

## QUESTIONNAIRE

### ANNEX 1

<b>Indicators</b>	<b>Formal provisions</b>	<b>What actually happens</b>
<b>EXECUTIVE</b>		
Can citizens sue Government for infringement of their civil rights?	Yes	Government bodies, but not Presidency
Are there procedures for the monitoring of assets, including disclosure provisions, for the chief executive, Ministers and other high level officials, Are there conflict of interest rules?	Yes	Monitoring is not functioning
Are there rules and registers concerning gifts and hospitality?	Not evident	No checks and control
If so, are these registers kept up to date? By whom? 1. Have they legal powers to enforce disclosure? 2. Have they staff to investigate allegations? 3. What powers of sanction are in place against parliamentarians? 4. Have they ever been invoked?	Yes, but the procedure is unclear	Not effective, no precedents
Are members of the executive obliged by law to give reasons for their decisions?	Not precise	No precedents
Are 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?	No	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?	No	Very often formal rationale serves to specific group interests and undermines public ones.
Are there administrative checks and balances on decisions of individual members of the executive?	Formally, they have limited power	In a number of cases they exercise their power overstepping the rules
<b>LEGISLATURE</b>	No precise procedure	No established effective mechanism
Is the legislature required to approve the budget?	Yes, however, parliamentarians are not independent of the President	The procedure is formal. The President has a power to take decisions on the National (Oil revenue) Fund and to form an extraordinary fund

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<p>Are there significant categories of public expenditure that do not require legislative approval? Which?</p> <p>Are there conflict of interest rules for parliamentarians?</p> <p>Are there rules concerning gifts and hospitality?</p> <p>If so, are these registers kept up to date? By whom?</p> <ol style="list-style-type: none"> <li>1. Have they legal powers to enforce disclosure?</li> <li>2. Have they staff to investigate allegations?</li> <li>3. What powers of sanction are in place against parliamentarians?</li> <li>4. Have they ever been invoked?</li> </ol> <p>If so, are there public registers for gifts and hospitality?</p> <p>Is there an independent Electoral Commission (if not, are the arrangements for elections in the hands of agencies who are widely regarded as being non-partisan)?</p>	<p>No</p> <p>Yes, but not precise</p> <p>No precise criteria,</p> <p>no procedure, no staff to investigate</p> <p>No</p> <p>No precise procedure</p> <p>Formally yes.</p> <p>No. The Electoral Commission is accountable to the President.</p>	<p>that includes all financial state resources.</p> <p>Yes. There are few directions (construction of the new capital, so-called national companies and spending on public events (anniversaries, celebrations)</p> <p>Some parliamentarians use conflict of interests for their own benefit</p> <p>No monitoring system</p> <p>No precedents</p> <p>No precedents</p> <p>The President and local governors appointed by him exercise their power in electoral process.</p>
<p><b>POLITICAL PARTY FUNDING</b></p> <p>Are there rules on political party funding?</p> <p>Are substantial donations and their sources made public?</p> <p>Are there rules on political party expenditures?</p> <p>Are political party accounts published?</p>	<p>Yes</p> <p>No</p> <p>Yes</p> <p>No</p> <p>No</p>	<p>No monitoring</p> <p>No precedents</p> <p>No developed procedures</p> <p>No</p> <p>No</p>

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<p>Are accounts checked by an independent institution?</p> <p>Does that institution start investigations on its own initiative?</p>	<p>No</p>	<p>No</p>
<b>SUPREME AUDIT INSTITUTION</b>		
<p>Is the national auditor general independent? i.e. Is the appointment of the general auditor required to be based on professional criteria/merit? Is the appointee protected from removal without relevant justification?</p> <p>Are all public expenditures audited annually?</p> <p>Is reporting up to date?</p> <p>Are reports submitted to a Public Accounts Committee and/or debated by the legislature?</p> <p>Are all public expenditures declared in the official budget?</p>	<p>No, the Chairman of the Accounting Committee can be removed by the President</p> <p>Not all of them</p> <p>Yes, quarterly to the President, annually to the Parliament</p> <p>Yes, formally</p> <p>Yes</p>	<p>The Accounting Committee is vulnerable to pressure from the executive, namely, President, it does not function on behalf of taxpayers.</p> <p>Not enough capacity for such audit.</p> <p>Yes, but too formal and superficial.</p> <p>No serious debates</p> <p>No. There are several areas of undeclared spending.</p>
<b>JUDICIARY</b>		
<p>Have the courts the jurisdiction to review the actions of the executive (i.e. Presidency, the Prime Minister's or other Ministers and their officials)?</p> <p>Are judges/investigative magistrates independent? i.e. Are appointments required to be based on merit? Are the appointees protected from removal without relevant justification?</p> <p>Are recruitment and career development based on</p>	<p>Yes, excluding Presidency</p> <p>Judges and investigative magistrates are dependent on the President</p> <p>Criteria for</p>	<p>The sentences tend to be unreasonably light</p> <p>The appointment/removal system is not transparent and seems to be unjustified</p> <p>Recruitment is</p>

