REGIONAL ANTI-CORRUPTION INITIATIVE

Corruption Proofing of Legislation (CPL) Monitoring and Evaluation Methodology

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INTRODUCTION

The corruption proofing of legislation monitoring and evaluation methodology was developed in the framework of the project "South-Eastern Europe – Together Against Corruption" (SEE-TAC), implemented by the Regional Anti-corruption Initiative (RAI) and the United Nations Office on Drugs and Crime (UNODC) and funded by the Austrian Development Agency (ADA) with funds of Austrian Development Cooperation. The overall project goal is to contribute to the strengthened resilience of the SEE societies to corruption by strengthening the capacity of governments, civil society organisations, the private sector, and the media to prevent and fight corruption[1]. The project builds upon the SEE Regional Programme on Strengthening the Capacity of Anti-corruption Authorities and Civil Society to Combat Corruption and Contribute to the UNCAC Review Process, implemented in the 2015-2020 period, funded by the ADA. The SEE-TAC resumes the previous Programme phase, during which RAI experts developed national corruption proofing legislation (hereafter CPL) methodologies for Bosnia and Herzegovina, Montenegro, and Kosovo[*].

The methodology continues RAI's focus on CPL, aiming to provide the users with a better understanding of the monitoring and evaluation process of corruption proofing of legislation.

The methodology is intended to be used by practitioners in the public sector as well as by CSOs dealing with anti-corruption towards a more transparent and qualitative legislative process in the targeted jurisdictions: Albania, Bosnia and Herzegovina, Kosovo*, Moldova, Montenegro, North Macedonia, and Serbia.

The methodology focuses on the process of planning and implementing CPL M&E. It guides public sector institutions in developing bespoke CPL M&E frameworks, indicators, and internal processes. Public servants may modify the proposed indicators to meet their specific needs. CSOs from the region may use the methodology to independently monitor and evaluate the CPL process.

How is this methodology organised? Chapter 1 provides an overview of the corruption proofing of the legislative process. Chapter 2 discusses the differences between the CPL mechanism and other related tools. Chapter 3 introduces the main stages of the CPL process. Chapter 4 explains the components of a CPL M&E framework: objectives, responsibilities and resources, communication, indicators and stakeholder involvement. Chapter 5 sets the steps for monitoring, including a tentative list of monitoring indicators and M&E features of CPL IT tools. Chapter 6 explains the steps for CPL evaluation. Throughout the methodology, examples from South-Eastern European countries and other jurisdictions illustrate the topics under discussion.

Descriptive, exploratory, and diagnostic analysis methods are combined to develop this methodology. The CPL M&E methodology required secondary data analysis and a desk review of frameworks, guides, and manuals developed by international organisations. The CPL methodology considered anti-corruption strategies and plans developed by the public sector organisations in the targeted countries in Southeast Europe. The CPL methodology has several limitations and should be read and used by considering them. The indicators may need adjustments to meet local circumstances, data availability, legal requirements, and institutional capacity. For instance, assessing the criminogenic effect of enacted legislation may require changes in the organisation of the statistical information by the anti-corruption prosecution. The practitioners are encouraged to simplify the indicators or only take what is manageable and relevant.

[1] SEE-TAC project description: https://www.entwicklung.at/en/projects/detail-en/see-tac-southeast-europe-together-against-corruption
[*] This designation is without prejudice to positions on status and is in line with United Nations Security Council Resolution 1244/1999 and the ICJ Opinion on Kosovo's declaration of independence.

Gender mainstreaming is integrated into the monitoring and evaluation framework through specific indicators (sex-disaggregated data). Combating discrimination and promoting equality between women and men have also been reflected in the general description of the CPL process.

ABBREVIATIONS

ACRC	Anti-Corruption and Civil Rights Commission in Korea
ADA	Austrian Development Agency
ADC	Austrian Development Cooperation
CNA	National Anti-corruption Centre in Moldova
CPL	Corruption proofing of legislation
CSO	Civil Society Organisation
GRECO	Group of States against Corruption
M&E	Monitoring and evaluation
MD	Moldova
OECD	Organisation for Economic Co-operation and Development
PACA	Project against corruption in Albania
RAI	Regional Anti-corruption Initiative
RIA	Regulatory Impact Assessment
RCC	Regional Cooperation Council
SEE	South-Eastern Europe
SMART	Specific, Measurable, Achievable, Relevant, Timely
STT	Special Investigation Service of the Republic of Lithuania
ToR	Terms of reference
UNDP	United Nations Development Programme

1. CORRUPTION PROOFING OF LEGISLATION – GENERAL OVERVIEW

The CPL monitoring and evaluation methodology aims to provide the anti-corruption agencies in South Eastern Europe with **easy-to-use guidelines and indicators** on how **to measure** and **understand the effectiveness of the CPL** mechanism in curbing corruption. This methodology continues the effort of RAI and its partners to develop an integrated anti-corruption and good governance framework (transparency, accountability, and integrity). As previously mentioned in RAI evaluation reports, one of the main challenges of CPL lies in monitoring and evaluating it:

 "*Likewise, for CPL, there is little impact monitoring of how many draft or already enacted laws were changed in line with opinions issued using the CPL methodology*"[2].

The academic literature mentions the need for more evaluations of the CPL mechanism: "*More comparative research is required to evaluate the effectiveness of the corruption-proofing methods adopted in Eastern Europe and to study the ways to improve them […].*"[3]

CPL is a specialised anti-corruption tool that informs regulatory decision-making. RAI's previous publications developed a general definition of CPL: "*Anti-corruption assessment of legislation is a review of the form and substance of drafted or enacted legal rules in order to detect and minimise the risk of future corruption that the rules could facilitate.*"[4] Evidence-based risk analysis informs CPL recommendations. A CPL recommendation is a specific/alternative action the lawmakers might take to improve the text of a draft/adopted regulation (change the wording, eliminate, add, replace, or modify provisions) or to improve justification. It may also be an opinion to withdraw the draft from the legislative process. Recommendations are part of the CPL report. A CPL report is a document elaborated by an anti-corruption agency or an executive agency and submitted to lawmakers during the legislative process. A CPL report may have three main parts (as in Moldova, Serbia, and most of the SEE jurisdictions): I. Corruption risk assessment in the legislative process II. Detailed analysis of corruption risks and risk factors in the draft/enacted regulation III. Conclusions.

Corruption risks in the legislative process refer to impairing the legislative procedure itself: disrespect for the transparency of the decision-making procedure or impact assessment rule, conflict of interests of the initiators, hidden agenda (discrepancies between the need analysis and the proposed legislative solution), promoting private interests opposed to the public interest. Risk factors and corruption risks in the draft/enacted legislation refer to the formal and substantial shortcomings of the legal text itself. The conclusion is a summary of the identified deficiencies and recommendations.

Corruption tends to affect women and men in different ways. At the same time, corruption grows in power structures that traditionally limit women's influence in decision-making. As UNODC pointed out[5], "there are no gender-neutral interventions when the ultimate goal is to improve the lives of all people, women and men, girls and boys, as well as individuals of different bodily characteristics, diverse sexual orientations and/or diverse or plural gender identities". CPL reports also have to assess the anti-corruption implications from a gender, child, and intersectional characteristics—sensitive perspective. Some corruption regulatory risks may affect women and children in particular.

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[2] Mulcahy, Suzanne and Pring, Coralie (2020), p. 24
[3] Pasculli, Lorenzo, Ryder, Nicholas (2019)
[4] Regional Cooperation Council and Regional Anti-Corruption Initiative (2014), p. 12
[5] UNODC, 2020, Mainstreaming gender in corruption projects/programmes briefing note for UNODC: staff: https://www.unodc.org/documents/Gender/20-05712_Corruption_Brief_ebook_cb.pdf

For instance, a study in Ukraine in 2018 found that "women are considered responsible for the welfare of disabled members of households (children, the elderly, and people with disabilities), which determines their dependence on public services, and hence their vulnerability to abuse by officials"[6]. For example, officials use discretionary powers and vague eligibility criteria of medical services related to birth and childcare and social service legislation to create corruption opportunities.

