



International Foundation  
for Electoral Systems

# Preventing Government Corruption in Crises





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# Foreword

The COVID-19 pandemic has caught the vast majority of countries unprepared. We have seen them battling for resources and issuing contradictory advice – and more than anything we have seen panic. Governments have taken abrupt and unprecedented measures, diverging from open governance principles in search of illusory, life-saving short-cuts. Decisions on procurement and relief packages have been made overnight with limited or no consultations, and their reasoning remains obscure for the general public. Transparency was the first principle sacrificed in early reactions to the pandemic, as sharing information with the public was deemed nonessential in the short term. The people were expected to simply trust their respective governments as they maneuvered to respond to a public health crisis. All was justified by reference to serving the greater good and by the overwhelming goal of keeping nations safe, or at least limiting damage.

In the shadows, new corruption threats emerged. In some contexts, crooked procurement of COVID-19 related products took place to benefit government officials. Unreliable or unfit products were bought from well-connected companies, or lucrative, nonpandemic related purchases were pushed through under emergency measures – taking advantage of accelerated processes and loss of transparency. In other situations we have seen elected public officials posing as national saviours during the ongoing pandemic to cement their political careers. These issues are unfolding during a time of limited or absent judicial oversight, as COVID-related lockdowns have severely reduced the capacity of judges and prosecutors.

In the early days of the pandemic, few had adequate information on emerging corruption vulnerabilities and government operations or dared to challenge state reactions to the pandemic. Those who did speak out were rapidly silenced as irrelevant or inappropriate given the extraordinary circumstances. As time passed and cracks in the system became more and more visible, concern grew among citizens. People started to question their governments and to demand information on public spending – making the case that state accountability measures should be heightened and not loosened during periods when citizens' and media oversight are severely limited by lockdowns and other restrictive measures.

This paper maps out these emerging corruption risks and formulates recommendations to limit their impact. The answer was always before our eyes – transparency, accountability and the solid belief that no governmental action should be above public scrutiny. We do not all yet have antibodies for the new coronavirus, but our societies have antibodies against bad governance – all we have to do is let them do their job even during the pandemic.

## **Laura Stefan**

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# Executive Summary

## Introduction

Corruption in the public sector has long been understood to undermine the efficiency and efficacy of government. It also drives distrust in democratic institutions, including legislatures, executive agencies and courts.<sup>1</sup> Corruption risks are likely to be magnified during a large-scale crisis that requires an immediate government response to protect health and livelihoods.<sup>2</sup> Corruption by public officials in this context, whether for personal or political gain – has the potential to leave a lasting legacy on the credibility of democratic institutions and governance across the globe, even after the immediate crisis has passed.<sup>3</sup> Hence, while attention must be given to immediate corruption risks during the crisis, the long-term ill effects of certain types of *political* corruption must not be ignored, given the potential for state capture and the entrenchment of incumbent regimes. This paper examines several corruption vulnerabilities in the public sector that have been introduced or magnified during the COVID-19 crisis and provides both short- and long-term recommendations to governments, independent institutions and civil society to mitigate these risks, increase the efficacy of government response to the pandemic and strengthen the accountability of democratic institutions during – and beyond – the crisis.

## Defining the Problem

This paper focuses on *public sector corruption*, which can damage the credibility of democratic institutions by eroding public trust and confidence. Public sector corruption is broadly defined as an abuse of entrusted authority by a public official for personal or political gain.<sup>4</sup> One of the primary reasons that the current public health crisis is increasing opportunities for public sector corruption is simply the unprecedented volume of funds being deployed to address COVID-19 and bolster the economy. Crisis situations also create unique opportunities for public sector corruption because normal accountability mechanisms and transparency provisions might be bypassed in favor of a timely response. Finally, as noted in [Legal Considerations When Delaying or Adapting Elections](#),<sup>5</sup> many elections are being postponed and modified as a result of the crisis, which is an especially concerning development as elections are the ultimate accountability measure for governments. The COVID-19 pandemic has introduced or exacerbated corruption vulnerabilities in the public sector in several key areas including:

- **Public Procurement:** The COVID-19 pandemic necessitates immediate purchase and delivery of medical supplies and personal protective gear that are in high demand and short supply with far more price instability and less competition and oversight.
- **Government Relief Programs:** The scope and urgency of relief programs and weakened accountability mechanisms have increased opportunities for abuse by public officials.
- **Political Finance and Use of State Resources:** The COVID-19 pandemic creates opportunities for violations of political finance laws and regulations and misuse of public resources and makes them harder to detect.
- **The Judiciary:** Public health measures have profoundly impacted the operational capacity of judiciaries, increasing the opportunity for the executive to bypass court oversight and undermine independence. At the same time, public health measures are increasing judicial discretion, creating opportunities for corruption within the judiciary.

## Recommendations

These vulnerabilities illustrate public sector corruption risks from the COVID-19 pandemic that, if exploited, can cause long-term damage to the credibility of democracy. This paper explores these vulnerabilities with examples from around the globe, providing recommendations to mitigate risks. The main recommendations are summarized below, and a complete list can be found at the end of the paper.

### **Policymakers and Legislators:**

- Ensure that COVID-19 and other crisis response and recovery programs require clear and transparent public reporting. Emergency processes and procedures should be clear and available to the public. Where possible, proactive disclosure should be pursued rather than relying on access to information requests.
- Reduce the amount of discretion available to individuals by establishing clear and transparent criteria for decision-making.
- Ensure that effective oversight is built into emergency responses.
- Proactively communicate with the public regarding the source of funds used for emergency response efforts and relief programs.
- Ensure that emergency procedures that bypass or simplify oversight measures are temporary and that standard procedures are reintroduced as soon as appropriate.

### **Agencies/Officers Responsible for Implementing COVID-19 Response Efforts:**

- Maintain clear and accurate documentation and disclosure requirements.
- Clearly and promptly identify individuals responsible for key decisions and essential emergency response and recovery processes.
- Engage with oversight institutions and law enforcement to identify and mitigate corruption risks and investigate potential instances of corrupt conduct.
- Monitor emergency programs against preestablished indicators and report regularly.
- Continually respond to public requests for information.

### **Civil Society and Investigative Journalists:**

- Leverage available, verifiable information to monitor and report on the government's emergency response. Collaborate and share information across civil society organizations and networks.
- Engage in public awareness campaigns and surveys to sensitize the public to existing corruption risks and to monitor whether emergency spending has reached intended beneficiaries or been used for clear political purposes.
- Identify gaps in available information and advocate for improved transparency or data collection processes or procedures.
- Investigate suspected corrupt conduct by public officials and seek criminal, civil or administrative penalties where appropriate.

### **The Judiciary:**

- Reduce the level of individual judges' discretion where possible by ensuring that court procedures are clear and transparent.
- Ensure that proceedings allow appropriate levels of transparency and public access.
- Continue operating public complaint mechanisms and inform the public of how to report judicial misconduct.

