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Parliaments and independent oversight institutions

Global and country-specific analysis of parliaments' relationships with Supreme Audit, Anti-Corruption and Human Rights Institutions

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Picture on cover: The federal Parliament of Belgium © Kamer van Volksvertegenwoordigers

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1. Preface

The Westminster Foundation for Democracy (WFD) has commissioned this study as part of a research stream exploring how enhancing the collaborative relationship between Independent oversight institutions and Parliaments can strengthen democratic accountability and improve governance outcomes.

Independent oversight Institutions are an increasingly important aspect of contemporary governance around the world. While certain independent oversight institutions, such as Supreme Audit Institutions, have a long history - in the case of the United Kingdom, several hundred years - the number and range of independent oversight institutions has burgeoned in the past thirty years, and some countries now have numerous independent oversight institutions, many reporting directly to parliament. Independent oversight institutions can strengthen the quality of democracy through providing specialised oversight of key aspects of governance; issues such as public financial management, respect for human rights, and the fight against corruption.

For institutions to be fully effective, however, they need to be effectively anchored within the overall governance process, so that their findings can be followed up to ensure that they are taken into account in reformed and improved programmes and policies.

There is a continuing discussion about how independent oversight institutions should be linked with the three main branches of the state, the legislature, the executive, and the judiciary. In some constitutional models, such as the Napoleonic model used in France for example, the supreme audit institution (SAI) is formally part of the judiciary. Some people have argued that independent oversight institutions should constitute a separate, fourth branch of the state.

What is an independent oversight institution?

There are no definitive definitions of such institutions. Internationally, there is a wide range of independent oversight institutions that have been established in recent years, existing in different governance systems with different mandates (even within the same country). However, there are some basic common characteristics. De Vrieze (2019: 5) states that, “[i]ndependent oversight institutions exercise oversight over the democratic functioning and integrity of the executive and state administration”. He draws a distinction between ‘independent oversight institutions’ and regulatory bodies. Although the latter may have some operating independence, they are primarily charged with managing the regulation of an economic sector rather than having a broader mandate related to good governance and rights protection. Thus, an independent oversight body should typically have the right to determine its own subjects for enquiry within its mandate area, as well as responding to the requests of state bodies and citizens.

The issue of what constitutes ‘independence’ for an independent oversight institution is particularly complex. While independence is a generally positive attribute, it needs to be combined with accountability (and thus responsibility both for good management of resources and for acting within the law), relevance, and impact. A body that is independent, but whose findings are ignored by the bodies it oversees, is not effective. In particular, oversight institutions need to be able to transmit their findings to legislative or judicial bodies to ensure follow-up, whether through enforcement action or through legislative changes. In this light, it is important to understand oversight institutions as existing in an ecosystem in which institutions both act autonomously but within legally defined boundaries, as well as feeding into the work of other institutions in order to effect change.

However, in the majority of democratic systems, independent oversight institutions are fully or partially responsible to parliaments; members are chosen by parliamentarians, and reports are submitted for follow-up to parliament. Parliaments, through their constitutional responsibilities for oversight, have the mandate and authority to ensure that oversight institutions’ recommendations are carefully reviewed by government and either implemented, or explanations provided as to why they should not be implemented.

Whatever specific constitutional definition of independent institutions is used, a productive relationship between parliaments and independent oversight institutions improves the quality and transparency of governance and makes the system more democratically accountable.

This study explores independent oversight institutions and their relationships with parliaments as a step towards understanding how these relationships can be enhanced in order to strengthen both oversight institutions and parliaments. It explores the framework of institutions in a number of countries, looking at different types of models and their advantages and disadvantages. It concludes by proposing approaches that can help strengthen the relationship between parliaments and oversight institutions in different governance and institutional contexts.

The number and range of institutions is increasing world-wide, and is varied across countries. In order to focus the study, it looks mainly at three particularly common and important types of independent oversight institutions; supreme audit institutions, anti-corruption institutions, and human rights institutions including ombudspersons with a human rights mandate.

2. Introduction

In principle, independent oversight institutions provide the potential for an effective balance of powers between the executive and the legislature. As governance becomes more complex, it is very difficult for parliament with its own resources to analyse in detail all of the activities of government. Independent oversight institutions, with specialised experts in the fields relevant to the institutions, are able to both monitor the overall situation in their mandate areas – for example government financial management, or respect for human rights – as well as examining specific issues and concerns and reporting on those with recommendations for remedial action.

There are various categories of independent institutions. These include autonomous bodies providing some service, such as universities, statistics authorities, central banks, and national broadcasters such as the BBC, where it is felt that independence from the political state is essential to ensure transparency and freedom of knowledge. Another category is regulatory bodies; economic regulatory bodies have grown in number, in particular due to the privatisation of former state monopolies; as have professional regulatory bodies that may be state institutions, private institutions, or a mixture of the two. These latter types of institution tend not to report directly to parliament but rather to the relevant sectoral ministry, although there are some exceptions.

Further, parts of the judiciary have important oversight functions, ranging from determining the constitutionality of particular legislative acts and regulations, to assessing the legal basis of state actions. This paper will concentrate on oversight institutions, whose explicit mandate is to oversee specific aspects of government practices. It will not address the judiciary except in the case of the relationship between Parliamentary financial oversight and the Audit Courts that exist in Napoleonic model countries and which perform many similar functions to Westminster-style Auditor-General offices.

This report does not address the various primarily regulatory bodies, although it's acknowledged that there are occasional overlaps, and independent oversight institutions can have regulatory powers.

The specific nature of the relationship between independent oversight institutions and parliaments varies considerably. There is a plethora of constitutional arrangements internationally, and even within individual countries. Some independent oversight institutions do not report directly to parliament, but to the executive, to another authority or to more than one institution, such as both government and parliament. In some constitutional models, independent oversight institutions can be part of the judiciary. Even if they are not part of the judiciary, they may have some quasi-judicial powers, such as the right to levy penalties; for example, human rights institutions that can sanction individuals or organisations that breach human rights¹. These sanctions are, however, normally subject to judicial review.



Mimoza Lila-Kusari, Member of the Assembly of Kosovo, at the UK House of Commons © Westminster Foundation for Democracy

In modern states, there are often many different independent institutions. The particular configuration of institutions is also dependent on the fundamental law of the country; as noted, independent oversight institutions are more likely to be part of the judiciary in Napoleonic systems than is the case in Westminster type systems where they are more likely to report directly to parliament. Even so, the Audit Court in Napoleonic systems is typically mandated to collaborate with parliament in the exercise of oversight, as is the case for example in France (Imbeau and Stapenhurst (ed.), 2017: 69).

The study has three main sections:

- An overview of the relationships between independent oversight institutions and parliaments, including some of the issues, challenges, and opportunities in enhancing these relationships in order to strengthen democratic accountability;
- A description of the overall system of independent oversight institutions in a number of countries, both in established and emerging democracies, to provide an overview of the range of existing models;
- Exploring three specific types of independent oversight institution; Supreme Audit Institutions, Anti-Corruption Institutions, and Human Rights Institutions, again using a comparative approach. The case studies will look particularly at the areas of mandate, leadership, reporting and budgeting.

Independent institutions have existed in some forms for several millennia.

Garbutt (1984) documents the various accounting and auditing processes undertaken in Babylon over four thousand years ago. Auditing has also been recorded in ancient China and Egypt; that is, in non-European contexts. Subsequently in ancient Greece, Aristotle argued for accounting to be conducted independent of the accountee; in other words, as a means for external accountability of state finances (Landau & Bilchitz, 2018). This early introduction of concepts of transparency and accountability leads Gustavsson (2013) to describe auditing as a democratic practice.

In modern governance, the principle of independent institutions derives particularly from the concept of the separation of powers, which was conceptualised by thinkers such as Locke (2013 [1689]) and Montesquieu and formed a fundamental basis for the drafters of the US constitution (Ackerman, 2000). The logic underpinning the separation of powers is that power should not be too closely concentrated, and that separate institutions, each responsible for one aspect of governance, would balance each other's power and help assure governance in the interests of the community. As Montesquieu (1989 [1748]: 157) put it:

“When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner.”

The core institutions in the classic model of the separation of powers are of course the legislature, the executive, and the judiciary. Not all countries have gone as far as the United States in codifying this balance, and in the case of the UK and other Westminster model countries, there is no formal institutional separation; in the Westminster Parliament, the Prime Minister and other government ministers sit in Parliament, and until 2009, the country's top judges also sat in the Upper House, the House of Lords. Nevertheless, even in these less institutionalised systems, there are clear delineations in practice, and within the parliamentary rules of procedure, between the roles and functions of the government and of the parliament.

The three types of independent oversight institution have been chosen because they exist in many, if not most jurisdictions, and they often play an important governance role and/or have a high profile².

Supreme audit institutions (SAIs) are the oldest and most widely present independent institutions. They exist in the vast majority of countries. For developing countries dependent on international development assistance, presence of a well-functioning independent audit institution is effectively a requirement. Countries' public financial management (PFM) framework is marked through the PEFA³ exercise that is used to determine eligibility for assistance such as direct budget support. PEFA includes assessment of SAI performance as well as effective parliamentary engagement in the budget and audit process.

Human rights-related independent oversight institutions, including parliamentary ombudspersons with a focus on human rights, are both an important and growing element of the independent oversight institution framework internationally.

The case studies to be assessed will compare different frameworks for human rights institutions, and also provide some pointers for support to strengthen this framework.

Anti-corruption institutions are the fastest growing type of independent oversight institution, driven in part by the expectation contained within the United Nations Convention Against Corruption (UNCAC) that anti-corruption institutions should be established⁴, although there is no requirement in UNCAC that these institutions should be accountable to parliament. Support for the establishment of independent anti-corruption institutions is not universal in expert circles, and the study will again consider some of the issues that have been raised, and diverse options through comparative exploration.

A fourth type of independent institution - independent electoral management bodies (EMBs) - is present in many countries. The management of elections is a well-developed aspect of democratic governance, with strong international expert networks⁵, substantial international donor financing, and an extensive literature (Catt et al, 2014). It was decided not to replicate this existing knowledge in this study. A future study dedicated to a comparative review of the specific relationship between parliaments and EMBs would be merited, however, as the existing literature tends to focus either on the EMB itself, with legislatures addressed as only one of many stakeholders (Htun and Powell, 2013), on single country or regional case studies, or focusing mainly on the relationship between EMBs and the executive rather than the legislature (Norris, 2015).

International Commission against Impunity in Guatemala (CICIG)

The case of the International Commission against Impunity in Guatemala (CICIG) is an interesting example of the benefits and risks of international bodies establishing independent oversight institutions. Although CICIG was established at the request of the government of Guatemala, under the auspices of the United Nations, and following considerable lobbying by national civil society, research indicates that citizen perspectives towards the institution are mixed.

Some argue that the corruption and crime crisis in Guatemala necessitated an international intervention, whereas others criticize the institution on the grounds that it reflects a loss of sovereignty. The fate of the CICIG remains one of the most controversial political questions in Guatemala. (Gutiérrez, 2016; Eguizábal, 2015; Economist, 2019)

Through the case studies, this study will examine the creation of new institutions in different contexts, processes for reform and enhancement of existing institutions, and examples where parliaments have brought independent oversight institutions closer, in order to enhance parliament's oversight capacities.

It is important to understand whether and how independent oversight institutions inherently improve oversight, particularly when they are established outside the framework of parliament's constitutional oversight responsibilities. *To ensure a durable and coherent system of democratic accountability, independent oversight institutions should be organised so as to feed into and strengthen parliamentary oversight of the executive, rather than establish parallel accountability structures.* At the same time, there are circumstances, for example where parliament is captured by certain interests, where parliamentary engagement with independent oversight institutions is not geared towards strengthening oversight. Here a balance must be struck between defending the mandate and autonomy of the institutions, while not establishing some kind of supra-state body that itself lacks accountability. In some countries such as Tunisia, there is a lively debate about the extent to which the extensive framework of independent institutions set up after the 2011 democratic revolution enhances core state functioning, or whether it creates a parallel accountability structure that is not effective in improving governance.

Another issue can be the instrumentalisation of institutions for specific elite agendas. There are many examples from authoritarian states where supposedly independent anti-corruption institutions are effectively used to gather incriminating material on current or potential opponents, that can be used to threaten and restrict legitimate opposition (Lawson, 2009; Herd, 2015).

Several examples will be explored from the selected case studies where the role and nature of the independent oversight institutions has changed, and it will be possible both to examine how parliament responded to these changes. Of course, in most systems, any significant changes to the role of an independent oversight institution should be underpinned by changes to the legislative framework, and thus in principle, parliaments are able to define their relationship to independent oversight institutions which have changed at the time of the adoption of those changes.

3. Independent Oversight Institutions and Parliaments

A. Parliaments, democracy, and the growth of independent oversight institutions

This section reviews the growth in independent oversight institutions from the perspective of enhancing democratic effectiveness and accountability.

Representative democracy has become the default democratic governance system in the world. Between 1960 and 2010 the proportion of countries in the world that are democracies increased from 31.5% to 64.1% (Acemoglu et al., 2019: 52). Benefits of representative democracy in which parliaments play a substantial role have been shown, as opposed to systems where an elected president dominates governance.

Parliamentary systems and semi-presidential systems where parliament holds the preponderance of power have been shown to be, on average, more stable, with greater capacity to peacefully resolve conflicts and with better economic performance (Bunce, 2008; 2000; Fish, 2006; McManus & Ozkan, 2018).



Members of the Parliament of Myanmar, speaking at the WFD conference in Yangon in 2019 © Westminster Foundation for Democracy

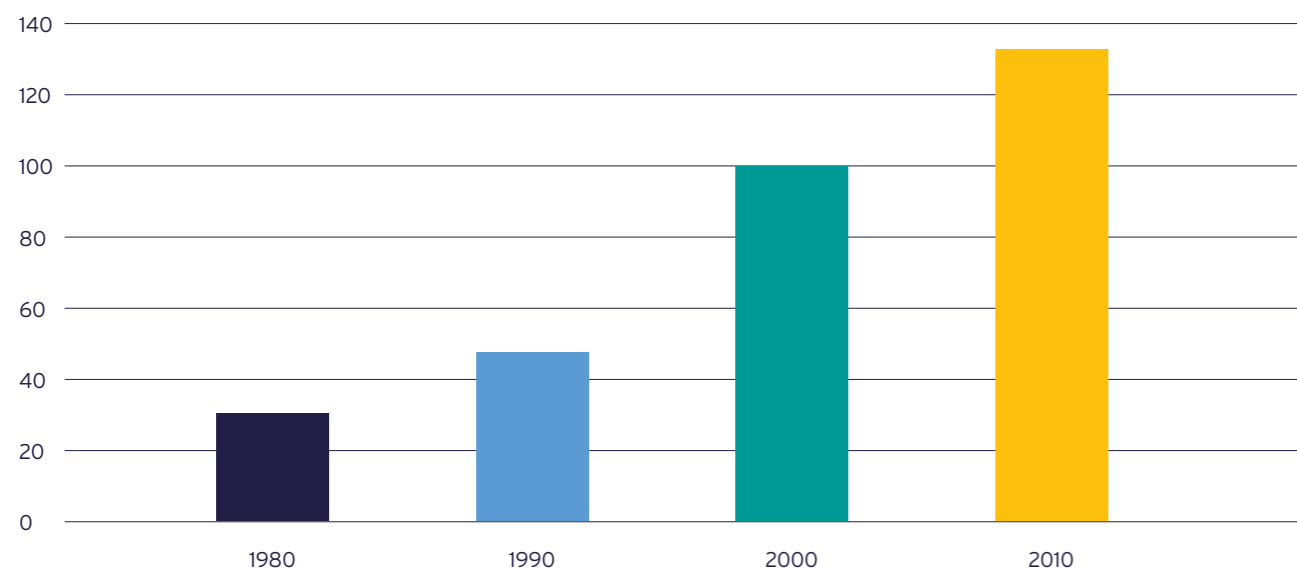
However, traditional representative democracy has also come under criticism in recent years by those who favour a more participatory democracy. It is argued that simply electing legislators every four or five years and allowing them to make decisions without further reference to citizens is inadequate in an era when instantaneous interactive communications provide the possibility for easily gathering public input.

Another issue with traditional representative democracy in the contemporary era is that society and economy, and thus governance systems, have become far more complex and technical. With the shift away from a concentrated industrial economy towards a virtual economy, typically spanning seamlessly across international boundaries, it is not possible for a few hundred MPs to make informed decisions and monitor governance without more support than a traditional system of parliamentary clerks could provide.

Already, particularly in the budgetary sphere, parliaments in many - if not most - countries have been assisted in oversight with independent oversight institutions that have sufficient technical expertise to carefully review government management and report to parliament with observations and reservations. In Westminster model systems this occurs through Auditor General's offices or similar bodies, in Napoleonic systems through Audit Courts and similar bodies, and in some other countries there is a Bureau-type independent state auditor.

In recent years, there has been a multiplication of independent oversight institutions, both in terms of number and range of focus. First, ombudsman offices, often with a particular focus on human rights, were established in Scandinavian countries; these have now been established in many other jurisdictions around the world.⁶

Figure 1: Number of Ombuds offices in the world



Various other types of institutions geared to protecting citizens from state or private mistreatment have been established, including commissions on racial equality, on gender equality, on protections of civil rights and freedoms of speech, the misuse of personal data, etc. In recent years there has been a rapid growth in the number of independent oversight institutions geared to combating corruption (Klemenčič & Stusek, 2008), partly due to public pressure to combat corruption, partly due to the provisions of the UN Convention Against Corruption which calls for states to establish such independent bodies, and in aid-recipient countries, partly because donors make aid payments implicitly or explicitly conditional on the establishment of such bodies.

Further, independent oversight institutions have been established to monitor the conduct of the state, for example through access to information, and independent oversight institutions for the police and security services. There is also a growing trend to establish independent bodies to oversee action to address climate change (Gemmer et al., 2011).

As noted by De Vrieze (2019), and others, another burgeoning form of independent oversight institution are the various regulatory bodies, which have expanded in number and scope as previously state owned industries with monopolistic

characteristics, such as utility companies, have been privatised but with strong regulatory oversight to assure public service and eliminate the possibility of abuse of monopolistic power. While this paper will not examine regulatory bodies in detail, they do add to the overall framework of accountability institutions.

The various types of independent institutions have different institutional location and reporting arrangements in different countries. However, there are some general tendencies.

- The Supreme Audit Institutions, in most Westminster governance model countries, tend to have their main reporting relationship with parliament, with their top official appointed by parliament, reports formally submitted to parliament (although often simultaneously to the government and elected president, if there is one).
- In countries with Audit Court systems, the SAI is a member of the judiciary, although again parliament plays a necessary role of passing the *Loi de Règlement* (budgetary discharge bill), which closes the annual accounts, and occurs following study of the SAI report that is annexed to the *Loi*.
- The Ombudsperson institutions tend to be appointed by parliament and with a reporting line mainly to parliament, following the models set by the Scandinavian parliaments that originally established these institutions.
- Conversely, the regulatory bodies tend not to report directly to parliament but rather the relevant sectoral ministry. In this case their independence is gauged both as independence from the business sector that they are charged with regulating, as well as independence from political pressures affecting the government (such as public desire to keep utility bills low).

There are exceptions for all of these typologies, based on a country's institutional history. Unsurprisingly, the more authoritarian a polity, the more likely that an independent oversight institution will report to the executive.

B. Situating independent oversight institutions

I. Diverse models, divergent practices

Independent oversight institutions have grown in number and importance in most countries in recent years. However, there is no generally accepted model for how independent oversight institutions fit within an overall governance framework, including how they should relate to parliaments. In fact, as De Vrieze (2019) points out, even in the same country, independent oversight institutions often have different constitutional anchors and reporting relationships.

Because the relationship between parliament and independent oversight institutions will always be governed mainly by the constitutional, legislative, and regulatory environment in the specific national context, it is not possible to prescribe universal formulae for determining how parliaments should interact with independent oversight institutions. However, it is possible to propose good practice principles, which can be applied according to the relevant constitutional and institutional framework in any given country.

II. Where do - and where should - independent oversight institutions 'sit'?

Governance scholars argue about whether independent oversight institutions should be considered part of the executive; officers of parliament; a branch of the judiciary, or a 'fourth branch of the state' after the legislature, the executive, and the judiciary. The response to this question is both dependent on the specific example, as well as on how the statutes governing institutions are interpreted. This uncertainty about the proper institutional anchoring of oversight institutions creates confusion, sometimes conflict, and frequently, considerable practical divergence.

Independence: two aspects

Independence can be understood in different ways according to context.

One relevant definition for independent oversight institutions is the idea of 'moral independence', that the agents of independent institutions need to assess situations (such as audit compliance, or possible human rights violations), and to determine whether the enacted rules have been applied correctly or not, rather than apply her/his personal belief system (Prat Dit Hauret, 2003).

Another aspect of independence is the immunity from reprisals that independent institutions and their agents should enjoy regarding the decisions they take as part of their mandate; a concept similar to parliamentary immunity.

Governance is not a natural science, and divergent perspectives and institutional models can lead to different but equally acceptable outcomes, particularly taking into account diverse political and governance cultures.

Nevertheless, contemporary representative governance is built on the democratic principle of citizens as the sole source of sovereign power, exercised through a state system organised into, and exercising, three dimensions of power; the legislative, the executive, and the judicial. The division of power into different branches reflects an acknowledgement of the need for deliberation and decision-making to be separated from the execution of decisions, and for the interpretation and application of law to be carried out impartially. Whether defined in a written constitution or developed through practice and tradition, the three types of power simultaneously define and control the others. Constitutionally, all state power derives from these three powers, and derives its legitimacy from one of these powers.

Defining institutions as outside of, and independent from, the other branches of government can seem attractive at first. If an institution is genuinely independent, then it would seem to be above interference. However, in practice, institutions must 'begin and end' somewhere; they must have a legitimacy derived from somewhere.

- They must have a legislative framework; only parliament can provide this through voting on/for the relevant law.
- Members must be appointed. Who is to do so? If government, then the body which is to be overseen is choosing its overseers; a clear conflict of interest.
- The work of oversight institutions must carry weight and be responded to; who is to assure this?
- Of course, it is possible to define institutions as accountable to some other body or bodies, such as a group of experts, or representatives of different institutions. But, who decides which experts are to be selected, and on what grounds? Which bodies should make up a 'college' to govern an independent oversight institution?