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[6] UNDP in Ukraine, 2018, Corruption in the Eyes of Women and Men: https://rm.coe.int/gender-corruption-report-en-11-/168098f7e7

2. COMPARISON BETWEEN CPL AND OTHER RISK ASSESSMENT TOOLS

CPL relates to other anti-corruption tools such as Corruption Risk Assessment (CRA) and the Assessment of anti-corruption legislation. At the same time, CPL is a specialised form of RIA. All these tools are complementary, as in Armenia in the example below. CPL focuses only on the risks of possible corruption contained in the draft or enacted legislation because of "ambiguity" and "a lack of preventive mechanisms." It uses specialised legal techniques and looks at formal and substantial aspects of the law. CPL is part of the corruption risk management and good governance policy framework.

Table 1 Similarities and differences between CPL and other tools

Tools	Common features with CPL	Differences from CPL
CRA	- analyses all relevant procedures to assess how they may enable corruption; - analyses the possible challenges in real life of the current procedures; - aims at improving regulations (propose mitigation measures).	- analyses current practises in real-life organisations, programmes, or sectors to identify all types of corruption risks; - ideally, corruption proofing is one component of an overall corruption risk assessment for a particular sector or area.
RIA[7]	analyses and assesses the impacts (social, economic, and budgetary-financial) of the proposed legislation.	analyses the positive and negative effects, costs and risks of several regulatory and non-regulatory options to address a market failure, a shortcoming in existing regulation, or a strategic objective. In the context of the creation of legislation, corruption proofing is a component of the Regulatory Impact Assessment (RIA).
Assessment of anti-corruption legislation	- analyses the enacted legislation against international-recognised anti-corruption standards; - identifies loopholes in the legislation and provides recommendations for improving the legal and institutional anti-corruption framework.	broader scope; evaluate if the general legal framework is effective against corruption or if the legal framework meets international best practises.[8]

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[7] 2012 OECD Recommendation on Regulatory Policy and Governance
[8] GRECO, Rule 34 – If GRECO receives reliable information indicating that an institutional reform, legislative initiative, or procedural change in a Member State may result in a serious violation of a Council of Europe anti-corruption standard that has been the subject of any GRECO evaluation round, GRECO may initiate an ad hoc procedure in respect of the member.

CPL and RIA in Armenia

Amended in 2021, Law No. 180/2018 on normative acts[9] provides the CPL tools in Chapter 3, entitled Impact assessment and expertise of draft normative acts. Based on this law, a specialised department of the Ministry of Justice conducts the CPL. CPL is an input to Regulatory Impact Assessment[10]. In 2017, Armenia limited the application of RIA to legal acts selected by the decision of the Prime Minister or the Government[11]. Armenia introduced an electronic portal for receiving public feedback on draft legal acts[12].

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[9] The law in force is available online: http://www.irtek.am/views/act.aspx?aid=150549 (last accessed 27/03/2022)

[10] Reed, Quentin, 2017, p. 17, 15, 19, and 22

[11] Anti-corruption reforms in Armenia 4th round of monitoring of the Istanbul Anti-Corruption Action Plan, p. 91: https://www.oecd.org/corruption/acn/OECD-ACN-Armenia-4th-Round-Monitoring-Report-July-2018-ENG.pdf

[12] GRECO recommendation i) transparency of the legislative process, 4th Evaluation Round, Interim compliance report, September 2021: https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/1680a3fcad

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3. CPL STAGES

The CPL mechanism consists of a series of stages, evaluation factors, and criteria able to account for specific regulatory corruption risks. While there are differences in methodologies depending on the jurisdiction, a 5-stage CPL process is defined.

Table 2 CPL process

Stage	Name	Content
1	Establishing the CPL framework, factors, criteria, and risks	• Planning the involvement of stakeholders (including civil society and business sector representatives); Regulatory reforms that reduce the opportunities for corruption represent a potential area for cooperation between the public sector, civil society, and the private sector. This cooperation aims to identify corruption risks in the regulations based on analyses of comparative legislation and experiences during implementation. • Planning resources; • Establish CPL scope (all drafts and enacted laws and other normative acts versus the selected draft / enacted laws and other normative acts; central versus local level); • Establish methodology (including types of assessment, factors, criteria, risks, indicators, timing, sources of data, and evidence); • Establish by law the entity/institution in charge of CPL; • Define the qualifications of the civil servants / external experts performing the CPL, preferably with legal drafting experience and training on the CPL. • Establish responsibilities for entities involved in the drafting of the legislation. Drafting entities should consider and respond to CPL reports. As recommended in previous works, corruption proofing should be "embedded" in the legal drafting itself[13]. • Planning, monitoring, and evaluation (establishing indicators, roles and responsibilities, establishing criteria for evaluation); • Developing specific software; Specialized software is a non-mandatory CPL tool. CPL may be conducted successfully without such software. • Establishing an annual CPL plan. An annual CPL plan depends on the availability of regular legislative work programmes issued by the Government and the Parliament. If these legislative work programmes are not available, the planning may not be efficient.
2	Assessment	• Submission by drafting entities of the draft/ enacted law, or other normative act for proofing. Selection of the draft and enacted laws or other normative acts • Research and overview (data collection) • Identification of regulatory corruption risks/risk factors • Drafting and dissemination of the CPL report with recommendations

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[13] Reed, Quentin (2017), p. 6

3	Compliance	• Compliance feedback by the concerned institutions • Follow-up on compliance with the recommendations of the proofing entity—the compliance review reports, annual summaries of corruption proofing activities, and statistical information
4	Training	• Providing continuous specialised training to all responsible entities
5	Monitoring and evaluation	• Measure indicators • Monitoring the compliance of the legislator with the recommendations • Elaborate and disseminate monitoring reports • Request an independent evaluation • Publish an evaluation report • Transparency of the compliance rate. Compliance rates have to be open information, available to the public.

The success (achieving the objectives) of a CPL depends on several factors:

- easy-to-understand assessment methodology;

- a group of qualified civil servants working with an independent entity;

- enhancing cooperation and coordination between ministries, relevant parliamentary committees, and the corruption proofing agency;

- appropriate training for representatives of all entities involved (legislative committees, government, and proofing agencies);

- political will to approve harsh CPL reports on draft laws;

- political will to implement CPL recommendations;

- a fair data collection system;

- an active civil society can use CPL reports and advocate for better regulation. Civil society calls on the CPL reports as arguments in their anti-corruption work. For example, Transparency International Moldova and the Moldova National Platform of Civil Society within the Eastern Partnership used CPL reports to argue about the excessive use of urgent legislative procedures without proper transparency and consultation.[14].

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[14] Transparency International Moldova, "Open government in the Republic of Moldova: what issues remain on the agenda?" press release: https://www.ipn.md/ro/guvernarea-deschisa-in-republica-moldova-ce-probleme-raman-pe-7542_1081763.html (last accessed 27/03/2022)

4. MONITORING AND EVALUATION METHODOLOGY

Monitoring and evaluation (M&E) is an integral part of the CPL mechanism. The first step in planning a monitoring and evaluation process is to decide on the M&E methodology: 4.1. development of objectives; 4.2. resource allocation and establishing responsibilities; 4.3. elaboration and approving indicators; 4.4. setting the communication, reporting, and follow-up mechanisms; 4.5. setting the institutional arrangements for stakeholders' involvement.