Learn more by visiting the full collection of papers in the [IFES COVID-19 Briefing Series](#).<sup>6</sup> Find more resources at IFES' [COVID-19 Survival Guide for Democracies](#).<sup>7</sup>

# Introduction

The impartial use of government resources for the public good is an essential component of public sector integrity,<sup>8</sup> and its importance is usually evident during a crisis. Analysis of state responses to public health crises prior to the COVID-19 pandemic demonstrates that public sector corruption hampers governments' preparedness, resilience and capacity to contain the spread of a virus. In 2014, health sectors in some West African states were unprepared to confront the Ebola epidemic following years of endemic corruption that funneled resources away from public services. Government warnings about the spread of Ebola also went unheeded in the early months of the crisis – dismissed by wary citizens who mistook public health announcements as ploys to attract additional international funds.<sup>9</sup> Corruption not only weakened critical state services; it also decreased trust in the government.

Recent analysis suggests that a similar lack of confidence in state institutions and public officials has had a major impact on the effectiveness of state responses to COVID-19. By some analyses, countries with higher levels of popular trust were able to undertake mass testing and quarantine measures even before infection rates started to rapidly increase within their borders and have been more effective in establishing and maintaining restrictive social distancing measures.<sup>10</sup>

Given its potential impact on the efficacy of government responses to the pandemic – both short- and long-term – this paper focuses specifically on risks of public sector corruption, which can be understood as abuse of entrusted authority by a public official for private gain.<sup>11</sup> Public officials can include elected and appointed individuals working for the various branches of government, the administrative offices and mechanisms supporting them, the oversight and audit organizations that monitor their work and employees of state-owned enterprises.<sup>12</sup> Public sector corruption occurs when an official abuses his or her authority through “bribery, embezzlement, illicit enrichment, trading in influence ... abuse of functions (which can involve favouritism and nepotism)” or other activities that serve personal interests rather than the public interests that they are entrusted to protect.<sup>13</sup>

A significant body of literature has examined the relationship between public trust and political corruption, demonstrating that a lack of trust – interpersonal and political – is both a cause and a consequence of corruption.<sup>14</sup> Acknowledging this causal relationship, the promotion of “integrity, honesty, and responsibility among public officials” is a legal obligation for the 187 state parties of the United Nations Convention against Corruption.<sup>15</sup> While most governments have integrated these principles into their laws, regulations and codes of conduct for public servants,<sup>16</sup> corruption prevention in practice remains a major challenge across the globe. Factors enabling continued public sector corruption include lack of capacity and resourcing of anti-corruption agencies, lack of political will to enforce sanctioning of violations, opportunities for self-enrichment and inadequate access to information and transparency in public sector processes.

These challenges are heightened by the current pandemic, as emergency measures continue to be used to combat the spread of the virus. Restrictions on movement and gatherings, the adoption of expedited procurement procedures and the mobilization of government resources can play a critical role in mitigating the risks of viral transmission and supporting a health sector response that can respond to surging needs. However, these emergency responses can also diminish transparency in public sector operations, impacting the ability of both governmental and nongovernmental oversight mechanisms to deter, detect and demand accountability for corruption.

With loss of transparency comes heightened opportunity for abuse of public resources, and allegations are emerging that demonstrate how some public sector actors may exploit the crisis for personal gain. As illustration, the chair of a local government council in **Nigeria** was arrested in May for using his position to redirect palliatives intended for vulnerable populations toward local law enforcement staff and colleagues,<sup>17</sup> while in the **Maldives**, the Anti-Corruption Commission has been investigating potential violations of procurement processes.<sup>18</sup> In **Bangladesh**, a government investigation found that public officials may have been stealing rice from food shipments to workers cut off from their sources of income by the pandemic to resell the goods for personal profit.<sup>19</sup> This type of corruption for personal gain undermines both the immediate efficacy of state response to the current health crisis and the credibility of democratic processes and institutions over the longer term.

Corrupt practices for *political* gain can be equally (or more) pernicious and potentially harder to track – and this may be a lingering legacy of the COVID-19 pandemic. One particularly thorny form of political corruption to monitor and control as the pandemic progresses will be the abuse of state resources for electoral advantage. Governments are handling large sums of relief and economic stimulus funds and overseeing distribution of medical and personal protective equipment (PPE) as part of their response to the health crisis. In countries with upcoming elections,<sup>20</sup> it may be difficult for the voting public to differentiate between aid promised or provided by the government, and aid promised or provided by a specific candidate or political party – particularly if politicians' names are affixed to stimulus checks<sup>21</sup> or funds and protective equipment are distributed on a partisan basis.<sup>22</sup> While instances of abuse of state resources may be small, controversial and hard to detect or define during emergency periods, they cannot be ignored. Over time, they can entrench incumbent advantage, impact election results or otherwise shift the balance of power between political parties.

Left unchecked, endemic public sector corruption will continue to erode public trust and political participation in the long term, undermining democratic processes and institutions.<sup>23</sup> The length and severity of the COVID-19 crisis may also further undermine regional and international anti-corruption efforts by entrenching emergency measures in a way that erodes accountability measures over time and by detracting from corruption prevention priorities.

As countries move from emergency response to resumption of more normal government activity, corruption vulnerabilities will evolve. In the immediate term, priority risks include exploitation of relaxed and accelerated procurement processes and use of public relief funds and goods for personal gain. As emergency periods end and countries start to reschedule postponed elections, there is heightened risk of abuse of state resources and violations of political finance regulations to influence electoral outcomes. Throughout the crisis and in its aftermath, judiciaries will experience vulnerabilities that may both challenge their ability to hold corrupt public officials accountable and increase opportunities for corruption within the judiciary itself. While these are by no means the only types of corruption vulnerabilities present in the COVID-19 crisis, they are particularly prominent areas of corruption risks in the public sector with the potential to cause longer-term damage to the credibility of democratic institutions. This is especially true when coupled with the weakening of institutional and civil society-driven accountability mechanisms that has been experienced in many countries during the crisis.

# Major Findings

A review of emerging corruption challenges since the onset of the pandemic in early 2020 suggests that the primary areas of public corruption vulnerability include: public procurement; government relief programs; abuse of government resources and political finance regulation; and the judiciary. These risks are discussed in turn below.

