



National Integrity Systems
Transparency International
Questionnaire

Bangladesh 2003

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Key

Data N/A = Data not available

Bangladesh

The National Integrity System Indicators

Questionnaire

Executive

Can citizens sue Government for infringement of their civil rights?

Yes. Individuals can apply, under Article 102 of the Constitution, to the High Court for directions or orders to be issued to any person or authority for infringement of any of the fundamental rights as embodied in Part III of the Constitution. Under Article 102 of the Constitution a writ petition can be filed by an 'aggrieved person' against 'any person' performing the functions in connection with the affairs of the Republic or of a local authority. The 'person' must be a public functionary including all statutory authorities as defined in Article 152 of the Constitution.

Individuals can bring legal actions against any law or action which is violative of any fundamental right under Part III of the Constitution of Bangladesh. Article 26(1) provides that all existing laws inconsistent with the provisions of Part III shall, to the extent of inconsistency, become void on the commencement of the Constitution. Article 26(2) provides that the State shall not make any law which would be inconsistent with any provisions of Part III, and any law so made shall, to the extent of inconsistency, be void *ab initio*.

Practice

In Bangladesh, there are few examples of citizens suing the government for infringement of their fundamental rights. In such cases, writ petitions are filed but the courts often grants show cause order. Courts later decide on the merit of the case.

Are there procedures for the monitoring of assets including disclosure provisions, for Cabinet and other Government Ministers?

Yes. The Government also has the power, upon approval of the Prime Minister, to inquire into the assets of certain former high officials including: the President, Speaker, Ministers, Members of Parliament, Mayors, the Chairman of the Red Crescent Society, Chairmen and Directors of Nationalized Banks and Insurance Companies, and the Chairman of the Public Service Commission.

Practice

Proper disclosure of assets is rare.

Are there procedures for the monitoring of assets, including disclosure provisions, for high level officials?

Yes. When a person is recruited as a Government servant, he/she has to declare his/her assets if the total value of assets is Taka 10,000 or above. Such officers also have to disclose: (1) location of his/her assets and (2) lists of types of jewellery owned, if any. Each government servant may be called upon to declare assets at any time during the year but regular disclosure of their assets is required in December of each calendar year.

Depending on the grade of the officer involved, inquiries for submission of assets of officers may be approved either by the Prime Minister or the Principal Secretary. The Secretary to the Prime Minister may approve inquiries for submission of assets of Class II officers.

Practice

Proper disclosure of assets is rare.

Are there any differences in procedures and disclosure provisions between elected ministers, appointed ministers and high level officials?

There are some differences in procedures and disclosure provisions between elected Ministers, appointed Ministers and high Government officials. Inquiry into current or former ministers' assets have to be approved by the Prime Minister himself/herself.

Practice

The differences in procedure are quite irrelevant, where such practice is limited.

Are there conflict of interest rules for Ministers and high level officials?

Yes, there are conflict of interest rules applicable to Ministers and other high-level officials.

Practice

In practice it is rarely applied.

Are there rules and registers concerning gifts and hospitality for ministers/high level officials? If so, are these registers kept up to date? By whom?

Members of the Executive can accept gifts openly. All gifts have to be reported by ministers and other high officials to the Cabinet Division and deposited at a centre called the 'Toshakhana'. Some gifts can be disposed of at public auctions; very expensive gifts are displayed at the national museum or placed in banks for safe keeping. Gifts valued under Taka 1000 can be retained by the recipient. Upon valuation, recipients have the option to purchase certain gift items from the Government. There are two registers for gifts, which are overseen by the Secretary and are updated from time to time.

Practice

Government Servant's Conduct Rules, 1979 require recipients to disclose all gifts received in a public capacity. Ministers are aware of the rules and registers but they have been known to receive gifts of significant value without disclosing them.

Have they legal powers to enforce disclosure?

The Cabinet Division does not have any legal powers to enforce disclosure on gifts.

