and 2020, from a minimum in 2017 of BTN 134.364 million (US\$1.78 million) to a maximum in 2019 of BTN 163.803 million (US\$2.17 million). While there has generally been an upward trend over the period, there was a significant drop of 17 per cent between 2019 and 2020. <u>Sources:</u> ACC Annual Reports (2016, 2017, 2018, 2019 and 2020); ACC budget and expenditure (2016-2021); ACC internal documents.
13	Staff salary and benefits	Low salary and limited benefits (compared to similar public sector agencies)	Adequate salary and benefits (comparable with similar public sector agencies)	Competitive salary and benefits (comparable with private sector entities)	There has been no change to this indicator since the 2015 assessment. The salary of integrity promotion officers remains at 45 per cent above that of similar posts in the civil service, while the salary of staff not involved in investigations is 20 per cent above. This is to compensate for the demanding conditions of anti-corruption work. The salary and benefits of commission staff are among the best in the public sector and are competitive with other sectors. Nevertheless, it has not been enough to ensure adequate staffing and retention levels, partly because pay and benefits are not commensurate with the risk to physical and psychological security (see indicator 18). <u>Sources:</u> National Budget Reports ; ACC Annual Reports 2018 and 2019; interviews with Gross National Happiness Commission (GNHC) and ACC staff.
14	Staff selection	Patronage and non-transparent procedures and practices	Limited meritocratic and/or transparent procedures and practices	Meritocratic and transparent procedures and practices	Anti-Corruption Commission staff are selected according to RCSC standards and tests as per the Bhutan Civil Service Rules (BCSR) 2018 (Chapter 4, pp. 71-87). All recruitment and promotion procedures (including open competition, meritorious recruitment, and fast-track and specialist recruitment) are laid out in the Civil Service Act 2010 and in the Civil Service Rules (BCSR) 2018. A Memorandum of Understanding (MoU) between the commission and the RCSC gives some

					<p>autonomy to the commission in modifying recruitment, single window recruitment and training requirements based on specific job profiles.</p> <p><u>Sources:</u> Civil Service Act 2010 and Bhutan Civil Service Rules (BCSR) 2018; MoU between the Anti-Corruption Commission and the RCSC.</p>
15	Investigation and prosecution expertise	Lacking expertise in many areas	Lacking expertise in some areas	High level of expertise	<p>Given the increasing complexity of investigations undertaken by the Anti-Corruption Commission since its establishment in 2005, it can be surmised that the commission's investigation and prosecution expertise has increased. One caveat is the 8.72 per cent average attrition rate in commission staff between 2016 and 2020 (see indicator 18), which could affect its medium- to long-term institutional capacity. The average length of staff service stands at 4.10 years, with the longest being 15 years and the shortest being 1 year. Currently, out of a total of 128 commission staff, 24 have a master's degree, 35 have a postgraduate diploma, 29 have a bachelor's degree and 29 have a diploma and 11 staff have a higher secondary and/or certificate. The various subjects of the master's degrees include education, forensic accounting, and specialisations in financial crime, governance and business administration. The postgraduate diplomas include law, finance and public administration. The bachelor's degrees include IT, languages, human resource management and education. The diplomas cover more specialised fields such as national law, information management, computer hardware and networking, and financial management. While some of these qualifications are relevant to the anti-corruption field, there are gaps in other areas (e.g., cybercrime and digital forensics). Additionally, when staff first join the commission, they are required to undergo mandatory anti-corruption training and provided with regular short-term specialisation courses and training opportunities. For example, between 2016 and 2020, 395 courses were made available for human resource development at the commission. However, longer-term training opportunities remain limited. For example, in the last five years, the commission has sent only three members of staff for long-term specialisation (a master's programme) with support secured from the Austrian Development Agency in 2018. Interviews with other cooperating integrity agencies, such as the Royal Bhutan Police, the Supreme Court and the Office of the Attorney General, revealed a high degree of confidence in the commission's capacities. Between January 2016 and June 2021, a total of BTN 52.13 million (US\$0.69 million) was dedicated to investigation in the commission.</p> <p><u>Sources:</u> ACC internal documents.</p>

16	Prevention and education expertise	Lacking expertise in many areas	Lacking expertise in some areas	High level of expertise	<p>Since 2015, Anti-Corruption Commission staff have produced strong training and outreach materials with the support of government agencies and CSOs (see further discussion under indicator 39). Between 2016 and 2019, the commission facilitated expert work on corruption education and outreach through a total of 346 sessions conducted with 65,085 participants including representatives of local government, students, institutes, government agencies and corporations. From January 2020 to June 2021, the commission conducted 23 interactive and thematic sessions for 1,827 participants. The decrease in outreach during the latter period was mostly attributed to the Covid-19 pandemic and the need to abide by safety protocols. The commission's research capacities have also increased with systems studies recommended for implementation by agencies. Work to incorporate commission recommendations to repair systemic loopholes is currently at various stages in at least three agencies (the RSTA, the Department of Occupation Standards, and the MOLHR and Private Driving Training Institutes). In addition, initiatives to pilot the integrity assessment and management tool in select agencies are currently being planned. Internally, the commission instituted the Prevention Advisory Committee in late 2020 to reinforce prevention programmes with feedback and inputs.</p> <p><u>Sources:</u> ACC Annual Reports 2019 and 2020/21 and ACC internal documents.</p>
17	Staff training	Training is unimportant and neglected	Some trained personnel with limited training opportunities and/or the training on offer is not relevant	Well-trained personnel with many relevant training opportunities	<p>Between 2016 and 2020, the commission dedicated a total of BTN 57.941 million (US\$0.77 million), which was 8.24 per cent of its total five-year budget of BTN 703.4 million (US\$9.31 million), to training commission personnel both in-country and through technical assistance and learning visits to other well-established anti-corruption agencies in the region (the Malaysian Anti-Corruption Academy, Hong Kong's Independent Commission Against Corruption, etc.). A total of 724 training slots were made available between 2016 and 2020 (32 in 2016, 142 in 2017, 162 in 2018, 59 in 2019 and 329 in 2020). However, the majority of the slots were for internal training sessions on the commission's policies and procedures and for basic orientation on data analysis for all staff. Most of the slots in 2020 were online owing to the Covid-19 pandemic, which has inflated the number of attendees at training sessions. Until 2018, the budget for specialised and long-term human resource development requirements was limited. This was recently alleviated with the allocation of BTN 48.3 million (US\$0.64 million) to human resource development at the commission, following the mid-term review in mid-2021. Despite the considerable budget dedicated to human resource development, however, it is only</p>

					<p>enough for short-term training and courses, as long-term courses for corruption-related subjects are highly specialised, technical and therefore expensive.</p> <p><u>Sources:</u> ACC Annual Reports 2017, 2018, 2019, 2020 and ACC internal documents and interviews with ACC staff.</p>
18	Stability of staff	High turnover and resignation rate (more than 10 per cent per year)	Moderate turnover and resignation rate (5 to 10 per cent per year)	Low turnover and resignation rate (0 to 5 per cent per year)	<p>Although the Anti-Corruption Commission has seen a gradual increase in staff numbers from 85 in 2016 to 128 in June 2021, it has not achieved its projected staff strength of 152 by July 2020, nor has it achieved its proposed staff strength of 174 as presented in the Twelfth Five-Year Plan. In spite of over 40 entry-level graduates joining in the last five to six years, the commission continues to experience problems with staff retention. Between 2016 and 2020, the commission lost 47 staff at an average attrition rate of 8.72 per cent over the period. The attrition rate was the highest in 2018 (16.04 per cent) and 2020 (10.94 per cent). As was the case in 2015, the moderate attrition rate continues to be a critical area of opportunity for the commission in the medium to long term. Some of the reasons cited in the interviews for moderate turnover relate to the lack of a human resource development budget for longer-term training (see indicator 17), which leads to commission staff taking study/extraordinary leave, resigning to pursue long-term studies or seeking lateral transfers to avail themselves of opportunities elsewhere. Other reasons cited for the resignation of commission staff are the psychological, emotional and social toll of the work. To make commission positions more attractive, benefits such as staff welfare schemes, childcare facilities, etc. are being provided. A housing colony for commission staff is also planned. In addition, the commission has developed a competency-based framework and adopted a policy and procedure for the physical safety of staff.</p> <p><u>Sources:</u> ACC Annual Reports (2016-2020), ACC internal documents; interviews with the ACC chair and staff, OAG, RMA, RCSC, ECB and RAA.</p>
C	Accountability and integrity				
19	Annual reporting	The ACA submits annual report to Parliament but it is not available to the public and/or it is made publicly available but it is	The ACA submits annual report to Parliament and it is made publicly available but the report is somewhat limited in the level of	Comprehensive information on ACA is provided in an annual report that is submitted to Parliament and is	<p>Under the Constitution, the Anti-Corruption Commission is required to submit an annual report to the King, the Prime Minister and Parliament (Article 27 (4)). The 2020/21 Annual Report was being distributed to Parliament's oversight committees at the time of this assessment. Annual reports are also accessible online through the commission's website. The information in annual reports is generally comprehensive and well presented, particularly with regards to the complaints handling procedure and the outcomes of complaints and corruption cases. The information is also regarded as comprehensive by members of the oversight</p>