## Vulnerability 1: Public Procurement

**The COVID-19 pandemic necessitates immediate purchase and delivery of medical supplies and PPE that are in high demand and short supply, heightening risks for corruption in procurement processes.**

Public procurement systems should ensure competition, transparency and accountability in government purchasing, which accounts for up to 30 percent of many countries' gross domestic products.<sup>24</sup> Sound public procurement practices can promote fair market prices, underpin a salutary climate for foreign investment and reassure citizens that their tax dollars are being used wisely. Despite years of efforts to integrate international recommendations and standards into domestic procurement systems,<sup>25</sup> the United Nations Office on Drugs and Crimes (UNODC) reports that "hundreds of billions of dollars are lost to corruption in public procurement every year"<sup>26</sup> and the Open Contracting Partnership estimates that up to \$9.5 trillion (USD) is lost through government contracting processes annually.<sup>27</sup> These losses are the result of collusion, price fixing, fraudulent bidding and invoicing, embezzlement, bribery, kickbacks, granting of contracts to unsuitable vendors and other corrupt practices.<sup>28</sup>

Opportunities for corruption in public procurement are heightened as governments respond to the evolving COVID-19 pandemic and compounded by increased spending to stimulate the economy and provide social relief. As national and local governments procure medical goods and PPE to reduce transmission and treat COVID-19, prices and competition are distorted. Demand skyrockets and procurement officers compete for limited supplies of critical materials like face masks, sanitization products and ventilators – sometimes undermining procurement rules and transparency measures. In this context, opportunities for bribery to edge out competitors,<sup>29</sup> price gouging<sup>30</sup> and sale of counterfeit medical products<sup>31</sup> increase. For example, in **Estonia**, a government minister reportedly withheld information from a journalist about a purchase of face masks, fearing that other buyers would "steal" away the masks by offering the supplier a higher price. The tender for the 11 million euro purchase was not published online, and access to information requests on the purchase went unanswered.<sup>32</sup>

To respond specifically to emerging challenges around fraud scams and suppliers offering counterfeit and faulty goods, procurement officers can monitor statements from international, regional and national law enforcement and anti-money laundering and counterterrorism financing organizations that are working to prevent and investigate these crimes, including the International Criminal Police Organization (commonly referred to as INTERPOL) and the Financial Action Task Force.<sup>33</sup>

To reduce risks of supply-side corruption like price gouging, some national governments and regional bodies – for instance, **Germany** and the **European Commission** – have partially centralized procurement and distribution efforts, reducing competition for critical materials and directing them to populations with greatest levels of need.<sup>34</sup> Tracking market prices for specific goods and services at a central level and communicating openly across government can also serve to reduce opportunity for suppliers

to charge exceedingly high prices for high-demand resources.<sup>35</sup> Open data mechanisms and digital publication of procurement information are additional tools for identifying inflated prices, and are discussed further in the next subsection.<sup>36</sup>

Unanticipated and time-sensitive demand for medical supplies has necessitated acceleration<sup>37</sup> of procurement processes and temporary relaxation<sup>38</sup> of rules. With shorter timelines for competition, evaluation and risk assessments, suppliers without the capacity to deliver agreed goods and services have a greater opportunity to secure contracts.<sup>39</sup> It is also possible that with loss of transparency and oversight, government contracts will be granted on a partisan basis, or conflicts of interest will be overlooked. A recent round of procurement in **Slovenia** illustrates the risks that can accompany accelerated and nontransparent purchases. As the Organized Crime and Corruption Reporting Project outlined, “the government signed deals worth around 80 million euros (US \$87 million) in opaque one-day bids” to secure masks and other protective equipment. Reports suggest that a majority of these funds went to a casino gaming company and assorted small businesses with little to no experience supplying medical and protective goods or handling contracts of such

### Supply-Side vs. Demand-Side Corruption

The [Anti-Corruption Resource Centre's Glossary](#) offers a succinct and useful distinction between supply-side and demand-side corruption:

“Supply side [corruption] refers to the person or entities who offer or provide the illicit benefit in corrupt transactions. The officials with entrusted authority who receive illicit benefits constitute the demand side.”<sup>40</sup>

### A Note on Electoral Procurement

As of August 11, 2020, the [International Foundation for Electoral Systems](#) recorded that 64 countries and eight additional territories had postponed elections due to the COVID-19 pandemic.<sup>42</sup>

As [Safeguarding Health and Elections](#),<sup>43</sup> the first paper in this briefing series, highlights, elections are a critical part of democratic governance. Countries across the globe are seeking to adapt electoral processes in a manner that ensures public safety, while also delivering on citizens' rights to elect their public representatives.

As a result, election management bodies are procuring, or will need to otherwise secure, disinfectants, face masks, gloves, translucent shields and other PPE that are already in high demand and short supply. They must evaluate risks for corruption in their own procurement procedures and ensure adequate transparency and accountability is maintained as they seek out and purchase these resources. As is the case for other procurement authorities, they should consider coordinating with law enforcement agencies to understand the scope of fraud schemes and counterfeiting operations producing ineffective medical and protective supplies. They can use this knowledge when selecting vendors to minimize risk.

high value. For some of the small businesses, the one-time award they received to supply the government with protective goods significantly outstripped their net profits for the entirety of the previous year.<sup>41</sup> It can be difficult to determine whether awards of this nature result from lack of competition, unintentional oversights in procurement processes (to include evaluation of suppliers), intentional fraud by suppliers, conflict of interests among procurement officials or some combination of these factors.

Many countries<sup>44</sup> and regional bodies like the European Commission<sup>45</sup> have proactively published guidance on the flexibilities available to procurement officers under emergency procedures to help them navigate these challenges.<sup>46</sup> **Australia**, for example, has released guidelines at both the national Commonwealth<sup>47</sup> and state<sup>48</sup> levels, and is using email to field questions and provide further clarifications to stakeholders. **Chile** maintains lists of preapproved vendors that meet rigorous qualifications and vetting standards, and present lower risk during accelerated procurement processes.<sup>49</sup> This approach is also adopted by some disaster

response agencies, such as the U.S. Federal Emergency Management Agency, which works with pre-vetted vendors “to satisfy procurement needs before, during and after a disaster.”<sup>50</sup> While a potentially valuable tool for rapid response, the Organisation for Economic Co-operation and Development cautions that use of preapproved lists of suppliers is not a foolproof method for preventing corruption.

As the emergency situation evolves and supply and demand dynamics continue to shift, countries will need to update procurement guidelines to increase competition and balance government priorities (e.g., supporting small businesses). Direct awards for instance, which are issued without competition to respond to unforeseeable and urgent needs in emergency situations, should be phased out over time.<sup>51</sup> As procurement moves from short-term reaction, to longer-term planning, including addressing the lingering impacts of the COVID-19 pandemic, attention should be given to how the crisis has impacted production and supply chains.<sup>52</sup> **South Africa**’s National Treasury offers an example of this kind of adaptation, updating its procurement strategy as an increasing number of domestic businesses shifted their attention to production of high-priority supplies.