The public entities in charge of drafting legislation and the proofing agency are the primary recipients of the CPL M&E methodology and results. However, the results of CPL monitoring are valuable for the general public, as it may better understand the benefits of CPL: better legislation in terms of clarity and less conducive to corruption.

4.1. M&E objectives

The objective of CPL monitoring is to improve the quality and effectiveness of CPL process design, implementation, and outcomes. Regular monitoring enables maintaining the focus on achievements throughout each implementation step.

The **objective of the CPL evaluation** is to assess the effectiveness of the corruption proofing of legislation framework and the impact of CPL. Evaluation develops evidence and knowledge about CPL, what works and how, and provides arguments for the use of CPL in different contexts.

CPL M&E should focus on the following themes:

- delivering quality proofing reports on time;

- cooperation between the proofing entity and the legislators;

- types of corruption risks and risk factors identified;

- transparency and online availability of CPL reports;

- civil society inclusiveness in the CPL process, usage of CPL reports, public mobilisation and awareness against corruption, and the quality of the public debate over a specific draft regulation;

- acceptance rate of the recommendations (CPL efficiency – recommendations included in the adopted legislation);

- all explanations are circulated as an annexe to the draft law and published online;

- evaluation of corruption costs[15] involved in the drafts (this activity is challenging, thus recommended only to experienced jurisdictions);

- impact of the CPL mechanism on anti-corruption and good governance.

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[15]

Disaggregated indicators are relevant for CPL M&E. Several disaggregation criteria are proposed below:

- by type of legislation (draft/ enacted legislation);

- by the level of legislation (primary, secondary, tertiary, and local-level legislation). Primary legislation refers to laws adopted by national parliaments and delegated legislators, according to constitutional rules; secondary legislation refers to decrees and other bylaws adopted by the government, competent ministries and institutions at the central level to implement primary legislation. Tertiary legislation refers to orders or other implementing acts adopted by central-level entities or regional/provincial authorities. Local-level legislation refers to regulations adopted by local self-governments (towns, cities, and municipalities).

- by sector/legislative domain (justice, education);

- by type of public organisations (ministries, Parliament). According to the separation of powers principle, a state has three branches: legislative, executive, and judiciary. Usually, the Parliament is the only national-level legislator. The Government and the President of the Republic represent the executive layer, each having different competencies under the Constitution. The central government has authority over the ministries, decentralised agencies, and public administration. Local government is a generic term for the lowest tier of public administration.

- by type of outcome after proofing: modified/not modified; rejected, under review, or enacted.

CPL monitoring objectives in Korea[16]

> "The Anti-Corruption and Civil Rights Commission (ACRC) regularly monitors whether public institutions are actively implementing CPL recommendations while checking their level of cooperativeness. The monitoring results are part of the performance evaluation of the concerned institutions. ACRC evaluates: a) the time needed to submit the draft law to ACRC; b) the willingness to provide assessment materials; c) the implementation status of CPL recommenda tions; and d) the establishment and operation of an autonomous assessment system".

4.2. M&E responsibilities and resources

A dedicated unit in the structure of the proofing agency or a dedicated person may take over the responsibility of conducting the monitoring and evaluation process of CPL. Alternatively, the proofing agency may commission the evaluation to an independent external entity. For instance, in Moldova, the evaluation process is entrusted to UNDP and conducted every two years. The M&E personnel should have appropriate M&E skills and competencies. This unit may have the following duties:

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[16] UNDP, 2018, p. 59. The text was adjusted for easier reading and understanding.

- Design annual M&E plans;

- Data collection;

- Monitoring progress;

- Conduct or commission regular evaluations;

- Organise and analyse data;

- Generate reports, findings, lessons learned, and elaborate recommendations;

- Monitor the response to the recommendations;

- Inform the stakeholders;

CPL monitoring in Moldova[17]

The National Anti-corruption Centre in Moldova (CNA) developed a set of monitoring (statistical) indicators for the CPL process. A specific software entitled "E-expertiza" organises the collected data. The monitoring indicators appear in the software as a set of statistical questions. Upon registering a CPL report into the software, the proofing civil servants have to answer all the statistical questions based on the information in the CPL report. For monitoring reports, the frequency analysis of each indicator is generated automatically by the software.

The CNA has specific regulatory monitoring experts. These experts constantly analyse if the enacted laws include the CPL recommendations; they check the regulatory websites and the Official Gazette, and they request and receive information from legislators regarding the status of different draft laws. They update the software with the data regarding the acceptance/rejection of the recommendations.

CPL monitoring in Lithuania[18]

STT developed a monitoring table and a Certificate of Implementation of the STT anti-corruption proofing recommendations. The monitoring table has three columns:
- STT recommendations from the CPL report;
- Information on the implementation of the recommendations;
- Evaluation of recommendations' implementation level (implemented, partially implemented, planned to implement, not implemented, irrelevant implementation).

STT has three types of recommendations: critical anti-corruption recommendations, anti-corruption recommendations, and other recommendations. Critical anti-corruption recommendations refer to legal provisions that create (or would create) direct conditions for the occurrence of corruption and / or raise practical implementation problems harming the public interest. Also, critical anti-corruption recommendations may signal that the draft law lacks decision-making transparency and/or unduly favours certain people. Anti-corruption recommendations refer to unclear legal provisions. STT monitors the implementation of the first two types of recommendations every two months.

The M&E unit has to have adequate resources in terms of qualified personnel, software, access to information, time frames, and budgetary allocation for contracting independent evaluation.

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[17] Articles 18 and 19 of the Moldovan CPL methodology (Decision No. 6/2017)
[18] The Special Investigation Service conducts anti-corruption proofing of legislation based on the procedure approved by the Director of the STT (Order no. 24084/2021):
https://www.e-tar.lt/portal/lt/legalAct/0e8f85904cf811ec862fdcbc8b3e3e05

4.3. Elaboration and approving the indicators

Formulating and deciding which indicators best cover the expected anti-corruption change is demanding. A list of proposed indicators is available in the next chapter. Setting the indicators has to be a participatory process[19]. Indicators may be quantitative (numerical measures such as number, percentage, rate, and ratio) or qualitative (description of characteristics, judgements, opinions, perceptions, and attitudes), direct indicators (measure the change), or indirect/proxy (measure a contextual aspect related to the change). Indicators should have baselines and targets. There are also different types of indicators:

Framework indicators capture evidence on the framework conditions needed for corruption proofing of legislation to start. Generally, CPL requires top-level commitment, a legal, procedural, or methodological framework, expertise, a budget, and infrastructure. These indicators measure input levels and rely on administrative data (for example, the budget allocation for the CPL process).

Progress indicators measure the actual implementation of CPL activities. These indicators measure the outputs and rely on administrative data (for example, the number of CPL reports issued in a specific time frame).

Impact indicators are a metric of CPL outcomes and impacts. Outputs reveal substantial changes to draft legislation (for example, the number of recommendations included in the enacted law and the types of regulatory corruption factors and risks avoided). Impacts indicate how the CPL process contributes to good governance and anti-corruption national objectives. Impact indicators rely on international indicators, expert assessments, surveys of citizens or beneficiaries of public services on their experiences and perceptions of the legislation, statistics of corruption complaints or cases prosecuted and adjudicated, etc.

4.4. Communication, reporting, and follow-up mechanism

The methodology has to include a calendar of monitoring activities: specific deadlines for data collection, data analysis, elaboration of M&E reports, communication of M&E reports (publishing the M&E reports on the Internet), and a follow-up on the M&E recommendations. A template for the monitoring report is available in Annexe 1.