		very short on substantive detail	information it provides	easily accessible to the public	<p>committees. However, the reports are not widely shared to promote or garner support among the public. In total, the commission prints approximately 3,000 copies of the annual report in Dzongkha and English and distributes them to public institutions, including at the gewog level, and it simultaneously uploads the report to the commission's website.</p> <p><u>Sources:</u> Article 27(4) of the Constitution; Annual Reports (2016-2019); interviews with oversight committees, the media, CSOs, RMA, RAA, ECB, RCSC, GNHC, MOE, MOLHR, etc.</p>
20	Responsiveness to information requests	The ACA does not have any policies on access to information or mechanisms in place to respond to public requests for information and it does not respond to such requests in practice	The ACA has some mechanisms in place to respond to public requests for information (including on ACA decisions and how these decisions were made), but it is usually a difficult, cumbersome and/or lengthy process	The ACA has comprehensive policies and processes in place on access to information and it responds to public requests for information in a timely manner	<p>The Anti-Corruption Commission has a designated Information & Media Officer to facilitate cooperation with external stakeholders including the media. The commission's media and communication strategy outlines how the commission engages with the media for information sharing (such as through press conferences, press releases, interviews, etc.). The commission's guidelines on engaging with the print and broadcast media outlines the basic steps and deadlines (two to five days) for responding to media requests for information. However, there are no established mechanisms for responding to requests from the public at large. In addition, the commission has developed guidelines on media crisis management and on social media and websites. However, none of the strategies or guidelines have been uploaded onto the commission's website. In practice, the commission's approach to reactive information provision has varied by requester. Members of oversight committees reported a quick turnaround time, while other stakeholders (especially representatives of the media) said that it was a lengthy process with no guarantee of information being shared or validated. The research team also found the information seeking process to be drawn out and bureaucratic for key information during the assessment.</p> <p><u>Sources:</u> ACC website; interviews with oversight committee members and media representatives.</p>

21	External oversight mechanisms	The ACA is accountable to the executive without any oversight committee	The ACA is accountable to (an) oversight committee(s) with Members of Parliament and/or senior civil servants as members but the committee is not very effective and/or there are few additional oversight mechanisms in place	The ACA has a comprehensive set of oversight mechanisms in place including (an) effective oversight committee(s) with active participation by Members of Parliament, senior civil servants and prominent citizens	<p>The Anti-Corruption Commission is formally overseen by the Good Governance Committees of the National Assembly and National Council. Interactions with the two committees are limited to the submission and explanation of Annual Report findings, although committee members also call upon the commissioners and commission staff to explain information provided in committee briefings when needed. Both the commission and the committee members stated that informal interactions are more frequent. Committee members also stated that the frequency of interactions was sufficient to oversee the commission's work. However, there continues to be no participation of prominent citizens or civil society in the oversight committees or any other advisory councils. In addition to the two committees, the Royal Audit Authority (RAA) has fiscal control functions over the commission. The RAA audits the commission annually including an audit of its human resource management and development services, and the RAA summarises the findings in its annual reports.</p> <p><u>Sources:</u> Interview with Good Governance Committees, Public Accounts Committee of the National Council; RAA Annual Report 2020.</p>
22	Internal review mechanisms	The ACA has weak or non-existent internal monitoring and review mechanisms in place	The ACA has some internal monitoring and review mechanisms in place, but with important gaps	The ACA has a comprehensive set of internal monitoring and review mechanisms in place	<p>The Anti-Corruption Commission is the lead agency for one of Bhutan's 17 national key result areas, the corresponding agency key result areas, and key performance indicators under the country's Twelfth Five-Year Plan. To monitor its contribution to the Twelfth Five-Year Plan, the commission has a set of annual performance targets tied to the government performance management system. In addition, the commission has developed a set of standard operating procedures (SoPs) to guide the formulation, monitoring and evaluation of plans and programmes, among other things. The SoPs outline general service standards and processes for coordination, collaboration and consolidation of plans and programmes. In 2020-21, the commission conducted a performance assessment with respect to institutional reforms and initiatives undertaken since 2011, broadly categorised under five key areas (values and principles, strategy, structure, staff, and systems/processes). The assessment included an evaluation of its 10-year strategic roadmap (institutional development plan) along with a comprehensive review of existing strategies, systems and procedures.</p> <p><u>Sources:</u> ACC Annual reports 2019 and 2020-21.</p>
23	Adherence to due process	Low level of confidence as reflected in survey findings (below 50	Moderate level of confidence as reflected in survey findings (50 to 75	High level of confidence as reflected in survey findings (above 75	<p>On the whole, there is broad confidence in the Anti-Corruption Commission's capacity for investigation and adherence to due process. Persons of interests are read their rights including the right to legal representation. The commission is also perceived to have streamlined its operations, increasing its efficiency and</p>

		per cent) and the views of ACA senior personnel, CSO leaders, journalists and, if possible, persons with direct contact with ACA	per cent) and the views of ACA senior personnel, CSO leaders, journalists and, if possible, persons with direct contact with ACA	per cent) and the views of ACA senior personnel, CSO leaders, journalists and, if possible, persons with direct contact with ACA	<p>effectiveness. With regard to professionalism, however, some concerns were raised in interviews regarding detention and interrogation methods, issues of heavy-handedness and discourteous treatment of persons in a few high-profile prosecutions (Desuung, RICB, Lhakhang Karpo). Allegations have also surfaced in the media against the commission and its interrogation methods, specifically acquiring statements under duress and issuing summons orders after the completion of interrogations. However, the allegations have been strongly denied by the commission (see, for example, Myths vs. Facts). There are no mechanisms to survey commission claimants or clients systematically to assess their direct experience. More broadly, the proportion of respondents who rated the commission positively on its role in combatting corruption fell from 88.9 per cent in 2016 to 74.6 per cent in 2020, according to the most recent National Corruption Barometer. According to the same survey, of the commission's four roles (prevention, investigation, education and handling complaints), it was perceived as weakest at handling corruption complaints, with only 60 per cent of respondents stating that the commission did it well.</p> <p><u>Sources:</u> Information retrieved from Kuensel Online; interviews with external stakeholders; National Corruption Barometer Report 2020.</p>
24	Willingness of complainants to identify themselves	Low proportion of complainants are confident to identify themselves (less than 25 per cent)	Moderate proportion of complainants are confident to identify themselves (25 to 50 per cent)	High proportion of complainants are confident to identify themselves (more than 50 per cent)	<p>The proportion of complainants who are willing to identify themselves has gradually declined over the past five years (51 per cent in 2015, 42.6 per cent in 2016, 39 per cent in 2017, 35 per cent in 2018 and 34.8 per cent in 2019). Although the trend was reversed for the first time in the period from January 2020 to June 2021, when 46.6 per cent of complainants identified themselves to the commission, it remains to be seen whether the reversal signals a longer-term change or is just an anomaly. The commission acknowledges that the growing trend of maintaining anonymity may be due to the fear of reprisals, suggesting a need to strengthen the protection of witnesses and informers. The trend is of particular concern because anonymous complaints are less likely to lead to full investigations. In 2019, for example, 71 per cent of the complaints that were ultimately dropped came from anonymous sources. On the other hand, 52 per cent of the complaints that led to investigations came from known sources, despite the fact that they represented only 34.8 per cent of all complaints (AR 2019). Chapter 7 of the ACA 2011 ensures the protection of witnesses and informers, including immunity from disciplinary action in respect of assistance given to the commission. The commission also adopted the</p>

					<p>Whistleblower and Witness Protection Guideline to operationalise the provisions of the law in 2020. Interviews with external sources revealed that although the commission is diligent in protecting whistleblowers, complainants whose allegations ultimately proved to be baseless were sometimes treated discourteously.</p> <p><u>Sources:</u> ACC Annual Reports (2019 and 2020-21); interviews with RAA, RMA, OAG, the judiciary, the media and CSOs.</p>
25	Complaints handling	Complaints against ACA personnel are ignored and/or not investigated without any explanation	Complaints against ACA personnel are investigated by an internal control unit	Complaints against ACA personnel are investigated by another public agency to avoid conflicts of interest	<p>The Human Resource Committee, in its role as an ethics committee, is entrusted to investigate reported/forwarded cases of breaches of the commission's code of conduct by employees (see indicator 27). The committee is independent and cannot be overruled by any commission authority except by way of appeal. Internal complaints that require external verification are forwarded to the relevant body. For example, the Royal Audit Authority investigated two complaints received from the commission between January 2019 and June 2021 and concluded that both were baseless. Nevertheless, the fact that initial investigations into misconduct are conducted by an internal (rather than an external) body could lead to potential conflicts of interest.</p> <p><u>Sources:</u> ACC Code of Conduct (2018); Annual Report 2019; Annual Report 2020.</p>
26	Outcome of complaints	Complaints involving ACA personnel are ignored and not investigated at all	Some valid complaints against ACA personnel result in punishment or other remedies	All valid complaints against ACA personnel result in punishment or other remedies and are publicised in its annual report	<p>Redressal of complaints includes penalties with increasing severity for repeated violations, which can result in demotion, termination or the application of punishments stipulated in other laws. Based on interviews with commission staff and internal documents, four complaints were filed against commission staff between 2018 and 2020/21. One complaint was found to be baseless upon information enrichment, while two were forwarded to the Royal Audit Authority and also found to be baseless. A fourth complaint led to sanctions. Specifically, in 2018, the commission undertook an investigation into a commission officer on suspicion of making false claims. The investigation resulted in the prosecution of the officer, who was charged with "two counts of false claims" and later sentenced to two months' imprisonment plus a financial penalty. The commission also forced the officer to take compulsory retirement in accordance with Section 19.3.2 of the Bhutan Civil Service Rules and Regulations (BCSR) 2018.</p> <p><u>Sources:</u> ACC internal documents; interviews with ACC staff; ACC Annual Reports 2018 and 2020/21.</p>