Government open data measures are also important for comparing and understanding costs of high-demand goods and services. Beyond providing comparative data to procurement officers facing inflated pricing, open data portals such as those established by **Paraguay**<sup>53</sup> and **Moldova**<sup>54</sup> can be designed to capture information on national budgets for goods and services, entities that submit bids, values of final awards and supplier fulfillment, among other data points.<sup>55</sup> Publicizing this data enables more effective oversight by government institutions, civil society organizations (CSOs) and journalists. As articulated by the G-20 in its *Anti-Corruption Open Data Principles*, open data fundamentally alters “incentives ... by modifying corruption-prone environments, and preventing regulatory capture, conflict of interest, and lobbying ... through transparency and the increased monitoring of government affairs from all sectors of society.”<sup>56</sup>

The potential benefits of open data during the pandemic are illustrated by an example from **Ukraine**. By law, the government must publish the full text of all emergency contracts online.<sup>57</sup> As a result, media and CSOs have been able to uncover and investigate potential abuses. In one case, the Ministry of Health canceled a contract established by Medical Procurement of Ukraine, a state-owned enterprise working as a central procurement agency, for protective suits (a form of PPE) and issued a new contract to import equivalent suits from China at almost twice the cost.<sup>58</sup> In another case, civic organizations exposed potential price gouging in mask sales, leading to an Anti-Monopoly Committee of Ukraine investigation into manufacturers and suppliers in the Kyiv region.<sup>59</sup> These stories contrast with the example of Slovenia discussed earlier, in which procurement data was not openly published and journalists and CSOs were unable to review how public funds were used. The examples from Ukraine also demonstrate that CSOs and the media can complement the work of government oversight bodies if transparency measures are upheld.

## COVID-19 Disruptions and Accountability Mechanisms: Right to Information

One consequence of the pandemic is that many governments have announced restrictions and delays in processing requests for information,<sup>60</sup> weakening the ability of the public, civil society and journalists to monitor governmental responses to the crisis and hold officials accountable for corrupt conduct.

While it may be necessary for governments in countries impacted by the coronavirus to reduce fulfillment of freedom of information requests and derogate from relevant international human rights provisions<sup>61</sup> so they can focus on crisis response and public safety, most governments should have the capacity to maintain a certain level of service to the public.<sup>62</sup> This might include suspending mail or in-person complaints, while maintaining phone lines and online submission processes. For example, some countries, like **France**, **Mexico** and **Spain**, have temporarily extended deadlines during the state of emergency, but have continued responding to requests. On the other hand, the New Brunswick ombudsman (**Canada**), **Bangladesh** and **Honduras** ceased receiving or processing complaints entirely during the state of emergency.<sup>63</sup>

Given the importance of providing information to the public about government responses to the crisis, limited resources could be focused to prioritize requests related to COVID-19 during the emergency period.<sup>64</sup> The chief ombudsman in **New Zealand**, for example, has noted that “there may be a need for even greater transparency when a decision involves public health and safety or those that affect someone’s financial circumstances, housing situation or family circumstances” and has instructed his staff to prioritize those complaints.<sup>65</sup> In the **United States**, where government agencies have responded to the crisis with various changes to their freedom of information disclosure processes,<sup>66</sup> 132 organizations have called on the government to uphold transparency measures during the public health crisis.<sup>67</sup> The organizations argued that proactive disclosure could reduce the burden of responding to requests for information – noting that it should not be necessary to submit a request for information about government decisions involving public health and safety.<sup>68</sup>

### Vulnerability 2: Government Relief Programs

**The scope and urgency of social and economic relief programs, coupled with weakened oversight and accountability mechanisms, have increased opportunities for abuse by public officials.**

In response to the ongoing health crisis, governments<sup>69</sup> and international organizations<sup>70</sup> have quickly mobilized funds to relieve the economic and social hardships caused by emergency measures. The unprecedented size and scope of these relief efforts heighten the risk of abuse by public officials who are involved in the design and implementation of these packages and programs.

As of July 10, 200 countries and territories have planned, introduced or adapted a combined total of 1,055 social protection measures in response to COVID-19, including in-kind support (e.g., food voucher or distribution schemes, school feeding), cash-based measures (e.g., conditional and unconditional cash transfers, universal one-off cash, child care support, social pensions), social insurance (e.g., paid sick leave, unemployment, pension, health insurance support) and labor market interventions

(e.g., wage subsidies).<sup>71</sup> In addition to these social protection measures, countries have implemented economic relief programs for businesses and industry to combat the negative impacts of emergency measures. These include tax relief measures,<sup>72</sup> subsidized loans, loan guarantees and direct financial support.<sup>73</sup> So far, social and economic spending commitments in response to COVID-19 have reached more than \$9 trillion globally.<sup>74</sup> While commitments do not necessarily translate directly to actual spending, this figure is indicative of the massive scale of funds being leveraged across the globe.

### Social Relief Programs and Abuse of State Resources

Social and economic relief programs can be abused by public officials in an attempt to win elections. In **South Africa**, for example, local government officials have been accused of abusing their authority to distribute COVID-19 assistance to help their campaigns ahead of elections. This has included restricting in-kind food assistance to members of their party and “secretly stockpile[ing] food to win support from ANC members during branch general meetings, with a view to promoting their chances of being elected as candidates in next year’s local government elections” at the expense of constituents in need.<sup>75</sup>

Even under ordinary circumstances, social and economic protection programs bring considerable corruption risks, including of manipulation of beneficiary lists (through, for example, bribery or exercising undue influence to exclude eligible beneficiaries or include noneligible beneficiaries) or interference with the disbursement of resources (e.g., the diversion of cash by administrative staff, payments made to “ghost” beneficiaries, collusion between staff and beneficiaries or solicitation of kickbacks in return for the release of payments).<sup>76</sup> When beneficiary criteria are not transparent or when public officials have wide discretion in the selection of beneficiaries, there are opportunities for abuse.<sup>77</sup>

“As of July 10, 200 countries and territories have planned, introduced or adapted a combined total of 1,055 social protection measures in response to COVID-19.”

This has already proven to be an issue in the distribution of COVID-19 relief funds. In **Malaysia**, for example, there is evidence that emergency funds have been distributed along partisan lines. The Coalition for Clean and Fair Elections (Bersih 2.0) has condemned a state government for distributing COVID-19 relief funds directly to elected constituency officials who are members of the ruling party while channeling opposition-led constituency relief funds to ruling-party representatives instead of opposition officials.<sup>78</sup> The coalition also documented a list of 19 elected representatives whose names and likenesses have appeared on COVID-19 relief items, such as rice and hand sanitizer.<sup>79</sup>

To prevent corruption in social and economic relief programs, it is important that there are oversight mechanisms to monitor the use of these funds. As will be explored further in the forthcoming paper *Preserving Independent and Accountable Institutions*, independent government institutions, such as anti-corruption commissions, election commissions, ombudsmen and supreme audit institutions (SAIs) have important roles to play in holding government to account for abuses, including corrupt conduct. However, many of these institutions are also facing disruptions to their operations.<sup>80</sup> SAIs in particular, play a key role in “ensuring that ensuring that public integrity is not compromised in the management” of COVID-19 funds.<sup>81</sup> It is important that SAIs have the necessary resources to audit COVID-19 funds, which may require suspending other annual auditing processes. In the **United States**, the COVID-19 stimulus package allocates funding to the SAI to conduct oversight activities for COVID-19 spending.<sup>82</sup> Directly incorporating anti-corruption and oversight bodies on a country’s COVID-19 task force or committee can also positively impact oversight and accountability.<sup>83</sup> In addition to these independent institutions, these bodies might include internal audit and compliance offices in key implementing agencies (e.g., Ministry of Health, Ministry of Social Services) as well as the relevant prosecutorial and investigative offices.