Have they staff to investigate allegations?

No, there are no staff to investigate allegations.

What powers of sanction are in place against parliamentarians?

Data N/A.

Have they ever been invoked?

Data N/A.

What powers of sanction are in place against ministers who are also parliamentarians?

Data N/A.

Have they ever been invoked?

Data N/A.

What powers of sanction are in place against ministers who are not parliamentarians? Have they ever been invoked?

Data N/A.

Are there restrictions on post-ministerial office employment?

There are no restrictions on post-ministerial employment.

Are members of the Executive obliged by law to give reasons for their decisions?

No.

Do Ministers or equivalent high-level officials have and exercise the power to make the final decision in ordinary contract award and licensing cases? Is this power limited to special circumstances?

Data N/A.

Are there administrative checks and balances on decision of individual members of the Executive?

There are rules related to Council of Ministers to have administrative checks and balances on decisions of individual members of the Executive. Inter-ministerial consultations and clearance are standard practice.

Representatives are politically accountable to the electorate. The Executive is collectively responsible to the Parliament. Ministers are also individually responsible to the Prime Minister and the Parliament for the work of their ministries. Several checks and balances

also exist in the Government's Rules of Business over decisions made by individual members of the Executive.

Practice

The checks and balances are normally applied but the process of reaching a decision is not transparent.

Legislature

Is the legislature required to approve the budget?

Yes. The National Assembly is required to approve the budget.

Are there significant categories of public expenditure that do not require legislative approval? Which departments does this involve, what is their expenditure and what percent does this represent of the government's annual expenditure?

Yes. Government funding of certain financial and non-financial parastatal sectors, paid from the Consolidated Fund, are expenditures, which do not require Parliamentary approval.

Answer to the later part of the question not be available.

Are there conflict of interest rules for Parliamentarians?

The Parliament has its own rules of procedure, which include conflict of interest rules. The Rules of Procedures of the Parliament under Rule 188(2) provides that, "No Member shall be appointed to a committee who has a personal, pecuniary or direct interest in any matter which may be considered by that committee".

Practice

The spirit of the provision is often disregarded.

Are there rules and registers concerning gifts and hospitality?

No.

Are there restrictions on post-legislature employment?

No, there are no restrictions on post-legislature employment.

Electoral Commission

Is there an independent Electoral Commission?

Yes, it is independent in exercising its function. The Election Commission (EC) in Bangladesh is an independent body formed in accordance with Article 118 of the Constitution. The EC has a full-fledged Secretariat of its own to execute its orders and decisions.

Practice

The Election Commission's capacity as a truly independent body is debatable under the present situation, while it has to depend on the Government for its funding. Concern is also voiced over political interference in the EC's activities.

Who appoints the Head of the Commission?

The EC is comprised of a Chief Election Commissioner appointed by the President for a term of five years. If necessary, the President has the authority to appoint additional commissioners. When the EC is comprised of several commissioners, the Chief Election Commissioner acts as Chairman of the EC.

Political Parties

Are there rules on Political Party funding?

Currently there are no disclosure rules applicable to political party funding. For the 2001 elections, the then President promulgated an Ordinance with the approval of the 'Caretaker Government' which called for limiting political party expenditure for the campaigns of their candidates.

Are substantial donations and their sources made public?

Substantial donations and their sources are not typically made public. However, reports of extortion from businesses and other sources to raise campaign funds have been published in the local media.

Are there rules on political party expenditure?

Yes. The current election regulations, set forth in the *Representation of People's order 1972*, only require disclosure of campaign expenditures of individual candidates. Such candidates are required to file a 'return of election expenses' within 15 days of publication of the election results.

Practice

Due to weak monitoring and enforcement of legal requirements, the political parties do not comply with the rules. Only 74 candidates out of 300 submitted their forms after the Parliamentary elections held in 2001.

Are political party accounts published?

No.

Are accounts checked by an independent institution, are they published and are they submitted to Parliament?