27	Internal integrity mechanisms	The ACA does not have a code of conduct or internal disciplinary procedures, or they are very weak/not applied in practice	The ACA has a code of conduct and internal disciplinary procedures, but they are not comprehensive and/or they are applied inconsistently	The ACA has a comprehensive code of conduct and disciplinary procedures that are applied fairly and consistently	<p>The Anti-Corruption Commission has a code of conduct. The Human Resource Committee is tasked with investigating breaches of the code and taking action accordingly (see indicator 25). The code of conduct applies to all commission employees irrespective of their positions. It prohibits commission staff from offering, promising, soliciting or accepting bribes, gifts, hospitality or other inducements, either directly or indirectly, overtly or covertly. It includes specific provisions on declaration of conflicts of interest, disclosure of gifts, declaration of assets, and customer service, for which additional policies have been developed. However, the code does not cover post-employment restrictions, which is a concern given that loopholes in the law allow commissioners to be reappointed to the civil service (see indicator 1). The commission adopted a grievance redressal mechanism (GRM) in February 2014. However, no grievances were reported through the GRM. An internal review conducted within the commission in September 2017 indicated the need to enhance the system and create greater awareness. In 2019, the GRM was revised and included as one of the success indicators in the annual performance target for FY 2019-20. As of December 2019, no grievance had been lodged under the new system.</p> <p><u>Sources:</u> ACC Code of Conduct (2018); ACC Annual Reports 2018 and 2019.</p>
D	Detection, investigation and prosecution				

28	Accessibility to complainants/ informants	The ACA is inaccessible as reflected in the low proportion of corruption complaints received relative to population and perceived level of corruption (on average less than 1 complaint per 20,000 citizens per year)	The ACA is accessible as reflected in the moderate proportion of corruption complaints received relative to population and perceived level of corruption (on average between 1 complaint per 10,000 and 1 complaint per 20,000 citizens per year)	The ACA is highly accessible as reflected in the high proportion of corruption complaints received relative to population and perceived level of corruption (on average more than 1 complaint per 10,000 citizens per year)	<p>The Anti-Corruption Commission is perceived as highly accessible. Complaints can be lodged through a variety of channels, including post, telephone, webmail and in person. The commission launched a dedicated social media account called Juenlam ACC in early 2021 to enable complaints to be reported via Whatsapp and WeChat. Thirty complaints were lodged via the Juenlam ACC account. The commission has also conducted advocacy and outreach activities at the district, institute and school levels by engaging with students, youth and local government officials (for more details, see Dimension E). The total number of complaints received by the commission between 2016 and 2021 was 1,837 at an average of 367 per year. This translates to roughly 1 complaint per 2,000 citizens per year, which is high considering that Bhutan ranked 24 out of 180 countries on Transparency International's 2020 Corruption Perception Index. For the 18 months from January 2020 to June 2021, the commission received 451 complaints, which lowers the yearly average to 300 complaints.</p> <p><u>Sources:</u> Interviews with ACC staff, the media, CSOs, RAA and OAG; ACC Annual Reports (2016-2020/21.)</p>
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29	Responsiveness to corruption complaints	The ACA is not responsive as reflected in the low proportion of relevant corruption complaints/information investigated during past 3 to 5 years (less than 33 per cent)	The ACA is responsive as reflected in the moderate proportion of relevant corruption complaints/information investigated during past 3 to 5 years (33 to 66 per cent)	The ACA is highly responsive as reflected in the high proportion of relevant corruption complaints/information investigated during past 3 to 5 years (more than 66 per cent)	<p>The Anti-Corruption Commission investigated and completed a total of 176 cases (68.5 per cent of the total relevant corruption complaints received) between 2015 and 2019. The commission has made a concerted effort to reduce the backlog of corruption complaints. The backlog in 2020 stood at 96 complaints, including complaints from the period 2006-2016 (34 complaints), 2017-2019 (16 complaints) and 2020 (37 complaints). In 2020, a total of 36 complaints were assigned for investigation. Of the 1,837 complaints lodged with the commission between 2016 and 2020, 155 complaints were found to be corruption-related. The proportion of relevant corruption complaints investigated was 47.36 per cent (36 per cent in 2016, 76.92 per cent in 2017, 41.67 per cent in 2018, 56 per cent in 2019 and 26.19 per cent in 2020). It should be noted that the process for identifying a valid complaint remains unclear. Complaints are scored as per the Complaint Management Policy & Procedures Manual, which uses the Investigation Management System for the relevance and scale of the act of corruption. For some cases that require review, the complaints are scrutinised further in a committee. Based on their scores, complaints are either assigned for investigation and information enrichment (that is, the complaint requires further verification), shared with other agencies or dropped. For example, 11.1 per cent of the 54 cases investigated by the commission in 2020-21 were forwarded to the Office of the Attorney General (OAG), 16.7 per cent were shared with other agencies for action or sensitisation, 22.2 per cent were closed/dropped and 50 per cent are ongoing. Some interviewees were not clear on how, in practice, complaints qualify for investigation. The general perception among some external stakeholders was that decisions on which cases to investigate were somewhat arbitrary. Therefore, there remains a need for the commission to increase its human resource capacity in order to further reduce the backlog and to better communicate how investigation decisions are made in order to increase public trust in its work.</p> <p><u>Sources:</u> ACC Annual Report, 2019 and 2020; ACC internal data; interviews with OAG, RAA, the judiciary, RBP, RMA, the media, CSOs and ACC staff. (This indicator was included in every interview.)</p>
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30	Proactive investigation	Low proportion of corruption investigations initiated by ACA (less than 5 per cent of all investigations)	Moderate proportion of corruption investigations initiated by ACA (5 to 10 per cent of all investigations)	High proportion of corruption investigations initiated by ACA (more than 10 per cent of all investigations)	<p>The proportion of proactive investigations is low, amounting to 11 total cases between 2016 and 2020 (3 in 2016, 0 in 2017, 2 each in 2018 and 2019, and 4 in 2020). This is because most cases investigated by the Anti-Corruption Commission are complaint-based rather than intel-based. For the same period, the total number of cases investigated by the commission was 230, which put the proportion of the commission's proactive investigations at just under 5 per cent. The limited human resource pool and the high numbers of complaints lodged (on average, 25 cases a month in 2020) have adversely affected the rate of proactive investigations. Commission staff stated that efforts to strengthen the intelligence division are now underway so that the commission will be able to initiate more proactive cases in the future.</p> <p><u>Sources:</u> Annual Report 2019, 2020/21; focus group discussion and interviews with ACC staff and task force, OAG, the judiciary, RAA, RMA, CSOs and the media.</p>
31	Efficiency and professionalism	Inefficient and unprofessional investigation of corruption cases	Efficient and professional investigation of corruption cases	Highly efficient and professional investigation of corruption cases	<p>There is broad agreement among stakeholders that the Anti-Corruption Commission is efficient and professional in its investigation work. Almost all interviewees agreed that since its establishment in 2005, the commission has streamlined its operations and increased its investigative capacity, although some felt that there is still room for improvement. Of the 176 cases investigated between 2015 and 2019, 112 cases or 63.5 per cent were referred to the Office of the Attorney General for prosecution. This high proportion of referrals, combined with the high conviction rate (see indicator 33), suggests that the commission's investigations are of a sufficiently high standard that they can provide solid evidence for successful prosecutions and convictions in a large number of cases. In addition, the average turnaround time for investigations has decreased over recent years, from 103 days in 2018, to 88 days in 2019, to 73 days in 2020-21.</p> <p><u>Sources:</u> ACC Annual Reports 2019 and 2020; interviews with internal senior staff and external stakeholders.</p>