Without adequate and accurate access to information, oversight institutions, such as parliamentary oversight committees, SAs and civil society groups, will not be able to effectively assess whether funds have been used as intended. Reducing or delaying public reporting requirements to enable quicker disbursement, for example, can ultimately hinder these important oversight mechanisms.<sup>84</sup> Proactive disclosure and reporting requirements should be established in advance so that the objectives, rationale, beneficiary criteria, cost and performance indicators of individual programs are clear and the implementation and impact can be monitored.<sup>85</sup>

It is also important that responsibility and lines of communication are clear to hold public officials responsible for the results of economic or social relief programs.<sup>86</sup> In the **Philippines**, for instance, Congress passed emergency legislation that provided the president the authority to redirect funds from state agency budgets to COVID-19 response efforts without prior approval of Congress.<sup>87</sup> The legislation also included a requirement that the president submit weekly reports to a congressional oversight committee, which must detail all actions taken under the emergency powers granted by the legislation in addition to “the amount and corresponding utilization of the funds used, augmented, reprogrammed, reallocated and realigned.”<sup>88</sup> These reports are made publicly available on the website of the official gazette.<sup>89</sup>

Additionally, limited or no consultation with stakeholders in the design of relief programs can create opportunities for public officials to misdirect resources to special interest groups or manipulate criteria for beneficiaries. Public consultation processes might include transparent public notice and comment processes, public hearings, formation of advisory bodies, circulation of proposals and informal consultations, and can help ensure that social protection programs meet the needs of the target population.<sup>90</sup> These mechanisms also increase transparency of the design process for the public, which can limit the ability of officials to manipulate program design.

Consultation processes may not always be feasible or may be truncated given the urgency of the COVID-19 pandemic and the social distancing requirements in place in many countries.<sup>91</sup> One way to provide some opportunity for public consultation is to leverage online platforms.<sup>92</sup> However, if this is not practical or possible in the current context, an alternative could be to consult key stakeholders, such as employer and employee unions, or representatives of an industry that has been especially

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**Covid-19 Gifts Raise Questions of Accountability and Power Abuse**

Bersih 2.0 expresses grave concern on faces and names of elected politicians appearing on Covid-19 gifts for constituents such as rice and hand sanitizer, as some may involve abuse of government funding. We call on all involved representatives to publicly declare the cost and source of such gifts.

If government funds are abused for politicians to seek gratification, it may warrant investigation by the MACC under Section 23 of the MACC Act.

Read full statement:  
 English - [bit.ly/2QZAhcc](https://bit.ly/2QZAhcc)  
 BM - [bit.ly/2UAK8wd](https://bit.ly/2UAK8wd)



*Photos documenting instances of the names or likenesses of elected representatives in Malaysia appearing on COVID-19 relief items, posted by The Coalition for Clean and Fair Elections (Bersih 2.0) on Facebook.*

impacted by the crisis (e.g., airlines or restaurants).<sup>93</sup> This approach was used by the Ministry of Finance in **Côte d'Ivoire**.<sup>94</sup> It is especially important that such consultations be done transparently “to prevent any potential influence from vested interest groups on the policymaking process.”<sup>95</sup>

Another way to increase accountability is to create beneficiary criteria that are independently verifiable so that eligibility does not hinge on the discretion of public officials. These criteria should be proactively disclosed “to ensure that intended beneficiaries are aware of their eligibility, amount, and scope of benefit, and method by which their beneficiary status will be made known to the disbursement authorities.”<sup>96</sup> For instance, when **Germany** announced its social and economic relief program for businesses and households, it published information on the types of relief available on an easy-to-use web portal.<sup>97</sup> For each program, the eligibility criteria, link for the application and responsible government authority were provided.<sup>98</sup>

Civil society can play an important role in verifying that these beneficiary criteria are used appropriately. In **Nigeria**, for instance, the president announced that cash transfers related to COVID-19 would be made to those households on the existing National Social Register,<sup>99</sup> which is independently verifiable as long as the register is made accessible. Building on investigative reporting spanning back to the register’s creation in 2015, the nonprofit International Centre for Investigative Reporting analyzed available data and revealed that less than half of the vulnerable households on the register were receiving COVID-19 support and that resources were not distributed evenly among regions.<sup>100</sup> This highlighted that the National Social Register was not in fact being used as an independently verifiable beneficiary criteria, as it remains unclear how households are selected from the register to receive financial assistance. The Social and Economic Rights Accountability Project, another nonprofit, has since filed a freedom of information request to obtain beneficiary lists to better assess the distribution of COVID-19 relief in Nigeria.<sup>101</sup>

Oversight bodies can also play an important role in collecting and sharing information with the public about the government’s COVID-19 policies, procedures and programs, which can help enable monitoring by CSOs and notify beneficiaries of their rights. The human rights ombudsman of **Slovenia** has launched a section on its website for COVID-19 information, including measures taken to control the pandemic and the administrative acts by which they were adopted by the government, including those not published in the official gazette.<sup>102</sup>

Awareness, coupled with access to independent complaint mechanisms, can help empower beneficiaries to hold public officials accountable when they do not receive the social or economic relief to which they are entitled.<sup>103</sup> For example, in the wake of the Indian Ocean tsunami that pummeled South and Southeast Asia in December 2004, the Anti-Corruption Agency of **Malaysia** gathered information from affected communities regarding their needs and disseminated information regarding their entitlements under aid programs.<sup>104</sup> The agency also set up a variety of reporting channels for communities to bring forward allegations of abuse or corruption.<sup>105</sup> While the response was slower in **Indonesia**, eventually the Corruption Eradication Commission established complaint boxes and sent roving teams to oversee the aid programs and enable citizens to bring forward concerns or complaints.<sup>106</sup>

Finally, operational disruptions in legislatures present an additional challenge for the design and implementation of emergency social protection measures. Many legislatures have faced challenges in amending working rules to enable remote work during the public health crisis, which undermines important systems of checks and balances.<sup>107</sup> In addition to reduced legislative capacity for oversight, governments may be “pursuing less conventional means of financing which do not require parliamentary approval, or only require approval after the fact, such as the use of contingency funds.”<sup>108</sup> This can

greatly undermine accountability for the use of COVID-19 response funds and create corruption vulnerabilities in the implementation of programs. For example, in **Papua New Guinea**, Transparency International reported that while the government has announced that more than \$10 million has been earmarked for the COVID-19 crisis response, the exact amount has not been verified, nor has the National Treasury released any “verifiable information or data on exactly how much funding has been spent so far or how it has been spent.”<sup>109</sup>