No.

Supreme Audit Institution

Is the National Auditor General independent?

The Comptroller and Auditor General (CAG) have a constitutional mandate to audit and report public accounts under Article 128 of the Constitution. However, the CAG is similar to a subordinate department of the Ministry of Finance and is subject to its direction and control in respect of promotional and disciplinary matters relating to its cadre officers. Cadre officers appointed to this department are recruited by the Government from the Civil Service.

Is the appointment of the General Auditor required to be based on professional criteria/merit?

Yes. The most senior secretary from the Audit and Accounts cadre of the civil service is usually appointed to the post of CAG at the time of his/her retirement from Government Service.

Is the appointee protected from removal without relevant justification?

Yes. The CAG can only be removed from the office for negligence or gross misconduct under similar conditions and procedures as applied to a judge of the Supreme Court.

Are all public expenditures audited annually?

No.

Practice

The CAG is responsible pursuant to the Rules of Business for carrying out an audit of all receipts and expenditures of all Government departments, statutory corporations and corporations where the Government is a majority shareholder. All audit units/entities categorized under 'A' class are audited annually. Units and entities categorized under 'B' and 'C' classes are audited every 2 and 3 years respectively.

Is reporting up to date?

Reporting by the CAG is now up to date after a considerable backlog has been cleared.

Practice

Inordinate delays in submitting audit reports to the Parliament have largely impaired the image of the institution. Previously there was a backlog for several years in preparation of

audit reports, making the reporting largely ineffective. But as of February 2002, the backlog has been cleared and audit reports updated after concerted efforts.

Are reports submitted to a Public Accounts Committee and/or debated by the Legislature?

Yes, they are submitted to a PAC. The Constitution provides for a Public Accounts Committee (PAC) to be set up to review the CAG's audit reports and hold hearings on reports submitted to it. Historically the PAC has not been formed in a timely manner, which resulted in a backlog of audit reports. However, these reports are not debated at the National Assembly.

Practice

In the last eight Parliaments the PAC has only been formed six times (including one ad hoc PAC). The eighth parliament has completed its fifth session, and began its sixth session. More than a year has lapsed after the formation of the present Parliament, but the PAC is yet to be constituted. There is an enormous backlog in hearing the audit objections by the PAC. From 1971-72 to July 2002, only 18.3% out of the 770 audit reports submitted to the President and the Parliament have been discussed. This means that 81.6% of the reports submitted to the PAC are yet to be discussed. The Ministries do not respond promptly to the PAC's recommendations. The CAG's staffs have also been negligent in some cases by delaying settlement.

Are all public expenditures declared in the budget?

No. All public expenditures are not declared in the official budget. Government funding of certain State Owned Enterprises is not included in the budget.

Judiciary

Have the courts the jurisdiction to review the actions of the executive?

The Supreme Court has also the jurisdiction to hear public interest litigation and other writ petitions and issue necessary order to ensure justice to the victims of fundamental rights violations including certiorari, mandamus, injunction, prohibition and habeas corpus. The Supreme Court is empowered to review the legislative enactment and the executive actions with a view to ensuring their compatibility with the Constitution.

Practice

The courts have dealt with cases involving the former President/Prime Ministers/Ministers/MPs and other executive officials. As of March 19, 2001, a total of 35 cases against former President/Prime Minister/Ministers were under trial.

Are judges/investigative magistrates independent?

Article 94(4) of the Constitution provides that subject to the provisions of this Constitution the Chief Justice and the other judges shall be independent in the exercise of their judicial functions. The Constitution of Bangladesh also guarantees an independent judiciary having the final authority to declare any laws or governmental actions as void if they are not found consistent with the Constitution.