32	Prosecution rate	Below 50 per cent	Between 50 and 75 per cent	Above 75 per cent	<p>The prosecution rate is moderately high. A total of 152 cases were prosecuted between 2017 and 2020/21, resulting in 243 convictions, 65 acquittals and 33 deferrals out of a total of 341 charged. Over the past six years, the Office of the Attorney General (OAG) has prosecuted 66 cases referred by the Anti-Corruption Commission, closed 19 cases, and there are 47 cases pending. Excluding the six cases forwarded by the commission to the OAG in 2020, the average prosecution rate for the commission's cases is 73.88 per cent (96.77 per cent in 2016, 66.67 per cent in 2017, 94.44 per cent in 2018, 61.54 per cent in 2019 and 50 per cent in 2020). Interviewees from the OAG and the judiciary suggested that the prosecution rate could be even higher with increased human resources in both the commission and the OAG and greater specialisation in investigative and prosecutorial skills. Better inter-agency cooperation in investigative and prosecutorial standards could also go a long way to increasing the success rate in prosecutions. It should be noted that the thresholds for prosecution vary under the Anti-Corruption Commission and OAG laws, which may also affect the overall prosecution rate.</p> <p><u>Sources:</u> ACC Annual Report, 2020 (Jan 2020-June 2021); OAG Annual Report, 2020; meeting with external stakeholders and ACC staff, OAG, the judiciary, RBP and the media.</p>
33	Conviction rate	Below 50 per cent	Between 50 and 75 per cent	Above 75 per cent	<p>The conviction rate is high. Of the 341 corruption charges brought between 2017 and 2020, 243 led to convictions. This puts the conviction rate for the period at 80 per cent (86.8 per cent in 2017, 80.4 per cent in 2018, 77.9 per cent in 2019 and 74.7 per cent in 2020). For the same period, 33 cases were deferred. The 2015 assessment reported a conviction rate of 81 per cent, which indicates a slight decrease perhaps as a result of delays caused by the Covid-19 pandemic. Nevertheless, the conviction rate for 2020 was still moderately high at 74.7 per cent.</p> <p><u>Sources:</u> ACC Annual Report, 2020/21; ACC internal data.</p>
34	Investigation of influential persons	No or very few investigations of influential persons for corruption	Some investigations of influential persons for corruption	Considerable number of investigations of influential persons for corruption	<p>The majority of complaints received by the Anti-Corruption Commission are administrative in nature so that most of its investigations concern relatively minor infringements. Nevertheless, the commission has taken on a small number of major investigations and prosecutions in recent years, including the Desuung embezzlement case in 2019, the M/s JPLP tax evasion case in 2015 and the Trongsa land case in 2017. In the Desuung case regarding the alleged embezzlement of DeSuung training funds, the commission took over the</p>

					<p>prosecution process when the Royal Bhutan Army (RBA) refused to appeal against the judgement of the High Court. The Supreme Court ultimately issued its judgement on 15 March and 26 August 2019 against 10 officers and three non-commissioned officers (NCOs), convicting all 10 officers and one NCO and acquitting two NCOs (AR 2019). In the M/s JPLP tax evasion case, the commission again appealed to the Supreme Court following an initial acquittal. The court eventually sentenced the owner of Jatan Prasad Lal Chand Prasad department store in Phuentshogling to five years in prison for tax evasion. In the Trongsa land case, the defendants including the district governor and his wife were found guilty on charges of abuse of function, forgery, criminal attempt, solicitation and obstruction of justice. According to some interviewees, the Anti-Corruption Commission could do more to pursue cases against influential persons since corruption is found to be predominantly concentrated at the executive levels of all organisations across all sectors. The 2020 National Corruption Barometer Survey found that, for example, 40 per cent of respondents felt that corruption within government agencies was concentrated at the executive level, whereas only 21 per cent put corruption at middle management level and 8 per cent did so at lower levels.</p> <p><u>Sources:</u> ACC Annual Reports 2019 and 2020; interviews and focus group discussions with representatives of the media and CSOs.</p>
35	Restitution and asset recovery	Inactive role by ACA	Moderately active role by ACA	Very active role by ACA	<p>While Chapters 103 and 107 of the ACA 2011 give the Anti-Corruption Commission powers to seize movable and immovable property, the responsibility for the restitution of assets lies with the Office of the Attorney General (OAG). The commission shares information on investigations with the OAG to be dealt with as per the outcome of investigations or prosecutions at both agencies. The commission has supported the restitution of proceeds from corruption amounting to BTN 632.91 million (US\$8.38 million) and 84.07 acres of state land between 2006 and 2019. In 2019, a total of BTN 47.21 million (USD 0.63 million), which included BTN 43.12 million (US\$0.57 million) related to judgements rendered in 2019, together with 0.63 acres of land were restituted to the state. Excluding BTN 204.78 million (US\$2.7 million) pertaining to cases under trial, the total restitution pending in December 2019 amounted to BTN 191.44 million (US\$2.53 million) and 1.19 acres of state land. The Anti-Corruption Commission also successfully appealed the restitution amount in the M/s JPLP tax evasion case from BTN 14.49 million (US\$0.19 million) to BTN 126.90 million (US\$1.68 million). As noted in the Annual Report 2020, the Supreme Court convicted and sentenced the proprietor of M/s JPLP to imprisonment for five years and ordered him to pay the government BTN 154.61 million (US\$2.04 million). While any seized and confiscated properties</p>

					<p>remain in the custody of the commission, the commission is required to take the necessary steps to maintain the properties and facilitate their appropriate disposal through auction or other means after an investigation is complete. Some external stakeholders who were interviewed expressed doubts as to whether the commission was as efficient in the maintenance of properties in their custody as they were in the seizure/freezing of properties.</p> <p><u>Sources:</u> Annual Report 2019 (pp. 72-73); Annual Report 2020 (pp. 50-51); Kuensel Online; interviews and focus group discussions with the media, CSOs, OAG, RAA and ACC staff.</p>
36	Perception of performance	Low level of effectiveness as reflected in survey findings (below 50 per cent) and the views of CSO leaders, anti-corruption experts, journalists and persons with direct contact with ACA, if possible	Moderate level of effectiveness as reflected in survey findings (50 to 75 per cent) and the views of CSO leaders, anti-corruption experts, journalists and persons with direct contact with ACA, if possible	High level of effectiveness as reflected in survey findings (above 75 per cent) and the views of CSO leaders, anti-corruption experts, journalists and persons with direct contact with ACA, if possible	<p>The public generally has a positive perception of the Anti-Corruption Commission's performance, although its perception has fallen slightly over the past five years. According to the commission's National Integrity Assessment Survey 2019, 85 per cent feel that the commission is doing very well (35 per cent) or fairly well (50 per cent). This compares to 91 per cent in 2016. On the whole, the perception of the commission's performance declined from 2012 to 2019. Meanwhile, BTI's 2020 National Corruption Barometer Report found that the majority of respondents rated the Anti-Corruption Commission as performing well in its roles of preventing corruption (75 per cent), investigating corruption (74 per cent), public education (72 per cent) and handling corruption complaints (60 per cent). Some interviewees suggested that despite many efforts to strengthen and streamline the commission following its first term, the efforts were not sufficiently communicated to the public, resulting in a slight decline in its perceptions of the commission's effectiveness. On the other hand, most of the interviewed stakeholders held the view that the commission has consistently demonstrated its effectiveness despite its relatively young age.</p> <p><u>Sources:</u> National Integrity Assessment Survey 2019; National Corruption Barometer Report 2020; interviews and focus group discussions with the Bhutan Transparency Initiative (BTI), the media, OAG, RBP, ECB, RMA, RUB, DLG, MOLHR, MOE, etc.</p>
E	Prevention, outreach and education				

37	Allocated budget	Below 2.5 per cent of ACA's operating expenditure	Between 2.5 and 5 per cent of ACA's operating expenditure	Above 5 per cent of ACA's operating expenditure	<p>According to the commission's internal data, it allocated 10 per cent of its overall budget (BTN 70.3 million/US\$0.93 million out of a total budget of BTN 703.41 million/USD\$9.31 million) to prevention and outreach between 2016 and 2020/21. The lowest allocations under this budget line correspond to FY 2018 and FY 2020, when they were 5.4 per cent and 6 per cent, respectively. According to the 2019 Annual Report, 5 per cent of the commission's total budget for that year was allocated to "promoting integrity systems in public agencies" and "awareness raising and behaviour change". Thus, it can be deduced that the proportion of the budget allocated to public outreach, communication and prevention is significant.</p> <p><u>Sources:</u> ACC budget and expenditure FY2020-21; ACC internal data; interviews with ACC staff; Annual Report 2019.</p>
38	Strategic planning	There is no plan or a weak plan for prevention, education and outreach activities	The plan for prevention, education and outreach is comprehensive but not implemented fully	The plan for prevention, education and outreach is comprehensive and fully implemented	<p>Internally, the Anti-Corruption Commission's operations are guided by a five-year plan that cascades down to multi-year/annual plans and individual work plans. Externally, the National Integrity and Anti-Corruption Strategy (NIACS) 2019-2023 establishes cooperation and collaboration goals beyond the scope of the commission at the national level. Implementation of the NIACS is guided by the National Integrity Committee (NIC), whose members come from government agencies, the judiciary, constitutional offices, CSOs and the private sector. The committee reviews progress on the NIACS on an annual basis. The Anti-Corruption Commission also formed an internal Prevention Advisory Committee (PAC) in December 2020 to reinforce its prevention programmes (AR 2020).</p> <p><u>Sources:</u> NIACS (2019-2023); ACC Annual Reports 2019 and 2020; interviews with external oversight committees of the National Assembly and National Council and ACC staff.</p>
39	Anti-corruption learning and development	The ACA has initiated few or no corruption prevention initiatives	The ACA has initiated some corruption prevention initiatives (average of 1 to 4 per year)	The ACA has initiated many corruption prevention initiatives (average of 5 or more per year)	<p>The Anti-Corruption Commission carried out over 300 advocacy and learning sessions with over 68,000 participants between 2015 and 2019. According to a 2020 survey, 88 per cent of participants in the commission's education and advocacy programmes in the previous three years agreed or strongly agreed that the programmes had helped clarify the commission's mandate, while 72 per cent of participants agreed or strongly agreed that the programmes helped in understanding the process for lodging complaints before the commission. In 2020, a total of 13 interactive sessions and 11 thematic sessions were conducted (virtually, due to the Covid-19 pandemic). A total of 1,827 participants from schools, colleges, government agencies, the private sector and CSOs attended the sessions. To ensure effective implementation of the National Integrity and Anti-Corruption Strategy (NIACS) 2019-2023 (see indicator 38), the Anti-Corruption Commission</p>