If contingency funds or other alternative funding options are necessary within the context of the crisis, then the executive should notify the legislature of their use and submit spending reports.<sup>110</sup> At a minimum there should be clear legal authorization for COVID-19 funding; “budgetary as well as extra-budgetary measures – should be presented, debated and authorized by Parliament.”<sup>111</sup> To enable legislatures to hold public officials accountable, the relevant government agencies should provide granular budget information for each emergency program and clear eligibility criteria for beneficiaries.<sup>112</sup> In **Austria**, the independent parliamentary budget office highlighted the inadequacy of information made available to parliamentarians on COVID-19 funds and the need for comprehensive reporting to Parliament.<sup>113</sup> This ultimately led to the establishment of a special oversight subcommittee and a parliamentary resolution to improve the transparency of spending and introduce reporting requirements.<sup>114</sup>

### **Vulnerability 3: Political Finance and Use of State Resources**

**The COVID-19 pandemic creates opportunities for violations of political finance frameworks and makes these violations harder to detect.**

Strong and enforceable regulation, disclosure and oversight of money in politics can “enhance the integrity of the political process and ensure a level playing field for parties and candidates.”<sup>115</sup> The bodies charged with the oversight of political and campaign funding and spending vary by country, but can include election management bodies, special independent commissions specifically tasked with enforcing political finance regulations, auditing agencies, anti-corruption agencies, government ministries and courts.<sup>116</sup> CSOs and media can conduct supplementary monitoring, ensure state oversight agencies are carrying out their mandates effectively and fairly and apply normative pressure for parties and candidates to conform with the law.<sup>117</sup>

However, social distancing regulations and restrictions on movement pose challenges to effective oversight as the pandemic continues to evolve. As government attention is diverted by the immediate response to the pandemic, less priority is placed on engaging in political finance monitoring in the short term. Oversight bodies are also facing backlogs and shortened timelines for review of financial reports, which heightens risks for substandard practice and “involuntary noncompliance” (mistakes) in review processes.<sup>118</sup>



**It is important to recognize that bottom-up oversight and accountability activities undertaken by civil society and journalists are limited by loss of transparency, lockdowns, social distancing restrictions and political pressures.”**

To mitigate risks of under preparation for oversight of elections, CSOs may be able to work with monitoring and control bodies and urge continued preparations for postponed elections even during the pandemic. However, it is important to recognize that bottom-up oversight and accountability activities undertaken by civil society and journalists are limited by loss of transparency, lockdowns, social distancing restrictions and political pressures. In **India**, for example, Prime Minister Narendra Modi personally reached out to major media outlets to request that they air and publish “positive stories” about

the COVID-19 pandemic,<sup>119</sup> to include stories praising and highlighting government response efforts. In **Liberia**, the solicitor general threatened to shut down media outlets, leveraging accusations of “fake news” as a weapon to prevent stories that “undermined” the government’s response to the pandemic.<sup>120</sup>

For their part, political finance oversight institutions may wish to proactively publish statements about how they are continuing to monitor and control political finance during emergency periods, clearly document when and why extensions are granted for filing of financial reports,<sup>121</sup> and continue to comply with all legal requirements for public disclosure. In the longer term, political finance oversight institutions may find it beneficial to establish an online system of financial reporting and disclosure for political parties and campaigns. Online systems facilitate disclosure of information on political spending to the public, which empowers oversight institutions and citizens to understand the sources of party and campaign funding and how it is spent.<sup>122</sup> While adoption of such tools will incur costs and require careful testing and training,<sup>123</sup> they can be valuable to maintain transparency and accountability during emergency periods in the future – even those requiring social distancing.<sup>124</sup>

Social distancing requirements could also accelerate the trend toward online campaigning, which predates the COVID-19 pandemic and was already straining regulatory frameworks.<sup>125</sup> The challenge is that political advertising online is easier to obscure and generally less regulated than traditional forms of advertising,<sup>126</sup> and many states lack regulations limiting political spending or requiring disclosure of payments for online advertisements.<sup>127</sup>

Combined with an absence of spending caps and insufficient reporting requirements, the increased use of online advertising during the pandemic could severely limit transparency around total spending on party and candidate advertising during the pandemic. Addressing potential political finance risks that are emerging as this trend unfolds may require updates to legal and regulatory frameworks and will also require coordination with global social media companies. Open dialogues among social media companies, election management bodies and the oversight institutions engaged in political finance monitoring and control could also prove fruitful in developing coordinated approaches to the regulation of online ads. In the immediate term, as elections unfold against the backdrop of the pandemic, CSOs and other monitoring groups can lay the groundwork for increasing transparency and fairness by observing and analyzing how candidates and political parties are using online media and social media platforms to advance their campaigns.

### **Adapting to Monitor Online Campaigns and Detect Abuse of State Resources**

For oversight bodies and CSOs focused on monitoring adherence to political finance regulations, shifts to online campaigning may require them to reevaluate their strategies and oversight tools. For instance, social distancing requirements may impede field monitoring, such as attendance of political events, or visits to campaign offices.

Loss of such access points could make it more difficult to detect **abuse of state resources** – such as selective distribution of relief funds, public personnel campaigning on the job or the use of state vehicles, government offices and publicly funded spaces for campaign purposes.

To strengthen remote monitoring capacities as in-person events are canceled or become more difficult to attend, stakeholders may need to develop new skill sets to track online spending, advertising and messaging. While tools like CrowdTangle, Facebook’s political ads library and the Google Transparency Report are available to actors seeking enhanced accountability, it can take time to learn to navigate new online mechanisms, which will pose a challenge for election monitoring in the near term.

In addition to online political advertising, social welfare spending to respond to COVID-19 could conflict with legal frameworks regulating political finance and the use of state resources. The risks of corruption around economic and relief packages are covered in the preceding section of the paper and will not be recounted here. However, it is important to flag that some states restrict social welfare spending in election years to prevent abuse of state resources (such as withholding or redirecting welfare funds from specific areas and recipients to shape voting patterns). In **Montenegro**, the Law on Financing of Political Entities and Election Campaigns prevented political parties and candidates from using state and local budget reserves to issue one-time welfare payments in election years.<sup>128</sup> With increased need for welfare assistance to respond to COVID-19, the legislature amended the law on April 24, 2020, authorizing use of one-time payments from budget reserves during war, pandemics and other emergency situations.<sup>129</sup> These payments fall outside the regular welfare system, and there is less transparency on their value and recipients. The amendment was adopted by a vote that hinged heavily on the support of members of the ruling party, with opposition deputies abstaining after their proposal for mixed oversight and management of these one-time welfare payments by CSOs, the ruling party and opposition parties was rejected.<sup>130</sup> Opposition party members and CSOs have registered concern that this amendment will enable vote buying.