M&E methodology has to explain the M&E results' communication strategy: how, in what format, and through which channel, when (frequency), and to whom (managers, stakeholders) results are communicated. M&E reports have to be formally approved by managers and receive a management response. For instance, managers may have specific reporting requirements on the implementation of the M&E recommendations. Implementation of M&E recommendations may involve updating CPL methodology, software updates, more rigorous stakeholder involvement, better communication of CPL reports, etc.

CPL monitoring reports in Moldova[20]

In its annual report, CNA publishes monitoring data on the CPL process. Type of data published:
- Number of draft legal acts received for proofing from legislators (for example, 1,463 drafts);
- Number of CPL reports elaborated and communicated to the legislators (for example, 835 reports);
- Number of corruption factors identified by the type of factor (for example, 3,393 factors out of which 443 instances of legal gaps enabling corruption; 337 instances of unclear or

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[19] Indicators have also to be SMART: Specific, Measurable, Achievable, Relevant, and Timely.

[20] CNA, 2020 annual report, p. 17-18

ambiguous expression that allows abusive interpretation);
- Types of legislation proofed (for example, 365 draft laws, 398 government decisions; 42 ministerial regulations);
- Types of regulatory focus of the legislation proofed (for example, 324 entire drafts, 489 modification and completion drafts, 8 drafts to repeal legislation, and 4 drafts to clarify legislation).
- Acceptance rate of recommendations (for example, 71% in Moldova in 2020).

CPL monitoring reports in Lithuania[21]
STT publishes in its annual report monitoring data on the CPL process. Type of data published:
- Number of CPL reports (in 2020, STT evaluated from the anti-corruption point of view 385 legal acts, 84% of which were at STT's initiative; 194 existing legal acts and 191 draft legal acts).
- Case studies from corruption proofing reports (all the proofing reports are publicly available on the Lithuanian Parliament website: https://e-seimas.lrs.lt/).
- Number of recommendations issued (in 2020, STT issued 149 recommendations).
- Acceptance rate of recommendations (in 2020, 41% of recommendations were included in the enacted legislation, 7.35% were under review, and 32.17% are planned to be considered

4.5 Stakeholder's involvement

The proofing agency has to identify stakeholders during the CPL M&E planning and keep them engaged in all the monitoring and evaluation steps, including the planning process. In the planning step, stakeholders participate in the selection of indicators. They have to participate in the M&E parameter settings. Stakeholders' feedback is also needed during M&E implementation. They can contribute data and provide insight into CPL efficiency and effectiveness. Stakeholders may offer feedback on the monitoring reports, communicate the results achieved to other audiences, and integrate the findings into their anti-corruption materials. Stakeholders may be included in the M&E process in an institutionalised manner, as part of a permanent working group. Valuable stakeholders are also other public sector entities. For example, the following stakeholders are relevant for CPL monitoring and evaluation in the healthcare sector: the Ministry of Health, the Parliamentary Committee in charge of healthcare, the central public health insurance fund, and sampled healthcare providers (hospitals). Other important stakeholders are civil society organisations because of their practical work in communities.

Civil society involvement in the CPL process in Lithuania[22]
If the CPL report is relevant to the public or may raise public interest, STT disseminates a press release on the summary of the findings.

Civil society involvement in the CPL process in Ukraine
According to the GRECO report, the Parliamentary Committee for Anti-corruption Policy receives and considers comments and proposals to draft laws from experts, academia, civil society, international organisations, and diplomatic missions' representatives. From February 2017 to June 2019, the Committee conducted anti-corruption proofing of 2,623 draft laws, and 152 drafts were considered anti-corruption non-compliant.

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[21] Special Investigation Service of the Republic of Lithuania, 2020 annual report, p. 56-58:
https://www.stt.lt/data/public/uploads/2021/04/stt-veiklos-ataskaita-2020_210x297-mm_web.pdf
[22] Data compiled from the STT website

Civil society involvement in the CPL process in Bosnia and Herzegovina

The Agency will consult with civil society stakeholders and experts whenever it is beneficial to the corruption proofing process. It will in particular consider submissions by civil society stakeholders on regulatory corruption risks. It may give credit to civil society efforts by mentioning particular efforts in the corruption proofing reports or by publishing submissions from civil society stakeholders. [23].

However, this methodology does not explain how civil society organisations are involved in the CPL M&E process.

Civil society involvement in the legislative process in Armenia[24]

Draft laws and related amendments debated by the Parliament are published on the "www.e-draft.am" online platform. The online platform allows any interested party to present comments on draft legislation.

Civil society involvement in the CPL process in Moldova

In mid-2020, CNA launched the "reLAWed" platform[25]. Using the "reLAWed" platform, citizens can report ambiguous or interpretable laws or other normative acts that may enable corruption. The National Anti-corruption Centre examines the alerts to identify regulatory corruption risks. If CNA identifies regulatory corruption risks, the respective legislation is proposed for amendment.

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[23] Art. 12 of Methodology for Risk Assessment of Corruption in Regulations in Bosnia and Herzegovina, December 2017

[24] GRECO, Interim compliance report, 4th Evaluation Round, September 2021: https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/1680a3fcad

[25] http://relawed.cna.md/ (last accessed 09/11/2021). The platform was developed within the project "*Fighting corruption by strengthening integrity in the Republic of Moldova*", implemented by UNDP in partnership with the CNA, with the financial support of the Norwegian Ministry of Foreign Affairs.

5. CPL MONITORING PROCESS

5.1 Planning the monitoring process

No.	Task/activity
1.	Conduct a stakeholders' analysis. Which of the stakeholders would be interested in the M&E of the CPL process? Why? How can they contribute? Engage stakeholders in all steps from this point forward. Organise online co-creation workshops or distribute short questionnaires.
2.	Identify monitoring objectives.
3.	Elaborate M&E plan.
4.	Develop a basket of indicators (framework, process, and impact) to ensure that all stages of the CPL process are covered. Develop indicators to account for the time needed to issue a CPL report, the level of quality needed for a CPL report, etc. A list of potential indicators is available in this chapter.
5	Develop software or other IT/online tools to help collect and organise data according to the selected indicators. Evaluate the existing data sources and the need to develop new data sources (ex. reports) and corresponding data collection instruments (questionnaires, templates). Use multiple data sources if available.

5.2 Data collection

No.	Task/activity
1.	Collect data at the established periodicity. You may collect data through specific templates (questionnaires, observation protocols, data gathering files) or software.
2.	Validation of data (quality control). Verify the data collected to ensure it is consistent, correct, reliable, and lacks redundancy. Come back with questions for the proofing experts or stakeholders if you identify outliers in the data.

5.3 Data analysis

No.	Task/activity
1.	Organise and classify the data collected (code and collate the data).
2.	Apply different statistical methods to the data to extract information for calculating the monitoring indicators. Generate frequencies, summarise, tabulate and compare data, and disaggregate data by different categories (gender, departments, etc.). Analyse the evolution over time and identify patterns.

5.4 Reporting and communication

No.	Task/activity
1.	Elaborate periodic monitoring reports (recommendation: prepare a CPL monitoring report every year or more frequently, if needed). Take stakeholders' views on the draft report into account.
2.	Elaborate recommendations for top management or decision-makers. The monitoring evidence might indicate delays in the elaboration of reports, a lack of stakeholder consultation, and a low level of efficiency of recommendations. The monitoring report should provide remedial actions.
3.	Submit the monitoring report to the top-level management or decision-making body for endorsement.
4.	Communicate the monitoring report internally and externally. Communication of the monitoring findings may take different forms depending on the target audience's information needs: infographics, executive summary, dashboard, case study, workshop, online presentation, short video, press conferences, and interviews. Extensive communication of the monitoring results improves clarity on roles and responsibilities and allows challenges to be detected earlier.