Practice

The present Government has pledged a separation of the Judiciary from the Executive within a specific deadline. At present, the Judiciary is still part of the Executive although efforts are underway to provide for its independence. There are also reports of influence by the Executive in decision-making in the lower courts. For this reason the Government has formed a Ministerial Committee which has met 13 times since its inception. However, in fulfilling Supreme Court's Order regarding separation of judiciary from executive the present Government has taken additional time for the 5th time while the previous government had asked for additional time seven times and the caretaker government twice.

Are appointments required to be based on merit?

Appointments are made by the President in accordance with the Constitution and are partially merit-based.

Are the appointees protected from removal without relevant justification?

Yes, they are protected from removal without relevant justification.

Have there been instances of successful prosecution of corrupt senior officials in the past 3 years?

There is a legal framework for prosecution of corrupt senior officials, however, a TIB study in 1991-2001 found that very few such prosecutions result in convictions.

Civil Service**Are there laws establishing criminal and administrative sanctions for bribery?**

The Anti-Corruption Act among others establishes criminal and administrative sanctions for bribery.

Are there rules requiring political independence of civil service?

Yes, there are rules requiring political independence of the civil service.

Practice

The Civil servants are primarily non-partisan and maintain neutrality under elected governments. However, there is evidence of some political interference and occasional politicization of the civil service. In order to address and rectify this, appointments which have been politically motivated have been nullified from time to time.

Are (a) recruitment (b) career development rules based on merit? Are there specific rules to prevent nepotism/cronyism?

Recruitment and career development in the Civil Service are partially merit-based. However, there are no rules to prevent incidents of nepotism and cronyism.

Practice

For the officials of Classes I and II, 45% of government recruitment is merit-based. The rest is recruited according to a quota system. But for Class III & IV, there is no provision to recruit employees based on merit. This practice fails to attract meritorious candidates.

Are there rules and registers concerning gifts and hospitality?

Rules governing the civil servants' conduct provide for registration of gifts received in an official capacity. Currently there are no rules limiting the acceptance of hospitality.

Practice

These rules are very seldom enforced.

If so, are these registers kept up to date? By whom?

There is a Toshakhana Evaluation Committee responsible for the collection and preservation of the gifts. This committee is supposed to meet periodically, and review the manner of collection and preservation of gifts.

Practice

Registration and updating solely depends on the disclosure of gifts by the recipient.

Have they legal powers to enforce disclosure? Have they staff to investigate allegations?

Data N/A

What powers of sanction are in place against parliamentarians? Have they ever been invoked?

Data N/A.

Are there restrictions on post public service employment?

There are no restrictions on post public service employment. However, some restrictions do apply for holders of constitutional posts such as CAG, Chief Election Commissioner and judges.

Are procedure and criteria for administrative decisions published?

There are procedures governing the criteria for administrative decisions in connection with granting permits, licenses, bank loans, building plots, tax assessments, etc. Such procedures are published and accessible to the public.

Practice

Aggrieved parties do not know why their application has not been granted.

Are there complaint mechanisms for public servants and whistleblower protection measures?

There are no formal independent complaint mechanisms for public officials to complain and seek a remedy within the Government. Public servants can lodge complaints with an

Administrative Tribunal which acts in a manner similar to a court. There are no specific protection measures for whistleblowers.

Practice

In practice, whistle blowing is rare due to the threat of sanctions by superior officers.

Are there means of complaints by members of public?

Bangladesh still does not have an Ombudsman to field public complaints against the Government. Currently, the public can complain by reporting incidents to the press, high officials or legislators. Alternatively the public can seek redress in the courts.

Are there administrative checks and balances on decisions of individual public officials?

There are certain administrative checks and balances on decisions of public officials. Approvals for actions require the consent of a hierarchy of officers in the bureaucracy. Major decisions also require the consent of the responsible Minister.

Practice

Approvals are not always closely scrutinized as they move through the bureaucratic hierarchy.

Police and Prosecutors

Is the Commissioner of Police independent?

No.

Are appointments required to be based on merit?