					<p>conducted a training of trainers workshop to support agencies in institutionalising integrity and anti-corruption measures and developing draft organisational integrity plans. A total of 239 officials from 134 public agencies attended the training. The Anti-Corruption Commission has also developed a comprehensive Youth Integrity Programme (YIP) in consultation with education agencies, upscaled existing school integrity clubs and begun the development of an ethics integrity management handbook for public institutions to build, improve and sustain a culture of integrity. The commission in collaboration with the RCSC and the Royal University of Bhutan revamped the content of its e-learning course for civil servants, which is set to be launched towards the end of 2021. As a part of the Justice Sector Programme 2018-2023, the commission conducted thematic sessions on “Sustaining Trust and Confidence in Traffic Regulations and Services” for officials from the Road Safety and Transport Authority (RSTA) and the Traffic Division of the Royal Bhutan Police (RBP) in 2020.</p> <p><u>Sources:</u> ACC Annual Report 2019 and 2020; NCBS 2020; interviews with the Department of Local Government, RCSC, Ministry of Education, Royal University of Bhutan, Bhutan Transparency Initiative and ACC staff.</p>
40	Organisational reviews	Few or no reviews were conducted (relative to number of organisations in jurisdiction)	A moderate number of reviews were conducted (relative to number of organisations in jurisdiction)	Many reviews were conducted (relative to number of organisations in jurisdiction)	<p>The Anti-Corruption Commission regularly conducts and supports different types of organisational reviews. Every three to four years, the commission undertakes a National Integrity Assessment (NIA) to assess the extent to which public officials follow standard procedures to provide services in a fair, transparent and accountable manner. The NIA 2019 covered 11 different categories of agencies comprising 272 different types of services from 96 agencies. The commission has also developed a corruption risk management (CRM) system for internal auditors (IAs) within public agencies. In 2020, the commission conducted CRM training for 36 IAs from ministries, dzongkhags, thromdes and autonomous agencies. Interviewees from agencies reviewed by the Anti-Corruption Commission noted that the exercise provided an objective perspective on systemic corruption risks within their agencies. The commission has also recently developed a whole-system approach to plugging systemic loopholes, namely, the integrity assessment and management tool, which is due to be piloted in selected agencies. Additionally, the commission promotes integrity in the private sector through the Business Integrity Initiatives of Bhutan (BIIB) programme. Among other things, BIIB aims to support businesses to attain ISO 37001:2016 certification. However, the commission acknowledges that it has been challenging to convince the private sector to adopt</p>

					<p>the BIIB owing to a lack of incentives, fear of legal/financial implications, and weak private associations, among other reasons.</p> <p><u>Sources:</u> ACC Annual Reports 2019 and 2020-21; interviews with the Bhutan Chamber of Commerce & Industry (BCCI), BIIB Task Force, Royal University of Bhutan, Ministry of Labour & Human Resources (MOLHR) and Royal Monetary Authority.</p>
41	Prevention recommendations	Never	Sometimes (up to 50 per cent of investigation reports contain concrete prevention recommendations)	Frequently (more than 50 per cent of investigation reports contain concrete prevention recommendations)	<p>The Anti-Corruption Commission sometimes conducts reactive reviews concurrently with ongoing investigations or on the basis of previous investigations in order to facilitate evidence-based systemic improvements. Between 2015 and 2019, the commission carried out six systemic reviews in public road construction, trade, tax and customs, the mining sector, HR management in the civil service, construction and driver licensing systems. In addition, every commission investigation produces corruption prevention recommendations. For example, the commission completed 10 investigation reports in 2020-21. It also conducts risk assessment as part of corruption risk management (CRM) and provides corruption prevention recommendations. For example, the commission's 2020 Annual Report reported four CRMs conducted for three ministries and one municipality, and summarised the recommendations for follow-up and oversight purposes.</p> <p><u>Sources:</u> Annual Reports 2019 and 2020-21 and ACC internal documents.</p>
42	Research on corruption risks	Little or no discernible independent research carried out by ACA	Some degree of research to develop risk assessments and sectoral corruption profiles	Extensive use of research to develop risk assessments and sectoral corruption profiles	<p>The Anti-Corruption Commission regularly carries out and supports research on corruption risks. In addition to periodic National Integrity Assessments (see indicator 40) and systemic reviews (see indicator 41), the commission has supported the periodic National Corruption Barometer Report produced by the Bhutan Transparency Initiative (BTI) and worked with other agencies and organisations to produce a range of other reports, such as the 2019 Integrity and Anti-Corruption Foresight Report with UNDP and the 2015 Judicial Integrity Scan Report of Bhutan with the Royal Court of Justice, among others.</p> <p><u>Sources:</u> ACC website; BTI website.</p>
43	Dissemination and campaigns	Does not disseminate corruption prevention	Limited dissemination of corruption prevention information and	Extensive dissemination of corruption prevention and	<p>The Anti-Corruption Commission has made some progress in disseminating anti-corruption messages among the population. The commission completed two rounds of advocacy for 205 gewogs by 2018. Also, annual thematic sessions are conducted in several vulnerable agencies. Since September 2019, the commission has hosted a bimonthly panel discussion in collaboration with the Bhutan Broadcasting Service (BBS) to educate the general public on anti-corruption</p>

		information or rely on campaigns	reliance on campaigns	reliance on campaigns	<p>laws, promote the collective fight against corruption, and enhance collaboration with the media sector. The commission also uses International Anti-Corruption Day (on 9 December) as an opportunity to promote the fight against corruption among students from integrity clubs and school faculties. In 2020, the focus was on using ICT to promote integrity and anti-corruption methods. In the same year, the commission adopted a media and communication policy and related guidelines on print and broadcast media, media crisis management, and social media and websites. In addition, the commission set up a media management team and held a virtual session with media outlets on “Myths vs. Facts” about the Anti-Corruption Commission and its functions. According to the 2020 National Corruption Barometer Survey, 72 per cent of respondents rated the commission well on educating the public, thanks largely to its education and advocacy programmes. Despite these efforts, however, the commission acknowledges that news coverage continues to focus on its investigative function, while largely ignoring its other functions. One challenge noted by the commission concerns its experience in outsourcing information, education and communication (IEC) materials to local firms in terms of funding, content quality and timeliness.</p> <p><u>Sources:</u> Annual Reports 2019 and 2020-21; interviews with the media and CSOs, Department of Local Government and Ministry of Education, and the RAA; NCBS 2020.</p>
44	Online communication	The ACA does not have a website nor does it rely on social media to spread corruption prevention information	The ACA makes limited use of its website and social media to spread corruption prevention information	The ACA makes extensive use of its website and social media to spread corruption prevention information	<p>The Anti-Corruption Commission's website offers a range of useful information including annual reports, research reports, user manuals, guidelines, strategies and legislation. However, the news section of the website is not up to date, with the latest annual/quarterly bulletins dating back to 2008. Some efforts have been made to improve the commission's social media presence in recent years, thanks to the addition of a designated Information & Media Officer. The commission's presence on Facebook, for example, has increased since 2019 with over 21 campaign clips and regular updates on commission activities featured on the page. The commission's Instagram account (@acc_bhutan) has 780 followers and to date has 170 posts, which is similar to its Facebook updates. However, interaction with users remains very limited. Moreover, the commission's Twitter handle (@ACCBhutan) is seldom used and the latest tweets date back to 2015. Commission staff acknowledge that the organisation has not yet been able to create a dynamic web and social media presence.</p>