5.5 Apply findings

No.	Task/activity
1.	Implement the recommendations in the monitoring report. The monitoring report's role is to inform back on the CPL activities and CPL framework. Based on the monitoring reports, proofing activities or documentation sources may be streamlined or changed, and staff may receive feedback on their performance. On the other hand, monitoring reports may highlight gaps in the CPL framework/methodology and require updates (for example, changes to templates or risk factors). The management or decision-maker level has to report how they implemented the recommendations. The upcoming monitoring report has to explain the implementation of the recommendations previously issued.
2.	Integrate the monitoring findings into performance management. The monitoring results inform the organisation's performance management, namely the evaluation of the employees, management dashboards, and fulfilment of the performance objectives.
3.	Integrate the monitoring findings into the anti-corruption lessons learned. Monitoring knowledge has to be inserted into a broader document that reflects the implementation and impact of corruption-proofing of legislation.

5.6 Using IT tools

IT tools (e.g. using an interface for reporting linked to an institutional database) are particularly relevant in the CPL M&E process because findings on corruption risk factors are stored automatically in such a way as to generate statistics. Such statistics are easy to collect, summarise and present. The desk research identified several CPL IT tools to be discussed from an M&E point of view.

Description of the CPL IT tool developed by the CNA Moldova

CNA developed CPL software entitled "E-Expertiza.". The software is used for registration of the legal drafts received for proofing, distribution of the registered legal drafts among proofing experts, recording the activities carried out by proofing experts (CPL reports are elaborated directly into the software, with all opinions received during elaboration being uploaded into the system), verification of CPL reports, measurement of recommendations effectiveness, and publishing the CPL reports. The software has a statistical module comprising a set of questions and indicators. The monitoring data is filled in by each proofing expert before being able to finalise a CPL report. Afterwards, compliance monitoring experts fill in the system data on the acceptance of recommendations by the legislators.

Description of the CPL IT tool developed by STT Lithuania[26]

CPL reports are uploaded for approval and official signing into a document management system entitled DocLogix. The IT tool ensures access for all staff to the CPL reports, promoting quality standards in the anti-corruption proofing work. The IT tool also ensures a balanced workload among staff. The IT tool has a statistical part where data from the reports is disaggregated by institutions and activity sectors.

Description of the CPL IT tool developed by Korea[27]

ACRC operates a software where all CPL reports and recommendations are stored. The database is used to train the new staff (lessons learned and good practises). The software allows automatic statistics[28] on types of draft laws registered and proofed (Draft law, Presidential Decree, Prime Minister's Ordinance), legal area/field (industrial development sector, general administration, environment, national defence, education and culture, justice, science, etc.).

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[26] Data compiled from the STT website: https://www.stt.lt/korupcijos-prevencija/teises-aktu-ar-ju-projektu-antikorupcinis-vertinimas/7446 (last accessed 29/03/2022)
[27] UNDP, 2018, p. 52 and 80
[28] Statistical reports published on the ACRC website.

5.7. Indicators' matrix

No.	Indicator name	Type[29]	Indicator definition	Indicator Measurement	Source	Data collection frequency
1	CPL annual cost	F	The indicator includes spending specifically for the CPL mechanism, such as CPL training, CPL IT tools, percentage of staff wages of persons entirely /partly dedicated to the CPL, consultancy, etc. The CPL budget should include a percent allocated for the regular operation of the public agency if the CPL is one of the core mandates of the agency (utilities, rent, regular CPL staff salaries, supporting staff salaries, procurement of goods and services).	The amount, in local currency, that is spent by the competent agency in a fiscal year to conduct CPL.	Budget explanatory internal notes Budget execution report	After the end of each fiscal year

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[29] F = framework indicator; P = Progress indicator; I = Impact indicator

No.	Indicator name	Type[29]	Indicator definition	Indicator Measurement	Source	Data collection frequency
2	Staff allocated to CPL	F	The number of civil servants that have to conduct CPL as official duties in their job descriptions. The number of external experts contracted to conduct CPL analysis[30].	Addition of the CPL positions in the organisational chart	Approved organisational chart; Consultancy contract or procurement documentation	After the end of each fiscal year
3	Gender balance of staff allocated to the CRA exercise	F	The indicator measures the proportion of men and women appointed to conduct the CPL.	= Women/Men ratio allocated to CPL exercise. Balance is ensured if the result is more or less close to 1.	Human resource files	Annually, at the beginning of each fiscal year
4	% of internal staff /external CPL experts completing a CPL/RIA training	F	= The number of civil servants conducting CPL that have participated in a specific CPL / regulatory impact assessment training in the last three years.	Addition of the trainees	Human resource files	After the end of each fiscal year
5	Gender balance of staff participating in CPL/RIA training	F	The indicator measures the proportion of men and women participating in CPL/RIA	= Women/Men ratio. Balance is ensured if the result is more or less close to 1.	Human resource files	After the end of each fiscal year

[30] For instance, in Ukraine, anti-corruption expert reviews may be conducted by civil society organisations (article 55 of Law No. 49/2014 on prevention of corruption). According to the law, the National Agency on Prevention of Corruption in Ukraine may engage public associations and scientific institutions on the terms of a government order, based on an open tender, to participate in periodic reviews of legislation for the presence of corruptogenic standards.
https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2020)079-e

No.	Indicator name	Type[29]	Indicator definition	Indicator Measurement	Source	Data collection frequency
			training.			
6	An annual CPL plan, approved and published	P	The plan is a written document stating the intended coverage of the corruption-proofing mechanism. It covers both draft/newly enacted and in-force legislation. The plan is endorsed by the highest level concerned and published on the Internet.	The measurement is binary: Yes /No	Website	Annually, at the beginning of each fiscal year.
Draft legislation – primary legislation						
7	Rate of corruption proofing in respect of draft primary legislation	P	The indicator informs whether all draft laws registered in a specific period (for instance, a year) that should be the subject of the CPL application following the normative framework were subject to corruption proofing.	The ratio between the number of draft laws registered in a specific year and assessed by the CPL mechanism (primary legislation) / the number of draft laws registered in that specific year.	The data has to be collected from the entities or experts in charge of the elaboration of CPL reports and the databases of the Government and Parliament (for registered drafts). The data may be retrieved from the database if a specific CPL software is implemented.	After the end of each fiscal year
			The indicator may be separately calculated for Parliament and Government			

No.	Indicator name	Type[29]	Indicator definition	Indicator Measurement	Source	Data collection frequency
			(Ministries and agencies) drafts.			
			The indicator may be separately calculated for different areas of legislation (sectors): • Justice, administrative organisation, internal affairs; • Economy and commerce; • Budget and finance; • Education, Culture, Mass-media; • Social, Labour, Healthcare etc			
			The indicator may be separately calculated for each outcome: drafts rejected, under review, and enacted.			
8	Reasons for draft laws (primary legislation) not being subject to corruption proofing	P	The indicator informs about the main categories of reasons why not all draft laws	Putting each case in a category and calculating the percent for each category.	The data has to be collected from the entities or experts in charge of the elaboration of CPL reports. The data may	After the end of each fiscal year

No.	Indicator name	Type[29]	Indicator definition	Indicator Measurement	Source	Data collection frequency
			were subject to the CPL mechanism: • The initiator did not submit the draft for corruption proofing; • The draft law was withdrawn before corruption proofing; • The draft law is excepted from corruption proofing (ex. national safety, classified); • Lack of capacity of the institution in charge of CPL to assess all draft laws (not a priority) • Lack of a clear methodology for prioritising		be retrieved from the database if specific CPL software is implemented.	