This is not to claim that parliament should be empowered or encouraged to act arbitrarily; the great majority of countries have constitutions that frame and limit the powers of all state institutions, including parliament, and governance in those few democratic states that do not have written constitutions is based on common codified principles that are effectively unwritten constitutions.

Neither do parliaments always make good decisions; often, decisions are shown in retrospect to have been based on misreading a situation, on a rush to judgment, or to respond to vocal pressure, such as campaigns organised by newspapers or particular interest groups. Parliaments have, for example, often passed draconian legislation in response to a particularly heinous crime, discovering only later that the result is to fill prisons with disproportionate numbers of minority populations at great public cost, with little evidence of impact on crime rates (Nagin, 2018; Helland & Tabarrok, 2007).

However, ultimately, parliaments and parliamentarians are accountable to citizens, who can change their representatives in free elections. If institutions are nominated and overseen by experts, accountability is self-referential and thus weak or absent. One of the main purposes of independent oversight institutions, which is to ensure the accountability of unelected public bureaucracies, is lost, and the populist discourse against 'rule by elites' is reinforced (Teubert, 2017).

A direct relationship between independent oversight institutions and parliaments establishes an accountability chain that serves to strengthen the authority and legitimacy of independent oversight institutions on one hand, while on the other, enhances the ability of parliament to carry out its role effectively, especially in oversight, reinforcing the democratic substance of governance.

III. Protecting oversight institutions from parliamentary or government interference

The legislative framework for oversight institutions is a crucial factor in determining their neutrality, impartiality, and effectiveness. This is also essential in responding to the argument of critics. There are different principles that can aid independence and effectiveness:

1. The mandate for oversight institutions should be clear, and institutions free to operate within that mandate without requesting permission from parliament or government;
2. The budget for oversight institutions should be discussed and approved by parliament;
3. Clear criteria should be established for membership of the governing body of the institution;
4. Selection of members should be on the basis of a transparent process;
5. Membership should be for a multiyear period and may be non-renewable;
6. Institutions should be required to report annually to parliament on their work with contents and format as prescribed by law;
7. Institutions should have the right and obligation to present that report both in committee and in plenary session;
8. Parliaments should have the right to request institutions to carry out special enquiries within the institution's mandate area.

IV. The case for a close relationship between parliaments and independent oversight institutions

WFD (2019) notes that parliament interacts with independent oversight institutions in at least four distinct ways:

- "Determining the mandate, responsibilities and scope of work of the agencies through legislation,
- Ensuring the institutions' annual and other reports and their follow-up by parliament,
- Selecting / appointing / overseeing the Boards or the leadership of the institutions, and
- Reviewing or approving the institutions' budget and financial responsibilities."

This categorisation demonstrates the inherently intimate nature of the parliament - institution relationship. Going through each of these interactions, we can see that any other institutional anchoring has substantial drawbacks. On the first point, parliament in almost all countries is the main, or only, institution entitled to wield legislative power. Therefore, the mandate for independent oversight institutions, if it is not grounded directly within the constitution, is established through legislation adopted in parliament.

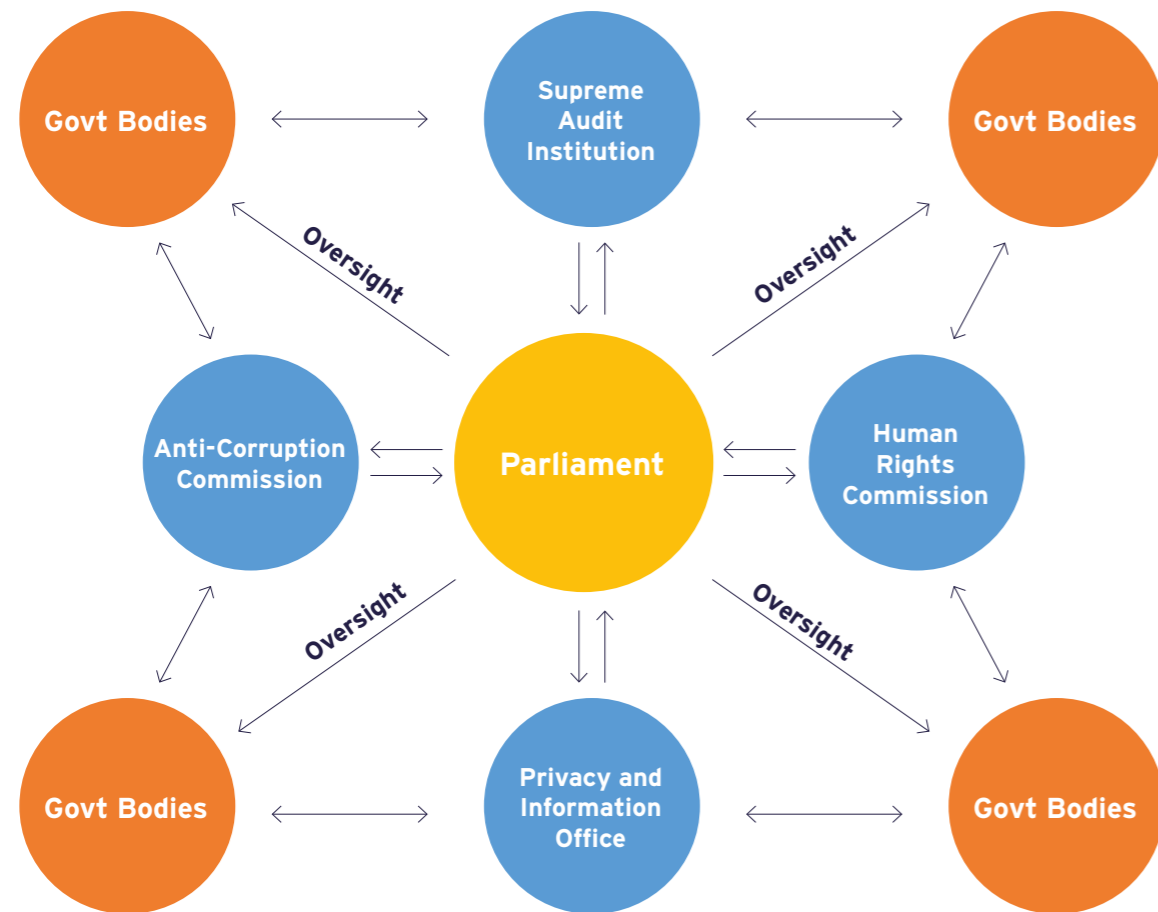
Secondly, in most cases, parliament is the main body charged with receiving and following up on independent oversight institutions' reports. This role is rooted in the exercise of parliament's oversight authority, again typically one of parliament's core constitutional responsibilities. Clearly, oversight institution reports need to be addressed by the executive. But for this reason, it cannot be the executive that is the arbiter as to whether the remedial measures it has taken in response to an independent oversight institution report are adequate. And unless institutions have judicial authority⁷, without parliamentary follow-up, they will be powerless to take action such as changing laws and regulations to remediate problems. Third, there are many models for the selection of independent oversight institution members, but parliamentary nomination is the most common, whether directly or through confirmation of candidates nominated either by the executive or certain estates⁸. For institutions with a broad rather than technical mandate, the most 'democratic' approach to membership selection and nomination is typically to be chosen by elected members of parliament.

Fourth and finally, determining the budget of independent oversight institutions normally occurs through the national budget process, where parliament both scrutinises the government's budget proposal, including for independent oversight institutions, and reviews and follow up on the supreme audit institution's report on how that budget was spent.

In several Westminster-type parliamentary systems, including Canada, Australia, and New Zealand, the heads of the independent oversight institutions are described as 'Officers of Parliament'; formalising the place of institutions within the parliamentary sphere. Some commentators question the use of this specific term for the heads of independent oversight institutions, as it can cause confusion with parliament's internal officers such as the Speaker.

The following diagram represents how the accountability system functions in systems where accountability institutions are based on the parliamentary officer approach:

Figure 2: Parliament at the centre of a national accountability system⁹



Of course, there are occasions where it is not appropriate for parliament to directly engage with and oversee the work of independent oversight institutions; where for example, the institution's mandate is to oversee some aspect of parliament's work, such as a parliamentary ethics code. Here, various models exist, often involving independent 'wise persons'. However, these examples are the exception rather than the rule.

The main alternative approach is where the independent oversight institution is part of the judiciary. This is frequently the case for supreme audit institutions in states governed under Napoleonic systems; particularly prevalent in Francophone and Lusophone states. In this model, the supreme audit function belongs to an Audit Court or Audit Chamber. Here again, parliaments still have a crucial role in receiving and scrutinising the Audit Court's report, and in addition, parliament has the decisive function in these systems of closing the national accounts for the year through the 'Loi de Règlement'; essentially accepting the audited statements. Ultimately, a parliament in these systems has at least as much formal financial oversight power as in Westminster systems because of this authority over the discharge of the annual accounts. A parallel process of discharge of the national accounts does not normally exist in Westminster model parliaments.

It is important, at the same time, to consider arguments against the 'Officer of Parliament' role of independent oversight institutions. The most evident is that parliamentarians are part of the overall power structure - typically government reflects a majority of parliamentarians, whether from a single party or a ruling coalition, and thus they may well be tempted to use their interactions with independent oversight institutions to limit oversight (for example by failing to follow up on institution reports) or to stack institution membership with political affiliates. In these circumstances, there will often be strong pressure both from civil society and, where relevant from donors, to create institutions that are independent from parliament and government.

Ukraine is a case in point. The parliamentary human rights ombudsman from 2009 to 2017 was unpopular with majority MPs who felt that she was too independent of government policy and too critical of human rights violations given that Ukraine was at war. They refused to reappoint the Ombudsman, and in 2018 they voted to make a member of parliament from the ruling coalition the new Ombudsman, although the appointment contravened the applicable legislation¹⁰. Similarly, in relation to anti-corruption, the parliamentary majority removed a crusading MP from the chairmanship of the parliamentary anti-corruption committee, and stalled the establishment of anti-corruption institutions. Similar issues regarding the institutionalisation of impartial and effective oversight institutions have been noted in the Maldives (De Vrieze, 2019b) and many other countries.

It is clear that in cases of imperfect democracies and state capture, parliament may well misuse its relationship over independent oversight institutions. However, in these circumstances, it is quite possible - if not probable - than any alternative mechanism will also be susceptible to abuse, except perhaps where international trustees are brought in either as part of the selection process or as officers of independent oversight institutions (as in the case of Ukraine), but this raises questions of national ownership and long-term sustainability. See the case of CICIG in Guatemala, above.

V. What does independence mean?

In a modern democracy, no institution is entirely independent. Although government is granted the power to execute, there are always circumstances in which this power can be removed, either by a parliament through a vote of non-confidence, and/or by a president dismissing the prime minister and cabinet. However, institutions depend on formal and/or informal acknowledgement of their scope and limits of authority vis-à-vis other institutions, in order to act in effective complementarity with each other. This balance of interaction and independence becomes more complex when the framework of state institutions is expanded to include independent oversight institutions.

Drawing particularly from the Australian experience, MacMillan (2013), then Australian Information Commissioner and thus head of an independent oversight institution, argues that independent oversight institutions must be independent of both the executive and the legislature:

"a special feature of ombudsman offices is their statutory independence from parliament and the executive."

MacMillan goes on to assert that the creation of independent oversight institutions - in this case the Australian federal ombudsman - reflects a transfer of power from parliaments to these new bodies:

"It involved a marked departure from traditional means of accountability, which focused on the role of parliament."

MacMillan argues that the substantial autonomy granted to the Ombudsman effectively precludes any control from parliament - appointed for a term of up to seven years and subject to removal only by the vote of both chambers of the Australian parliament. MacMillan lists four characteristics that render the institutions independent; power to investigate government administration; the inability of government to direct their work; the possibility of publishing their findings; and, statutory powers to conduct investigations.

MacMillan makes a strong case in emphasising the autonomy of institutions from parliament, so that institutions cannot be hampered in carrying out their work by parliamentarians, who may wish to protect interests, either of a government majority of which they are part, or of a mentor such as a powerful business interest. Protections indeed must be in place to avoid this type of inappropriate interference.

However, it is important to unpick the key issue of operational autonomy - which can be secured by an appropriate legal and regulatory framework - from the equally crucial question of reporting and follow-up mechanisms.

Except in the case of oversight institutions that have quasi-judicial powers and thus the ability to independently pursue issues, it is crucial that an oversight body independent from the government - the object of oversight - is responsible for following up on the findings and reports of independent oversight institutions to ensure that they are properly responded to, and addressed by government. Otherwise, the accountability circle remains unclosed. *In other words, unless there is a core state institution - parliament or judiciary - responsible for following up on an oversight institution's work, there are effectively no sanctions if government does not take an oversight report and reform recommendations seriously.*

Figure 3: Closing the accountability cycle



can oversee the electoral process. It has the disadvantage that institutional politics can become highly politicised with a negative impact on the functioning of the institution. This has been the case in Tunisia, for example, with the independent oversight institution responsible for the prevention of torture. Nomination by the different branches of the state has benefits in ensuring cross-institutional representation, but can exclude minority perspectives.

The professional expert model of representation can be appropriate where the institution's mandate is quite technical, but a) can reduce the oversight impact if the relationship between the institution's officers and the sector being overseen is too close, and b) sometimes expert perspectives are not necessarily neutral and can include a bias towards particular points of view.

VI. Formal autonomy, informal control

One area where continuing frictions occur between nominal autonomy and practical undermining is in the financing of oversight institutions. As will be discussed in the Tunisia case study. After the Revolution of 2011, the new democratic constitution created five new oversight institutions, and subsequently a number of other 'non-constitutionalised' independent oversight institutions¹¹. However, the oversight institutions argue that government has tended not to provide enough resources to enable those institutions to function properly¹²; to date, institutions have been allowed to mobilise resources from external donors and thus carry out their work, but this is subject to levels of donor interest as well as the ever-present possibility that government will proscribe the financing of agencies and NGOs from outside the country. The association of independent institutions of Tunisia is arguing for the clarification of their budget autonomy through the inclusion of a specific chapter in the national budget law¹³.

Another issue can be the nomination of members of the officers and boards of independent oversight institutions. There are three broad models;

- Members can be elected by parliament taking into account the political balance of forces;
- Members can be nominated by different branches of the state (presidency, government, legislature and judiciary);
- Members may be nominated by particular interest groups (for example, relevant professional associations, or confirmed experts in the institution's field of work);
- Sometimes the models are combined.

Each model has advantages and disadvantages; different examples are provided in the comparative case studies in the next sections. The first, political, approach has the advantage that it broadly reflects the political composition of the electorate. In the case of elections management institutions, for example, this ensures all actors are represented and

4. Country case studies

This section surveys the different structures for independent oversight institutions in a number of countries. There are detailed explorations of three national approaches: Canada, Tunisia, and South Africa. Canada was selected because it has one of the most comprehensive structures of independent oversight institutions, Tunisia was selected as the structure of independent oversight institutions was defined in the 2014 constitution and is in the process of implementation.

South Africa was selected because after the end of apartheid and the development of a democratic system, independent oversight institutions were explicitly established as a means to anchor and reinforce democratic practices, with a focus on rights and representation. The structure of independent oversight institutions in four further countries: Greece, Germany, Ukraine, and the United Kingdom are then briefly addressed to provide further comparison.



Youth Who Lead conference in Uganda, 2019
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A. Canada

Canada's governance system is based on a federal state, with 10 provinces and three territories, and a clear delineation of powers between the federal government and the provinces. The country has gradually evolved from a classic Westminster type model towards a more hybrid system including the constitutional entrenchment of rights and freedoms. While the country's effective independence was assured through the British North America Act of 1867, the country 'patriated' its Constitution only in 1982, after long and fraught negotiations, particularly involving the Province of Quebec, the two main language groups, as well as the First Nations people, many of whom had signed binding treaties with the Crown that gave them certain inalienable rights. This patchwork of rights holders has led to a particular set of independent oversight institutions at both the federal and provincial levels. For the purposes of this study, we are considering only the federal state's independent oversight institutions, although it is important to note that powers are quite extensively devolved in Canada, and in many cases, there are parallel independent oversight institutions (for example, Supreme Audit Institutions and human rights commissions) that are responsible for carrying out their mandates in areas of provincial jurisdictions¹⁴. Independent oversight institutions are not constitutionalised in Canada; their status is established through specific pieces of parliamentary legislation for each institution.

Canada has developed a system of 'Officers of Parliament' -independent parliamentary offices - that has gradually been expanded. Up until 2006, there were five independent oversight institutions that reported to parliament:

- Office of the Auditor General
- Office of the Chief Electoral Officer
- Office of the Commissioner of Official Languages
- Office of the Information Commissioner
- Office of the Privacy Commissioner of Canada

As one of the new government's commitments to respond to corruption scandals that had helped to defeat the previous government in elections in 2005, an Accountability Act was passed in 2006, that eventually resulted in the creation of the following five new accountability institutions reporting to parliament:

- The Commissioner of Lobbying, which replaced a Registrar of Lobbyists as a fully independent office with greater investigative powers
- The Parliamentary Budget Officer, which provides Parliament budget analyses, financial assessments and projections, and national economic trends
- The Public Sector Integrity Commissioner, which supports whistle blowers and provides them protection against retaliation
- The Office of the Procurement Ombudsman which addresses complaints about government procurement processes and practices
- The Conflict of Interest and Ethics Commissioner, a somewhat different type of Officer, responsible for administering the Conflict of Interest Code for Members of the House of Commons

There is no specific anti-corruption institution; in fact, this is the norm in most established democracies, where the regular policing and judicial system is believed to be sufficiently robust to deal with corruption. Having said that, several recent federal governments have fallen as a result of corruption allegations involving the misuse of power to secure illicit benefit for holders of power or political parties (Juillet & Phélippeau, 2016). As discussed below, the Auditor-General's Office has played an important role in uncovering government malfeasance.

The Parliamentary Budget Office (PBO), has some limited parallels with the Congressional Budget Office in the United States. The mandate of the PBO, which was originally created in 2006 as a position within the Library of Parliament, is to provide external objective analysis on the government's budget, fiscal analyses and related economic forecasts and projections.

Quite early in the mandate of the new PBO, in 2011, the new institution asserted its autonomy and willingness to stand up to government when it strongly contradicted government projections on the cost of purchasing new fighter jets for the country's armed forces. The discrepancy in the estimates was large - the PBO estimated CAN\$29 billion versus the government's CAN\$9 billion. The disagreement on this issue set the tone for a series of increasingly sharp contradictions. During Canadian elections held in 2015, the Liberal Party that was victorious in the election committed to reinforcing the powers and independence of the Parliamentary Budget Office by making it a fully-fledged Office of Parliament, which it did through legislation in 2017¹⁵.

The expansion of the number and differentiation of roles of the independent parliamentary institutions was undertaken at least in part as a means to rebalance powers between the executive - which has historically been powerful in Canada due to party discipline and the first-past-the-post electoral system - and the parliament, especially in light of recurring scandals regarding the abuses of power that have brought down three governments in the past 25 years. By empowering parliament through independent oversight institutions with the powers and resources to effectively monitor government behaviour, as well as provide recourse to citizens in various areas, oversight of government has been greatly enhanced.

B. Tunisia

Tunisia established a democratic polity for the first time in its history following the revolution of 2011 that launched the Arab Spring. Prior to the revolution, the country did have some theoretically independent oversight institutions, including a Supreme Audit institution (Cour des Comptes) as well as a national human rights council, and an institution for the protection of personal information. However, with a highly authoritarian regime, these institutions were not able to play a truly independent role.

The pre-revolutionary Cour des Comptes was an interesting example. The institution was relatively well known on the international level as having a capable and competent staff, and was one of the more active bodies in regional and global supreme audit institution associations. By all accounts, the examination of state accounts¹⁶ was carried out diligently. However, the performance audit reports of the SAI were not made public. This effectively enabled the ruling group to hide their financial wrongdoings (the World Bank estimated that up to one third of private sector profits were captured by the ruling family and its close circles). At the same time, the evidence collected by the SAI could prove very useful in the event that certain actors fell out of favour with the regime, and would therefore be subject to investigation for corruption. This use of the work of nominally independent oversight institutions, especially those with an investigatory role, to settle scores, is a risk in all non-democratic and partially democratic states.

Immediately following the revolution that took place in January 2011, the interim authorities began establishing a new set of independent oversight institutions. One of the first such bodies was a Commission established in order to track down and help seize the illicit assets of the former regime and its cronies¹⁷¹⁸. An independent elections body was established with members nominated by the multi-stakeholder temporary legislative council¹⁹ that was established in order to write a temporary constitution and organise the country's first free elections. Another institution was set up to oversee the audio-visual communications sector, something deemed as important during the election campaign.

In October 2011, free elections were successfully held, that resulted in the election of a multi-party constituent assembly that would act as both the country's parliament and as the constitution-writing body. In addition to writing the constitution, the Assembly continued to develop the system of independent oversight institutions, both those to be inscribed within the country's constitution, and established through legislation. The most significant of the latter group has been the Truth and Dignity Commission (IVD), which was charged with documenting the crimes of the authoritarian regimes that had ruled Tunisia since independence. This highly controversial body, established in 2013, eventually finalised its report, after hearing testimony from hundreds of regime victims, in late 2018.

The Constitution that was eventually adopted in January 2014 created five independent oversight institutions, called 'Instances' in French, that are the subject of a specific chapter, chapter 6, of the constitution, following the South African model described below. These five institutions - called *instances* in Tunisia - are the independent elections body, the audiovisual communications instance, the human rights instance, the anti-corruption authority, and an institution for sustainable development and future generations. The Cour des Comptes, the SAI, is part of the judiciary following the Napoleonic model on which the Tunisian governance system is mainly based, and is defined elsewhere in the Constitution²⁰.

In the case of four of the five bodies, the new Instances would replace existing bodies established either before or after the revolution. The fifth body, on sustainable development and future generations, is entirely new.

Parliament is responsible for passing an organic law defining exactly the attributes of each body within the constitutional framework, for electing the members of each institution, and for receiving, debating, and acting upon the reports of each institution.

In practice, the process of establishment of the institutions has been very slow. Although not specifically required by the

constitution, the detailed scrutiny of the legislation governing each body has been delegated to the relevant parliamentary committee, as in normal parliamentary practice.