					Sources: ACC website; interviews with ACC staff.
F	Cooperation and external relations				
45	Confidence in Government support to the ACA	Low level of confidence as reflected in survey findings (below 50 per cent) and the views of ACA senior personnel, CSO leaders, anti-corruption experts and journalists	Moderate level of confidence as reflected in survey findings (50 to 75 per cent) and the views of ACA senior personnel, CSO leaders, anti-corruption experts and journalists	High level of confidence as reflected in survey findings (above 75 per cent) and the views of ACA senior personnel, CSO leaders, anti-corruption experts and journalists	<p>There is a moderate degree of trust and confidence in government support to the Anti-Corruption Commission, underpinned by the strong oversight mechanisms and legislation that are in place to ensure support. The fact that reducing corruption is one of 17 national key result areas in government's Twelfth Five-Year Plan (2018-2023) also suggests strong political support to the commission. According to the 2020 National Corruption Barometer Survey, a majority of respondents felt that government was performing well in fighting corruption in government (62 per cent), promoting good governance (69 per cent) and upholding respect for the rule of law (70 per cent). This suggests that citizens continue to believe that the government (and by proxy the Anti-Corruption Commission) is committed to the fight against corruption. Nevertheless, it is worth noting that these levels of confidence are significantly lower than they were in 2016, with confidence regarding the fight against corruption falling from 85 per cent to 62 per cent.</p> <p>Sources: Interviews with external stakeholders and ACC staff; Justice Sector Strategic Plan of Bhutan (2019-2023); 2020 NCBS survey.</p>
46	Cooperation with other integrity agencies	Conflict and/or lack of cooperation between ACAs or between ACA and other integrity agencies	Limited cooperation between ACAs or between ACA and other integrity agencies	High degree of cooperation between ACAs or between ACA and other integrity agencies	<p>The Anti-Corruption Commission continues to collaborate with other integrity agencies on corruption investigations (Royal Audit Authority, Office of the Attorney General and the Royal Bhutan Police), prevention (most government agencies), and training and outreach (Institute of Science of Mind, Parliament and the judiciary). The commission has signed 12 Memoranda of Understanding (MoUs) with other government agencies and has an outreach strategy to work with regional governments. Most notably, a joint inter-agency task force between the commission and the Office of the Attorney General (OAG) developed a revised MoU in 2020/21 identifying renewed common areas of interest and challenges. The MoU is expected to be signed in the latter part of 2021. Although the commission and the OAG continue to strengthen their relationship, the two institutions differ in their views on Section 128 (3) of the ACA 2011, which gives the commission prosecutorial rights under certain circumstances (see indicator 5). The Justice Sector Strategic Plan of Bhutan (2019-2023) also facilitates the commission's collaboration with other government agencies including the National Commission for Women & Children, Jigme Singye Wangchuck School of Law and Bar Council, the Gross National Happiness Commission (GNHC), and the Bhutan National Legal Institute.</p>

					<u>Sources:</u> Interviews and focus group discussions with the RAA, OAG, ECB, the judiciary, the media, GNHC, CSOs and ACC staff; list of MoUs on the ACC website; Annual Report 2020-21.
47	Cooperation with non-governmental agencies	Conflict and/or lack of cooperation between ACA and other organisations	Limited cooperation between ACA and other organisations	High degree of cooperation between ACA and other organisations including CSOs and private companies	<p>Most of the MoUs with the nine civil society organisations (CSOs) reported in the 2015 assessment have expired, with the exception of the MoU with the Bhutan Transparency Initiative (BTI). The commission continues to have a close collaboration with BTI and to support a variety of social accountability activities including the periodic National Corruption Barometer Report (see indicator 42). Beyond its cooperation with BTI, the commission has limited interaction with other CSOs. This is partly because very few of the 54 CSO in the country focus on anti-corruption, research and advocacy. In 2020, the commission adopted a CSO engagement programme to strengthen internal control mechanisms within CSOs and support them in the promotion of anti-corruption and justice in the community. The commission is the first institution in the country to develop such a collaborative programme with civil society. The programme includes work on regulating CSO accountability frameworks, raising awareness on anti-corruption, implementing organisational integrity plans and monitoring public procurement (AR 2020). The commission has also secured some budget from UNDP to support CSOs to undertake anti-corruption related to training media professionals on investigative journalism. In addition, the commission has sought to increase its cooperation with the private sector through its new Business Integrity Initiatives of Bhutan (BIIB) programme, but success to date has been limited (see indicator 40).</p> <p><u>Sources:</u> Interviews with CSOs, MOE and MOLHR, external oversight committees of the National Council and National Assembly, and ACC staff; ACC Annual Reports (2016-2019).</p>
48	International networks	The ACA does not participate in any network	Active with ACA participating in one or two networks	Very active with ACA participating in three or more networks	<p>The Anti-Corruption Commission participates actively in regional cooperation efforts, technical assistance initiatives, and training and development strategies. Bhutan is an active member of the ADB/OECD Anti-Corruption Initiative for Asia and the Pacific. For example, the Government of Bhutan in cooperation with the commission hosted the ADB/OECD Anti-Corruption Initiative for Asia and the Pacific's 14th Regional Seminar in November 2016. In 2018, the commission received delegations from UNODC and the two reviewing States (Cook Islands and Tajikistan) as part of the first cycle of review into its implementation of the UN Convention Against Corruption (UNCAC). Bhutan was subsequently placed under the second cycle</p>

					<p>review in July 2020 with Bahrain and Iceland acting as the reviewing State Parties. In 2020, the commission initiated dialogue with the International Anti-Corruption Academy in Austria to sign an MoU to build linkages on mutual areas of interest, such as capacity building and technical assistance on anti-corruption. The MoU is expected to be signed by the end of 2021. On the other hand, the implementation of international activities under the Justice Sector Programme 2018-2023 (see indicator 46), including capacity development programmes and exchange or experience-sharing programmes with regional and international counterparts, has been significantly affected by the Covid-19 pandemic.</p> <p><u>Sources:</u> Interviews with ACC staff; Annual Reports (2016-2019); ACC website; UNODC website.</p>
49	Cooperation with other countries	No cooperation between ACA and any ACAs and/or law enforcement agencies in other countries	Limited cooperation in some areas with one or two ACAs and/or law enforcement agencies in other countries	High degree of cooperation with joint projects and technical assistance involving several ACAs and/or law enforcement agencies in other countries	<p>The Anti-Corruption Commission has strong bilateral collaboration with anti-corruption agencies in more than half a dozen countries, including India, Malaysia, Hong Kong, Singapore, Thailand, the US and Australia. The commission has signed MoUs with the Malaysian Anti-Corruption Commission, the Basel Institute on Governance, and the Anti-Corruption Commission of Bangladesh (although they have since expired). The commission has one currently valid MoU with the National Anti-Corruption Commission of Thailand and is at various stages of drafting or finalising MoUs with the International Anti-Corruption Academy of Austria and the Independent Commission Against Corruption of Mauritius. The commission also collaborates with other leading anti-corruption agencies and law enforcement agencies in the region, such as the Independent Commission Against Corruption of Hong Kong, the Corrupt Practices Investigation Bureau of Singapore, and the Central Bureau of Investigation of India. For example, the commission hosted a delegation from Hong Kong's Independent Commission Against Corruption in September 2019 to reinforce cooperation between the two agencies. The Anti-Corruption Commission also sent a delegation to the CIABOC of Sri Lanka on an experience-sharing visit in October 2019.</p> <p><u>Sources:</u> ACC Annual Reports (2016-2019); interviews with ACC staff.</p>

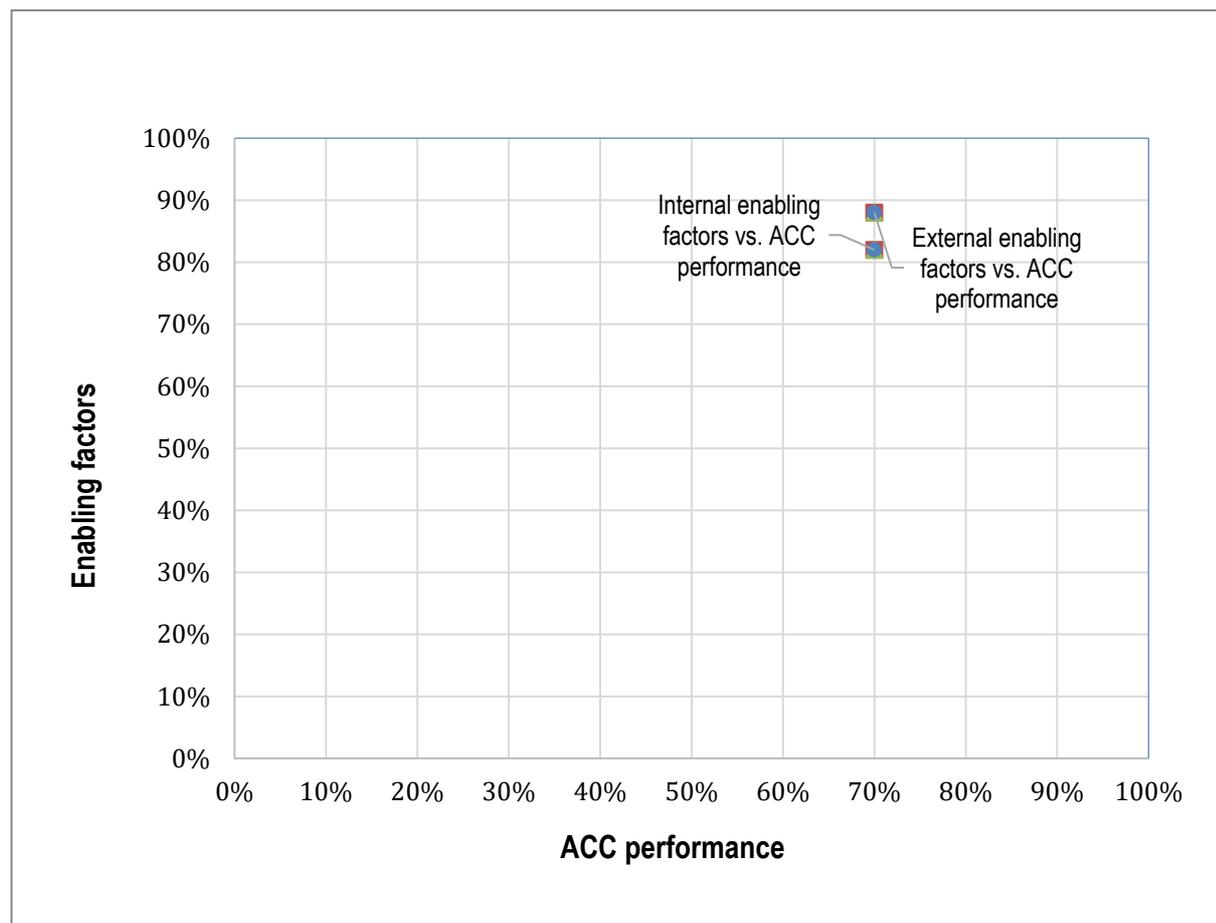
50	Accessibility to marginalised groups	The ACA does not have any strategies, targets or benchmarks in place to monitor its responsiveness to marginalised groups (including women and minority groups)	The ACA has strategies, targets and benchmarks in place to monitor its responsiveness to marginalised groups, but it does not actively monitor these differences	The ACA has strategies, targets and benchmarks in place to monitor its responsiveness to marginalised groups, which it actively monitors	<p>The Anti-Corruption Commission does not currently have any strategies or targets in place to enable and monitor its responsiveness to marginalised groups, including women and minority groups. As part of the Justice Sector Strategic Plan (2019-2023), the commission has the potential to increase its interaction with the National Commission for Women & Children. There is also potential to address marginalised voices among the youth through its Youth Integrity Programme.</p> <p><u>Sources:</u> Interviews with ACC staff and CSOs; Justice Sector Strategic Plan (2019-2023).</p>
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4. CONCLUSIONS AND RECOMMENDATIONS