No.	Indicator name	Type[29]	Indicator definition	Indicator Measurement	Source	Data collection frequency
			draft laws for CPL • Other reasons (e.g., lack of time, urgent and accelerated legislative procedure, etc.)			
9	Number of recommendations issued concerning draft primary legislation		The indicator informs about the overall number of recommendations.	Addition of recommendations from each CPL report. Putting each recommendation in a category. Calculate the percent for each category.	The data has to be collected from CPL reports. The data may be retrieved from the database if a specific CPL software is implemented.	After the end of each fiscal year
			The recommendations may also be counted by each entity concerned (Parliament, Government, Ministries) and by areas of legislation			
			by type of risk factors and criteria			
			By type of corruption risk			
Draft legislation - secondary and tertiary legislation or local level legislation						
10	Rate of corruption proofing in respect of	P	The indicator informs whether all draft	The ratio between the number of draft regulations	The data has to be collected from the entities or experts	After the end of each fiscal year

No.	Indicator name	Type[29]	Indicator definition	Indicator Measurement	Source	Data collection frequency
	draft secondary, tertiary, or local level legislation		regulations registered in a specific period (for instance, a year) that should be the subject of the CPL application following the normative framework were subject to corruption proofing. The indicator may be separately calculated for each ministry and area of legislation (sectors). The indicator may be separately calculated for drafts rejected, under review, and enacted.	registered in a specific year and assessed (secondary, tertiary, or local level legislation) / the number of draft regulations registered in that specific year.	in charge of the elaboration of CPL reports and for each Ministry database (for registered drafts). The data may be retrieved from the database if specific CPL software is implemented.	
11	Reasons for draft regulations (secondary, tertiary, or local level legislation) not being subject to corruption proofing	P	The indicator informs about the main categories of reasons why not all draft laws were subject to the CPL mechanism: • The ministry did not submit all the drafts to	Putting each case in a category and calculating the percent for each category.	The data has to be collected from the entities or experts in charge of the elaboration of CPL reports. The data may be retrieved from the database if specific CPL software is implemented.	After the end of each fiscal year

No.	Indicator name	Type[29]	Indicator definition	Indicator Measurement	Source	Data collection frequency
			corruption proofing;			
			• The draft was withdrawn before corruption proofing;			
			• The draft law is excepted from corruption proofing (ex. national safety, classified);			
			• Lack of capacity of the institution in charge of CPL to assess all draft laws (not a priority)			
			• Other reasons (e.g., lack of time, urgent procedure, extraordinary, emergencies,			

No.	Indicator name	Type[29]	Indicator definition	Indicator Measurement	Source	Data collection frequency
			such as COVID19, etc.)			
12	Number of recommendations issued concerning draft secondary and tertiary legislation or local level legislation	P	The indicator informs about the overall number of recommendations.	Addition of recommendations from each CPL report. Putting each recommendation in a category. Calculate the percent for each category.	The data has to be collected from CPL reports. The data may be retrieved from the database if specific CPL software is implemented.	After the end of each fiscal year
			The recommendations may also be counted by each entity concerned (parliament, Government, Ministries, municipalities) and area of legislation (sectors).			
			The recommendations may also be counted by type of risk factors and criteria			
			The recommendations may also be counted by type of corruption risk (bribe, abuse of office, influence peddling, conflict of interest, illicit enrichment, tax evasion, money			

No.	Indicator name	Type[29]	Indicator definition	Indicator Measurement	Source	Data collection frequency
			laundering, classified information leakage, etc.)			
Existent legislation – primary, secondary and tertiary legislation or local level legislation						
13	Corruption proofing performance in respect of existing legislation	P	Performance refers to the number of existent legal acts assessed by the CPL mechanism in one year compared with the initial plan. The indicator informs about the amount of existing legislation subject to corruption proofing in a specific timeframe (one year). The indicator may be separately calculated for different areas of legislation (sectors): • Justice, administrative organisation, internal affairs; • Economy and commerce; • Budget and	Ratio = number of existent legal acts proofed in one year/ number of existent legal acts planned to be proofed in one year *100.	The data has to be collected from the entities or experts in charge of the elaboration of CPL reports and the CPL annual plan. The data may be retrieved from the database if specific CPL software is implemented.	After the end of each fiscal year

No.	Indicator name	Type[29]	Indicator definition	Indicator Measurement	Source	Data collection frequency
			finance; • Education, Culture, Mass-media; • Social, Labour, Healthcare, etc.			
			The indicator may be separately calculated for the type of proofing outcome: modified, under modification, or not modified.			
14	Number of recommendations issued concerning existent legislation	P	The indicator informs about the overall number of recommendations concerning in-force legislation.	Addition of recommendations from each CPL report. Putting each recommendation in a category. Calculate the percent for each category.	The data has to be collected from CPL reports. The data may be retrieved from the database if specific CPL software is implemented.	After the end of each fiscal year
			The indicator may be separately calculated for different areas of legislation (sectors)			
			The recommendations may also be counted by type of risk factors and criteria			

No.	Indicator name	Type[29]	Indicator definition	Indicator Measurement	Source	Data collection frequency
			The recommendations may also be counted by type of corruption risk (bribe, abuse of office, influence peddling, conflict of interest, illicit enrichment, tax evasion, money laundering, classified information leakage, etc.)			
15	Rate of CPL reports publicly available on the Internet	P	The indicator measures the public availability of CPL reports If CPL reports are not published by default on the Internet, the indicator may be disaggregated by: type of legislation, level of legislation, areas of legislation (sectors), type of risk factors and criteria, and type of corruption risk.	The ratio between the number of CPL reports published on the Internet/ total number of CPL reports issued in a specific timeframe (a year)	The data has to be collected from CPL reports. The data may be retrieved from the database if specific CPL software is implemented.	After the end of each fiscal year
16	Number of meetings/consultations	P	= The number of meetings/consultations	Addition of each public debate. Putting each public	The data has to be collected from proofing agencies. The	After the end of each fiscal year

No.	Indicator name	Type[29]	Indicator definition	Indicator Measurement	Source	Data collection frequency
	with stakeholders organised to better substantiate the CPL process		with stakeholders organised by the proofing agency in a specific period to collect input and feedback from stakeholders The indicator may be disaggregated by areas of legislation (sectors), regulatory entities/legislators concerned, type of risk factors and criteria identified, and type of corruption risk identified.	debate into a category. Calculate the percent for each category.	data may be retrieved from the database if specific CPL software is implemented.	
17	Justification rate for non-compliance with the recommendations	P	The indicator measures if there is a written justification for each recommendation not being followed. The indicator may be disaggregated by areas of legislation (sectors), regulatory entities	The ratio between the number of recommendations for which a written document with reasons for not following the recommendation is available[31] / number of recommendations not	The data has to be collected from proofing agencies. The data may be retrieved from the database if specific CPL software is implemented.	After the end of each fiscal year

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[31] "Corruption proofing procedures should be designed so that the recipients of findings are obliged to respond to the findings formally and justify the actions they take as a result of the findings (particularly if they reject them)." - Reed, 2017, p. 27

No.	Indicator name	Type[29]	Indicator definition	Indicator Measurement	Source	Data collection frequency
			concerned, type of risk factors and criteria identified, and type of corruption risk identified.	followed.		
18	Feedback on the level of compliance with the recommendations	P	= Number of written feedback reports on the level of compliance with the recommendations submitted by the regulatory entities. The indicator may be disaggregated by areas of legislation (sectors), regulatory entities concerned, type of risk factors and criteria identified, and type of corruption risk identified.	Addition of each feedback report. Putting each feedback report into a category. Calculate the percent for each category.	The data has to be collected from proofing agencies. The data may be retrieved from the database if specific CPL software is implemented.	After the end of each fiscal year
19	Acceptance rate of recommendations	I	The indicator informs how often corruption proofing has led to changes in the legislation.	= Number of recommendations included in the enacted legislation (including rejected / withdrawn drafts[32]) / total	The data has to be collected from proofing agencies. The data may be retrieved from the database if specific CPL software is implemented.	After the end of each fiscal year

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[32] In Moldova, the drafts subject to proofing that have been rejected or withdrawn by the initiators are included in the acceptance rate. It is considered that the recommendations were accepted, which led to the rejection / withdrawal of the draft.