Tunisia's political system and parliament is highly competitive, with no party winning a majority in either of the two national elections that have been held since 2011, both organised on the basis of proportional representation. In fact, no party has won more than 37% of votes in either election. Further, no stable governing coalition has existed, and one of the main parties has fractured, making decision-making a slow and often painful process of negotiation and compromise. The process of nomination of the members of the different bodies has been equally difficult, with protracted debate around the proposed candidates, based largely on their real or perceived affiliation to one or other of the political forces in the country. The fracturing since 2016 of one of the two main political parties has made the search for compromise candidates even more difficult, as each of the various factions that emerged from the former governing party has ambitions to have its preferred candidates elected to the independent bodies by the parliament.

As of April 2019, none of the five permanent independent oversight institutions had been created. Two are in the process of election by parliament of the first board members, and the laws for two others are still in the process of legislative drafting and discussions, while the fifth one (the elections commission) has no draft law at all. However, given the existence of provisional bodies or bodies existing prior to the revolution (except for the sustainable development and future generations body), this has not stopped those interim bodies from continuing to do their work. In several cases the attributions and modes of work are likely to be quite similar for the formally constitutionalised bodies.

In addition to the constitutionalised bodies, Tunisia has also established a growing number of independent oversight institutions established through organic law. These include but are not limited to bodies governing access to information, on the prevention of torture, and on the prevention of human trafficking and slavery. Pressure to create these bodies has come from different parts of Tunisia's active civil society, as well as encouragement from the international community. A major issue for both the constitutional and non-constitutional bodies has been inadequate budgets provided by the state for operations. In some cases, the budgets are derisory and insufficient to carry out even a basic programme of work. In most cases this lack of budget has been addressed through donor funding, but this raises questions regarding national sovereignty and national ownership and control of the institutions.

One question that remains to be resolved is the relationship between parliament and the institutions, especially in regard to studying, debating, and acting upon the reports of the institutions. In the case of the elections authority, this occurred according to the statute after the national elections of 2014, however the other institutions have not been in place long enough to have reported to parliament.

While it is early to know how effective the system of instances will be, the current picture is mixed, as might be expected. The conduct of elections organised by the independent elections authority has received general acclaim inside and outside the country. One major issue that arose was a conflict between the provisional instance overseeing audio-visual media, the HAICA²¹ and the country's largest television network, Nessma. Nessma is viewed as being close to the Tunisian president, and during the 2014 election, HAICA ruled that its coverage was unlawfully biased towards his candidacy²². Nessma openly dismissed HAICA's complaints and authority, and a long standoff ensued on various regulatory issues, including the chain's refusal to register according to the current law. However, in April 2019, HAICA's decision to halt broadcasting for these breaches was enforced²³, and as of May 2019 the station backed down and agreed to register according to the law²⁴. The capacity of the HAICA to assure compliance with its rulings in the face of opposition by powerful business and political forces may indicate institutionalisation of the independent oversight institution, though Nessma²⁵ and some commentators²⁶ argue that the sudden action arises from a dispute between the country's President and Prime Minister. Overall the fact that the Tunisian democratic transition continues to evolve peacefully through multiple democratic elections means that is a success, especially in comparison to all of the other 'Arab Spring' countries. The establishment of the independent oversight institutions also entrenches the principle of state accountability. However, questions have been raised as to whether the large number of independent oversight institutions (at least ten) is really sustainable for a small state such as Tunisia. In the case of human rights related institutions, there are three with overlapping jurisdictions; the proposed human rights instance, the instance for the prevention of torture, and the instance against human slavery.

The relationships of the instances to parliament is defined in law, but in practice it is too early to say how synergistic the relationship will be. Where many relationships between independent oversight institutions and parliament fail, is in parliament seriously debating and following through on the reports of the instances; in Tunisia, apart from ISIE, none of

the constitutional instances (or their interim bodies) has yet presented a report. Support to strengthening the interaction between the instances and the parliament - particularly the relevant parliamentary committee - will be helpful in modelling a constructive and productive follow-up from the beginning; practices which can be replicated as new instances come on board.

C. South Africa



South Africa developed its constitutional system and independent oversight institutions following the end of apartheid in 1994. The drafters of the constitution were conscious of the importance of checks and balances to power, and also wished to foster a rights-based society (Murray, 2003). These factors led South Africa to create what are known as 'Chapter Nine' institutions within the constitution. These are comprised of the Public Protector, the South African Human Rights Commission, the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (the CRL Commission), the Commission for Gender Equality (CGE), the Auditor-General and the Electoral Commission. The public protector (essentially a human rights ombudsman) and the Auditor General had existed under the apartheid regime, and their continuation was one of the outcomes of the transition dialogue.

Article 181 of the 1996 South African Constitution clearly establishes the independence of these bodies, as well as their relationship with parliament:

- (2) These institutions are independent, and subject only to the Constitution and the law, and they must be impartial and must exercise their powers and perform their functions without fear, favour or prejudice.
- (3) Other organs of state, through legislative and other measures, must assist and protect these institutions to ensure their independence, impartiality, dignity and effectiveness...
- (5) These institutions are accountable to the National Assembly, and must report on their activities and the performance of their functions to the Assembly at least once a year.²⁷

Members of the institutions are chosen by parliament, through a committee in which the parties are proportionately represented. The National Assembly adopts the nominations resolution with at least fifty percent of its members, and in the case of the Public Protector and the Auditor-General, by at least 60% of members. However, given that the ruling African National Congress held over 60% of parliamentary seats in all elections until 2019, nominations do not require cross-party support to succeed (Oxtoby, 2014). Further, there is an expectation that the membership of the Chapter 9 institutions should be broadly representative of the diversity of the South African population. Murray (2003: 26) identifies

three characteristics of the independent oversight institutions:

- Although they are state institutions, they are outside government; they are not “a branch of government”.
- Like the courts, they are expected to be independent and impartial.
- To differing degrees, they are “intermediary institutions”, providing a link between people on the one hand and the executive and Parliament on the other.”

De Vos (2013) outlined the balance that needs to be struck between operating autonomy on one hand, and accountability to ensure impact, on the other:

“The independence of Chapter 9 institutions must be understood against the countervailing constitutional imperatives requiring cooperation between these institutions and other state organs and establishing the National Assembly as the body to whom these institutions account.” (De Vos, 2012)

Writing in 2003, nearly ten years after the adoption of the constitution, Murray found the Chapter 9 institutions pertinent for various reasons, including as protection for citizens where government fails to respect citizen rights due to inexperience of the bureaucracy; and as a balanced and sober second thought given the dominance of the ruling elites.

In 2006, the National Assembly appointed an ‘Ad Hoc Committee’ to examine the work of the institutions over the previous decade²⁸. The committee, reporting in 2007 (Parliament of South Africa, 2007), identified a number of issues (De Vos, 2013), including:

- Lack of clarity and inconsistency between institutions on the process for setting their operating budgets, and generally inadequate budgets;
- Over-politicisation of the nominations process;
- Access to government information remains inadequate with half of all access requests unanswered;
- Insufficient parliamentary engagement with the institutions, particularly in analysing and following up on institutions’ reports as part of the work of parliamentary oversight.

The main recommendation of the parliament’s Ad Hoc Committee was the merging of the different Chapter 9 institutions into an overall ‘super independent human rights institution’ whose stature would carry more weight than the current individual institutions, would be more administratively efficient, and act as a single point of entry for citizens. This reform was not implemented.

Several of the Chapter 9 institutions are specifically charged not merely with protecting citizens’ rights in the relevant domain, but also with *promoting* the relevant right(s). Therefore, the Human Rights Commission, the Gender Commission, and the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (CRL) all contain the word ‘promote’ in their mandates.

The Ad Hoc Committee found that in general the Commissions had not been very effective in the goal of promoting a human rights culture. In terms of reaching out to citizens, there has been a tendency to establish provincial offices of the institutions (as also appears to be the case in Tunisia). The Ad Hoc committee was somewhat critical of this approach, arguing that it would be better to use new technologies to communicate and engage in dialogue with citizens. The Committee found that links with civil society were generally inadequate and should be reinforced.

The role of the Chapter Nine institutions has come under particular scrutiny over the past decade, as the South African government has faced numerous accusations of corruption and misuse of power during the former presidency of Jacob Zuma. The Public Protector, whose role includes investigating abuse of administrative power, took a central role in investigating and making public the large state expenditures made improving Zuma’s personal ranch (The ‘Nkandla’ case). Calland and Pienar (2016) found that the Protector was subjected to substantial interference and threats in carrying out her work, in contravention of the South African constitution, but that she did not back down. Zuma was forced to step down in 2018 before the end of his term, largely as a result of the series of corruption allegations he was facing.

One issue with Chapter 9 institutions that is shared with independent oversight institutions everywhere, is the extent to which its decisions are binding. In the case of the South African Human Rights Commission, for example, government institutions are required within sixty days to respond and indicate what actions, if any, are planned to address the recommendations (Mohamed, 2018). The South African courts have interpreted this requirement fairly strictly; that is, while findings of the Commissions do not have the force of law, they are binding on institutions unless the institution can explain logically why some or all of a recommendation cannot be implemented²⁹.

The unsatisfactory actions of the Parliament in the Nkandla case underlined the importance of the institutional autonomy provided to the Chapter 9 institutions in the South African Constitution. One of the President’s strategies to avoid accepting the Public Protector’s findings on his misuse of resources was to ask parliament instead to investigate. Parliament in turn referred the issue to the government which, perhaps unsurprisingly, absolved the President of wrongdoing. The courts dismissed this attempt to evade the findings of the Protector (Mohamed, 2018), again citing the constitutional authority of the Chapter 9 institution.

The South African case, like that of Tunisia, is highly relevant for countries in the process of democratisation, and designing and implementing accountable state structures. In both countries, the independent institutions have had some demonstrable impact, while there remain a number of barriers to their full institutionalisation.

One common feature of the two countries, and indeed of all countries undergoing democratisation, is that simply creating institutions does not make them effective. They must be situated within a functional power structure in which their decisions cannot simply be ignored by those in power. This means being simultaneously autonomous, and having the institutional authority and legitimacy for their decisions to be respected and acted upon. In both countries, the role of parliament, while formally important as both the nominating body and the reporting body, has often been inadequate, with little action taken to study and follow-up on the institutions’ work.

D. Summary descriptions of other country oversight frameworks

In the remainder of this section, we look briefly at four further countries’ independent oversight frameworks; Greece, Germany, Ukraine, and the United Kingdom.

Greece

Article 101a³⁰ of the Greek Constitution prescribes that for any independent oversight institution, “its members are appointed for a specified period of duty and are abided by personal and operational independence”. Further, the selection of staff for these institutions shall be “made according to the ruling of the Board of Parliament Chairmen [a body comprising of, among others, all chairs of parliamentary committees and of parliamentary groups], with unanimity if possible”, or otherwise with 4/5 of the votes; and that this staff should be suitably qualified. Members of such institutions are, by law, treated as civil servants of the highest category and can only be dismissed because of health reasons or because of criminal proceedings³¹. Five independent specialised institutions are provided for by the Constitution: these are the Data Protection Authority, National Council for Radio and Television, Hellenic Authority for Communication Security and Privacy, the Supreme Council for Public Sector Personnel Selection (responsible for the recruitment of civil servants), and the Ombudsperson³². This list is not exhaustive and other non-constitutional institutions can and do exist.

Germany

The Federal Court of Audit is an independent oversight institution established by the Basic Law³³. Other independent oversight institutions include the Federal Personnel Commission³⁴ and Federal Commissioner for Data Protection and Freedom of Information³⁵, as well as several institutions like the Federal Competition Office³⁶ that are “assigned” to one of the ministries, in ways similar to the arm’s length-bodies in the UK.

Ukraine

The Ombudsperson, the Accounting Chamber³⁷ and the National Television and Radio Broadcasting Council are the only independent institutions mentioned in the Constitution³⁸, although others, like the National Anti-Corruption Bureau³⁹, exist in practice.

United Kingdom

The United Kingdom was an early mover in establishing independent or ‘quasi-independent’ bodies to administer or oversee aspects of governance. However, the concept of independent institutions is less widely used as in some other countries, with the terms Quango and non-departmental public bodies being more widely used, with a tendency in recent years for the term non-departmental public body to be used at the UK level.

These are divided into several types, namely executive (performing “executive, administrative or regulatory functions”), advisory, tribunal (having jurisdiction in specific fields of law - no new institutions of this type can be created), while some institutions do not fall into any of these types⁴⁰. Many of these bodies do not report directly to parliament or the judiciary and thus cannot be characterised as independent institutions. The British government is in 2019 conducting a



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Public Bodies Transformation Programme, reviewing these bodies for further reform aimed at improving efficiency, with the principle that new bodies should only be created as a last resort⁴¹.

The devolved parliaments of Scotland, Wales, and Northern Ireland have established a number of independent bodies in recent years. For example, the Scottish parliament has established the Scottish Human Rights Commission, whose members are nominated by, and provide reports to the Scottish Parliament⁴², a model closely following international practices. The Welsh parliament has also established independent bodies, although the parliament's nomination authority is weaker than in Scotland; for example the Children's Commissioner for Wales is to be appointed by the First Minister - the head of the Welsh government - after *consultation* with the Welsh parliamentary committees and Welsh children⁴³. Similarly, the Public Service Ombudsman of Wales is appointed by the First Minister after consultation with the Assembly rather than directly by the Assembly⁴⁴.

Key parts of the independent oversight framework for Northern Ireland have their basis in the Belfast Agreement, better known as the Good Friday Agreement of 1998⁴⁵, the peace agreement concerning the Northern Ireland conflict, that was signed between the British and Irish governments and most Northern Irish parties, and adopted by reference in both Northern Ireland and the Republic of Ireland. As part of the steps to build durable peace, the Good Friday Agreement provided for establishment of two new independent oversight institutions, the Equality Commission and the Northern Ireland Human Rights Commission. The Equality Commission is responsible particularly for monitoring and promoting the equality of all "irrespective of age, disability, race, religion and political opinion, sex and sexual orientation"⁴⁶, and "parity of esteem between the two main communities"⁴⁷. While the "sponsor department" of the Equality Commission is the Executive Office of the Northern Ireland government, the members of the Commission are appointed by the UK Secretary of State without formal requirement of input from the Northern Ireland Assembly⁴⁸.

5. Comparing Independent oversight institutions by sector

Although different countries have chosen to institutionalise national accountability systems in different ways, the ways in which independent oversight institutions operate is also strongly influenced according to the type of institution.

Therefore, this section compares the mandate, structure, functioning and challenges of independent oversight institutions in three specific areas; Supreme Audit Institutions, Anti-corruption bodies, and human rights institutions. In each of the sectoral studies, an overall description of key factors is followed by a number of country case studies focussing on that particular sector.



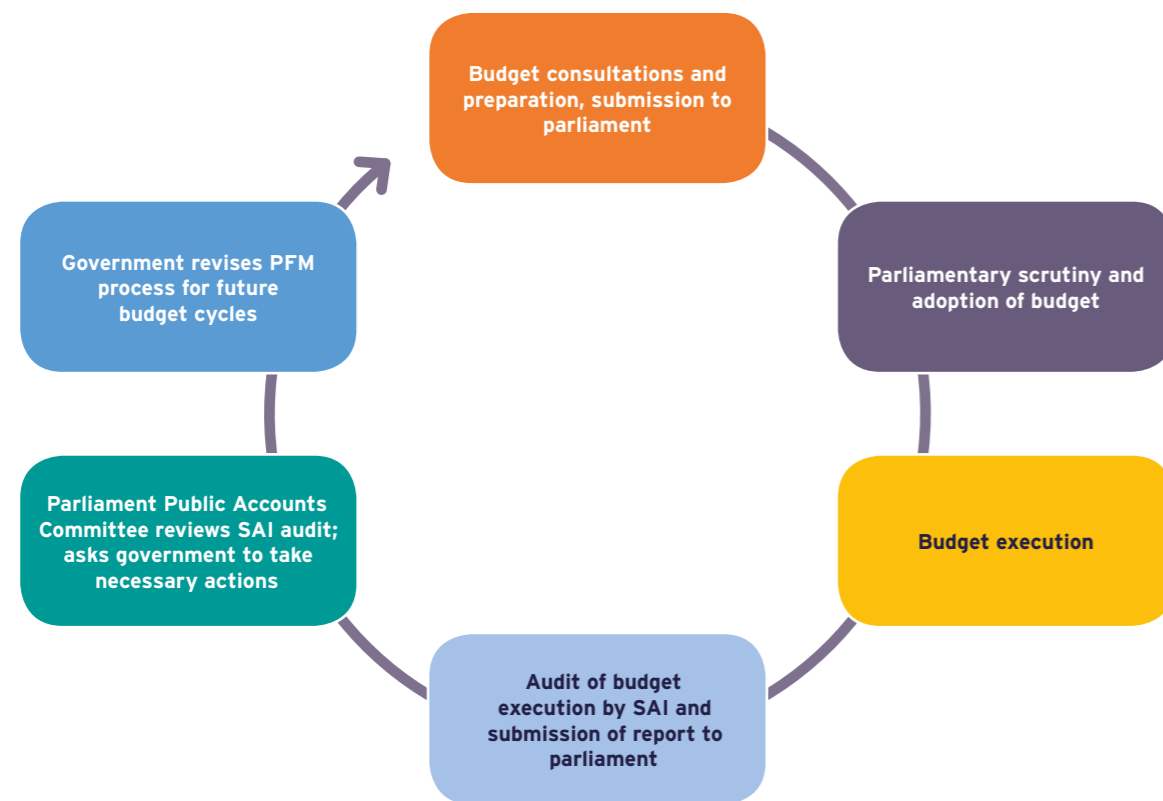
Entry hall to the UK National Audit Office in London

A. Supreme Audit Institutions

Supreme Audit Institutions (SAI) are the oldest of the independent oversight institutions. Some historians argue that SAI's have their origins as far back as ancient Egypt⁴⁹, where two independent scribes recorded public accounts to ensure accuracy and honesty in reporting. The concept of public controller dates back to ancient Greece⁵⁰. In more modern times, the British Comptroller and Auditor General office was created by an Act of Parliament in 1866. This Act remains in effect to the current day⁵¹. The birth of the modern Supreme Audit Institution also coincided with the first parliamentary Public Accounts Committee, created in the Westminster parliament in 1861⁵².

The 1866 Act "established a cycle of accountability for public funds"⁵³. That is, a budget is proposed by the government. It is submitted to parliament for scrutiny and adoption. The government is thus authorised to execute the budget in accordance with the details of the law. After the end of the fiscal year, the supreme audit institution reviews the internal accounts of the government. It submits its evaluation and recommendations for the parliament to follow-up and, using its powers of oversight, ensures that government makes the necessary changes to strengthen the public financial system for future budget cycles.

Figure 4: Virtuous cycle of budget enhancement



There are three main models for Supreme Audit Institutions. The first, derived from the Westminster model and adopted by parliaments within the Commonwealth and beyond, is the Auditor General system. The Auditor General is primarily focused on the accuracy and robustness of the budget management. Although the Auditor General can submit issues to investigatory authorities, the main objective is to shine light on inadequacies and to submit recommendations to government, via parliament, for enhancing PFM systems (Stapenhurst & Titsworth, 2001). The Auditor General is typically chosen by parliament, and is classed as an 'Officer of Parliament'.

The second major system for Public Financial Management audit and oversight is found in countries with a Napoleonic civil law tradition. In fact, an audit chamber was established as early as the year 1320 in France, and transformed to an Audit Court by Napoleon in 1807⁵⁴. In this system, the Supreme Audit Institution is part of the judiciary, where a specialised judicial financial chamber, a *Cour des Comptes* or *Chambre des Comptes* is responsible for reviewing the government's accounts.

Typically, the SAI submits a judicial declaration of compliance with the budget law⁵⁵ along with a performance audit report with recommendations to parliament. Parliament has the responsibility both to review the performance report, and then decides whether to close the year's accounts by passing a financial discharge act of parliament, the *Loi de règlement*.

The third system is known as the Board system⁵⁶. The Board system, which is most common in Asian countries, consists of an independent Board of Auditors who review all public expenditures and provide a report to cabinet, which then transmits the report to parliament for review. In Japan, for example, the three-member Board is proposed by the government to the parliament for election⁵⁷. The system has some advantages over the Westminster system, because parliament's own expenditures are scrutinised, whereas in some Westminster-type cases there is no mandatory external audit of parliamentary expenditures.

Although the constitutional systems governing Supreme Audit Institutions are quite different, especially between the Westminster and Board systems on one hand, and the judiciary-based Napoleonic systems on the other hand, in practice the basic objectives of the systems are quite similar, derived from the aim to enable continuous improvement of the budgetary system through its cyclical process. Another factor that fosters harmonisation is the existence of an active global association of SAIs, INTOSAI⁵⁸ which includes members from all types of SAI, as well as a number of parallel regional bodies across the world.

The independence of SAIs is obviously essential for their effectiveness, and in most countries with written constitutions, this independence is guaranteed in the constitution. For example, the position of the Comptroller and Auditor General in Ireland - whose governance is based largely on the Westminster system - is guaranteed in Article 33 of the Irish Constitution. One significant change in recent years is a move towards performance, or value-for-money auditing. Previously the main focus was on a) financial auditing, in other words verification that record-keeping was accurate, and b) compliance auditing - that expenditures were made according to the relevant regulations and in line with the categories voted by parliament in the budget. INTOSAI defines performance auditing as an "audit which is concerned with the evaluation of economy, efficiency and effectiveness of the public sector"⁵⁹. Performance auditing is an important tool to go beyond a superficial compliance check that may not uncover problems with the efficacy of programme delivery even where accounting systems are adequate.

At the same time, performance auditing demands much more sophisticated metrics for monitoring and measuring efficiency, requires interpretive skills to assess 'what really happened' in programme implementation⁶⁰, and can also easily overflow into an overall (re)contestation of the justification for programming decisions. Performance auditing thus introduces a much more complex, and sometimes contestable approach⁶¹. The first priority should be to ensure that the basics of compliance auditing are in place.

As illustrated in the chart above, parliament has an important role within the budget cycle. At a minimum, parliament has two major roles: 1) it scrutinises the budget and budget estimates received from government, and then votes on the budget, and 2) it reviews the audit report from the SAI, closes the financial accounts for the year (in the Audit Court system), and follows up with government to ensure the study and implementation of recommendations for enhancing public accounting. Some parliaments also play a role at the beginning of the budgetary cycle, holding consultations with citizens on a budget perspective document produced by the executive⁶².