The Anti-Corruption Commission continues to play a central role in Bhutan’s governance system, with a clear mandate and strong reputation among citizens. The 2011 Anti-Corruption Act ensures a high degree of operational independence and financial stability for the commission, which has extensive investigation powers and a broad mandate and jurisdiction. The incorporation of corruption reduction as part of the key national goals of Bhutan’s Twelfth Five-Year Plan is a further indication of the strong level of political support for the commission.

This supportive enabling environment is one of the key drivers behind the overall success of the commission. There are a few areas in which the enabling environment could be strengthened (most notably in terms of civil service staff recruitment rules and the relationship with the Office of the Attorney General). Nevertheless, the main areas of opportunity identified by the assessment are internal rather than external, as Figure 3 illustrates. As a result, the majority of the recommendations that follow are directed at the commission itself. (Annex 3 classifies each indicator according to whether it addresses internal or external enabling factors that affect the commission or it addresses the commission’s performance directly.)

Figure 3: Assessment results – enabling factors vs. Anti-Corruption Commission performance



Investigation function

The Anti-Corruption Commission has proved to be highly accessible to citizens and its investigations are generally of a high standard. This has led to a large number of corruption complaints received (far more than would be expected for a country the size of Bhutan with relatively low levels of perceived corruption). Perversely, the high number of corruption complaints has undermined the extent to which the commission is able to proactively investigate more serious cases of corruption, especially given its human resource constraints (see further discussion below). This is compounded by the fact that, in practice, it is not always clear how decisions are made on which cases to investigate, leading to a lack of understanding about how or whether more harmful forms of corruption are prioritised by the commission.

The focus on minor cases means that while the volume of investigations is relatively high, the investigations have limited impact in addressing the most pernicious forms of corruption in the country. While the perceived level of corruption in Bhutan is generally low, awareness of the problem is on the rise, with 42 per cent of service providers and 34 per cent of service users perceiving an increase in corruption between 2014 and 2019 according to a 2019 survey.⁶⁷ More significantly, the four most prevalent forms of corruption in Bhutan as perceived by citizens were all related to high misconduct at executive levels, including trading in influence (24 per cent), failure to declare conflicts of interest (21 per cent), abuse of functions (21 per cent) and embezzlement (20 per cent).⁶⁸

This strongly suggests that the commission should take steps to increase its capacity to focus investigations on high-level corruption through intelligence-based research rather than relying mainly on complaints. Increasing and retaining the commission's human resource capacity is critical to achieving this aim (see recommendations 7 to 10 below). Beyond this, other structural changes that the commission could consider to strengthen the area are as follows:

1. **The Anti-Corruption Commission should continue its nascent work to strengthen and broaden the scope of its intelligence division** in order to initiate more proactive cases in the future and keep pace with emerging anti-corruption challenges.
2. **The Anti-Corruption Commission could consider ways to better pool its expertise and research capacity** to focus on researching systemic problems that increase the risk of abuse of power and conflicts of interest in order to inform its investigation decisions. The increasing body of systems studies and risk assessments conducted by the commission could be a useful starting point. The organisation of Department of Investigation branches by sector has helped foster specialisation in different sectors. However, greater cross-fertilisation between branches could help reduce silos and increase efficiency.

Prevention, education and outreach functions

The Anti-Corruption Commission's prevention, education and outreach functions are generally strong and well budgeted. In response to recommendations from the 2015 report, the commission developed a new media and communication strategy and guidelines on media crisis management and on social media and websites in 2020. As a result, it has made some progress in disseminating more targeted anti-corruption messages among the population. Currently, however, it does not have any strategies or targets in place to enable and monitor outreach to marginalised groups, including women and minority groups. This is particularly important given that literacy rates, especially among the rural population, remain persistently low. While there have been efforts to reach out to rural communities to promote integrity work, the literacy level makes it difficult to rely on easily accessible materials. A further challenge is the commission's limited capacity to produce high quality information, education and communication materials. To address these gaps:

⁶⁷ https://www.researchgate.net/publication/342410560_National_Integrity_Assessment_2019

⁶⁸ <https://bhutantransparency.org/wp-content/uploads/2021/06/NCBSR-2020-final.pdf>

3. **The Anti-Corruption Commission should develop a strategy to engage all sectors of society, particularly youth.** The development of a Youth Integrity Programme is a promising first step in this direction and should continue to receive the backing of senior management. The commission should also consider expanding the approach to target other demographic and social groups, such as women and minorities.
4. **The Anti-Corruption Commission should consider how it can collaborate more with external stakeholders on its outreach and education campaigns,** both to draw on, and to help build, external expertise, including among governance-focused civil society organisations and investigative journalism outlets. This would also help develop a more collaborative relationship with civil society and media sectors (see recommendations 11 and 12 below). Efforts should extend to social media engagement, which is still underdeveloped, resulting in the commission being largely absent from the public consciousness and conversations on social media.

Transparency and access to information

The Anti-Corruption Commission has put significant effort into producing easily accessible and comprehensive annual reports to facilitate oversight. The commission has also made incremental improvements in terms of openness with the introduction of specific policies and guidelines to engage the media. However, these are still very much on the commission's terms and its record on responsiveness to information requests remains a concern. Crucially, there are no publicly accessible mechanisms for responding to requests from citizens at large.

The situation is exacerbated by the fact that Bhutan does not have any legislation guaranteeing citizens' right to information. A Right to Information Bill passed by the National Assembly in 2014 was designed to put the onus on government officials and agencies to release information. However, the National Council has still not approved the bill. As noted in Part 1, self-censorship is common and media outlets continue to face difficulties in accessing information. Government information is generally not considered public and efforts to promote integrity and curb corruption are disconnected from discussions on transparency and the right to know. Within the commission itself, the approach to information sharing is overly risk-averse, and access to information processes are highly bureaucratic involving multiple layers of authorisation. In order to foster a culture of openness, the commission and other stakeholders should consider the following:

5. **The National Council should prioritise passage of the Right to Information Bill** to enable institutionalisation of the right to know across public sector agencies, including the Anti-Corruption Commission. Bhutan remains the only country in the South Asian Association for Regional Cooperation region without an access to information law.
6. **As the lead institution in the fight against corruption in Bhutan, it is incumbent upon the Anti-Corruption Commission to lead by example by developing a publicly accessible access to information policy,** regardless of its legal obligations. The policy should outline clear procedures and timelines for requesting information and identify the kinds of information that are exempt and the rationale behind such exemptions (e.g., personal data or information that may be prejudicial to an ongoing investigation). As a general rule, the default position should be that information is publicly available unless it is prejudicial to ongoing investigations.

Staff recruitment

The Anti-Corruption Commission operates on a budget allocation of about 0.30 per cent of the approved national budget. Nevertheless, the commission suffers from important staff shortages. This is partly because commission staff fall under the jurisdiction of the Royal Civil Service Commission (RCSC), and as such are appointed, selected and removed as per the Civil Service Act 2010 and the standards set by the Bhutan Civil Service Rules 2018. The commission and the RCSC signed a Memorandum of Understanding in August 2016 that gives some autonomy to the commission to modify recruitment criteria, single window recruitment and training requirements based on specific job profiles. However, the

commission is still limited in its autonomy to recruit staff directly or set attractive salary scales, which affects its ability to attract competent professionals when most needed. Despite attempts to address concerns over job stability internally, without this discretionary authority the commission is unable to motivate and retain its staff.