Appointments in the police force are supposed to be based on merit in accordance with the provisions for appointment in Police Regulations of Bengal (PRB 1943). There are three entry points in the recruitment process of the Police department: 1) Assistant Superintendent of Police, 2) Sergeant and 3) Constable.

Practice

Sometimes the practice of political influence cannot be ruled out in connection with these appointments.

Are public prosecutors independent?

No.

Are there special units for investigating and prosecuting corruption crimes?

Yes. The Bureau of Anti-corruption is responsible for investigating and prosecuting corruption crimes.

Is there an independent mechanism to handle complaints of corruption against the police?

Yes. There is a police security cell to address police corruption. The only police security cell, located in Dhaka, is headed by an Assistant Inspector General of Police. This cell is responsible for investigating, amongst others, corruption-related complaints. Officers appointed to this cell have the authority to review the actions of police officers posted nationwide.

Does civil society have a role in such a mechanism?

No.

In the last five years, have police officers suspected of corruption been prosecuted (or seriously disciplined or dismissed)?

Yes.

Practice

There have been quite a large number of prosecutions of police officers implicated in corruption. Over the last few years (1997-2001) punitive actions were taken against 84,919 police officers/ employees accused of corruption and other offences (statistical information of Police security cell as of Dec. 23, 2002)

Are there any cases of corruption within the prosecuting agencies?

Data N/A.

Which legislative instruments can be used by the police and public prosecutors for the investigation and prosecution of cases of corruption/bribery? Is the law applied?

The Anti-Corruption Act is the primary legislative instrument used by police or public prosecutors to investigate and prosecute corruption or bribery cases. The Police Officers' Ordinance of 1976 also supplements it.

Is private to private corruption punishable by law?

No.

How many cases of prosecution have been undertaken in the past years? How many have been successful? If the number is low, are there other effective measures or other good reasons why the number is low?

Data N/A.

Public Procurement

Do rules for public procurement require competitive bidding for all major procurements with limited exceptions?

Yes.

Practice

These rules for public procurement for all major procurement of goods or services are manipulated.

Are the rules laid down in documents publicly accessible?

Yes.

Practice

Application of procurement rules however remains far from transparent and remains subject to manipulation.

Are there strict formal requirements that limit the extent of sole sourcing?

No. There are no strictly laid down formal rules for sole sourcing.

Are all major public procurements widely advertised to the private sector?

All major public procurement is widely advertised to the private sector through major newspapers.

Are procurement decisions made public?

Procurement decisions are generally made public but the process of reaching such decisions are not.

Is there a procedure to request review of procurement decisions?

No. There are no formally laid down procedures to request review of procurement decisions.

Can an unfavorable decision be reviewed in a court of law?

Yes. An unfavorable decision can be reviewed in a court of law in theory, but hardly occurs in practice.

Are there provisions for blacklisting of companies proved to have bribed in a procurement process?

Yes, there are such provisions. Companies have been black-listed for various reasons. But it is not known if any has been black-listed for paying a bribe in procurement processes.

Are there rules and procedures to prevent nepotism/conflict of interest in public procurement?

No. There are no rules and procedures to prevent nepotism/conflict of interest in public procurement.

Are assets, incomes and life styles of public procurement officers monitored?

No. The assets, incomes and life styles of public procurement officers are not monitored.

Ombudsman

Is there an Ombudsman or its equivalent?

No. Although the Constitution provides for the Parliament to establish an office of the Ombudsman, no appointment has been made to the post to date. Although the Government has made some headway by enacting a law, the Act as it stands now falls short in certain areas. The text of the Act has certain discrepancies which would make it difficult for the Office to fight major corruption: (i) its definition of "public officers" does not seem to include actions of public functionaries such as Ministers or Members of Parliament, (ii) the Ombudsman lacks prosecutorial power and (iii) there are no provisions for an independent budget for the Office.

Investigative/Watchdog Agencies

Are there special investigative or watchdog agencies?