Normally, parliament also receives within-year reports from government, typically quarterly, which should be reviewed by the Public Accounts Committee (Westminster systems) or Finance Committee for early identification of discrepancies. Finally, parliament may request special reports from the SAI on issues of concern to MPs, and/or government or the SAI itself may launch investigations on specific issues, with reports submitted to parliament.

As an example, Canada's federal auditor-general as well as its provincial counterparts carried out a special collaborative enquiry on the economic, social, and environmental implications of climate change. The enquiry particularly focused on programme effectiveness in relation to the targets. Their report, released in 2018, found that Canada had missed key international targets on climate change and that "Overall, we found that actions taken by governments to date to address climate change across the country have fallen short of the governments' commitments. This report identifies a number of key issues that exist in many jurisdictions across the country and provides critical questions that may be useful to consider as governments across Canada move forward on their climate change commitments."⁶³ The report became a core document for parliamentarians and activists working to combat climate change⁶⁴.

I. Ireland

On independence from Britain, Ireland inherited the Comptroller and Auditor General (CAG) system that was put in place by Westminster in 1866. Ireland's first independent constitution of 1922 constitutionalised the CAG, and the 1923 Comptroller and Auditor-General Act provided for Ireland's parliament, the Dail, to appoint a CAG, and otherwise maintaining the dispositions of the British Act. The legislation was updated in 1993, while continuing to be based on the 1866 legislation. In line with other Westminster-inspired parliaments, the main interface with the Irish Dail (lower house) is the Dail's Public Accounts Committee (PAC), which is by tradition chaired by a member of the main opposition party. Government ministers cannot be members of the Irish parliament's PAC.

In common with most SAIs, the Irish Auditor General has gradually extended its work into broader questions such as value for money and sustainability, and has enquired into many of the most controversial governance issues in Ireland during recent years.

In the late 2000s, the Irish economy was badly hit by the failure of a number of financial institutions, requiring the state to launch large bailouts, and requiring special assistance from the European Union and the International Monetary Fund. Major cutbacks had to be made in public services along with increases in taxation. Large public demonstrations were held in the capital Dublin and elsewhere, demanding explanations for how regulators could have allowed Irish banks to risk submerging the entire national economy⁶⁵.

As the scale of the crisis became clear, the Auditor General launched an investigation into what had gone wrong in the government's regulatory framework⁶⁶. The report was tabled in the Irish Parliament on 22 December 2009. In the face of revelations in the report and a subsequent public inquiry into the scandal, the Irish government completely reorganised its system of financial regulation, abolishing the discredited independent Financial Regulator role and bringing it under the Central Bank of Ireland. The Public Accounts Committee conducted numerous hearings with the different actors during 2010, carrying out oversight as the system was being overhauled. They then returned to the same topic three years later to conduct a retrospective analysis of what had been done; in general, the reform actions required had been taken by government, and Ireland was beginning to emerge from its financial crisis and regain economic stability and growth⁶⁷. Another controversy in Ireland relates to the financing of the domestic water supply system. For many years, Ireland lacked a properly funded system for the public maintenance of water and sewage infrastructure, as consumers were not billed for usage. The result was a gradual degradation in the water supply including frequent water supply interruptions, large scale water losses through leaks of up to 40% of the total water supply, as well as some cases of sewage leakage and risks to public health⁶⁸. The CAG noted in 2010 that the lack of maintenance actually resulted in higher long-term costs because of the losses through leakage⁶⁹.

As a result of the degradation of service and the need to ensure better financial accountability in light of the international bailout of the country due to the financial crisis discussed above, a new state-owned but privately structured enterprise, Irish Water, was established to take over the infrastructure and implement a billing system.

The reformed system involved households paying for water usage as of 2014, which had not previously been the case. The change resulted in considerable public unrest and was taken up by some political parties as a major campaigning point⁷⁰. Irish Water officials were called to testify in front of the Public Accounts Committee⁷¹, although because of the arms-length character of the organisation, the CAG was not able to carry out an audit of the company. The limits of the scope for SAI review of state, semi-state, and public-private partnership (PPP) activities has become a matter of debate in many countries in recent years, as services that were once delivered by the state, but which still operate as monopolies, are now delivered by arms-length or private companies, but often without the same level of public financial scrutiny. Members of the PAC argued that Irish Water should be brought under the remit of the CAG, so that a proper public audit of its funds could be carried out. The debate regarding the appropriate level of SAI and parliamentary scrutiny of Irish Water was continuing through 2019. In early 2019, the Auditor General argued that due to changes in the legal status of Irish Water, it could come under his audit remit⁷².

The interactions between the CAG, the PAC, and the government in Ireland demonstrate the continuing negotiations and developing norms being established between Supreme Audit Institutions and parliament through its PACs. The combination of strong technical capacity of the SAI, with the political and public representation role of PACs, provide a basis for effective oversight.

II. Canada

Canada's system of oversight institutions is one of the most robust in the world. In particular, the Auditor General, an Officer of Parliament, works very closely with an empowered Public Accounts Committee to provide rigorous oversight of government finances. However, the Auditor General's Office (OAG) has expanded its remit well beyond purely financial issues, addressing among other questions, matters as diverse as inappropriate sexual behaviour in the Canadian Armed Forces⁷³, and the effectiveness of employment training for Canada's indigenous peoples⁷⁴. The Auditor General's regular reports, published twice per year, are eagerly awaited by media and political opposition parties alike, as they consistently reveal weaknesses in governance that can be used to question the government's competence.

The extension of the Auditor General's mandate beyond strict financial accounting began in 1977 when it became responsible for performance auditing: assessing government programmes for "economy, efficiency, and environmental impact". A further expansion of the mandate took place in 1995 when the Commissioner of the Environment and Sustainable Development was created under the OAG, responsible for providing parliamentarians with objective analysis on issues related to the environment and sustainable development, receiving petitions on environmental and sustainable development issues, and ensuring the relevant minister responds within 120 days⁷⁵.

The Auditor General has been a key actor in a number of major investigations into misconduct within the Canadian government. Perhaps the best-known example was the so-called 'sponsorship scandal' of the early 2000s, in which the then Auditor General Sheila Fraser uncovered a scheme whereby PR companies were engaged to work on government publicity campaigns, and subsequently made large donations to the ruling party of the time. Fraser's report pulled no punches: "We found that the federal government ran the Sponsorship Program in a way that showed little regard for Parliament, the Financial Administration Act, contracting rules and regulations, transparency, and value for money. These arrangements - involving multiple transactions with multiple companies, artificial invoices and contracts, or no written contracts at all - appear to have been designed to pay commissions to communications agencies while hiding the source of funding and the true substance of the transactions."⁷⁶

The OAG's 2004 report estimated that approximately \$100 million of taxpayer resources had been given to companies with little or no services provided in return⁷⁷. The scandal was a major factor in the defeat of the then ruling party in subsequent federal elections, and a major independent enquiry, the Gomery Commission, was ordered to investigate the scandal and propose governance reforms to ensure that the scandal could never occur again.

The Auditor General's reports provide a solid factual basis for members of the Public Accounts Committee to interrogate government on performance issues. One example concerned the Phoenix project, a pay system that was designed to simplify, centralise, and automate federal government payroll systems. However, the CAN\$500 million project did not work properly, and the Auditor General estimated that it would cost more than the original project cost to fix it⁷⁸. The Public Accounts Committee interrogated senior government officials about the decision-making flow, and went on to argue that there were systemic problems in government decision-making for large projects such as this.⁷⁹

The Canadian government oversight and accountability system, involving both an effective and a strong SAI is an example for many other countries. A former chair of the PAC went on to found the Global Organization of Parliamentarians Against Corruption (GOPAC)⁸⁰, which has chapters around the world. The Auditor-General's Office is also engaged in extensive support to strengthening counterparts globally, including offering a long-term, 10-month internship programme for public auditors in developing countries.

B. Anti-Corruption institutions

While Supreme Audit Institutions exist across the world and are responsible for auditing public finances, in the past two decades, particularly in emerging democracies, there has been a rapid growth in standalone anti-corruption institutions with a broad mandate to combat corrupt practices in the public and private sectors. This growth derives from a number of factors including 1) the growing awareness of anti-corruption as a major problem in numerous countries around the world, and 2) the institutionalisation of anti-corruption action through international treaties and conventions such as the United Nations Convention against Corruption (UNCAC). UNCAC requires signatory countries to establish independent anti-corruption bodies (OECD, 2013).

Corruption is a broad topic, with a variety of different aspects, as well as a number of different definitions. Corruption can be broken down into a number of categories

The OECD states that anti-corruption bodies typically focus on one or more of the following aspects of anti-corruption work

- a. investigation and prosecution;
- b. prevention;
- c. education and awareness raising;
- d. coordination; and,
- e. monitoring and research.

There are different types of anti-corruption agencies including multi-purpose agencies with both preventive and law enforcement powers; preventive and policy coordination institutions, and law enforcement agencies and similar enforcement bodies and preventive functions. Many countries have more than one anti-corruption body, each with different focuses. Anti-corruption agencies and institutions can be institutionally located in a number of ways, largely dependent on the focus of the institution. For bodies focused on identifying and bringing corrupt actors to justice, they may be located in the judiciary, or within the police or security service. They can be attached to a particular ministry, or indeed a ministry could be established with the sole mandate of anti-corruption.

Despite the prevalence of anti-corruption institutions and agencies, there is not unequivocal evidence that their presence leads to reduced levels of corruption or of corruption perception⁸¹. Worsening corruption perception could be for the positive reason that a higher profile of anti-corruption bodies leads to a greater awareness and reporting of corruption; in other words, anti-corruption agencies bring corruption out into the open where it can be combatted.

Some commentators claim that the creation of anti-corruption agencies is often an *alternative* to taking serious action against corruption. John Heilbrunn of the World Bank argued that:

“... an anti-corruption commission is a manifestation of a policymaker’s desire to renege on any stated commitment to reform. It is all too often nothing more than a token effort without the difficult reforms in procurement practices, financial management, internal and external audits, and conflict of interest laws necessary to improve public sector management and reduce corruption.” (Heilbrunn, 2004: 2)

Some research has found that high profile anti-corruption campaigns can lead to higher levels of corruption as they may propagate the view among citizens that all public authorities are corrupt and thus it is not abnormal or inappropriate for ordinary citizens to also behave corruptly⁸². New anti-corruption institutions may not be welcomed by existing actors such as the police and judiciary. They are frequently seen as competing with, complicating investigatory work, and drawing resources away from existing anti-corruption pillars. Further, there may be conflicting cultures and work approaches between the central state administration and the independent oversight institutions, so that even if both are interested in the objective of combating corruption, they may not agree on strategies, with the central administration often interested in longer term, less high profile work against corruption, while independent oversight institutions often tend to favour a more mediatised approach.

In comparison with the other case study institutions in this report, Supreme Audit Institutions and human rights institutions, the proportion of anti-corruption institutions reporting to parliament is quite low. One reason may be because parliamentarians are frequently viewed as a group which itself should be subject of anti-corruption investigations (because as decision-makers, they can be subject to corrupt payments to favour one side in their deliberations and decision-making). However, Heilbrunn argues that for anti-corruption institutions to be effective, it is essential that they should both

report to, and be overseen by multiple external bodies, including parliament, so that a) it is not possible for the executive to simply sweep the institution’s findings under the carpet, and b) to ensure that anti-corruption institutions are not instrumentalised to persecute political opponents (Heilbrunn, 2004: 15). The multiple roles that parliaments can play in supporting anti-corruption efforts is expanded upon by Stapenhurst et al., (2006) in a collection of essays published by the World Bank and Commonwealth Parliamentary Association.

The question of independence and autonomy is particularly complex in the case of state anti-corruption institutions. While political independence and neutrality is crucial, attachment to, and/or constructive working relations with state bodies dealing with corruption, including courts and the police, is essential for a successful institution; particularly those dealing with enforcement rather than coordination, communications, and capacity building.

The diversity of types of anti-corruption activities and objectives has led to a variety of different institutional arrangements for anti-corruption authorities, including various systems of accountability. In many countries there is more than one anti-corruption institution, each with a different mandate and reporting lines.

I. Lithuania

Lithuania is an example of a country with both a good track record of combating and reducing corruption more effectively than many other post-Soviet countries, while also having a complex system of institutions to combat corruption.

Shortly after independence in 1990, the country established the Special Investigation Service (acronym STT in Lithuanian) which originally reported to the Minister of the Interior. In 2000 a law established the STT as an independent oversight institution reporting to the President and the Seimas, the Lithuanian Parliament. The body carries out both anti-corruption investigations and anti-corruption communications and outreach campaigns. STT reports are considered and adopted by the Seimas on an annual basis. STT topical reports on specific corruption issues receive widespread media coverage. The anticorruption effort is framed through a law on prevention of corruption adopted in 2001 and an overall National Anticorruption Programme (NAP), which was adopted by the Seimas in 2002 and which is regularly updated. The NAP has three focus areas; prevention, enforcement, and civic education.

In addition to the STT, there are a number of other bodies dealing with aspects of the overall anticorruption strategy. These include the Chief Institutional Ethics Commission, which governs conflict of interest of high public officials, and which is comprised of representatives nominated by the main branches of the state and which reports to parliament. There is a government inter-ministerial committee coordinating the state’s anticorruption activities, a special anti-corruption office within the Prosecutor General’s Office, and specialised law enforcement units within the Ministry of the Interior. It is important to note that, although there are specific anti-corruption investigative mechanisms, cases that proceed to prosecution are dealt with through the normal court system, thus maintaining a universal justice system.

The overall structure is overseen, however, by the Seimas Anti-Corruption Committee, a committee of parliament. Based on Parliament’s normal oversight function, the SACC reviews all the reports of the different anti-corruption institutions, acts as the scrutiny committee for new legislation proposed that is relevant to the anti-corruption field, and makes recommendation to the plenary on these proposed laws. In this regard, the STT, as part of its mandate, reviews legislation for its anticorruption implications and these opinions are considered by the SACC as part of its own legislative reviews. The Seimas committee can also receive citizen complaints where citizens feel they have been unsuccessful in activating the normal government channels for addressing corruption.

Civil society does not have a formal role in the anti-corruption process, although informally there are regular exchanges and collaborations between the different anti-corruption state institutions and anti-corruption NGOs.

Lithuania’s model provides a balance between the necessity of allowing independent and neutral professional bodies to address corruption according to the law, while monitoring the overall functioning of the system, and overseeing the effective functioning of institutions that report to parliament, as well as the central government’s actions in the domain. This approach establishes an optimal role of parliament - there is a separation between the legislative and oversight process on one hand, which are the responsibility of parliament - and the executive function of government and of specialised state institutions such as the STT. Nevertheless, citizens continue to perceive corruption as an important issue within society that is not yet being fully addressed⁸³.

II. Slovenia

Slovenia has adopted a somewhat different approach to anti-corruption coordination, through the creation of a single supreme anti-corruption body, which has the status of independent constitutional institution. However, as in the case of Lithuania, there has been a shift in institutional location from an earlier body, the Office for the Prevention of Corruption, that was located under the Office of the Prime Minister, to one that is directly accountable to parliament, the Commission for the Prevention of Corruption (CPC), established in 2004⁸⁴.

Parliament has established a special parliamentary committee with the responsibility of coordinating with and following up on the work of the Commission. The members of the CPC are elected by parliament on the basis of nomination by the Slovenian presidency (president and vice-president of the CPC), the government (one member), the judicial council (one member) and the parliament itself (one member). In 2004, Parliament also adopted, by resolution, the National Anti-Corruption Strategy, that had been developed by the Office for the Prevention of Corruption, in preparation for the establishment of the Commission. After the Commission was established, the Office moved its institutional location under the Commission and became its Secretariat.

The CPC combines the roles of prevention, investigation, and civic education. However, dossiers are handed over to the police for full investigation. The prosecution of cases, again, remains with the state prosecution service. In this way, the Commission supports the work of the regular law enforcement and justice systems, rather than supplanting them. Apart from reporting annually to parliament through the special parliamentary committee, the CPC produces ad hoc reports on specific issues at the request of the parliament and the government, among others.

Overall, Slovenia is rated in the top 25% of countries globally in terms of corruption perception⁸⁵ (in other words, 75% of countries have worse corruption perceptions than Slovenia), and sits around the middle among EU countries⁸⁶. Despite this healthy corruption perception performance for a post-Soviet state, there is some evidence that public perceptions of corruption are worsening. For example, in 2011, 95% of Slovenian citizens felt that corruption was a big problem in their country (Wallace & Haerpfer, 2000). This is a general global trend towards increased public dissatisfaction with rulers and governance, and perception that elites are taking advantage of their positions, even though there may be little empirical evidence supporting this view. The rise in public perception of widespread corruption corresponded with a decline between 2002 and 2011 of Slovenians' satisfaction with democracy from 42% to 12%⁸⁷. In regard specifically to anti-corruption, a polemic regarding perceived ineffective work of the anti-corruption strategy in Slovenia has led to some calls to abolish the CPC and replace it with the direct engagement of the parliamentary anti-corruption committee (Klemenčič & Stusek, 2008: 125). However, this proposition was never implemented.

The Slovenian case suggests that corruption perception may be a proxy for broader dissatisfaction with governance, and as noted earlier, paradoxically, greater attention to corruption may in fact worsen public perceptions. This raises an issue of how to effectively combat corruption without enhancing an existing cynicism regarding democratic institutions.

III. Tunisia

The Tunisian revolution of 2011 brought an end to the Ben Ali era, through a popular uprising largely driven by perceptions that the President, his family and entourage had established a kleptocratic state and were diverting a substantial part of the nation's income and wealth into their own pockets. A subsequent study by the World Bank largely confirmed this public assessment (Rijkers et al., 2014). Subsequent to the 2011 revolution, the country went through a successful democratic transition. Within days after the revolution, the interim governing authority established a special commission of inquiry into corruption and embezzlement under the Ben Ali regime⁸⁸, which produced a report documenting numerous cases of corruption on the part of the ruling group.

In 2014, Tunisia adopted a new democratic constitution with five independent constitutional 'instances', as discussed in the Tunisia case study⁸⁹. One of these institutions is The Good Governance and Anti-Corruption Commission. The Commission's mandate is to contribute:

“to policies of good governance and preventing and fighting corruption. It is responsible for following up on the implementation and dissemination of these policies, for the promotion of a culture of good governance, and for the consolidation of principles of transparency, integrity and accountability”⁹⁰

It can be seen that the Commission's constitutional role will be primarily one of prevention and civic education. In the period prior to the adoption of the Constitution, Tunisia established a number of temporary independent oversight insti-

tutions, including one on corruption, the Independent National Anti-Corruption Commission⁹¹ (INLUCC). While the new Commission's mandate and membership is being finalised, INLUCC continues to assume its interim role, focussing on all three of the main mandates of prevention, investigation, and public education. In fact, INLUCC has taken an aggressive approach to encouraging the reporting and follow-up of acts of corruption, with a hotline, and the transfer of many corruption cases to the judicial system.

While it was established by the provisional authorities prior to the installation of the first democratic parliament and thus formally speaking reports to the Head of State, INLUCC has regular interaction with the parliament. Parliament and government have responded to the highly mediated reports of INLUCC with the strengthening of anti-corruption legislation and the passage of whistle blower protection legislation, as well as the obligatory declaration of assets and interests for many public servants⁹².

Once the new permanent constitutional anti-corruption commission is put in place, it will have a primary reporting relationship through parliament, in line with common international practice. One issue that remains to be determined in practice is the extent to which parliament will be able to effectively follow-up on the Commission's reports to ensure that recommendations are addressed, and implemented where possible. Currently, the interim INLUCC commission has regular meetings with the relevant parliamentary committee, during which its strategies, activities, and reports are discussed.

C. Human rights institutions

National Human Rights Institutions (NHRI) with a mandate for upholding human rights exist in numerous countries around the world. Various different terms are used to name NHRIs, and both mandates and institutional reporting relationships vary substantially. NHRIs include ombudsperson/ombudsmen/ombuds, human rights commissions and human rights institutes. While there is no common or universal definition of NHRIs, the UN General Assembly has adopted the so-called **Paris Principles**⁹³, that establish minimum criteria for NHRIs⁹⁴.

The Paris Principles include the following key elements⁹⁵:

- Broad mandate, based on universal human rights norms and standards;
- Autonomy from government;
- Independence guaranteed by law;
- Pluralist representation of the social forces;
- Adequate resources;
- Adequate powers of investigation.

In 1974 the International Bar Association defined the Ombudsperson as “an office provided for by the constitution or by action of the legislature or parliament and headed by an independent high-level public official who is responsible to the legislature or parliament, who receives complaints from aggrieved persons against government agencies, officials and employees or who acts on his own motion, and who has the power to investigate, recommend corrective action, and issue reports” (Ombudsman Committee, 1974). The Ombudsperson as an institution helps maintain the rule of law and democracy in the country, promotes accountability and active citizenship (Glušac, 2018: 1-2); they “monitor the implementation of human rights regulations and propose the enactment of new ones, with the aim of strengthening the enjoyment of rights” (Ombudsman Committee, 1974: 4).

One terminological issue is that a number of jurisdictions have an Office of the Ombudsperson whose mandate is entirely or primarily to deal with questions of administrative malpractice (although this can include human rights-related issues); these include both the United Kingdom's parliamentary ombudsperson as well as the European Ombudsman. Other Ombudsperson offices deal exclusively with human rights issues; such is the case of the Parliamentary Ombudsperson in Ukraine, for example. Here, we'll focus specifically on the human rights-related Ombudsperson role, recognising that an Ombudsman's role can be wider in some states (Ombudsman Committee, 1974: 3).

A recent Westminster Foundation for Democracy report found that the following criteria have been associated with the independence, and thereby effectiveness, of the Ombudsperson institution in any country (De Vrieze, 2019: 25)⁹⁶:

- Requirement to gather parliamentary supermajority for appointment or confirmation;
- Providing checks against political appointments;
- Fixed, long term of office and provisions for reappointment;

- Actions of Ombudsperson being exempt from court review, and being immune to liability for acts performed under the law;
- Removal of the Ombudsperson only possible for cause, preferably by a parliamentary supermajority;
- Executive-level salary for the Ombudsperson, sufficient operating budget;
- Accounting for funds directly to the parliament;
- Power to appoint and remove their staff;
- Means of appealing to courts to enforce the office's powers.