No.	Indicator name	Type[29]	Indicator definition	Indicator Measurement	Source	Data collection frequency
				number of recommendations *100		
20	Civil society usage of CPL reports	I	= number of advocacy actions by civil society organisations substantiated in CPL reports	CSOs monitoring	A selection of CSOs websites	On-going. The indicator is reported at the end of each year (annually).
21	Media attention/interest in informing the public on CPL reports	I	= number of media articles substantiated on CPL reports	Media monitoring	A selection of media websites	On-going. The indicator is reported at the end of each year (annually).
22	The amounts saved from corruption	I	= total value of costs calculated on rejected or withdrawn draft legislation. The indicator refers only to rejected or withdrawn draft legislation because of a negative CPL report. The indicator may be disaggregated by areas of legislation (sectors), specific themes (emergency procurement, public-	Addition of implementation costs mentioned in the substantiation documents of each rejected or withdrawn draft because of a negative CPL report. Disaggregate implementation costs into categories. Calculate the percent for each category.	The data has to be collected from proofing agencies. The data may be retrieved from the database if specific CPL software is implemented.	After the end of each fiscal year

No.	Indicator name	Type[29]	Indicator definition	Indicator Measurement	Source	Data collection frequency
			private partnerships, property management, tax exemptions, environment, etc.), regulatory entities concerned, type of risk factors and criteria identified, and type of corruption risk identified.			
22	Anti-corruption files initiated based on CPL findings	I	There may be cases in which legislation is drafted as a consequence of a previous corruption deal. If there are clues to illicit influences on the legislative process, corruption proofing should report such cases to the prosecution[33].	= number of new investigations opened based on CPL findings The results of the investigations: number of persons prosecuted, number of persons convicted.	The data has to be collected from an anti-corruption prosecution (questionnaire).	After the end of each fiscal year
23	Criminogenic effect of enacted legislation	I	The indicator informs whether the enacted legislation facilitates or	= Number of corruption cases under investigation / prosecuted in relation to	The data has to be collected from an anti-corruption prosecution (questionnaire).	After the end of each fiscal year

[33] This practise is already established in Moldova and it was recommended by RAI in the methodologies developed in 2017: for instance, "Methodology for Corruption Proofing in Kosovo*", p. 22-24. A list of corruption clues of illicit influences on the legislative process is available in RCC and RAI (2014), Part 2, 6 – Addendum, p. 138-139

No.	Indicator name	Type[29]	Indicator definition	Indicator Measurement	Source	Data collection frequency
			prohibits corruption. The indicator may also substantiate any future revision of the concerned legislation. The indicator may be disaggregated by the level of implementation of recommendations in the enacted legislation (0% to 100% of recommendations included).	the enacted legislation that was subject to corruption proofing in the last year. = Case studies with actual corruption enabled by improperly enacted legislation. Such case studies may pinpoint the accuracy of the initial CPL reports and recommendations.		
24	The level of corruption, good governance, and rule of law in the country	I	The evolution of the following international indicators:	Data collected from the organisations handling the indicators	Website	Annual base
			National corruption surveys		www.transparency.org	
			Corruption Perception Index (CPI) and Global Corruption Barometer (GCB)			
			World Justice Project (WJP)		www.worldjusticeproject.org /rule-of-law-index	
			Nations in Transit		https://freedomhouse.org /reports	

No.	Indicator name	Type[29]	Indicator definition	Indicator Measurement	Source	Data collection frequency
			World Governance Indicators (WGI)		http://info.worldbank.org/governance/wgi/#home	
			Index of Economic Freedom		www.heritage.org/index/	
			Doing business		www.doingbusiness.org/rankings	
			World Press Freedom Index (WPFI)		https://rsf.org	
			Global Open Data Index		http://index.okfn.org	
			Basel AML Index		https://index.baselgovernance.org/	

6. CPL EVALUATION PROCESS

The CPL evaluation is relevant for documenting the challenges and achievements. Evaluations generate knowledge, accountability, and improvements.

There are three main types of evaluation of a CPL mechanism: impact evaluation, outcome evaluation, and process evaluation. Each CPL evaluation type responds to a different set of questions and uses a different set of indicators:

- **Impact evaluation.** What is the change/ long-term sustainable effect of curbing corruption enabled by improper legislation? Which curbing corruption effects may be directly attributable to CPL? How does civil society use CPL reports? How has the CPL mechanism contributed to good governance (based on international indicators on the quality of the law, the rule of law, and anti-corruption)?

- **Outcome evaluation.** Have the CPL's intended objectives been reached? What is the acceptance rate of recommendations? Did the CPL process succeed in modifying or rejecting high corruption risk legislation? Did CPL implementation contribute to the enhanced coherence and predictability of the legal drafts or improve the quality of legislative drafting? Is the proofed legislation clearer and consistent from the citizens' point of view?

- **Process evaluation**. Are the CPL activities regularly implemented according to the plan? Are CPL reports based on complete, relevant, and credible evidence? Are CPL reports based on corruption estimation methods? Are the CPL reports produced and communicated in time and according to the proofing criteria? Are stakeholders involved in the proofing process? Output evaluation does not grasp the effects on corruption control that CPL might have.

Evaluation of the CPL framework may address CPL methodology (example: the clarity of risk factors and criteria), CPL procedure and institutional arrangements (example: distribution of work, internal and external communication mechanisms), and resources allocated to CPL (human, financial, training, infrastructure).

A CPL evaluation has to document how previous evaluation reports contributed to continuous improvement. It also has to report on lessons learned, achievements, and failures.

As the evaluation is done regularly by independent experts, the practitioners may specify in their terms of reference (ToR) the type of evaluation method desired.

Example of ToR

Purpose of the evaluation	• It assesses the relevance, efficiency, and effectiveness of the CPL mechanism. The evaluation has to provide an independent opinion on the performance of the CPL. It has to provide recommendations from both strategic and operational perspectives.
The period covered	• Two/Three/Five year period
Specific evaluation objectives	• Assess the extent to which the recommendations were relevant and contributed to modifying or rejecting high corruption risk legislation and increasing the quality of laws from the users' point of view; • Evaluate the efficiency and effectiveness of the CPL mechanism; • Identify challenges, lessons learned, and recommendations for improving the CPL mechanism.
Methodology	• Review of data collected during CPL monitoring; • Interview relevant stakeholders / survey / data collection through a questionnaire; • Fieldwork.
Deliverables	• Inception report with the evaluation methodology; • Draft evaluation report: findings and recommendations; • Final evaluation report.
Schedule	Duration of the evaluation
Location	Place of work
Evaluation team requirements	Knowledge and experience requirements

6.1 Evaluation planning

No.	Task/activity
1.	Identify evaluation requirements (terms of reference) and objectives. Determine the profile of the independent evaluators and the evaluation theme. Evaluation should be done objectively by independent bodies or experts, with an internal audit being an eligible entity. For example, the internal audit may evaluate the effectiveness/efficiency/sustainability of the CPL process (in terms of impact, outcome, and outputs) or the effectiveness of the CPL framework. Examples of evaluation questions: Are responsibilities clearly defined? Are risk factors and criteria clearly defined?
2.	Engage stakeholders in all steps from this point forward to enhance credibility, transparency, ownership, and accountability. Organise online co-creation workshops or distribute short questionnaires.
3.	Elaborate evaluation design (questions, evidence, methods, data collection tools, roles and responsibilities, timing, and costs). The choice of design depends on the evaluation questions, available data, and resources. Include a human rights and gender equality perspective into the evaluation design: fair representation of women and vulnerable groups.
4.	Develop indicators. Evaluation indicators are often too ambitious, not precise, vague, not easily verifiable, costly (surveys), and too focused on outputs. Data sources for indicators may be: • Statistical data from anti-corruption prosecutions (number of corruption cases related to the implementation of specific laws);

No.	Task/activity
	• Media reports on corruption incidents; • Internal audit and controls documented; • Reports by civil society/international organisations; • Perception-based surveys and indicators; • Experience-based surveys and indicators; • Interviews.
5.	Select reliable and realistic data sources for the indicators. Evaluate the existing data sources and the need to collect new data. Use multiple data sources if available.