#### Vulnerability 4: The Judiciary

**Public health measures have profoundly impacted the operational capacity of judiciaries, increasing the opportunity for executive authorities to bypass their oversight and undermine their independence. At the same time, public health measures are increasing judicial discretion, creating opportunities for corruption.**

An independent and ethical judiciary is essential for effectively addressing corruption.<sup>131</sup> As noted in the International Commission of Jurists' Geneva Declaration, judicial independence in times of crisis is essential to checking the exercise of emergency powers by the executive. However, in a crisis, the capacity of a judiciary can be seriously undermined, leading to challenges to its independence.<sup>132</sup> Emergency measures have been put in place all over the world to protect the health and safety of judges, court personnel and the public, but it has been noted that "restrictions adopted by or at the request of the judiciary are generally more compatible with judicial independence than measures imposed on the judiciary by another branch of government."<sup>133</sup>

When the executive places restrictions on the judiciary during a crisis, it can severely restrict the judiciary's capacity to perform a check on the executive and hold corrupt public officials accountable.<sup>134</sup> For example, in **Israel**, a court shutdown ordered by Prime Minister Benjamin Netanyahu's justice minister effectively delayed Netanyahu's criminal trial on bribery and other corruption charges.<sup>135</sup> Similarly, in **Guatemala**, after months of delays in electing judges to Guatemala's Supreme Electoral Tribunal, the nomination process went forward during a national quarantine in which the congressional session was closed to media and the public – allegedly to prevent the spread of the virus.<sup>136</sup> There have been widespread concerns over the lack of transparency in the appointment process, which have been exacerbated after the tribunal's first order to suspend "the annulment of six different political parties and economic sanctions against former political candidates, advertising companies, and political organizations, several of whom had allegedly illicitly financed past elections."<sup>137</sup> The justification for this order was that "the affected parties were unable to appear in their defense due to the public health crisis," which has triggered allegations of undue influence.<sup>138</sup>

In **Brazil**, a country already embroiled in high-level COVID-19 corruption allegations,<sup>139</sup> the Supreme Court stepped in to issue an injunction<sup>140</sup> against a presidential decree releasing government officials

from their obligation to answer freedom of information requests during the COVID-19 outbreak if they needed access to their offices to respond.<sup>141</sup> In response to this presidential decree, more than 70 CSOs compiled a statement calling on Parliament and the federal government to repeal the decree, “protest[ing] that while the decree aims to prioritize responses to requests related to the pandemic, it does not specify how this would happen, if the response time would be shorter, and what the criteria are for the prioritization.”<sup>142</sup> The decree was not repealed, and the Supreme Court’s injunction emphasizes the importance of judicial independence to hold government accountable. This decree was issued by the same president who signed a controversial measure that released public officials from errors or mistakes in COVID-19 response, claiming that “it is necessary that [public officials’] most impactful decisions, taken in good faith and focused on these objectives, are free from the future bonds of accountability processes.”<sup>143</sup>

The Consultative Council of European Judges has issued guidance on the role of the judiciary during the COVID-19 pandemic, which includes guidance on maintaining independence in the face of funding restrictions and other challenges related to the public health crisis.<sup>144</sup> The United Nations’ special rapporteur on independence of justice and lawyers has also stated that to remain effective and independent during the COVID-19 crisis, judiciaries should prioritize matters related to the protection of rights – explicitly including corruption.<sup>145</sup>

Judicial independence is crucial for the enforcement of anti-corruption provisions – as is the independence of investigators and prosecutors – but the actors within the judicial system are also susceptible to corruption.<sup>146</sup> Corruption within the judiciary “not only undermines the courts’ credibility as corruption fighters” but also “harms the broader accountability function that the judiciary is entrusted with in democratic systems – upholding citizens’ rights, securing the integrity of the political rules of the game, and sanctioning representatives of other branches when they act in contravention of the law.”<sup>147</sup>

While there are notable exceptions, public perception surveys have long highlighted widespread belief in many countries that judiciaries are corrupt.<sup>148</sup> Some well-known examples of corrupt conduct in the justice sector include “losing case files, evidence, or even suspects, delaying proceedings, issuing questionable sentences, or providing prisoners with preferential treatment.”<sup>149</sup> To prevent these abuses, judiciaries might introduce transparent case management systems and procedures that limit the discretion of judges and other court personnel.<sup>150</sup>

However, many public health measures being implemented are *increasing* the discretion of judges, which could be abused in exchange for favors or bribes, exacerbating the existing risks of corruption in judiciaries. For instance, judges in many countries are playing a critical role in large-scale prison release efforts designed to prevent large outbreaks in crowded facilities in which social distancing and other safety measures are not feasible. While there has been no evidence or allegations of corruption, in **Canada**, judges have started to consider the heightened health risks of detention when deciding whether bail should be granted to detainees. However, the underlying assessment to be used by judges when making these determinations is not yet settled.<sup>151</sup> Similarly, as many courts close and reduce caseloads, judges have increased discretion over which cases will be deemed “critical” enough to move forward and which will be delayed.<sup>152</sup> Guidance issued by the Consultative Council of European Judges emphasizes the need to establish “fair and objective” criteria for prioritization of cases and the allocation of cases among judges as well as the importance of issuing guidelines for judges to address the emergency situation.<sup>153</sup>

Many courts are also limiting trial access only to people deemed “essential” to the proceedings, which undermines the transparency of the process and the capacity for civil society monitoring. In **Zimbabwe**,

for instance, protection measures issued by the chief justice restrict access to hearings to the parties and their legal representatives.<sup>154</sup> Similarly, holding trials in alternative venues, such as offices or even via closed videoconferencing, might exclude family members and media by default, undermining transparency and the ability to monitor for potential instances of bribery or breaches of due process. Even if these types of measures are intended to support the pandemic response, they could impede transparency and independent monitoring and increase perceptions of corruption in the judiciary. The Consultative Council of European Judges noted that while public webcasting (versus closed videoconferencing) is usually used to “reach a wider audience and encourage a broader interest” in the role of courts in public life, in “an emergency situation, webcasting may be even more justified in order to expressly demonstrate that justice is being performed openly and in public.”<sup>155</sup>

Finally, judicial complaints bodies have also announced suspensions or operational reductions during the crisis. For example, in the **United States**, several state-level judicial conduct commissions have announced modified operations or delays in public hearings or cases.<sup>156</sup> It is important that judicial complaints mechanisms remain operational during the state of emergency to prevent impunity for judicial misconduct. The important role of disciplinary bodies and judicial councils is emphasized by the Consultative Council of European Judges’ guidance, which notes that they should continue to carry out their mandates during and in the aftermath of the pandemic.<sup>157</sup>

# Recommendations

The risks outlined in this paper stem in part from the implementation of emergency response measures that intentionally provide increased flexibility and authority to governments to enable them to respond quickly to a crisis.<sup>158</sup> Social distancing requirements, emergency procurement procedures, extensions to financial reporting periods and sharp increases in political spending can all contribute to loss of information disclosure and transparency and impede top-down and bottom-up oversight and accountability.