Luka Glušac (2018: 2-7), drawing from the Serbian example, proposes four core areas of interaction between the work of the ombudsperson and parliament. These include:

- Consideration of the ombudsman's legislative initiatives;
- Consideration of the ombudsman's annual reports;
- Parliament's decision-making of importance for the ombudsman's work ("appointment/dismissal procedure, adoption of laws that have influence on the mandate/work of the ombudsman, adoption of the Staffing Table of the Ombudsman's Secretariat, and similar")
- Cooperation of parliamentary committees with the ombudsman.

The power of an ombudsperson (and by extension, NHRIs in general) is, according to Glušac, based not on coercion but on persuasion via the ombudsperson's recommendations - in particular those presented before parliament. Their work on human rights protection, therefore, should be supplemented by other mechanisms of oversight and protection. While, traditionally it has been thought that the ombudspersons can only efficiently function in developed democracies, Glušac (2018: 5) argues that, "this sceptical view was constantly disproved by the developments in new democracies".

There are NHRI in at least 128 countries, with some countries having several NHRIs with somewhat different attributions. There is a Global Association of NHRIs, GANHRI, which has 69 members that are fully accredited as meeting international standards for NHRIs⁹⁷. GANHRI has the following roles:

- Facilitates and supports NHRI engagement with the UN Human Rights Council and Treaty Bodies
- Encourages cooperation and information sharing among NHRIs, including through an annual meeting and biennial conference
- Undertakes accreditation of NHRIs in accordance with the Paris Principles
- Promotes the role of NHRIs within the United Nations and with States and other international agencies
- Offers capacity building in collaboration with the Office of the High Commissioner for Human Rights (OHCR)
- Assists NHRIs under threat
- If requested, can assist government to establish NHRIs⁹⁸

The report will look in some detail at three specific examples of NHRIs based on different models, and varying relationships with parliaments; Ukraine, Germany, and the United Kingdom. These provide some sense of the breadth of approaches to human rights protections as well as the challenges that can be faced in assuring both independence and effectiveness.

I. Ukraine

Ukraine gained independence with the collapse of the Soviet Union in 1991. However, the law "On Parliamentary Ombudsman", creating the country's NHRI, was only adopted in December 1997⁹⁹, with the first Ombudsperson elected in 1998, who went on to serve as Ombudsperson until 2012¹⁰⁰.

The role of the Ombudsperson is to facilitate "parliamentary oversight over the observance of constitutional, human and citizens' rights and freedoms"¹⁰¹.

The Ombudsman law prescribes political independence of the Ombudsperson and a complementary role with other means of protecting human rights. The Ombudsperson has immunity from liability for any professional actions, unless this is lifted by parliament. The Office of the Parliamentary Ombudsperson of Ukraine has been adjudged fully compliant with the Paris Principles¹⁰². However, significant challenges still stand in the way of full effectiveness of the Ombudsperson. The Ombudsperson is elected for five years by majority vote of the *Verkhovna Rada*, Ukraine's unicameral parliament (226 members out of 450), the same majority required for any ordinary legislation in Ukraine. This threshold does not coincide with the Paris Principles, which call for a broad consensus in the parliament. An Ombudsperson can be elected, therefore, with little or no support from the opposition, creating potential issues regarding the *de facto* independence of the Ombudsperson¹⁰³.

At the same time, Parliament may not easily dismiss the Ombudsperson: reasons include violation of the oath, incapability to perform duties for more than four months, and revocation of Ukrainian citizenship. In the case of suspected violation of the conditions, a special commission of the Verkhovna Rada has to present their conclusion that there has indeed been a violation of one of these norms. Then the resolution to dismiss the Ombudsperson has to be placed on the agenda either by the Speaker or 1/4 of the MPs, and finally over half of the MPs (again, 226 out of 450) have to vote for the dismissal. The Ombudsperson drafts an annual budget for her activities and submits it to the parliament, which then allocates the funds to the Ombudsperson within the state budget. The Ombudsperson can then determine the budget of their Secretariat, within the scope of funds allocated to them. They can also appoint and dismiss employees of the Secretariat at their discretion.

The Ombudsperson is allowed to attend any governmental bodies and their sittings, as well as local self-government institutions and companies. S/he may receive and study government documents, request examinations of the activities of subordinate institutions, invite people for questioning regarding the investigated matter, and may attend law enforcement, medical, social service institutions without prior notification, and question their residents. S/he can also conduct checks on whether state bodies, including courts and law enforcement, comply with human rights standards. The Ombudsperson carries out oversight on behalf of parliament on the right to public information. Any institutions and persons that the Ombudsperson addresses are, by law, obliged to cooperate. The actions of the Ombudsperson are subject to oversight by the parliamentary committee on Human Rights, National Minorities and Interethnic Relations¹⁰⁴.

The Ombudsperson can direct a Constitutional reference to the Constitutional Court of Ukraine on whether a particular legal act corresponds with the national constitution¹⁰⁵. Further, the Ombudsman is also empowered to order state institutions, companies, etc., to cease specified human rights violations within the period of one month¹⁰⁶.

Citizens may direct their complaints of human rights violations to the Ombudsperson, which can be the grounds of an investigation into human rights violations. The Ombudsperson can also conduct an investigation if asked to do so by MPs, or at his/her own discretion.

The first Ombudsperson's length of service corresponds to one of the criteria mentioned in the introduction that support efficiency of the Ombudsperson as an institution: long terms of office and provisions for reappointment. However, during her term, the Ombudsperson violated the important principle of NHRI political independence: in particular, in 2006, she was even included on the electoral ballot for one of the major political parties¹⁰⁷. Civil society representatives argued during her term that her office was non-transparent and had limited communication with civil society.

By contrast, under her successor, a 2017 study showed that 78% of civil rights activists found cooperation with the office of the Ombudsperson to be productive¹⁰⁸. However, the new Ombudsperson was unpopular with parts of the ruling coalition, and was replaced in 2018, by a sitting Member of Parliament, again apparently contradicting international good practices. The current Ombudsperson even voted for her own appointment. Further, the procedure of appointing the Ombudsperson was recently changed from secret ballot to open voting, it is claimed largely because this would allow pressure to be placed on government members to vote for the preferred candidate of the political establishment¹⁰⁹.

In the first quarter of each year, the Ombudsperson presents her annual report to the parliament. The Ombudsperson can also present special reports regarding specific human rights issues at any time. Based on these reports, the parliament is expected to adopt a decree addressing the issues raised by the Ombudsperson. As the *Report and Roadmap on Internal Reform and Capacity-Building for the Verkhovna Rada of Ukraine*, prepared by the European Parliament's Needs Assessment Mission in 2015-2016 states, Ombudsperson's reports are indeed considered at committee meetings (European Parliament, 2016: 44). However, the plenary of parliament did not receive and debate the Ombudsperson's report for at least the past two years. Further, parliament is expected to adopt a decree upon hearing the Ombudsperson's report, in practice this has not happened since 2011 (UNDP, 2017: 16).

Overall, the Ukrainian institution of the Ombudsperson fulfils the majority of the criteria outlined in the introduction, with long terms of office, rigorous dismissal procedures, immunity from legal persecution for acts performed under the law (although no immunity after the term of office), independence guaranteed by the law, a broad mandate, and the power to recruit and dismiss their own staff. In addition, concerning representativeness, the Ombudsperson in Ukraine has been a woman since the role's inception. There have been some significant achievements of the Ukrainian Ombudsperson, in particular in torture prevention¹¹⁰.

However, the institution still faces a number of challenges in enhancing its effectiveness and impact. In particular, the relationship with Parliament has often been difficult. The Ombudsperson's reports are not addressed by the plenary and the Ombudsperson does not possess the right of legislative initiative¹¹¹, unlike many Ombudspersons across Europe and despite Venice Commission recommendations^{112,113}. Cooperation with the parliamentary committees has varied depending on the composition of the committee and leadership of the Ombudsperson's office and of the Committee. As Glušac notes, these are all key factors in enhancing NHRIs' cooperation with the parliament.

To conclude, the Ukrainian Ombudsperson's mandate is broad, the office has highlighted a number of human rights violations and fostered action to end them, and there is positive evidence of cooperation with human rights activists (Twinning Programme: 2018: 13) The budget of the Ombudsperson's Secretariat is based on the draft annual budget presented by the Ombudsperson; it has increased throughout its existence¹¹⁴, yet remains somewhat limited due to the substantial human rights issues in Ukraine especially given the continuing conflict in the country since Russia's illegal annexation of Crimea and proxy war in the eastern Donbass region¹¹⁵.

The Ukrainian Ombudsperson case is a good example of the dilemmas and challenges involved in establishing effective Ombudsperson and NHRI offices in imperfect democracies. Where the political system is governed by opaque practices, including widespread rent-seeking, it is not clear that technical solutions alone will resolve problems related to political culture.

For example, as noted, the Paris Principles argue for the Ombudsperson to be elected by a parliamentary supermajority (Twinning Programme, 2018: 15). However, in the Ukrainian context, with a divided polity and dominance of populist discourses, such a supermajority is almost impossible to find, especially for such a high profile and politically sensitive position. This also reflects the relative weakness of citizen and civil society discourses on human rights in a divided society under the pressures of conflict, where debate is often dominated by radical discourses that can be indifferent and at worst hostile to a human rights agenda. It is precisely in countries where human rights are under the greatest pressure that the strategies to assure human rights protection are the most complex and difficult to implement.

Another recommendation could be made to require parliament to follow-up on the Ombudsperson's report and to require and debate response from government; a process for dealing with oversight reports that exists in many established democracies. However, given that parliament's leadership now routinely ignores the requirement to debate the Ombudsperson's report in Plenary, it seems unlikely that in its present composition parliament will take such further steps.

The Ukrainian Ombudsperson and her office have played an invaluable role in promoting a human rights agenda despite the relative disinterest of much of the political class and even civil society, which is often itself politicised and sympathetic mainly to human rights issues and cases that correspond with a particular political perspective. For example, the Ombudsperson has collaborated closely with civil society organisations and the Roma community to highlight the plight of this particularly disadvantaged community and to propose measures to improve their conditions. Further, the Ombudsperson has highlighted the need to protect the human rights of internally displaced persons from the conflict areas in Eastern Ukraine, some of whom suffer discrimination when they relocate to peaceful parts of Ukraine (Parliamentary Ombudsman, 2015).

The larger problems with the Ukrainian Ombudsman institution remain political, both in terms of the appointment process, and the (lack of) seriousness with which the parliamentary majority takes the Ombudsperson's reports and recommendations. An argument could be made for the independent, 'fourth arm of the state' model for independent oversight institutions proposed by MacMillan (2013). However, as always, the issue remains as to whom and how such an independent oversight institution might be accountable, and what powers such an office would have if its decisions were not reported through the parliament as the primary national oversight institution.

There are no simple solutions to this issue, which reflects the important effect of environment on any organisation, which is well known to institutional theorists: social institutions of any type tend to adapt to the environment in which they operate (DiMaggio & Powell, 1983). Institutions have to engage with their environments in order to have impact; in imperfect democracies, those engagements involve trade-offs; the fewer trade-offs an institution is prepared to make, the less impact it is likely to have, but the more trade-offs it makes, the more its impact will be coloured by the interests of powerful actors in the system. In the conclusion, we make some broad recommendations for enhancing the effectiveness of independent oversight institutions, but it remains the case that it is not possible to build a durable castle on unstable foundations.

II. Germany



The German parliament in Berlin, © German Bundestag, Thomas Koehler

The German Institute for Human Rights (DIMR) is the NHRI in Germany¹¹⁶. Institute-type NHRIs are also seen in countries such as Denmark and Norway; such institutions are typically, "mainly concerned with education, research and political advocacy" (Aichler, 2010). This model of NHRI is quite divergent from the parliamentary ombudsman model, and parliament's direct role is quite limited, although the German, Danish and Norwegian NIHRs are assessed as fully compliant with the Paris principles.

To a significant extent, it is possible for these countries to have NHRIs with mostly research, advisory and advocacy functions - rather than concentrating on separate episodes of human rights violations -largely due to the presence of effective national rule of law structures, and thus a positive record in the dimension of human rights and civil liberties¹¹⁷. It is a model that is significantly different from that of most Ombudspersons or human rights commissions. The European Union Agency for Fundamental Rights observes that an institute, "with a strong scientific foundation and expertise in international and national human rights law and its application" was considered by the German decision-makers to be the preferable model of an NHRI "because it would bridge gaps between: the state and civil society, the international and the national levels, and theory and practice" (European Union Agency for Fundamental Rights, 2012: 22). Further, in particular due to the role of Germany on the international stage, the DIMR also deals with analysis of human rights situations in third countries¹¹⁸. The DIMR was established by a parliamentary decision in 2001. It does not have resources or a mandate to deal with individual violations of human rights¹¹⁹. (Concerning individual cases, Germans can file complaints to the parliamentary Petitions Committee, which can then refer the complaints to a different governmental body (Paužaitė-Kulvinskienė et al, 2017: 79)). It can, however, offer expertise to parliamentarians and the government officials (on request or on its own initiative [Rudolf, 2011: 21]), provide comments to national and international courts (German Institute for Human Rights, 2016: 2), influence public opinion, cooperate with NGOs and create a forum for discussion between the government and civil society, conduct monitoring of German implementation of the conventions on rights of the child and on rights of persons with disabilities¹²⁰. As part of its public influence, since 2016, DIMR presents annual reports to the lower chamber

of the German parliament; the law on DIMR requires the parliament to officially respond to the report. The German constitution foresees “regular review of the effects laws can have on human rights” and readjustment of laws if necessary; DIMR reports contribute to that. Indeed, while DIMR does not have the means to address individual human rights violations, their reports have a solid factual background and can utilise the Institute’s own investigations, as in the case of interviews conducted with workers whose labour rights were suspected to have been violated (see German Institute for Human rights website, <https://www.institut-fuer-menschenrechte.de>).

The DIMR is founded as an academic institution under private law. Its director and deputy director are elected by the board of trustees after a public call for applications. The board of trustees “consists mainly of representatives of civil society, including academia, with a proven record of human rights related work”¹²¹. These include two members of the parliamentary committee on Human Rights and Humanitarian Aid, as well as six DIMR General Assembly representatives, representative of the German Disability Council, three representatives of scientific institutions related to human rights (nominated by the lower chamber of the parliament), three representatives of civil society (also nominated by the lower chamber of the parliament), and three representatives of the Forum for Human Rights. These members are appointed for four-year periods and can be re-appointed. Further, there should be non-voting representatives from the upper chamber of the parliament, the relevant federal commissioners, and the federal ministries of economy, family affairs, and defence¹²². The elected directors are usually scholars; the current director was previously a researcher and Junior Professor at the Free University of Berlin (Rudolf, 2011). The Institute prepares training materials on human rights for different audiences and permits public access to its library. However, the Institute’s publications have a focus on practical implementation; this, along with cooperation with human rights activists, differentiates the DIMR from purely academic institutions. It also aims at familiarising governmental and parliamentary actors with “the normative requirements set up by international or European human rights law”. Some of the key areas of advocacy by the DIMR are absolute prohibition of torture (called into question in certain “grey areas”) and non-discrimination policy (Rudolf, 2011: 22).

The legal framework governing operation of the Institute is quite limited and the Law on the Legal Status and Tasks of the German Institute of Human Rights¹²³ was only adopted in 2015. It provides for the DIMR’s independence and capacity to act at its own discretion or at the request of the government or parliament, as well as for funding of the Institute from the German parliamentary budget (without further parliamentary discretion on this matter). The core funding, however, comes from the federal government¹²⁴. The law also sets the proactive role of the Institute, indicating prevention of human rights violations as one of its key goals, together with informing on the state of human rights in the country and abroad and promoting them.

Overall, the DIMR has a broad **mandate** that is not limited to specific human rights areas. It does exercise **leadership** functions to an extent, as it plays an active advisory role for the German political institutes and may raise certain significant human rights issues, in particular through its reports to the parliament. The parliament is obliged to follow up on these **reports**. However, the specific role that DIMR plays - having no specific legal remedies or ways to address specific situations of human rights violation - also creates distance between the DIMR and the German public. Finally, the **budget** of the Institute is determined as part of the budget for the lower chamber of the German parliament by law, yet the main part of funding comes from the federal government. In any case, it is sufficient to maintain about 40 qualified staff - “jurists, political scientists, ethnologists, pedagogues, historians, and academically-trained social workers” (Rudolf, 2011: 21) - and for them to conduct research and provide policy advice. Third parties can provide additional funding for specific projects or via donations. There have been projects by the DIMR that were funded on a large scale - for example the US State Department supported a three-year, €600,000 project “to assist trafficking victims to claim their rights in the country’s courts”¹²⁵.

The German parliament and the DIMR have a multifaceted relationship. While the DIMR does receive some funds from the lower house of parliament’s budget, most funding is provided by the government. Parliament does not have a decisive say in determining the director and deputy director of the Institute; nor does it dismiss the heads of the Institute. Even The law governing the DIMR does not allow for special reports to the parliament. The Institute cannot initiate legislation¹²⁶ or appeal to courts to enforce its powers. The interaction with parliamentary committees is also formally quite limited; although the Human Rights Committee took an active part in the creation of the DIMR, now the formal connection between the two is limited to the two representatives of the Committee having voting powers in the DIMR Board of Trustees. In a way, the DIMR, while actively exercising its advisory function, is closer to research bodies assisting the parliament than to fellow foreign NHRs such as the UK Equality and Human Rights Commission, which have broad capacities for action and investigation.

III. United Kingdom



Committee meeting in the Westminster Parliament in London © House of Lords 2016, Roger Harris

The NHRI at the national level in the UK is the Equality and Human Rights Commission. It is recognised as being fully compliant with the Paris principles¹²⁷. It is a fairly recent organisation, created by the 2006 Equality Act¹²⁸, building upon three formerly existing specialised Commissions: the Equal Opportunities Commission, the Commission for Racial Equality, and the Disability Rights Commission (Act paragraphs 36 to 38). The Commission’s Strategic Plans of activities are sent to the Minister for Women and Equalities, who, in turn, presents them before the parliament.

In its governing Act, the Commission is aimed at promoting human rights, equality and diversity, and works towards the elimination of unlawful discrimination. It also encourages public authorities to comply with the rights protected by the European Convention on Human Rights. In particular, the Commission may advise central government on the effectiveness of equality and human rights-related enactments; recommend amendments to those enactments; provide advice on effects of enactments and of possible changes.

The Commission is allowed to monitor the effectiveness of these enactments; identify changes or expected changes in the parts of society relevant to these issues; and identify desirable aims and indicators that measure progress towards them. The Commission monitors progress towards these desirable aims by measuring the relevant indicators and, once every three¹²⁹ years publishes reports that are submitted to the Minister for Women and Equalities, and then presented to the parliament.

To achieve its goals, the Commission can consult external experts, as well as undertake research, give advice or guidance, provide education or training, disseminate information, or arrange for others to do these things, and provide grants for this purpose. In less than three years after the launch, over 10 million GBP were distributed to grassroots human rights groups. It can issue codes of practice facilitating compliance with the 2010 Equality Act and its goals aimed at equal opportunities and maintenance of human rights.

More importantly, the Commission has means to conduct inquiries into “a matter relating to any of the Commission’s duties”. It can commence an investigation if there is a suspicion that a person “may have committed an unlawful act”. However, the report cannot identify that person unless inevitable for the purpose of the report, in which case the person must be notified. The notice may either recommend or demand action to avoid repetition or continuation of the unlawful act. The Commission can also ask the court to restrain the person from committing such an act.

The Commission is able to assist individuals in court if the proceedings are related matters covered by the Equality Act or if the individual alleges they have been a victim of behaviour contradictory to that Act. The Commission may provide legal advice, legal representation, facilities for dispute settlement, and other forms of assistance. Finally, the Commission is allowed to intervene in legal proceedings related to matters that the Commission covers in their work.

While the Commission, as an independent oversight institution, aims to be “a centre of excellence for evidence [and] analysis” and “an essential point of contact for policy makers, public bodies and business”¹³⁰ – much like the DIMR – as evident from the brief overview above, it has much broader competencies. Regular meetings with the Department for Education officials¹³¹ provide an opportunity of political influence. At the same time, some individuals who have had “difficulties enforcing their rights under the [Equality] Act” question the Commission’s efficiency¹³².

The Commission is funded by the Government Equalities Office¹³³. The Principal Accounting Officer of the Department of Education tracks the Commission’s performance and advises the Minister for Women and Equalities on performance and on an appropriate budget for the Commission. The Minister shall consult the Commission on the funding necessary for its activities. The Chief Executive of the Commission is accountable to the parliament on the Commission’s financial matters¹³⁴. The Commissioners (members of the Commission) are appointed by the Minister for Women and Equalities for terms of between two and five years, with possible reappointment. The Minister also appoints the Chairman and Deputy Chairman. In turn, they, appoint the Chief Executive from among themselves, upon consent from the minister¹³⁵. The Commissioners should include: Scotland Commissioner; Wales Commissioner; and a Commissioner who is or has been disabled (DEEE, 2017). In general, the Commissioners must have relevant knowledge in at least one of the prohibited grounds for discrimination, “age, disability, gender, gender reassignment, race, religion or belief, sexual orientation”. The Commission is able to recruit staff under “general arrangements approved by the [Minister]”¹³⁶.

Both the Act that envisions creation of the Commission and the framework document on its cooperation with the government barely mention the Commission’s relations with the parliament. While it is ultimately financially accountable to the legislature, in common with all UK public organisations, parliament does not have a say in appointing the Commissioners and does not directly influence the Commission’s budget. Institutionally, then, the Commission has closer ties with the executive branch of the government.

This leads to concern regarding the degree of the Commission’s independence; in particular, this has been brought up in the parliament’s Joint Committee on Human Rights (2010) regarding the Commission’s re-appointment of a Chairman without parliamentary consultation, despite his leadership having been controversial¹³⁷. This report also suggested moving to a system where the Commissioners would be “recommended for appointment by a statutory committee which would include parliamentary representatives” and the Chairman could be defined as an officer of the parliament, in a way similar to the National Audit Office (Joint Committee, 2010: 22).

At the same time, the Commission does have certain ties to the parliament. For instance, it provides regular parliamentary briefings on certain bills, as well as questions for debate and possible measures¹³⁸, utilising its advisory powers. The Women and Equalities Committee, the respective select committee for the Government Equalities Office, oversees the Commission’s activities and has, in particular, recently held a hearing assessing the Commission’s efficiency¹³⁹.