To address these issues, the commission has sought legislative amendments to delink its human resource management from the RCSC. In November 2021, the Good Governance Committee of the National Council recommended granting the commission complete independence over its human resource management so that it can ensure adequate human resources to carry out its mandate.⁶⁹ Depending on the ultimate decision of the National Council on the matter, our recommendations from the 2015 report in this area still hold:

7. **Parliament should pass proposed amendments to the Anti-Corruption Act** granting the Anti-Corruption Commission powers to determine its organisational structure and regulate its staff appointments, management and dismissal independently of the RCSC.
8. **The Anti-Corruption Commission should produce a financial and strategic plan** that identifies financial needs, environmental constraints and specific recruitment targets.
9. **The Anti-Corruption Commission should consider revising its compensation and benefits framework** to take account of the level of stress and the psychological, emotional and social toll involved in different areas of its work.

Staff retention

As noted above, the Anti-Corruption Commission continues to experience problems with staff retention, facing an average attrition rate of 9 per cent between 2016 and 2020. Some of the reasons for high turnover include the psychological, emotional and social toll of the work and the limited longer-term training and career development opportunities within the commission. Among other improvements, the commission has recently introduced staff welfare schemes and childcare facilities as well as initial plans for a housing colony to attract and retain qualified staff. It has also secured a five-year BTN 48.3 million (US\$0.64 million) human resource development budget for both short- and long-term training and courses. Both of these developments are encouraging. Beyond this, the following recommendation from the 2015 report could help the commission identify and address the systemic drivers of its high turnover rate over the longer term:

10. **The Anti-Corruption Commission should consider incorporating exit interviews of current, former and outgoing employees** to understand why it is difficult to recruit and retain mid- and senior-level staff, what the consequences of the demanding work conditions in the commission are, and what can be provided to satisfy and motivate employees beyond a strong identity and enabling environment.

External relations

The Anti-Corruption Commission's relationships with other public sector actors (including legislative bodies, other integrity agencies and international peers) are generally strong. However, the commission's cooperation with civil society remains weak and has arguably deteriorated since 2015. While the commission adopted a CSO engagement programme in 2020, the programme's focus is on regulating and strengthening the internal integrity of CSOs rather than fostering mutually cooperative relationships to support the fight against corruption. This is indicative of a relationship between the state and civil society that is akin to a "big brother and small brother" relationship, as discussed in Part 1 above.

Closer collaboration with civil society is crucial for a number of reasons. It can help the commission achieve its mandate to educate Bhutanese society on corruption and anti-corruption, support broader citizen participation in integrity efforts including the implementation of the National Anti-Corruption Strategy, promote greater social accountability, and deepen public understanding of the challenges facing the

⁶⁹ <http://www.bbs.bt/news/?p=161823>

commission. In order to strengthen citizen participation in the fight against corruption, the commission should consider the following suggestions:

11. **The Anti-Corruption Commission could support the participation of citizens and civil society in parliamentary oversight committee sessions**, through consultations and briefings to discuss the commission annual report, or by requesting written information to complement the commission's findings. Alternatively, the commission could engage civil society organisations when meeting with oversight committees.
12. **The Anti-Corruption Commission could publicly present the results of its reports to citizens, civil society organisations and the media** to facilitate discussion on the results and findings and enable citizens to voice their concerns and questions. To ensure legitimacy, the commission should be prepared to receive feedback and demonstrate action in response.

ANNEX 1: INTERVIEWEES

Persons interviewed during the assessment of the Anti-Corruption Commission – Thimphu, October-November 2021

	Position	Organisation
1	Chair, Senior Management & Staff	Anti-Corruption Commission
2	Chair	Good Governance Committee, National Assembly
3	Officiating Secretary, Chief & Staff	PMCD, Gross National Happiness Commission
4	Chair	Good Governance Committee, National Council
5	Chair	Joint Public Accounts Committee of the National Assembly and National Council
6	Attorney General, Director & Staff	Office of the Attorney General
7	Joint Auditor General	Royal Audit Authority
8	Registrar General	Supreme Court of Bhutan
9	Chief of Police	Royal Bhutan Police
10	Chief Election Commissioner & Staff	Election Commission of Bhutan
11	Vice-Chancellor	Royal University of Bhutan
12	Director	Department of Local Governance, Ministry of Home & Cultural Affairs
13	Secretary	Ministry of Education
14	Secretary	Ministry of Labour & Human Resources
15	Members of Task Force for BIIB	Joint Task Force
16	Editors-in-Chief	Kuensel
17	President	Bhutan Chamber of Commerce & Industry
18	Governance Advisor	Bhutan Transparency Initiative
19	Chair	Royal Civil Service Commission
20	Executive Director	Bhutan Media Foundation
21	President & Programme Officer	Journalists' Association of Bhutan

ANNEX 2: STAKEHOLDERS CONSULTED

**Persons engaged in the online validation meeting on the assessment findings – Thimphu,
21 December 2021**

Position	Organisation
Jamtsho, Commissioner	Anti-Corruption Commission
A Karma Rinzin, Commissioner	Anti-Corruption Commission
Gyeltshen, Director, Department of Investigation	Anti-Corruption Commission
Kin Dorji, Head, Technical Service Division	Anti-Corruption Commission
Tenzin Phuntsho, Offtg Director, Department of Prevention and Education	Anti-Corruption Commission
Ugyen Tshering, Offtg Director, Department of Professional Support	Anti-Corruption Commission
Ugyen Penjor, Head, Secretariat Services	Anti-Corruption Commission
Sherab Tharchen, Offtg Head, Legal Division	Anti-Corruption Commission
Tashi Yangzom, Asst. Planning Officer, PPS, SS	Anti-Corruption Commission

ANNEX 3: ENABLING FACTORS VS. ACC PERFORMANCE

INDICATOR	EXTERNAL ENABLING FACTOR INDICATORS	INTERNAL ENABLING FACTOR INDICATORS	ACC PERFORMANCE INDICATORS
A. Independence and status (9 indicators)			
Institutional independence	X		
Appointment and removal of commissioners	X		
Mandate	X		
Jurisdiction	X		
Investigative and prosecutorial powers	X		
Powers to report and enforce recommendations	X		
Legal autonomy	X		
Operational autonomy	X		
Political use of powers	X		
B. Financial and human resources (9 indicators)			
Proportion of budget	X		
Sufficiency of budget	X		
Security and stability of budget	X		
Staff salary and benefits		X	
Staff selection		X	
Investigation and prosecution expertise		X	
Prevention and education expertise		X	
Staff training		X	
Stability of staff		X	
C. Accountability and integrity (9 indicators)			
Annual reporting		X	
Responsiveness to information requests		X	
External oversight mechanisms	X		

Internal review mechanisms		X	
Adherence to due process			X
Willingness of complainants to identify themselves			X
Complaints handling			X
Outcome of complaints			X
Internal integrity mechanisms		X	
D. Detection, investigation and prosecution (9 indicators)			
Accessibility to complainants/informants			X
Responsiveness to corruption complaints			X
Proactive investigation			X
Efficiency and professionalism			X
Prosecution rate			X
Conviction rate	X		
Investigation of influential persons			X
Restitution and asset recovery			X
Perception of performance			X
E. Prevention, education and outreach (8 indicators)			
Allocated budget	X		
Strategic planning			X
Anti-corruption learning and development			X
Organisational reviews			X
Prevention recommendations			X
Research on corruption risks			X
Dissemination and campaigns			X
Online communication			X
F. Cooperation and external relations (6 indicators)			
Confidence in Government support to anti-corruption agency	X		
Cooperation with other integrity agencies		X	
Cooperation with non-governmental agencies		X	
International networks		X	
Cooperation with other countries		X	
Accessibility to marginalised groups			X

ANNEX 4: RESULTS OF THE 2015 ASSESSMENT

DIMENSION	INDICATORS									
LEGAL BASIS, INDEPENDENCE AND MANDATE (7)	Independence	Mandate	Legal powers	Appointment of Commissioners	Removal of Commissioners	Operational autonomy	Political use of powers			
FINANCIAL AND HUMAN RESOURCES (9)	Budget proportion	Budget sufficiency	Budget stability	Staff salary	Staff selection	Staff expertise (investigation)	Staff expertise (prevention)	Staff training	Staff stability	
DETECTION AND INVESTIGATION (9)	Accessibility	Responsiveness	Willingness to investigate	Cases investigated	Efficiency	Conviction rate	Investigation of influential persons	Restitution and asset recovery	Complainants by gender	
PREVENTION, EDUCATION AND OUTREACH (9)	Budget	Prevention initiatives	System/agency reviews	Prevention recommendations	Outreach and education plans	Stakeholder engagement	Research	Campaigns	Website and social media	
STATE SUPPORT, INTERAGENCY COOPERATION (6)	Government support	Cooperation with agencies	Cooperation with civil society and private sector	International participation	Cooperation with other ACAs	Public confidence in state support to ACA				
OVERSIGHT AND ACCOUNTABILITY (7)	Annual report	Oversight mechanisms	Internal complaints procedure	Staff disciplinary procedures	Treatment of persons under investigation	Impartiality and fairness	Impartiality and fairness, among users			
PERCEPTIONS OF EFFECTIVENESS (3)	Effectiveness in corruption control	Effectiveness in corruption control, among users	Effectiveness in corruption control, among female users							

HIGH SCORE	3	Green
MODERATE SCORE	2	Yellow
LOW SCORE	1	Red
Scoring Not Possible	No score	Grey

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