Yes. There is a special investigative or watchdog agency in Bangladesh, namely the Bureau of Anti-corruption (BAC). Two other watchdog agencies in Bangladesh are the Office of the Comptroller & Auditor General (CAG) and Standing Committee on Public Accounts (PAC) which are discussed in the Supreme Audit Institutions section.

What are their main responsibilities?

The Bureau of Anti-Corruption is the principal organization engaged in checking corruption in Bangladesh. The main functions of this organization are to collect information, initiate enquiries and investigations, and launch suitable prosecution against corrupt elements. The BAC has no specific corruption prevention activities other than its operational activities. There are no specific rules and regulations regarding education and awareness responsibilities in the existing Anti-Corruption Act and Anti-Corruption Manual.

Practice

The Bureau does not have the authority to file any cases against persons involved with the ruling party because prior permission from the Prime Minister's office has to be obtained before such a case can be filed. The Bureau also cannot take any effective steps against high government officials of any department.

The effectiveness of the BAC and all its officers ultimately depends on successful prosecution of cases in court. There is one special Public Prosecutor (PP) at the BAC. The

appointment is contract based and the PP directly assists the Director General on legal matters. Generally, the Director (Law) and the special PP are retired District Judges. The BAC has no control over the Special Public Prosecutors and District Public Prosecutors, as they are appointed by the Law, Justice & Parliamentary Affairs Ministry.

Are they independent?

No. The BAC has not been able to create any major impact because it is a government department with no independence of action.

Practice

To avoid undue harassment of any public servant, prior permission has to be obtained from the concerned government authority before commencing an investigation. However, according to the findings of TIB it has been observed that the process of providing such permission is often delayed, thus prolonging the investigation. A close examination of certain cases indicates that obtaining permission for carrying out an investigation from the Prime Minister's Office requires four to nine years.

Are appointments required to be based on merit?

The manpower of the Bureau of Anti-corruption is employed through two methods: deputation and direct recruitment (through the Public Service Commission). These methods are followed on the basis of the Gazetted Officers (Bureau of Anti-corruption) Recruitment Rules, 1983. Most of the top posts at the Bureau of Anti-corruption are currently being filled up through deputation. Although according to recruitment rules, 50% of the anti-corruption officers should be directly recruited through the Public Service Commission.

Practice

Due to non-execution of the recruitment rules of the Bureau, mutual distrust and internal strife are prevalent among the officers. As a result, problems arise during implementation of decisions, often due to passive resistance of the concerned officials.

Are appointees protected from removal without relevant justification?

Yes, the appointees are protected from removal without relevant justification.

Are their reports published?

The Bureau of Anti-corruption prepares an annual report and organizes an annual meeting. This report is used only for its internal purposes.

Do they report publicly to the Legislature on the general scope of their work?

There is no system to submit reports to the Legislature. However, some information may be presented to the Parliament indirectly if the BAC provides relevant statistics and information to a Minister, who has made a specific inquiry, and if that Minister presents such information to the Legislature during the questions and answer sessions.

Can people complain to the agency without fear of recrimination?

Yes, they can. Sometimes people fail to provide all the relevant information in the application due to lack of knowledge regarding application procedures.

Media

Is there any law guaranteeing freedom of speech and of the press?

The Constitution of Bangladesh provides for freedom of speech in Article 39. Furthermore, Article 39(2) provides that 'subject to any reasonable restrictions imposed by law in the interests of the security of the State, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence - the right of every citizen to freedom of speech and expression and freedom of the press are guaranteed.

Practice

There are at least 25 laws, dating from 1923 to 2003, which have been used to curtail the freedom of the media from time to time.

Is there censorship of the media?

There is no official censorship for newspapers. But there is censorship in connection with cinema. For the state-owned electronic media (BTV) certain privately produced programmes are pre-viewed by a committee. In the print media, there are reports of self-censorship to some degree, where journalists have been reluctant to criticize politically influential persons either in the Government or in the opposition parties.