Considering all of the above, the Commission’s **mandate** is broad, and so is the repertoire of possible actions it can undertake. These actions – in particular, advice provision, legal support and grant supply to activist groups – allow for the Commission’s **leadership** in the area of human rights. However, the Commission’s **reports** to parliament only take place once every three years and do not formally require follow-up. Further, its **budget** is completely dependent on the government, which is perhaps inevitable given the executive’s domination of the entire budgetary process in the UK. Together with the appointment of Commissioners by the Minister for Women and Equalities, this creates risk regarding the actual

independence of the Commission and the meaningfulness of its oversight by the relevant parliamentary committee. However, the British democratic tradition is grounded on unwritten norms; it is expected that, in any case, the Commission does not turn into a personal weapon for the minister. In less established democracies where the risk of weaponising regulatory bodies is higher, subjugation of the NHRI to the government could have turned the institution into a tool of the government. At the same time, the scope of actions available to the Commission and some of its successful work results – particularly taking on ‘unpopular’ issues such as rights of travellers and discrimination towards HIV sufferers – balance the relative weakness of the institutional framework (Joint Committee, 2010: 9 – 11).

6. Conclusion and Recommendations

I. Conclusion

The separation of powers is a phenomenon with deep historical and global roots (Landau & Bilchitz, 2018), and the growth of independent institutions is an extension of that principle. The growth in recent years of independent oversight institutions reflects a tendency, both in emerging and confirmed democracies, for constitutional designers and lawmakers to more systematically protect citizens' rights and more assiduously pursue wrongdoing in public administration.

The result has been a plethora of institutional innovation that has left few countries untouched. As has been explored in this report, independent oversight institutions have been created in numerous fields of governance. There is remarkable diversity both in the mandates of these institutions, and in their relationships with the traditional arms of the state; the legislature, executive, and judiciary.

There is also great diversity in the outcomes achieved by oversight institutions. It has been noted that there is no direct correlation between the existence of oversight institutions and good governance. Many of the least corrupt countries, for example, do not have independent anti-corruption institutions.

A common thread that connects successful independent oversight institutions is the existence of constructive and efficient links with parliaments. As the main institution charged with executive oversight, parliament is the body that has both the duty and the capacity to follow up on independent oversight institutions' work, whether through requiring government to account for its actions, or by changing laws to redress deficiencies revealed by independent oversight institutions. While independent institutions can publish reports, media can publicise, and civil society can lobby for changes, only parliaments have the formal authority to enact reforms.



Hon. Esperanca Bias, Speaker of the Parliament of Mozambique, © Westminster Foundation for Democracy

This responsibility does not mean that parliaments always assume their role. Indeed, we have discussed cases in this report where parliament has expressly failed to act, and indeed has attempted to hinder the work of independent bodies. The concept of the separation of powers underlines that power should not be concentrated in a single institution, and that the more diverse the centres of power within a society, the more difficult it is for power to be abused. Independent oversight institutions not only assist parliaments in doing their job, but also make it harder for parliaments to avoid doing their job. The objective, therefore, is to find ways to enhance the links between independent oversight institutions and parliaments in ways that reinforce both.

The commentary below represents the reflections of Phil Mason, a leading expert in anti-corruption on this report, its findings, and the way forward.

It is followed by the authors' recommendations for strengthening the relationships between parliaments and independent oversight institutions in order to enhance accountability and improve democratic governance.

Commentary and reflections on role of parliaments

Phil Mason, anti-corruption specialist, former DFID Senior Adviser on Corruption policy

This study illustrates two seemingly contradictory fundamentals that shape the relationship between parliaments and their independent oversight institutions: variety and consistency.

There is huge variety in the particular issues each country faces, in the methods and responses each has adopted, and in the particular reasons for success (or the absence thereof). At the same time, what emerges is a fairly consistent set of clues as to what is likely to make parliaments better and stronger at fulfilling their function at the national level of an 'overseer of overseers'.

These appear to fall into three categories, and concern the importance of:

Turning formalism into reality

We see significant attention given by parliaments to what the formal rules should be, on issues such as appointments, budget autonomy and reporting requirements, but we see less consistency in practical efforts to follow up on the work of the oversight bodies. In some cases, relationships appear formulaic and tokenistic. Parliaments could play a stronger role in airing the work of these bodies, for example through debates and committee hearings (preferably in public) that can give force to the work of the body. Parliament has an important further role in using the findings and recommendations of these bodies to better shape legislation in relevant areas. There is little evidence to date of how parliaments are playing this mediating role between oversight bodies and the Executive in regard to improving national policy and practice.

Moving from backstop to promoter

We see a trend towards parliaments seeing their role principally as a backstop - guaranteeing autonomy, protecting independence, ensuring propriety. There is less evidence of Parliament performing a more pro-active role in promoting the value and importance of oversight bodies within society. Moving beyond this current posture of 'protection' to one where Parliaments are encouraging the public to make use of these bodies, promoting their functions, and encouraging their growth. A positive stance like this will help to strengthen society's view of, and confidence in, these bodies.

Connecting with society

We see in our examples of current parliamentary engagement little direct connectivity with general society. Parliament can play a stronger role in 'completing the loop' between oversight bodies and citizens by being a far more prominent forum for connecting citizens' concerns with the work of the bodies. While oversight bodies often establish their own direct methods for reaching citizens, these often have limited impact since control of them rests entirely with the body concerned. By introducing an intermediary, an interested, informed and forward-looking parliament can significantly strengthen the citizen-state nexus.

II. Recommendations



A. Independent oversight institutions

Membership

- The parliament should typically be responsible for electing members of independent oversight institutions, except where the institution is responsible for overseeing parliament itself (for example, a parliamentary ethics commission);
- Clear and enforceable eligibility criteria including minimum qualifications should be established in law or regulation;
- The election process should be transparent and open to civil society input and recommendations;
- Where nominations for an oversight body are to be made by different institutions (for example, parliament, presidency, judiciary, professional associations), the same enforceable eligibility criteria including minimum qualifications should apply;
- Members and prospective members of independent oversight institutions shall declare potential conflicts of interest, whether financial, personal or otherwise, and recuse themselves from any particular investigation or resign from the institution depending on the nature of the conflict of interest;
- Members shall not be subject to removal except in the case of misconduct according to previously established criteria;
- The membership of independent oversight institutions should be generally reflective of the composition of the population, including gender equality and defined representation of youth, minorities, and disadvantaged groups.

Functioning

- The mandate of independent institutions should be defined in law, and operating modalities in regulation;
- The operating budget of independent institutions should be defined in disaggregated budget lines within the national budget;

- The budget of independent institutions should be audited according to national public sector auditing principles;
- The staff of independent institutions should be selected by the institution, on the basis of public service norms and criteria;
- The subjects of investigation and oversight shall be determined on the basis of predetermined and publicly available criteria;
- If members of the national civil service, staff of independent institutions should be protected from formal or informal career retaliation for their work at the independent institution;
- The obligation of government bodies to cooperate with and facilitate the work of independent oversight institutions should be defined in the legislation or regulation establishing the institution.

Citizen engagement

- Independent institutions should have an approved and measurable strategy for citizen engagement;
- Independent institutions should ensure the regular effective input and participation of civil society, including for example through a civil society advisory forum;
- All reports except of a legitimately personal and confidential nature should be available online as soon as completed and adopted;
- Special accommodations should be made to enable access to the institution and its work to those with disabilities;

Reporting and accountability

- Substantive reports should be published at least annually. Reports should include comprehensive data and descriptions of work conducted in the previous period, as well as budget expended, personnel and organogram;
- Reports of independent oversight institutions should be submitted to parliament as well as other relevant bodies; they should be simultaneously published online;
- Parliament and where appropriate, other defined state bodies should be empowered to request independent oversight;
- Independent oversight institutions shall have the right and requirement to appear before parliament and present and discuss their annual and special reports;
- Parliamentary committees shall have the right to request appearance of the chiefs of independent oversight institutions to give testimony as required;

B. Parliaments

Enabling legislation

- Parliaments are responsible for enacting legislation providing a suitable mandate and operating framework for independent oversight institutions;
- Parliaments shall carry out post-legislative scrutiny of legislation establishing independent oversight institutions to ensure that they have been established and are functioning according to the intention of the legislators, and that all necessary regulatory and budgetary provisions have been put in place.

Selection of members

- Parliament shall elect members of independent oversight commissions on the basis of established criteria and in accordance with the relevant legislation and regulation;
- Parliament shall seek to select members by consensus or by a qualified majority of members - a process shall be established for choosing members where a qualified majority cannot be secured, to avoid blockage of the independent institution;
- Parliamentarians shall declare a conflict of interest and not participate in the selection process where they have personal or financial ties with a candidate for membership of the independent institution;
- Parliamentarians shall not be eligible for election to independent oversight institutions;
- Where the mandate of an independent oversight institution includes the oversight of members of parliament, an alternative body such as members of the judiciary shall be responsible for choosing members of the oversight institution.

Reporting

- Parliament shall receive all reports from the independent oversight institution, distribute them to all MPs, and promptly post such reports on the parliamentary website;
- A parliamentary committee shall be charged with responsibility for oversight, liaison and reporting for each independent oversight body;

- The responsible parliamentary committee shall regularly audition the chief of each independent oversight institution(s) within its mandate;
- The responsible committee is charged with analysing each independent oversight institution report, and for recommending adoption and follow-up to parliament;
- The responsible committee is required to follow-up on adopted independent oversight institution recommendations, to ensure that the government reports on its actions to implement the recommendations;
- Where the government without reasonable explanation fails to implement the adopted recommendations of independent oversight institutions, the committee shall report the relevant minister to the applicable privileges or disciplinary body of parliament;
- Except under exceptional circumstance including the protection of vulnerable individuals or legitimate national security concerns, all appearances of independent oversight institutions at parliament shall be held in public session.

Non-interference in the work of independent institutions

- Although parliament may request independent oversight institutions to carry out specific enquiries, it may not request institutions to not investigate any matters, or to limit the scope of its investigations;
- Parliament may not seek to remove any member of an independent oversight institution except in accordance with the established procedures in the case of misconduct;
- Parliament shall ensure that independent institutions are provided with an adequate budget to carry out their work, and that appropriate additional resources are provided in the case that institutions are requested to carry out work in addition to their original mandate and responsibilities.

C. Supporting the relationship between independent oversight institutions and parliament

Countries in democratic transition, as well as countries that are seeking to renew and deepen their democratic systems, often establish or strengthen independent oversight institutions. In addition, enhancing the effectiveness of parliament's oversight role typically includes enhancement of parliament's working relationships with oversight institutions that carry out much of the detailed and expert oversight investigation and assessment that parliaments depend upon to do their oversight work effectively.

Democratic development and parliamentary development organisations are frequently asked to support the strengthening of independent oversight institutions, as well as parliament's links with those institutions to enable more effective parliamentary oversight of the executive. It shouldn't be assumed that the solution to every oversight issue is the development of new institutions, and external assistance should be geared to finding the best fit for the country taking into account its governance traditions, institutional structure, and resources, rather than simply proposing the importation of models from other countries.

The type of support that democratic development projects can provide in enhancing is quite varied. Some of the key potential areas include:

- Supporting assessment of priority governance oversight needs and the most effective ways to meet those needs, which might include establishment or strengthening of independent oversight institutions;
- Supporting enhanced parliament - oversight institution interaction through international expert exchange, comparative analysis of international practices, joint study missions, etc.;
- Strengthening parliamentary committees' capacities to study and act upon independent oversight institution recommendations;
- Supporting development of an accountability cycle within an oversight domain - such as anti-corruption - in which citizens, civil society, independent institutions, government and parliament interact to ensure enhanced governance accountability (see chart below)

Figure 5: Effective Accountability Cycle

Citizens

Benefit from improved services and rights protections; report new and continuing issues to oversight institution directly or via civil society

Independent Oversight Institution

Gather citizen input, assesses government performance and issues, submits report to parliament



Government

Receives report, assesses, issues, identifies solutions, reforms processes, reports back to parliament and oversight institution

Parliament

Studies oversight institution report, audits institution, adopts report and recommendations, submits to government

An excellent tool to apply, or adapt for use in developing independent oversight institutions, supporting them, or assessing their performance and independence, is the Westminster Foundation for Democracy's *Independent Oversight Institutions and Regulatory Agencies, and their Relationship to Parliament: Outline of assessment framework* (De Vrieze, 2019).

E. Examples of good practices in supporting enhanced oversight systems

Three examples of effective collaboration between parliaments and independent oversight institutions are explored below:

Georgia

Georgia has a well-developed system of independent oversight institutions that report to parliament. One of the key oversight institutions is the Office of the Public Defender. The Public Defender is appointed by a vote of at least three-fifths (60%) of Georgian MPs. The Defender is responsible for advising the government on human rights issues, monitoring Georgia's laws, policies and actual practices to ensure the country complies with the best international human rights principles. The Public Defender works closely with the Human Rights and Civil Integration Committee, a relationship that was strengthened between 2012 and 2016.

One of the important factors in assuring the effectiveness of independent oversight institutions is consistent follow-up on recommendation implementation by the relevant parliamentary committee. In Georgia, the Human Rights Committee follows up the Public Defender's report over a three year period, so that recommendations that require implementation in the medium to long term are properly followed up¹⁴⁰. The Westminster Foundation for Democracy, UNDP, and others, have supported the Human Rights Committee to strengthen its work and to more closely engage with European and UN human rights institutions, as well as the Georgian Public Defender¹⁴¹.

Tunisia

Effective collaboration between Supreme Audit Institutions and parliaments is essential in assuring high standards of public financial management as well as fostering policy reform. In Tunisia after the 2011 revolution brought democracy to the country for the first time, parliament has expanded its oversight role both working with the new framework of independent oversight institutions, and collaborating with the Court of Auditors, the judiciary branch responsible for independent oversight of the government accounts.

The Tunisian Parliamentary Committee for Administrative Reform, Good Governance, Anti-Corruption and Oversight of Public Expenditure was established in 2015 and has developed close collaboration with the Court of Auditors, following up on information from the Court to identify unnecessary expenditures on sugar subsidies for corporations. As a result of the Committee's enquiry, subsidies for corporations were halted from January 1 2017, saving Tunisian taxpayers about 70 million dinars (€28 million at 2017 exchange rates).

UK National Audit Office



The approach of following up on SAI reporting to foster PFM policy reform was inspired by the committee's exposure to the UK Parliament's Public Accounts Committee and the UK National Audit Office, through a series of workshops and targeted visits, sponsored by the Westminster Foundation for Democracy. Subsequent to their success in changing sugar subsidy policy, the Committee launched four more inquiries in conjunction with the Audit Court.

Iraqi Kurdistan

The Kurdistan Region of Iraq is an autonomous region of the country with its own parliament. Iraq has poor anti-corruption ratings, with the Transparency International anti-corruption ranking of 168th out of 180 countries in 2018¹⁴². Anger about corruption has led to serious public unrest in Kurdistan in recent years¹⁴³. In order to address corruption specifically in Kurdistan, an anti-corruption strategy was developed through the collaborative engagement of several institutions including the Parliamentary Committees of Integrity and Finance, the Council of Ministers, Supreme Audit Board, Public Prosecutor and the Commission of Integrity¹⁴⁴.

The steering committee worked together for more than a year, engaging all the different actors in developing a strategy that will improve public institutions' transparency, promote an anti-corruption culture, and ensure active coordination to enable effective tracking and investigation of corruption in different institutions. The strategy also commits to deeper engagement with civil society, and working towards attaining international standards in anti-corruption.

With support from the Westminster Foundation for Democracy, steering committee members were exposed to anti-corruption strategies and practices in the UK, the Iraq Federal Government, Jordan, Indonesia and Kosovo. The committee also held meetings and focus groups with citizens and civil society, ensuring the strategy was built from the ground-up. The new strategy, as well as continuing public pressure, has led to renewed action against corruption. In July 2018, the Integrity Commission announced that in the first half of the year, 125 cases had been reported to the Commission, with 59 already transmitted to the courts¹⁴⁵.

7. Bibliography

- Acemoglu, D., Naidu, S., Restrepo, P., & Robinson, J. A. (2019). Democracy does cause growth. *Journal of Political Economy*, 127(1), 47-100.
- Ackerman, B. (2000). The new separation of powers. *Harvard Law Review*, 633-729.
- Aichele, V. (2010). *National Human Rights: An Introduction*. German Institute for Human Rights, Berlin accessed at https://www.institut-fuer-menschenrechte.de/uploads/tx_commerce/national_human_rights_institutions_an_introduction_01.pdf.
- Basic Law for the Federal Republic of Germany, amended on 23.12.2014, accessed at http://www.gesetze-im-internet.de/englisch_gg/englisch_gg.html#GGengl_000P114.
- Blanco, A. V. (2018). Autoridades administrativas independientes (agencias): mito y realidad de un modelo conveniente para Chile. *Revista Derecho Administrativo Económico*, (25), 45-58.
- Breger, M. J., & Edles, G. J. (2015). *Independent agencies in the United States: Law, structure, and politics*. Oxford, OUP.
- Bremer, E. S. (2014). The Unwritten Administrative Constitution. *Florida Law Review*, 66, 1215 - 1273.
- Buchanan, R. 2008. 'Commonwealth Experience II - Officers of Parliament in Australia and New Zealand: Building a Working Model.' In O. Gay and B. K. Winetrobe, (Eds.), *Parliament Watchdogs: At the Crossroads*, (pp. 81-91), ibid.
- Bunce, V. (2000). Comparative democratization: Big and bounded generalizations. *Comparative Political Studies*, 33(6-7), 703-734.
- Bunce, V. (2008). The tasks of democratic transition and transferability. *Orbis*, 52(1), 25-40.
- Bureau of Democracy, Human Rights, and Labor (2010). Report - Germany. US Department of State, accessed at <https://www.state.gov/j/drl/r/s/hrrpt/2009/eur/136033.htm>.
- Cabinet Office (2017). Partnerships between departments and arm's length bodies: Code of Good Practice. London, accessed at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/594345/Partnerships_between_departments_and_arm_s_length_bodies-code_of_good_practice.pdf.
- Cabinet Office (2018). *Public bodies*, accessed at <https://www.gov.uk/guidance/public-bodies-reform>.
- Cabinet Office. Public Bodies Handbook. London, accessed at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/519571/Classification-of-Public-Bodies-Guidance-for-Departments.pdf.
- Calland, R., & Pienaar, G. (2016). Guarding the guardians: South Africa's Chapter Nine Institutions. In *State of the Nation*, 65-91, Cape Town, HSRC.
- Catt, Helena, Andrew Ellis, Michael Maley, Alan Wall, and Peter Wolf. (2014). *Electoral Management Design*, Stockholm: International Institute for Democracy and Electoral Assistance.
- Chang, B. and G. Ramshaw (2016), *Strengthening Parliamentary Capacity for the Protection and Realisation of Human Rights: Synthesis Report*. London, Westminster Foundation, accessed at <https://www.wfd.org/wp-content/uploads/2017/08/Research-WFD-Strengthening-Parliamentary-Capacity-for-the-Protection-and-Realisation-of-Human-Rights-Synthesis-Report.pdf>.
- Committee on Human Rights, National Minorities and Interethnic Relations (2014). *Predmet vidannia [Remit]*, accessed at http://kompravlud.rada.gov.ua/news/Pro_komitet/pred_vidan/72608.html.
- Cushman, Robert E. (1938), *Constitutional Status of the Independent Regulatory Commissions*, Cornell Law Review, 24, 13 - 53.
- De Montesquieu, C. (1989). *Montesquieu: The spirit of the laws*. Cambridge, Cambridge University Press.
- de Vos, P. (2013), "Balancing independence and accountability: The role of chapter 9 institutions in South Africa's constitutional democracy", in *Accountable Government in Africa: Perspectives from Public Law and Political Studies*, UNU, Tokyo.
- De Vrieze, F. (2019). Independent oversight institutions and regulatory agencies, and their relationship to parliament: Outline of assessment framework. London, WFD, accessed at https://www.wfd.org/wp-content/uploads/2019/02/WEB_INDEPENDENT-OVER-SIGHT-INS.pdf.
- De Vrieze, F. (2019b), "Independent institutions in the Republic of Maldives: Preliminary Assessment of The Human Rights Commission, Elections Commission and Anti-Corruption Commission". London, Westminster Foundation for Democracy.
- De Vrieze, Franklin (2019), Independent oversight institutions and regulatory agencies, and their relationship to parliament: Outline of assessment framework, London, WFD, accessed at https://www.wfd.org/wp-content/uploads/2019/02/WEB_INDEPENDENT-OVER-SIGHT-INS.pdf.
- De Vrieze, Franklin (2019), *Independent oversight institutions and regulatory agencies, and their relationship to parliament: Outline of assessment framework*, London, WFD, accessed at https://www.wfd.org/wp-content/uploads/2019/02/WEB_INDEPENDENT-OVER-SIGHT-INS.pdf
- Department for Education and Equality and Human Rights Commission (2017). *Framework Document (Management Agreement)*, accessed at <https://www.equalityhumanrights.com/sites/default/files/dfe-geo-ehrc-framework-document-december-2017.docx>.
- Deutscher Bundestag. *Passage of legislation*, accessed at <https://www.bundestag.de/en/parliament/function/legislation/passage-245704>.
- DiMaggio, P. J., & Powell, W. W. (1983). The iron cage revisited: Institutional isomorphism and collective rationality in organizational fields. *American Sociological Review*, 48, 147-160.
- Dr. Datenschutz (2014). *Endlich! Unabhängige Datenschutzbehörde für Deutschland [Finally! An Independent Data Protection Office for Germany]*, Datenschutzbeauftragter-Info, 27.08.2014, accessed at <https://www.datenschutzbeauftragter-info.de/endlich-unabhaengige-datenschutzbehoerde-fuer-deutschland/>.
- Economist (2019), "An attack on corruption sleuths in Guatemala is also aimed at judges", January 10, accessed at <https://www.economist.com/the-americas/2019/01/10/an-attack-on-corruption-sleuths-in-guatemala-is-also-aimed-at-judges>.
- Eguizábal, Cristina (2015) Logros y limitaciones de la Comisión internacional contra la impunidad en Guatemala (CICIG). Fundación Nacional para el Desarrollo, San Salvador, accessed at <http://www.repo.funde.org/1089/1/CICIG.pdf>.
- *Equality Act 2006*, amended on 22.04.2014, Parliament of the United Kingdom, accessed at <http://www.legislation.gov.uk/ukpga/2006/3/part/1>
- Equality and Human Rights Commission. *How we work with government*, accessed at <https://www.equalityhumanrights.com/en/who-we-are/how-we-work-government>.
- Equality and Human Rights Commission. *Parliamentary Briefings*, accessed at <https://www.equalityhumanrights.com/en/legal-responses/parliamentary-briefings>.
- Equality and Human Rights Commission. *Who we are*, accessed at <https://www.equalityhumanrights.com/en/about-us/who-we-are>.
- European Parliament (2016). *Report and Roadmap on Internal Reform and Capacity-Building for the Verkhovna Rada of Ukraine*. European Parliament, accessed at <http://www.europarl.europa.eu/resources/library/media/20160229RES16408/20160229RES16408.pdf>.
- European Parliament (2016). *Report and Roadmap on Internal Reform and Capacity-Building for the Verkhovna Rada of Ukraine*. European Parliament, accessed at <http://www.europarl.europa.eu/resources/library/media/20160229RES16408/20160229RES16408.pdf>.
- European Union Agency for Fundamental Rights (2012). *Annex to the Handbook on the Establishment and Accreditation of National Human Rights Institutions in the European Union*. Publications Office of the European Union, Luxembourg, accessed at https://fra.europa.eu/sites/default/files/fra-2012_nhri-handbook-annex_en.pdf.
- Federal Cartel Office. *Über uns [About us]*, accessed at https://www.bundeskartellamt.de/DE/UeberUns/Bundeskartellamt/bundeskartellamt_node.html.
- Federal Ministry of the Interior (2014). The Federal Public Service: An Attractive and Modern Employer, Berlin, accessed at https://www.bmi.bund.de/SharedDocs/downloads/EN/publikationen/2014/federal-public-service.pdf?__blob=publicationFile.
- Field, C. (2013). The fourth branch of government: the evolution of integrity agencies and enhanced government accountability. In *AIAL Forum* (No. 72, p. 24). Australian Institute of Administrative Law, accessed at <http://ombudsman.wa.gov.au/Publications/Documents/speeches/AIAL%202012%20Conference%20Paper%20Chris%20Field%20Final.pdf>.
- Foster, C. M. (2017). The Politics of Independent Central Banks. *Public Administration*, 95(1), 289-293.
- Garbutt, D. (1984). The significance of ancient Mesopotamia in accounting history. *Accounting Historians Journal*, 11(1), 83-101.