In the evaluation process, the limits of the CPL mechanism should be considered. It is impossible to foresee at the drafting stage all the corruption risks and risk factors that may be facilitated by certain legal provisions. Secondly, an anti-corruption recommendation may generate adverse effects/consequences that are impossible to predict at this early stage. For instance, it may generate another type of corruption opportunity or other types of inefficiencies.

It is difficult to measure the impact of CPL, as the intended result is to change legislation to eliminate (reduce) specific corruption possibilities from the very start.

A method to identify CPL's impact would be randomization. The randomization / field experiment method consists of comparing two randomly selected groups (legal drafts) with identical or similar characteristics but differently exposed to the anti-corruption proofing of legislation: the control group and the intervention group. The differences between the criminogenic effects of these two groups of enacted legislation may be attributed to the CPL intervention. Based on the differences, the evaluators may analyse the cost (CPL budget) and the benefits (decreased corruption) of the proofing intervention. Another alternative is conducting CPL on enacted legislation, considering a comparison of the implementation of the legislation before CPL and after its application. The hypothesis is that legislation will be improved based on the CPL recommendations.

CPL evaluation in Moldova

The Republic of Moldova conducted three evaluations of the CPL mechanism. The first evaluation covered the 2010-2015 period[34], the second from 2016-2018[35] and the third from 2019-2020[36].

The evaluations assessed several outcomes and the impact of the CPL mechanism:

- the recommendation acceptance rate (CPL efficiency, 63%);
- analysis of the draft laws that evaded corruption proofing (30% of the draft laws in 2020);
- the most common risk factors and criteria found by CPL reports (absent/unclear administrative proceedings, infringement of interests - contrary to the public interest, legal gaps, and unfeasible provisions);
- the most common corruption risks found by CPL reports (1. abuse of office; 2. exceeding legal duties; 3. conflict of interest)
- the most vulnerable areas (sectors) to corruption;
- the types of private interests found in the draft legislation concerning public property management (tax cuts, public-private partnerships, public procurement during emergencies, environment protection, political financing);
- the link between the regulatory corruption risks identified and the criminal files under investigation;
- the estimated cost of corruption facilitated by the draft laws (30 million euros saved by rejecting draft laws exposed to corruption risks).

The last evaluation report notes that, in 2020, regulations found by CPL reports to facilitate fraud registered a threefold increase. In the same year, fraud was among the first three corruption crimes investigated by CNA (97 crimes). This finding is even more relevant because, in the previous year, fraud was not among the investigated crimes.

6.2. Evaluation data collection

Establishing the operational evaluation framework

No.	Task/activity
1.	Collect the data specified in the evaluation plan. Use the data available through the monitoring process. Primary data is information collected directly by the evaluators from stakeholders. Secondary data is information collected by another party. Data collection methods (tools): monitoring system, survey (questionnaire), interviewing (interview guide), on-site observation (observation template), focus group (group interview guide), expert panel (questionnaire), case study.
2.	Validation of data (quality control). Verify the data collected to ensure it is consistent, correct, reliable, and lacks redundancy. Come back with questions for the persons/entities submitting the raw data if you identify outliers in the data. If you use multiple data sources, triangulate the data to verify accuracy.

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[34] https://cna.md/doc.php?l=ro&idc=117&id=1466&t=/Studii-si-analize/Studii-despre-coruptie/Procesul-legiferarii-intereselor-quid-prodest-cine-profita-Constatarile-expertizei-anticoruptie (last accessed 09/11/2021)

[35] https://cna.md/libview.php?l=ro&idc=117&id=3020&t=/Studii-si-analize/Studii-despre-coruptie/Studiu-privind-expertiza-anticoruptie-2016-2018-eficienta-costuri-impact/ (last accessed 09/11/2021)

[36] https://cna.md/libview.php?l=ro&idc=117&id=3466&t=/Studii-si-analize/Studii-despre-coruptie/Expertiza-anticoruptie-2019-2020-Eficienta-costuri-impact/ (last accessed 09/11/2021)

6.3. Evaluation data analysis

No.	Task/activity
1.	Organise and classify the collected data (code and collate the data).
2.	Apply different statistical methods to the data to extract information for calculating the monitoring indicators. Generate frequencies, summarise, tabulate and compare data, and disaggregate data by different categories (gender, departments). Analyse the evolution over time and identify patterns.

6.4. Evaluation reporting and communication

No.	Task/activity
1.	Elaborate the evaluation report based on the empirical evidence. Evaluation conclusions critically assess the findings.
2.	Elaborate realistic recommendations based on the conclusions in the evaluation. Identify alternative scenarios and weigh their feasibility against the national and international context. Recommendations should include a rationale.
3.	Submit the evaluation report to the beneficiary.
4.	Communicate the evaluation report internally and externally.

6.5. Apply evaluation findings

No.	Task/activity
1.	Implement the recommendations and results of the evaluation report. Evaluation results help to make evidence-based decisions and inform future anti-corruption strategies.
2.	Elaborate on and disseminate the lessons learned.

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ANNEX 1 – THE PROPOSED STRUCTURE OF THE CPL MONITORING REPORT

1. Key information

Please provide information on the reported period, agencies, and stakeholders involved in providing data.

2. Political, legal, or institutional developments impacting CPL

Please explain if there were strategic, legislative, or organisational developments impacting CPL in the reported period and how these changes impacted CPL (new strategy was adopted, new requirements were presented, changes in budgetary allocation, regulation on CPL was amended, the new management of the proofing agency was appointed, reorganisation of the proofing agency).

3. Implementation of previous recommendations

Please explain how the recommendations of the last report were implemented and the results achieved.

4. Monitoring indicators

Please conduct qualitative and quantitative analyses (indicator calculation and analysis). Compare the indicators' values from previous periods. Identify trends in the evolution of indicators.

5. Challenges

Please identify the main challenges in your activity in terms of capacity (human, financial, and other resources), cooperation with stakeholders, and expectations from the media and citizens.

6. Findings and lessons learned

The findings are arguments derived from the qualitative and quantitative analyses (analysis of the indicators). Analysis may also suggest gender-relevant findings. Findings may be challenged by stakeholders, so consultation has to be conducted before issuing recommendations. Findings may be prioritised based on a multi-criteria analysis.

7. Recommendations

The recommendation part of the CPL monitoring report is valuable. For example, several types of recommendations can derive from the CPL monitoring process: revision/improvement of the CPL, improvement of indicators, improvement of the framework for CPL monitoring, targeting corruption risks, and development of additional public policies to target corruption.

The recommendations have to be provided for a specific time frame (short-term, mid-term, or long-term) and to interested audiences (ministries and other institutions competent to draft and propose legislation, institutions in charge of implementation or oversight of legislation implementation, civil society organisations, and the business sector). The recommendations have to be based on and directly respond to the findings. Recommendations are specific interventions or strategies to address the identified challenges.