Many actions can be taken to mitigate these risks without undermining an adequate and appropriate government response to the public health emergency. The key drivers of these mitigation measures might be policymakers, civil society, journalists, oversight institutions or the impacted government agencies themselves (or most likely, some combination of these actors). Based on the findings identified previously, we have identified both short- and long-term actions that can be taken – either through direct government initiative or encouraged through civil society advocacy – to ensure the integrity and accountability of public officials, protect democratic institutions and ensure that COVID-19 responses are effectively protecting our communities. These recommendations are summarized in the table below.

<b>Short-Term (Pandemic Reaction) Recommendations</b>	<b>Long-Term (Pandemic Recovery) Recommendations</b>
<b>Public Procurement</b>	
<p><b>For Policymakers:</b></p> <ul style="list-style-type: none"> <li>• Where appropriate, and if transparency can be maintained, consider centralization of procurement activities.</li> <li>• Issue guidelines to help procurement officers navigate flexibilities allowed under emergency procurement procedures, including in issuing direct awards that meet urgent need but bypass competition.</li> <li>• Reiterate that emergency procurement is temporary and must be rolled back as circumstance allows to ensure a return to full competition and compliance with nonemergency safeguards.</li> <li>• Ensure that emergency procurement processes and transparent and proactively disclose details on contracts and purchases to the public.</li> <li>• Carefully consider whether pre-vetted lists of suppliers are a beneficial tool to adopt to expedite emergency procurement.</li> <li>• Uphold access to information laws and principles, and support civil society organizations’ monitoring of public procurement.</li> </ul>	<p><b>For Policymakers:</b></p> <ul style="list-style-type: none"> <li>• Roll back emergency procedures and restore normal safeguards, to include phasing out heightened use of direct awards.</li> <li>• Review and revise emergency procurement procedures in consultation with procurement officials and suppliers to be better for future emergencies. Consider long-term needs and how the pandemic has altered supply chains.</li> </ul>

<b>Short-Term (Pandemic Reaction) Recommendations</b>	<b>Long-Term (Pandemic Recovery) Recommendations</b>
<b>Public Procurement</b>	
<p><b>For Procurement Officers:</b></p> <ul style="list-style-type: none"> <li>• Coordinate with law enforcement to understand scam risks.</li> <li>• Track and share information on pricing for personal protective equipment, medical supplies and other high-demand goods and services. Leverage open procurement platforms to publish data on emergency transactions.</li> <li>• Maintain clear and accurate documentation for all phases of the procurement process, enabling ex post review.</li> <li>• Continue to conduct basic risk assessments and audits under emergency procurement procedures.</li> </ul>	
<b>Government Relief Programs</b>	
<p><b>For Policymakers:</b></p> <ul style="list-style-type: none"> <li>• Ensure that there is a clear legislative basis for the funds allocated for social and economic relief packages and some form of legislative approval or oversight for the use of extra-budgetary spending.</li> <li>• Include stakeholders in the design of social and economic relief programs.</li> <li>• Ensure that beneficiary criteria are transparent and clearly communicated to affected recipients.</li> <li>• Establish complaints processes for beneficiaries to report concerns about the implementation of programs.</li> <li>• Enhance and respect whistleblower protections.</li> <li>• Include clear reporting requirements both in the design and implementation of the relief programs.</li> </ul>	<p><b>For Policymakers:</b></p> <ul style="list-style-type: none"> <li>• Ensure that the supreme audit institution has a mandate to complete independent audits and make reports accessible to the public.</li> </ul> <p><b>For Supporting Agencies:</b></p> <ul style="list-style-type: none"> <li>• Monitor implementation of social and economic programs against preestablished indicators, if they exist, and issue publicly accessible reports.</li> <li>• Investigate alleged abuses by public officials and seek criminal or administrative penalties where appropriate.</li> </ul>

<b>Short-Term (Pandemic Reaction) Recommendations</b>	<b>Long-Term (Pandemic Recovery) Recommendations</b>
<b>Political Finance and Use of State Resources</b>	
<p><b>For Policymakers:</b></p> <ul style="list-style-type: none"> <li>Prohibit branding of relief packages, personal protective equipment and medical assistance with candidate or political party images and slogans.</li> </ul> <p><b>For Policymakers and State Oversight Bodies:</b></p> <ul style="list-style-type: none"> <li>Proactively communicate with the public about the source of social welfare and economic stimulus packages and avoid measures where state payments could be mistaken by the public for assistance directly from a specific political party or politician in power.</li> </ul> <p><b>For Civil Society Organizations and Journalists:</b></p> <ul style="list-style-type: none"> <li>Monitor legislative processes and executive decrees to understand how legal changes enacted during the emergency period could undermine political finance principles and frameworks.</li> <li>Build skills and capacity to monitor online campaigning and advertisements, including through social media platforms, and adapt monitoring and control strategies for election campaigns accordingly.</li> </ul>	<p><b>For Policymakers:</b></p> <ul style="list-style-type: none"> <li>Roll back emergency measures and amendments passed during the crisis that undermine political finance regulations.</li> </ul> <p><b>For State Oversight Bodies:</b></p> <ul style="list-style-type: none"> <li>Consider transitioning financial reporting and disclosure online to limit interruptions to workflows in future emergencies.</li> </ul> <p><b>For Civil Society Organizations and Journalists:</b></p> <ul style="list-style-type: none"> <li>Conduct advocacy with policymakers to roll back emergency measures, if necessary, and with oversight agencies and social media platforms to strengthen disclosure requirements.</li> </ul>
<b>Judicial Independence and Integrity</b>	
<p><b>For Judicial Councils or Oversight Bodies:</b></p> <ul style="list-style-type: none"> <li>Reduce the level of individual judges' discretion where possible in the implementation of public health measures and prioritization of cases.</li> <li>Create clear and transparent standards and guidance regarding the judicial conduct, transparency, court monitoring and alternative procedures during the public health crisis.</li> <li>Ensure that judicial complaints mechanisms are operational and responsive during the state of emergency.</li> </ul> <p><b>For Civil Society and Journalists:</b></p> <ul style="list-style-type: none"> <li>Engage in court monitoring where possible.</li> <li>Advocate for public access to proceedings carried out electronically during the state of emergency.</li> <li>Monitor allegations of political interference.</li> </ul>	<p><b>For Judicial Councils or Oversight Bodies and Civil Society:</b></p> <ul style="list-style-type: none"> <li>Work to develop judicial independence protections that can weather political pressures even during a public emergency.</li> </ul>

# Endnotes

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