- Gay, O., & Winetrobe, B. K. (2003). *Officers of Parliament: Transforming the role*. London, UCL School of Public Policy Constitution Unit, accessed at <https://www.ucl.ac.uk/political-science/publications/unit-publications/100.pdf>.
- Gay, O., & Winetrobe, B. K. (2008). Parliament's watchdogs: at the crossroads. London UCL Study of Parliament Group. Accessed at <https://www.ucl.ac.uk/political-science/publications/unit-publications/144.pdf>.
- Gemmer, M., Wilkes, A., & Vaucel, L. M. (2011). Governing Climate Change Adaptation in the EU and China: An Analysis of Formal Institutions. *Advances in Climate Change Research*, 2(1), 1-11.
- German Institute for Human Rights (2016). *Menschenrechten fördern und schützen [Promoting and Protecting Human Rights]*, Berlin, German Institute for Human Rights, accessed at https://www.institut-fuer-menschenrechte.de/fileadmin/user_upload/PDF-Dateien/Info-Flyer/Flyer_Institut_2016.pdf.
- German Institute for Human Rights (2018). *Development of the human rights situation in Germany, July 2017 - June 2018*. Berlin, German Institute for Human Rights, accessed at https://www.institut-fuer-menschenrechte.de/fileadmin/user_upload/Publikationen/Menschenrechtsbericht_2018/Human_Rights_Report_2018_Short_version.pdf.
- German Institute for Human Rights. *Board of Directors*, accessed at <https://www.institut-fuer-menschenrechte.de/en/about-us/structure/board-of-directors/>.
- German Institute for Human Rights. *DIMR-Gesetz [GIHR Law]*, accessed at <https://www.institut-fuer-menschenrechte.de/ueber-uns/auftrag/dimr-gesetz/>.
- German Institute for Human Rights. *Frequently Asked Questions*, accessed at <https://www.institut-fuer-menschenrechte.de/en/about-us/faqs/#c2784>.
- German Institute for Human Rights. *Human Rights Report*, accessed at <https://www.institut-fuer-menschenrechte.de/en/human-rights-report/>.
- German Institute for Human Rights. *Satzung [Statute]*, accessed at <https://www.institut-fuer-menschenrechte.de/ueber-uns/auftrag/satzung/>.
- German Institute for Human Rights. *The National CRC Monitoring Mechanism*, accessed at <https://www.institut-fuer-menschenrechte.de/en/national-crc-monitoring-mechanism/>.
- German Institute for Human Rights. *The National CRPD Monitoring Mechanism*, accessed at <https://www.institut-fuer-menschenrechte.de/en/national-crpd-monitoring-mechanism/>.
- Global Alliance of National Human Rights Institutions (2017). Accreditation Status as of 26 May 2017. GANHRI, accessed at https://www.ohchr.org/Documents/Countries/NHRI/Chart_Status_NIs.pdf.
- Global Alliance of National Human Rights Institutions. Paris Principles, accessed at <https://nhri.ohchr.org/EN/AboutUs/Pages/ParisPrinciples.aspx>.
- Glušac, L. (2018). Assessing the Relationship between Parliament and Ombudsman: Evidence from Serbia (2007-2016). *The International Journal of Human Rights*, August 2018.
- Government Equalities Office (2017). *New Commissioner for the Equality and Human Rights Commission*, accessed at <https://www.gov.uk/government/news/new-commissioner-for-the-equality-and-human-rights-commission>.
- Greek National Commission for Human Rights (2019). Current Members, accessed at <http://www.nchr.gr/index.php/2013-04-03-10-13-40/2013-04-03-10-14-44>.
- Gustavsson, M. (2013). Democratic Origins of Auditing. *QoG Working Paper Series*, 2013(13), 1-24.
- Gutiérrez, E. (2016). Guatemala fuera de control: La CICIG y la lucha contra la impunidad. *Nueva sociedad*, (263), 81-95.
- Hammarberg, T. (2007). Report by the Commissioner for Human Rights Mr Thomas Hammarberg on his visit to Germany. Strasbourg, Council of Europe, accessed at <https://www.refworld.org/pdfid/46c1b0bb2.pdf>.
- Heilbrunn, J. R. (2004). Anti-corruption commissions: Panacea or real medicine to fight corruption. *World Bank Institute, Washington, DC*, accessed at <http://siteresources.worldbank.org/WBI/Resources/wbi37234Heilbrunn.pdf>.
- Helland, E., & Tabarrok, A. (2007). Does three strikes deter? A nonparametric estimation. *Journal of human resources*, 42(2), 309-330.
- Hellenic Ministry of Justice (2014). Human Rights National Action Plan 2014-2016, accessed at <https://www.coe.int/t/commissioner/source/NAP/Greece-National-Action-Plan-on-Human-Rights.pdf>.
- Herd, G. P. (2015). Living the 'Chinese Dream' in the 'Russkiy Mir': Central Asia between Sino-Russian Strategic Trilemmas?. In *Russia, Eurasia and the New Geopolitics of Energy* (pp. 208-233). Palgrave Macmillan, London.
- Hogan, D. (2014). National Human Rights Institutions and Parliaments. Remarks at the Committee on Equality and Non-Discrimination Hearing, Parliamentary Assembly, Council of Europe, accessed at https://www.ihrec.ie/app/uploads/download/pdf/ihrc_acting_ceo_des_hogan_address_to_council_of_europe_parl_assembly_on_nhris_and_parliaments_jan_2014.pdf.
- House of Commons Public Administration Select Committee. (2014). Who's accountable? Relationships between government and arm's-length bodies. *First Report of Session, 15*, 2015.
- House of Commons Public Administration Select Committee. (2014). Who's accountable? Relationships between government and arm's-length bodies. *First Report of Session, 15*, 2015. Accessed at <https://www.parliament.uk/business/committees/committees-a-z/commons-select/public-administration-select-committee/news/whos-accountable-special-report/>.
- Htun, Mala, and G. Bingham Jr. Powell, eds., (2013). *Political Science, Electoral Rules, and Democratic Governance*. Washington D.C.: American Political Science Association, accessed at <https://www.apsanet.org/LinkClick.aspx?fileticket=X6zjNH66alQ%3D&portalid=54>.
- Hunt, M., Hooper, H., & Yowell, P. (Eds.). (2015). *Parliaments and Human Rights: Redressing the Democratic Deficit*. London, AHRC, accessed at <http://intranet.law.ox.ac.uk/ckfinder/userfiles/files/Parliaments-and-Human-Rights.pdf>.
- Imbeau, L. and R. Stapenhurst (ed.) (2017), *Contemporary Developments in Parliamentary Oversight in Francophone Countries*, Ottawa, Canadian Audit and Accountability Foundation, accessed at <https://www.caaf-fcar.ca/images/pdfs/oversight/ExternalPublications/ParliamentaryOversightFrancophonie.pdf#page=104>.
- Institute for Government. *Managing departmental resources: arm's length bodies*, accessed at <https://www.instituteforgovernment.org.uk/publication/managing-departmental-resources-arms-length-bodies>.
- Inter-Parliamentary Union (2012), *Global Parliamentary Report*, Geneva, IPU, accessed at <http://archive.ipu.org/pdf/publications/gpr2012-full-e.pdf>.
- Joint Committee on Human Rights (2010). *Equality and Human Rights Commission: Thirteenth Report of Session 2009-10*. London, The Stationery Office Limited, accessed at <https://www.refworld.org/pdfid/4b9e030e2.pdf>.
- Juillet, L., & Phélippeau, É. (2016). Transparency as a Tool against Corruption. *Corruption and Governmental Legitimacy: A Twenty-First Century Perspective*, 219 - 252. Lanham, MD, Lexington Books.
- Kameniev, M. (2018). Nenalezhno povnovazheniy z prav liudyny [Improperly Commissioned for Human Rights]. *Dzerkalo Tyzhnia*, 1196, accessed at https://dt.ua/internal/nenalezhno-upovnovazheniy-z-prav-lyudini-279546_.html.
- Kleinlein, Thomas, *The Procedural Approach in International Human Rights Law and Fundamental Values: Towards a Proceduralization of the Interface of International and Domestic Law? (April 15, 2018)*. European Society of International Law (ESIL) 2017 Annual Conference (Naples). Accessed at https://papers.ssrn.com/sol3/Delivery.cfm/SSRN_ID3163102_code2434153.pdf
- Klemenčič, G., & Stusek, J. (2008). Specialised anti-corruption institutions: Review of models. Paris, OECD Publishing.
- Klemenčič, G., & Stusek, J. (2008). Specialised anti-corruption institutions: review of models. Paris, OECD Publishing.
- Klug, H. (2015). Accountability and the Role of Independent Constitutional Institutions in South Africa's Post-Apartheid Constitutions. *NYL Sch. L. Rev.*, 60, 153.
- *Konstyutsiia Ukrainy [Constitution of Ukraine]*, amended on 7.02.2019, accessed at <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80/print>.
- Koop, C. (2011). Explaining the Accountability of Independent Agencies: The Importance of Political Salience. *Journal of Public Policy*, 31(2), 210.
- Kosař, D., & Šipulová, K. (2017). The Strasbourg Court Meets Abusive Constitutionalism: Baka v. Hungary and the Rule of Law. *Hague Journal on the Rule of Law*, 10(1), 83-110.
- Landau, D., & Bilchitz, D. (2018). The evolution of the separation of powers in the global south and global north. In *The Evolution of the Separation of Powers*. Cheltenham, Edward Elgar Publishing, 1-27.
- Law on National Commission for Human Rights 2667/1998, President of the Hellenic Republic (promulgation), amended 2017, accessed at <https://www.legislationline.org/documents/id/20862>.
- Lawson, L. (2009). The politics of anti-corruption reform in Africa. *The Journal of Modern African Studies*, 47(1), 73-100.

- Locke, J. (2013). Two Treatises of Government. 1689. *The anthropology of citizenship: A reader*, accessed at <https://www.thefederalistpapers.org/wp-content/uploads/2012/12/Two-Treatises-of-Government-by-John-Locke.pdf>
- Mahomed, F. (2018). The fourth branch: challenges and opportunities for a robust and meaningful role for South Africa's State Institutions Supporting Democracy, 177-205 in Landau, D., & Bilchitz, D., *The Evolution of the Separation of Powers*. Cheltenham, Edward Elgar Publishing.
- McManus, R., & Ozkan, F. G. (2018). Who does better for the economy? Presidents versus parliamentary democracies. *Public Choice*, 176(3-4), 361-387.
- McMillan, J. (2010). Re-thinking the Separation of Powers. *Federal Law Review*, 38(3), 423-443.
- McMillan, J. (2013). Commonwealth oversight arrangements-successes and challenges. In *paper to the Australasian Study of Parliament Group Annual Conference*, accessed at <http://www.parliament.wa.gov.au/ASPG/Conference%20Paper%20-%20John%20McMillan.pdf>.
- McMillan, J., & Carnell, I. (2010). Administrative law evolution: independent complaint and review Agencies. *Admin Review*, (59), 42-60, accessed at https://www.ombudsman.gov.au/__data/assets/pdf_file/0018/33642/May-2010-Administrative-law-evolution-independent-complaint-and-review-agencies.pdf.
- Miller, G. P. (1986). "Independent agencies". *The Supreme Court Review*, 1986, 41-97.
- Murray, Christina (2003), The Human Rights Commission et al.: What is the Role of South Africa's Chapter 9 Institutions? *PER*, Volume 6, issue 2, p.122 - p.147.
- Murray, Christina and Chris Oxtoby (2014), 'Part II. Form of Government', pp. 69-140, in André Alen, David Haljan (Volume Editors), Roger Blanpain (General Editor), Frank Hendrickx (General Editor), South Africa, IEL Constitutional Law (Kluwer Law International, Alphen aan den Rijn).
- Nagin, D. S. (2018). Deterrent effects of the certainty and severity of punishment. In *Deterrence, Choice, and Crime, Volume 23* (pp. 167-196). London, Routledge.
- Normantas, A. (2018). The Reference Book on the Main Findings and Recommendations of the Twinning Project UA/47B, accessed at http://www.twinning-ombudsman.org/wp-content/uploads/2018/11/EN_Twinning-Reference-Book_29.11.2018.pdf.
- Norris, P. (2015). *Why elections fail*. Cambridge, Cambridge University Press.
- Ombudsman Committee (1974). *International Bar Association Resolution*. Vancouver, International Bar Association.
- Oxtoby, Chris (2014), "Independent Institutions", pp. 103-112, in André Alen, David Haljan (Volume Editors), Roger Blanpain (General Editor), Frank Hendrickx (General Editor), South Africa, IEL Constitutional Law (Kluwer Law International, Alphen aan den Rijn).
- Parliament Live (2018). *Women and Equalities Committee, Wednesday 28 November 2018*, accessed at <https://www.parliamentlive.tv/Event/Index/3f6884a9-2eba-41a2-aff-35d5814aefbb>.
- Parliament of the United Kingdom (2018). *Enforcement of the Equality Act: Inquiry Launched*, accessed at <https://www.parliament.uk/business/committees/committees-a-z/commons-select/women-and-equalities-committee/news-parliament-2017/enforcing-the-equality-act-launch-17-19/>.
- Paužaitė-Kulvinskienė, J., Davulis, T., Gedmintaitė, A., Kavalne, S., Tretter, H., Žalimas, D. (2017). Comparative Analysis of National and European Legislation Concerning the Activities of the Ombudsperson. Kyiv, accessed at http://www.twinning-ombudsman.org/wp-content/uploads/2017/03/EN_Report_Activity_1.2.pdf.
- Power, G. (2012). *Global Parliamentary Report: The changing nature of parliamentary representation*. Geneva, Inter-Parliamentary Union.
- Prat dit Hauret, Christian (2003). «Audit et développement moral cognitif», *Revue Finance Contrôle Stratégie*, vol. 6(3), pages 117-136.
- *Pro Natsionalne antykoruptsiine biuro Ukrainy* #1698-VII, amended on 28.08.2018, accessed at <https://zakon.rada.gov.ua/laws/show/1698-18>.
- *Pro Rakhunkovu palatu [On Accounting Chamber]* #576-VIII, amended on 4.07.2013, Verkhovna Rada of Ukraine, accessed at <http://www.ac-rada.gov.ua/control/main/uk/publish/article/16742942>.
- *Pro upovnovazhenoho z prav liudyny [On Human Rights Commissioner]* 776/97-BP, amended on 04.11.2018, Verkhovna Rada of Ukraine, accessed at <https://zakon2.rada.gov.ua/laws/show/776/97-%D0%B2%D1%80>
- Rijkers, B., Freund, C., & Nucifora, A. (2014). All in the family: State capture in Tunisia. Washington, The World Bank, accessed at <https://openknowledge.worldbank.org/bitstream/handle/10986/17726/WPS6810.pdf>.
- Rudolf, B. (2011). The German Institute for Human Rights. *Nova Acta Leopoldina NF 113, 387*, accessed at https://www.leopoldina.org/uploads/tx_leopublication/Probe387Bd113.pdf.
- School of Economic and Political Sciences (2011). *I syntagmatiki rythmisi ton aneksartiton diokitikon arkhon [Constitutional arrangements for the independent oversight authorities]*, National Kapodistrian University of Athens, accessed at <https://bit.ly/2WvOiiP>.
- Shapiro, M. (1997). The problems of independent agencies in the United States and the European Union. *Journal of European Public Policy*, 4(2), 276-277.
- Shevchenko, I. (2017). Nezaminni ombudsmen: chomu Radi varto pokvapytysia z pryznachenniam Upovnovazhenoho z prav liudyny [Irreplaceable ombudsman: Why Rada should hurry to appoint the Human Rights Commissioner]. *UNIAN, 11 May 2017*, accessed at <https://www.unian.ua/politics/1917781-nezaminni-ombudsmen-chomu-radi-varto-pokvapitysya-z-pryznachenniam-upovnovazhenogo-z-prav-liudini.html>.
- Stapenhurst, R., & Titsworth, J. (2001). Features and Functions of Supreme Audit Institutions (Washington, DC: World Bank PREM Note 59). Accessed at <http://www1.worldbank.org/prem/PREMNotes/premnote59.pdf> on April 5 2019.
- Stapenhurst, R., Johnston, N., & Pelizzo, R. (Eds.). (2006). *The Role of Parliaments in Curbing Corruption*. The World Bank, accessed at <https://openknowledge.worldbank.org/bitstream/handle/10986/7106/372630Role0of0101OFFICIALOUSEONLY1.pdf;sequence=1>.
- The Greek Ombudsman. Constitution of Greece 2001 (excerpt), accessed at <https://www.synigoros.gr/?i=stp.en.constitution2001>.
- Tushnet, M. (2018). Institutions Protecting Democracy: A Preliminary Inquiry. *The Law & Ethics of Human Rights*, 12(2), 181-202.
- Twinning Project. (2019). Strengthening the Oversight Functions of the Assembly. Pristina.
- Ukrainian Helsinki Human Rights Union (2012). Monitorynh pershykh misiatsiv diialnosti Valerii Lutkovskoi na posadi ombudsmena [Monitoring Valeriia Lutkovskaia's actions during first months as Ombudsman], accessed at <https://helsinki.org.ua/articles/monitorynh-pershyh-misyatsiv-diyalnosti-valeriji-lutkovskoji-na-posadi-ombudsmena/>.
- Ukrainian Parliament Commissioner for Human Rights (2015), "Observance of rights of internally displaced persons" 3 February, Kyiv, Ombudsman.
- United Nations. (1993). *Resolution #48/134: National Institutions for the Promotion and Protection of Human Rights*. New York, United Nations General Assembly, accessed at <http://www.un.org/documents/ga/res/48/a48r134.htm>.
- van Acker, W., & Bouckaert, G. (2019). The impact of supreme audit institutions and ombudsmen in Belgium and The Netherlands. *Financial Accountability & Management*, 35(1), 55-71.
- Verkhovna Rada of Ukraine Human Rights Commissioner (2017). *Valeriia Lutkovska: "Provedennia pershoho masshtabnoho sotsiologichnoho doslidzhennia u sferi prav liudyny vazhlyve dlia nas iak dorohovkaz u maibutnie"* [Valeriia Lutkovska: "Conducting the first large-scale sociological study in the area of human rights is important for us as a signpost to the future"]. Kyiv, Human Rights Commissioner, accessed at <http://www.ombudsman.gov.ua/ua/all-news/pr/25417-rm-valeriya-lutkovska-provedennya-pershogo-masshtabnogo-sotsiologichnogo/>.
- Verkhovna Rada. Pravo zakonodavchoi initsiatyvy [Right to legislative initiative]. Kyiv, Verkhovna Rada of Ukraine, accessed at <https://zakon.rada.gov.ua/laws/term/37735>.
- Wallace, C., & Haerpfer, C. W. (2000). Democratisation, economic development and corruption in East-Central Europe: a 11-nation-study. (Reihe Soziologie / Institut für Höhere Studien, Abt. Soziologie, 44). Wien: Institut für Höhere Studien (IHS), Wien. <https://nbn-resolving.org/urn:nbn:de:0168-ssoar-221805>.
- Wettenhall, R. (2012). Integrity agencies: the significance of the parliamentary relationship. *Policy Studies*, 33(1), 65-78.
- Wilkins, P. (2016). Watchdogs as satellites of Parliament. *Australian Journal of Public Administration*, 75(1), 18-27.
- Wilkins, P., Phillimore, J., & Gilchrist, D. (2015). Working together: Evidence on collaboration from the reports of independent watchdogs. Carlton, Curtin University, accessed at https://espace.curtin.edu.au/bitstream/handle/20.500.11937/8829/228517_162906_Wilkins_et_al_-_Working_together_report.pdf.

8. About the authors



Jonathan Murphy is an internationally recognised expert in the field of democratic development, with specific focus on strengthening parliamentary institutions.

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He is the author of several academic articles and other professional publications on good governance, parliamentary strengthening, Post-Legislative Scrutiny, and independent oversight institutions.