Practice

The electronic media practices self-censorship in order to avoid any kind of persecution from the Government. The Caretaker Government repealed some sections (namely, 16, 17 & 18) of the Special Power Act relating to pre-censorship of any newspaper, closing down of any newspaper and compelling any journalists to divulge his/her sources.

Is there a spread of media ownership?

Yes, media ownership is spreading among big business houses.

Do any publicly owned media regularly cover the views of government critics?

No. At present publicly-owned media includes: BTV, Radio Bangladesh, and the state-owned news agency (Bangladesh Sangbad Sangstha). They usually do not cover views critical of the Government.

Have journalists investigating cases of corruption been physically harmed in the last five years?

In the last five years, there have been extensive reports of threats, harassment, physical harm and penalties brought to local journalists investigating corruption and misuse of power by the political parties and the Government.

Practice

Provisions of issuance of warrants of arrest against journalists in defamation and libel suits under Section 54 of the Code of Criminal Procedure (CrPc) still exist. Blatant application of draconian laws like the Special Power Act of 1974 and Official Secrets Act of 1923 have

jeopardized the lives of countless journalists. Over the last few years there have been a number of attempts on journalists covering corruption cases.

Do the media carry articles on corruption?

The media, particularly the print media, carries extensive reports on corruption in various sectors.

Practice

According to the Corruption Database Report of Transparency International Bangladesh, 2570 corruption news articles from a total of 23 dailies (17 National and 6 Local) were published between January to December 2001.

Do Media Licensing Authorities use transparent, independent and competitive criteria and procedures?

The media licensing authorities do not use transparent, independent and competitive criteria and procedures. The law provides for a transparent process, however in reality they often act in a partisan way.

Are libel laws or other sanctions (e.g. withdrawing of state advertising) used to restrict reporting of corruption?

The government uses advertising contracts to exert influence over the press.

Civil Society

Does the public have access to information and documents from public authorities?

The public does not have access to information and documents from authorities. The Officials Secrets Acts 1923 still hinders the free flow of information.

Do the public authorities generally co-operate with civil society groups?

The public authorities mostly co-operate with civil society groups although on occasion they have not been supportive.

Are there citizens' groups or business groups campaigning against corruption?

In Bangladesh, there are a number of citizens' groups who are campaigning against corruption, namely: DemocracyWatch, Manabik Shahajay Saangstha (MSS), Manusher Jonno, various Chambers, Bangladesh Unnayan Parishad, Mass Line Media Center and Transparency International Bangladesh (TIB), among others.

Are there citizens' groups monitoring the Government's performance in areas of service delivery, etc?

Wide selection of groups is involved in monitoring the Government's performance in areas of service delivery.

Do citizen's groups regularly make submissions to the legislature on proposed legislation?

Citizens groups do not regularly make submissions to the legislature on proposed legislation. In Bangladesh, when the Government takes initiatives to enact new laws, some civil society organizations may oppose the proposed legislation/ ordinances.

Does the education system pay attention to integrity issues and corruption/bribery?

The present education system does not pay attention to integrity issues and corruption/bribery. There are no lessons in the text books about such issues.

Regional and Local Government

Are there, at local level, rules and disclosure provisions similar to those operating at national level on nepotism, conflict of interest, gifts and hospitality, and post public office employment?

No.

What public offices at regional and local level are appointed by the national government?

Data N/A.

Is there a legal requirement that meetings of city/town councils be open to the press and public?

There is no legal requirement that meetings of city/town councils be open to the press and public. If the authorities decide that the discussions should involve the public or that the findings should be disseminated among the public and the press, only then are the latter invited. Such decisions are made by the authorities at their discretion.

Are there clear criteria restricting the circumstances in those city/town councils can exclude the press and public?

Data N/A.

Do national agencies with a remit to deal with corruption (anti-corruption agencies, ombudsmen, supreme audit institutions, and so on) work at regional or

local levels and are there specific agencies with regional and local responsibilities?