Endnotes

1. See the case of Canada, where a human rights tribunal has been established parallel to the Canadian Human Rights Commission, as an administrative tribunal to adjudicate on breaches of the Canadian Human Rights Act. See <https://laws-lois.justice.gc.ca/eng/acts/h-6/section-53.html#docCont>. Decisions of the tribunal can be appealed to the Federal Court.
2. The choice of these three does not diminish the importance of other bodies, both well-established such as independent electoral management bodies, and emergent such as independent environmental bodies. In the field of electoral bodies there is already a well-developed expert community of practice. Environmental oversight institutions are relatively new, and models for their relationships with parliaments are still being defined.
3. The Public Expenditure Framework Assessment (PEFA) is a tool consisting of different metrics of public financial management (PFM) robustness, developed by major international donors including the International Monetary Fund and the European Union, as a means to assess countries' PFM robustness.
4. See article 6, https://www.unodc.org/unodc/en/corruption/tools_and_publications/UN-convention-against-corruption.html
5. For example, the ACE Electoral Knowledge Network, <https://aceproject.org/>.
6. Source, World Bank, accessed at <http://siteresources.worldbank.org/PUBLICSECTORANDGOVERNANCE/Resources/285741-1233946247437/5810405-1399294268994/Ombudsman-presentation.pdf>
7. This is an alternative possibility that is present in a number of countries, particularly in Napoleonic systems where the audit institution is typically part of the justice system; this will be discussed separately.
8. For example, members might be nominated by a number of professional associations or other interest groups.
9. In this chart, the parliamentary oversight role is represented by the green arrows, signifying that parliament formally oversees the different government bodies. This is carried out through following up on the work and reporting of the different oversight bodies. The red arrows represent the reports that the institutions submit to parliament and the black arrows represent the specific enquiry requests that parliament can make of the different institutions.
10. See Toma Istomina, "Parliament appoints controversial ombudsman", Kyiv Post, March 16, 2018, accessed at <https://www.kyivpost.com/ukraine-politics/parliament-appoints-controversial-ombudsman.html>
11. For example, institutions on access to information, the prevention of torture, and combatting slavery.
12. Hamza Marzouk, « Instances indépendantes en Tunisie : indépendance dites-vous ? », *l'Économiste Maghrébin*, 5 Apr 2019, accessed at <https://www.leconomistemaghreb.com/2019/04/05/instances-independantes-tunisie-independance/>.
13. "Nécessité de dédier un chapitre spécial aux instances publiques indépendantes dans la loi organique du budget », *Webmanagercenter Tunisia*, 5 novembre 2018, accessed at <https://www.webmanagercenter.com/2018/11/05/426310/necessite-de-dedier-un-chapitre-special-aux-instances-publiques-independantes-dans-la-loi-organique-du-budget-declaration/>.
14. The three Canadian territories are located in the north of the country and encompass large areas with relatively small populations. The Territorial governments have similar, but somewhat less extensive powers as the provinces.
15. Budget Implementation Act, 2017.
16. Specifically, to judge the accounts produced by the public accountants.
17. La commission nationale d'investigation sur la corruption et la malversation, French language version of report issued in November 2011 accessed at https://www.iwatch.tn/ar/uploads/Rapport_fran%C3%A7ais_optimis%C3%A9.pdf.
18. Julien Cléménçon, « « Carte blanche » pour Abdelfattah Amor, le Monsieur Anticorruption tunisien », *Jeune Afrique*, 28 janvier 2011 accessed at <https://www.jeuneafrique.com/182644/politique/carte-blanche-pour-abdelfattah-amor-le-monsieur-anticorruption-tunisien/>
19. Haute instance pour la réalisation des objectifs de la révolution, de la réforme politique et de la transition démocratique.
20. Article 117: "The Financial Judiciary assists the legislative and executive powers in overseeing the execution of the Finance Law and the closure of the budget."
21. Haute Autorité Indépendante de la Communication Audiovisuelle.
22. Tunisia: Media Sink Back into Collusion ahead of run-off vote, *Nawaat*, December 20, 2014, accessed at <https://nawaat.org/portail/2014/12/20/tunisia-media-sink-back-into-collusion-ahead-of-run-off-vote/>.
23. Tunisian media regulator shuts down Nessma TV, citing regulatory violation, *Committee to Protect Journalists*, May 14 2019, accessed at <https://cpj.org/2019/05/tunisian-media-regulator-shuts-down-nessma-tv-citi.php>.
24. Nessma Tv annonce avoir déposé un dossier complet auprès de la HAICA, May 17 2019, accessed at <https://www.espacemanager.com/nessma-tv-annonce-avoir-depose-un-dossier-complet-aupres-de-la-haica.html>
25. «Tunisie : La HAICA ferme la chaîne Nessma », *El Watan*, 30 April 2019, accessed at <https://www.elwatan.com/edition/culture/tunisie-la-haica-ferme-la-chaîne-nessma-30-04-2019>.
26. «Affaire Nessma: Noureddine Taboubi évoque «des calculs politiques» dans la décision de la HAICA », *HuffPost Tunisie*, 25 April 2019, accessed at https://www.huffpostmaghreb.com/entry/affaire-nessma-noureddine-taboubi-evoque-des-calculs-politiques-dans-la-decision-de-la-haica_mg_5c-c1e888e4b031dc07ef68e2
27. <http://www.justice.gov.za/legislation/constitution/SACConstitution-web-eng.pdf>.
28. Formally, the Committee to review State Institutions Supporting Constitutional Democracy as listed in chapter 9 of the Constitution; mandate accessed at <http://pmg-assets.s3-web-site-eu-west-1.amazonaws.com/docs/2006/061020terms.pdf>.
29. The DA vs Hlaudi Motsoeneng & the SABC: The SCA judgment, accessed at <https://www.politicsweb.co.za/documents/the-da-vs-hlaudi-motsoeneng-the-sabc-the-sca-judg>.
30. <https://www.synigoros.gr/?i=stp.en.constitution2001>
31. <https://bit.ly/2WvOi1P> p.4
32. Ibid. p.5-6
33. http://www.gesetze-im-internet.de/englisch_gg/englisch_gg.html#GGengl_000P114
34. https://www.bmi.bund.de/SharedDocs/downloads/EN/publikationen/2014/federal-public-service.pdf?__blob=publicationFile&p.50
35. <https://www.datenschutzbeauftragter-info.de/endlich-unabhaengige-datenschutzbehoerde-fuer-deutschland/>
36. https://www.bundeskartellamt.de/DE/UeberUns/Bundeskartellamt/bundeskartellamt_node.html
37. <http://www.ac-rada.gov.ua/control/main/uk/publish/article/16742942>
38. <https://zakon.rada.gov.ua/laws/show/254%D0%BA%96-%D0%B2%D1%80/print>
39. <https://zakon.rada.gov.ua/laws/show/1698-18>
40. Ibid.
41. <https://www.gov.uk/guidance/public-bodies-reform>
42. See the Scottish Commission for Human Rights Act 2006, accessed at http://www.legislation.gov.uk/asp/2006/16/pdfs/asp_20060016_en.pdf.
43. The Children's Commissioner for Wales (Appointment) Regulations 2000, accessed at http://www.legislation.gov.uk/wsi/2000/3121/pdfs/wsi_20003121_mi.pdf.
44. Public Services Ombudsman (Wales) Act 2005, accessed at https://www.legislation.gov.uk/ukpga/2005/10/pdfs/ukpga_20050010_en.pdf.
45. Belfast (Good Friday Agreement), accessed at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/136652/agreement.pdf
46. <https://www.equalityni.org/AboutUs>

47. Good Friday Agreement article 5 (e).
48. <https://www.legislation.gov.uk/ukpga/1998/47/contents>.
49. T̄ara, I. G., & Gherai, D. S. (2014). Historical Analysis On The Appearance Of The Supreme Audit Institutions In The European Union. *Annals of Faculty of Economics*, 1(1), 707-718.
50. Woolf, A.H. & Gordon, C.A., (1912), *A Short History of Accountants and Accountancy*, London, Gee, page 27 - 32, accessed at <http://archive.org/stream/shorthistoryofac00wooluoft#page/ii/mode/2up> on April 5 2019
51. <http://www.legislation.gov.uk/ukpga/Vict/29-30/39/contents>
52. Wehner, J. (2003). Principles and patterns of financial scrutiny: Public Accounts Committees in the Commonwealth. *Commonwealth & Comparative Politics*, 41(3), 21-36.
53. <https://www.nao.org.uk/about-us/our-work/history-of-the-nao/>
54. Alventosa, J. R., & Baldacchino, A. (2013). An Overview of the Cour des Comptes of France. *International Journal of Government Auditing*, 40(2), 15-19, accessed at http://intosai-journal.org/site/wp-content/uploads/2016/11/ijga_apr2013.pdf on April 5 2019..
55. Submitted to the Ministry of Finance, which annexes it to the draft Loi de Règlement.
56. Dye, K. M., & Stapenhurst, R. (1998). *Pillars of integrity: the importance of supreme audit institutions in curbing corruption*. Washington, DC: Economic Development Institute of the World Bank.
57. 57 Colin P.A. Jones, Japan's Board of Audit: unlikely guardians of the Constitution?, *Japan Times*, December 4 2016, accessed at: <https://www.japantimes.co.jp/community/2016/12/04/issues/japans-board-audit-unlikely-guardians-constitution/#.XKhpQphKhdh>
58. <http://www.intosai.org/>
59. Incosai (1986), *General Statement on Performance Audit. Audit of Public Enterprises, and Audit Quality*, Australian National Audit Office, Canberra. Lakoff.
60. Keen, J. (1999). On the nature of audit judgements: the case of value for money studies. *Public Administration*, 77(3), 509-525.
61. Kells, S. (2011). The seven deadly sins of performance auditing: Implications for monitoring public audit institutions. *Australian Accounting Review*, 21(4), 383-396.
62. For an example of the process followed in Canada, see <https://www.ourcommons.ca/Committees/en/FINA/StudyActivity?studyActivityId=10153612>.
63. *Perspectives on Climate Change Action in Canada—A Collaborative Report from Auditors General—March 2018*, accessed at http://www.oag-bvg.gc.ca/internet/English/parl_otp_201803_e_42883.html on April 5 2019.
64. Citizens' Climate Lobby Canada, "Over 50 Citizens From Across Canada to Lobby for a Liveable World on Parliament Hill October 13-16", September 24 2018, accessed at <https://canada.citizensclimatelobby.org/media-release-citizens-across-canada-to-lobby-for-a-liveable-world-on-parliament-hill/>; *Audit finds Canadian climate change initiatives way off the mark – only 2 provinces set to meet 2020 targets*, Canadian Press, March 27 2018, accessed at: <https://canoe.com/news/national/audit-finds-canadian-climate-change-initiatives-way-off-the-mark-finds-2-provinces-set-to-meet-2020-targets>
65. Casey, C. M. (2018). *Policy Failures and the Irish Economic Crisis*. Springer.
66. *Comptroller and Auditor General Special Report, Financial Regulator: Responding to the Financial Market Crisis*, accessed at <https://www.audit.gov.ie/en/Find-Report/Publications/2010/Special-Report-72-Financial-Regulator.pdf> on April 6 2019.
67. *Special Report No. 72 of the Comptroller and Auditor General: Financial Regulator (Resumed)*, 13 June 2013, accessed at https://www.oireachtas.ie/en/debates/debate/committee_of_public_accounts/2013-06-13/4/?highlight%5B0%5D=special&highlight%5B1%5D=report&highlight%5B2%5D=72
68. Jollands, S., & Quinn, M. (2017). Politicising the sustaining of water supply in Ireland - the role of accounting concepts. *Accounting, Auditing & Accountability Journal*, 30(1), 164-190.
69. http://www.audgen.gov.ie/documents/annualreports/2010/2010_Volume_2_EN%281.04%29.pdf.
70. Sinn Féin say they'd abolish your water charges, *The Journal*, September 26 2014, accessed at <https://www.thejournal.ie/sinn-fein-water-charges-1691577-Sep2014/>.
71. Irish Water faces questions from Public Accounts Committee over funding, *The Journal*, January 15, 2014, accessed at <https://www.thejournal.ie/irish-water-ceo-committee-meeting-finances-1265037-Jan2014/> on April 5 2019.
72. Irish Water may have to open its books to public, says auditor general, *Irish Examiner*, February 1 2019. <https://www.irishexaminer.com/breakingnews/ireland/irish-water-may-have-to-open-its-books-to-public-says-auditor-general-901593.html>
73. Auditor General of Canada, *Inappropriate Sexual Behaviour—Canadian Armed Forces, Auditor General's testimony to the Public Accounts Committee*, 29 January 2019, accessed at http://www.oag-bvg.gc.ca/internet/English/osh_20190129_e_43268.html on April 6 2019.
74. *Employment Training for Indigenous People, Auditor General's testimony to the Public Accounts Committee*, 29 October 2018, accessed at http://www.oag-bvg.gc.ca/internet/English/osh_20181029_e_43181.html on April 6 2019.
75. http://www.oag-bvg.gc.ca/internet/English/au_fs_e_370.html.
76. Morin, D. (2015). *Parliamentarians' relations with the Auditor-General of Canada during Sheila Fraser's mandate (2001-2011)*. In *Making Governments Accountable* (pp. 85-107). London, Routledge.
77. *Federal sponsorship scandal*, CBC News Online, October 26, 2006, accessed at <https://www.cbc.ca/news2/background/groupaction/> on April 6 2019.
78. *The week that was in the Phoenix file*, *ipolitics.ca*, December 2, 2017, accessed at <https://ipolitics.ca/2017/12/02/week-phoenix-file/>.
79. *John Iveson, Canada's senior bureaucrat and top auditor are having an unprecedented feud over the public service*, *National Post*, June 14 2018, accessed at <https://nationalpost.com/news/politics/john-iveson-canadas-senior-bureaucrat-and-top-auditor-are-having-a-very-public-feud-over-the-public-service> on April 6 2019.
80. See <http://gopacnetwork.org/overview/>.
81. <https://www.oecd.org/corruption/acn/39971975.pdf>
82. <http://www.ponarseurasia.org/memo/effective-anti-corruption-messaging-lessons-ukraine>
83. See <https://www.transparency.org/country/LTU>.
84. Klemenčič, G., & Stusek, J. (2008). *Specialised anti-corruption institutions: review of models*. OECD Publishing, page 118.
85. <https://www.transparency.org/country/SVN#> accessed on 05 April 2019.
86. Hacek, M., Kukovic, S., & Brezovsek, M. (2013). *Problems of corruption and distrust in political and administrative institutions in Slovenia*. *Communist and Post-Communist Studies*, 46(2), 255-261.
87. Hacek et al., *ibid*, p. 259.
88. <https://www.jeuneafrique.com/182644/politique/carte-blanche-pour-abdelfattah-amor-le-monsieur-anticorruption-tunisien/>
89. <https://issafrica.org/ctafrika/uploads/TunisiaConstitution2014Eng.pdf>.
90. Article 130, *Tunisian Constitution of 2014*.
91. Created by Decree-Law No. 120-2011 of 14 November 2011 on combating corruption, http://www.legislation.tn/fr/detailtexte/D%C3%A9cret-loi-num-2011-120-du-14-11-2011-jort-2011-088__2011088001202.
92. http://www.inlucc.tn/1/taches-courantes/actualites/?tx_ttnews%5Btt_news%5D=455&cHash=68df0a92a4f0641f8ee610b097a86c00
93. <http://www.un.org/documents/ga/res/48/a48r134.htm>
94. Glušac, p.3.
95. <https://nhri.ohchr.org/EN/AboutUs/Pages/ParisPrinciples.aspx>
96. De Vrieze, Franklin (2019), *Independent oversight institutions and regulatory agencies, and their relationship to parliament: Outline of assessment framework*, London, WFD.

97. <https://nhri.ohchr.org/EN/AboutUs/Pages/HistoryNHRIs.aspx>
98. <https://nhri.ohchr.org/EN/AboutUs/Pages/History.aspx?Mobile=1>
99. <https://zakon2.rada.gov.ua/laws/show/776/97-%D0%B2%D1%80>
100. <https://www.unian.ua/politics/1917781-nezaminniy-ombudsmen-chomu-radi-varto-pokvapititsya-z-priznachennyam-upovnovajenogo-z-prav-lyudini.html>
101. <http://www.europarl.europa.eu/resources/library/media/20160229RES16408/20160229RES16408.pdf> p.16
102. https://www.ohchr.org/Documents/Countries/NHRI/Chart_Status_NIs.pdf
103. <https://zakon2.rada.gov.ua/laws/show/776/97-%D0%B2%D1%80>
104. http://kompravlud.rada.gov.ua/news/Pro_komitet/pred_vidan/72608.html
105. However, Ukrainian citizens have limited confidence in the professionalism of the judiciary, see <https://www.vkksu.gov.ua/ua/about/visnik-vishoi-kvalifikatsiyanoi-komisii-suddiv-ukraini/problems-of-restoring-confidence-in-the-judiciary-in-ukraine/>.
106. <https://zakon2.rada.gov.ua/laws/show/776/97-%D0%B2%D1%80>
107. Ibid.
108. <http://www.ombudsman.gov.ua/ua/all-news/pr/25417-rm-valeriya-lutkovska-provedennya-pershogo-masshtabnogo-sotsiologichnogo/>
109. Ukraine's political maneuvering, November 17, 2017, Democracy Reporting International, accessed at <http://democracy-reporting.org/ukraines-political-maneuvering-parliament-does-not-appoint-an-ombudsman/>.
110. https://dt.ua/internal/nenalezhno-upovnovazheniy-z-prav-lyudini-279546_.html
111. <https://zakon.rada.gov.ua/laws/term/37735>
112. http://www.twinning-ombudsman.org/wp-content/uploads/2017/03/EN_Report_Activity_1.2.pdf p.33-34.
113. There is not universal support internationally for NHRIs to have the right of legislative initiative, as it can be argued that the NHRIs role is to report and recommend to parliament, while it is for legislators (and the executive in Ukraine's case) to propose and pass legislation. It is highly unlikely that legislation could pass without the sponsorship of any MPs, although it could be argued that the right to legislative initiative could force controversial human rights issues to be debated in parliament.
114. <https://helsinki.org.ua/articles/monitorynh-pershyh-misyatsiv-diyalnosti-valeriji-lutkovskoji-na-posadi-ombudsmena/>
115. https://dt.ua/internal/nenalezhno-upovnovazheniy-z-prav-lyudini-279546_.html
116. https://www.ohchr.org/Documents/Countries/NHRI/Chart_Status_NIs.pdf
117. This is also the case for anti corruption institutions; the countries with the most positive corruption rankings, such as Denmark, tend to be the least likely to have specific anti-corruption frameworks.
118. German Institute for Human Rights. Auftrag des Instituts [Mission of the Institute], accessed at <https://www.institut-fuer-menschenrechte.de/ueber-uns/auftrag/>.
119. German Institute for Human Rights, About Us, accessed at <https://www.institut-fuer-menschenrechte.de/en/about-us/faqs/#c2784>
120. <https://www.institut-fuer-menschenrechte.de/en/national-crpd-monitoring-mechanism/>
121. https://www.leopoldina.org/uploads/tx_leopublication/Probe387Bd113.pdf p.20
122. <https://www.institut-fuer-menschenrechte.de/ueber-uns/auftrag/dimr-gesetz/>
123. <https://www.institut-fuer-menschenrechte.de/ueber-uns/auftrag/dimr-gesetz/>
124. Report by The Commissioner for Human Rights Mr Thomas Hammarberg on his visit to Germany 9 - 11 and 15 - 20 October 2006, accessed at <https://www.refworld.org/pdfid/46c1b0bb2.pdf> p.10
125. <https://www.state.gov/j/drl/rls/hrrpt/2009/eur/136033.htm>
126. <https://www.bundestag.de/en/parliament/function/legislation/passage-245704>
127. https://www.ohchr.org/Documents/Countries/NHRI/Chart_Status_NIs.pdf
128. <http://www.legislation.gov.uk/ukpga/2006/3/part/1>
129. <https://www.refworld.org/pdfid/4b9e030e2.pdf> p.13
130. <https://www.equalityhumanrights.com/en/about-us/who-we-are>
131. <https://www.equalityhumanrights.com/sites/default/files/dfe-geo-ehrc-framework-document-december-2017.docx>
132. <https://www.parliament.uk/business/committees/committees-a-z/commons-select/women-and-equalities-committee/news-parliament-2017/enforcing-the-equality-act-launch-17-19/>
133. <https://www.equalityhumanrights.com/en/who-we-are/how-we-work-government>
134. <https://www.equalityhumanrights.com/sites/default/files/dfe-geo-ehrc-framework-document-december-2017.docx>
135. 2006 Equalities Act, accessed at <http://www.legislation.gov.uk/ukpga/2006/3/schedule/1>.
136. Ibid.
137. A similar point can be made regarding Canada's Human Rights Commission, as it is appointed by the Governor in Council, i.e. Governor General on advice of the Cabinet: Canadian Human Rights Act, 1985, amended on 19.06.2017, Parliament of Canada, accessed at <https://laws-lois.justice.gc.ca/eng/acts/h-6/page-3.html#h-6>
138. <https://www.equalityhumanrights.com/en/legal-responses/parliamentary-briefings>
139. <https://www.parliamentlive.tv/Event/Index/3f6884a9-2eba-41a2-aff-35d5814aefbb>
140. The Committee hearings on implementation of recommendations concerning the report by Public Defender, February 11 2016, accessed at <http://www.parliament.ge/en/saparlamento-saqmianoba/komitetebi/adami-anis-uflebata-dacvisa-da-samoqalaqo-integraciis-komiteti/axali-ambebi-adamianis/saxalxo-damcvelis-angar-ishze-momzadebuli-rekomendaciebis-shesrulebis-mimdinare-obaze-sakomiteto-mosmenebi-daiwyo.page>.
141. WFD congratulates Georgian Parliaments Human Rights Committee, July 28 2016, WFD, <https://www.wfd.org/2016/07/28/wfd-congratulates-georgian-parliaments-human-rights-committee/>
142. <https://www.transparency.org/cpi2018>
143. Fazel Hawramy, Corruption scandals threaten to destabilise Iraqi Kurdistan, Guardian, May 10 2012, accessed at <https://www.theguardian.com/commentisfree/2012/may/10/corruption-scandals-destabilise-iraqi-kurdistan>.
144. "Kurdistan Regional Government unveils inclusive anti-corruption strategy", April 26 2017, WFD, accessed at <https://www.wfd.org/2017/04/26/inclusive-anti-corruption-strategy-kurdistan/>
145. Sangar Ali, "Kurdistan Integrity Commission: 125 corruption cases so far in 2018", Kurdistan24, accessed at <https://www.kurdistan24.net/en/news/619c5c22-0813-4927-8f56-24b48f6749eb>.

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