The Bureau of Anti-corruption, the Auditor General and the Police have jurisdiction throughout the country.

Progress with Government Strategy

Has the government announced an anti-corruption strategy and a timetable for implementation?

The Government announced that it had forged an anti- corruption strategy to fulfill its election pledge to reduce corruption among its other priority agenda. It is not yet known if any time-table has been fixed for the systematic implementation of an anti-corruption strategy.

How much of the strategy has been implemented?

The Government has made some visible progress in setting up an independent anti-corruption commission to replace the present Bureau of Anti-corruption. The "Independent Anti-corruption Commission" bill was placed in the Parliament on July 10, 2003 and passed in February 2004. A high-powered inter-ministerial Task Force has been formed to determine an effective strategy to combat corruption. The present government has published a White Paper on the corruption of the previous government. However, to date it has not investigated all party members in this manner. Investigation, prosecution and trial of the corruption cases are reportedly in progress. It is generally felt that for the success of the anti- corruption campaign, extensive planning for implementation of the strategy will be necessary.

Donor Anti-Corruption Initiatives

Which bilateral and multilateral donor agencies are based in the country?

DFID, USAID, AusAID, DANIDA, CIDA, NORAD, SDC, SIDA, The World Bank, , Asian Development Bank, UNDP, IMF, UNHCR, UNICEF, Netherlands, the European Union, Germany among others.

Are there any example of donors cooperating or coordinating their programmes?

There is a local consultative group (LCG) chaired by the World Bank. The LCG is divided into several subgroups. Corruption and efforts at combating it in donor programs has been discussed on its agenda. They meet once or twice a month as decided.

Future Research and Donor Support

Can key areas or issues be identified in terms of corrupt activity that the research for the report has demonstrated as requiring immediate attention and which are they?

The key areas requiring immediate attention are as follows:

- Weak recruitment policy of the public officials and prevalence of quota system
- Lack of performance monitoring mechanism of Ministries/Divisions and Departments
- Separation of judiciary from the executive
- Lack of independence from executive control of the Bureau of Anti-corruption
- Absence of a complaint mechanism for general people to seek redress against any maladministration
- Lack of laws on political party funding and weak enforcement and monitoring mechanisms of election rules and regulations
- Delays in forming the Public Accounts Committee over years have seriously undermined its effectiveness
- Poor service conditions and low salary structure which encourage public officials to engage in corruption.
- Key watchdog agencies lack adequate, well-trained and skilled staff to undertake their responsibility in an appropriate manner.

Is there a particular aspect of corrupt activity either particular to the country concerned or significant in terms of effect or impact that would require more in-depth research?

Existing rules, regulations and procedures for procurement of goods and services need to be updated and made more transparent. Rules should be enacted and enforced to ensure disclosure of election funds from political parties. There is an urgent need to improve on the structure and performance of the existing anti-corruption institutions.

Can key areas or issues relating to possible anti-corruption indicatives be identified as requiring donor support?

- Supporting the government in establishing and developing strong accountable local government institutions
- Supporting non-governmental actors and enabling public services in ensuring that development objectives are met
- Improving the legal and judicial environment for better access to justice
- Strengthening the institutional capacity of watchdog agencies
- Supporting civil society in governance and public awareness activities

Can key areas or issues relating to possible anti-corruption initiatives be identified in terms of forming the basis for potential donor prioritization, sequencing, cooperation and coordination?

- Government must design a plan of action to combat corruption and devise a definite timetable for implementing its policy
- Increasing awareness through extensive public education in relation to the dreadful effect of corruption
- Immediate appointment of an Ombudsman needs to be ensured
- An independent Anti-corruption commission needs to be set up
- A code of conduct needs to be drawn up for elected officials
- Laws restraining the freedom of media needs to be repealed
- Rules regarding political party funding to ensure electoral transparency need to be introduced
- Procurement rules need to be strengthen and updated to make the process transparent and reduce the scope of corruption