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merit?	selection are not clear, procedure is not transparent	suffering from nepotism and cronism, there are some mechanisms of “remuneration” for appointments.
Have there been instances of successful prosecutions of corrupt senior officials in the past 3 years?	Yes	Mid-level officials
Does the education system pay attention to integrity issues and corruption/bribery? Is it expected to?	Minimum	There is no course dealing with these issues in curricula
<b>CIVIL SERVICE</b>		
Are there laws establishing criminal and administrative sanctions for bribery?	Yes, Criminal Code and Anti-Corruption Law	
Are there rules requiring political independence of the civil service?	Yes	The executive uses its power to support pro-governmental political parties through its bodies.
Are recruitment/career development rules based on merit?	Yes	In many cases it is not.
Are there specific rules to prevent nepotism? Cronyism? (note: rules discriminating positively in favour of marginalised or minority groups are <u>not</u> included in this description)	Yes	No checks and monitoring; there are also some informal agreements for job placements
Are there rules (including registries) concerning acceptance of gifts and hospitality? If so, are these registers kept up to date? By whom? 1. Have they legal powers to enforce disclosure? 2. Have they staff to investigate allegations? 3. What powers of sanction are in place against parliamentarians? 4. Have they ever been invoked?	Yes	No monitoring.  No precise procedure. No investigative staff. No precedents  Never.
Are there restrictions on post public service employment?	Yes	Not exercised.
Are procedures and criteria for administrative decisions	Yes, in sectoral	No access to specific

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published (e.g. for granting permits, licences, bank loans, building plots, tax assessments, etc)?	legislation	acts; some are considered as closed information
Are there complaint mechanisms for public servants and whistleblower protection measures?	Yes	Not in effect
Are there means for complaints by members of the public?	Yes	Not effective
<b>POLICE AND PROSECUTORS</b>		
Is the commissioner of police independent? i.e. Are appointments required to be based on merit? Is the appointee protected from removal without relevant justification?	Minister of the Interior is appointed and removed by the President	The Presidency exercises its power to appoint and discharge the top-level police officers and prosecutors.
Are public prosecutors independent?	They depend on Presidency	During last 10 years, 5 Prosecutors General were removed by the President
Are there special units for investigating and prosecuting corruption crimes?	No	No
Is there an independent mechanism to handle complaints of corruption against the police?	Yes	The complaint mechanism is limited by an inefficient and corrupt system of law enforcement bodies and courts
Does civil society have a role in such a mechanism?	Yes	No examples
In the last five years, have police officers suspected of corruption been prosecuted (or seriously disciplined or dismissed)?	Yes	Only lower police officers have been punished
Are there any cases of corruption within the prosecuting agencies?	Yes	Three cases in 1999; a district prosecutor in 2000.
Which legislative instruments can be used by the police and public prosecutors for the investigation and prosecution of cases of corruption/bribery? Is private-to private corruption punishable by law?	Criminal Code, Anti-Corruption Law, etc.	

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<p>Is the law applied?</p> <p>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?</p>	Yes	<p>Partially. The law serves group interest.</p> <p>In 1999, 2818 corruption offences, 589 people were convicted. Only 34% of the cases ended in judicial trial.</p>
<b>PUBLIC PROCUREMENT</b>		
<p>Do rules for public procurement require competitive bidding for all major procurements with limited exceptions?</p> <p>Are the rules laid down in documents publicly accessible?</p> <p>Are there strict formal requirements that limit the extent of sole sourcing?</p> <p>Are all major public procurements widely advertised to the private sector?</p> <p>Are procurement decisions made public?</p> <p>Is there a procedure to request review of procurement decisions?</p> <p>Can an unfavourable decision be reviewed in a court of law?</p> <p>Are there provisions for blacklisting of companies proved to have bribed in a procurement process?</p> <p>Are there rules and procedures to prevent nepotism/conflict of interest in public procurement?</p>	<p>Yes</p> <p>Yes</p> <p>Not strict requirements. They allow evading the rules.</p> <p>Yes, but not widely.</p> <p>Yes</p> <p>Complaints are to be addressed to the Public Procurement Agency or to the General Prosecutor.</p> <p>Yes</p> <p>No</p> <p>Yes, the amendments are reviewed</p>	<p>Only 54% of bidding was competitive</p> <p>Promulgation is limited by lack of financing</p> <p>Sole source procurements are frequently conducted groundlessly. They made over 45% of all procurements in 2000.</p> <p>Lack of financing.</p> <p>Lack of financing</p> <p>No precedents of revised decisions.</p> <p>No precedent</p> <p>Unofficially</p> <p>No monitoring, no procedure.</p>

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<p>Are assets, incomes and life styles of public procurement officers monitored?</p>	<p>by the Senate</p> <p>Yes, but not specially in the capacity of the public procurement officers.</p>	
<p><b>OMBUDSMAN</b></p> <p>Is there an ombudsman or its equivalent (i.e. an independent body to which citizens can make complaints about maladministration)?</p> <p>Is the ombudsman independent? i.e. Are appointments required to be based on merit? Is the appointee protected from removal without relevant justification? Has an ombudsman been removed without relevant justification in the last five years?</p> <p>Can petitioners complain anonymously if they fear possible reprisals?</p> <p>Are reports of the ombudsman published?</p> <p>Does the government act on the Ombudsman's recommendations?</p>	<p>Not equivalent. There is the Commission on Human Rights</p> <p>No</p> <p>No</p> <p>No</p> <p>No</p> <p>Not clear</p>	<p>A consultative body under the President, no sufficient power to protect a citizen's rights.</p> <p>Fully depends on President</p> <p>Such complaints are not subject to consideration.</p> <p>Restricted official use</p> <p>Not clear</p>
<p><b>INVESTIGATIVE/WATCHDOG AGENCIES</b> (e.g. Anti-Corruption Bureau)</p> <p>Are there special investigative or watchdog agencies? Are they independent? i.e. Are appointments required to be based on merit? Are appointments generally based on merit? Are the appointees protected from removal without relevant justification? Are their reports published (other than when criminal charges are pending)?</p> <p>Do they report publicly to the legislature on the general scope of their work?</p> <p>Can people complain to the agency without fear of recrimination?</p>	<p>No</p>	

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<b>MEDIA</b>		
Is there a law guaranteeing freedom of speech and of the press?	Yes	The Law on Media does not guarantee freedom of speech and the press.
Is there censorship of the media?	No, according to the Constitution	Yes, especially if the Presidency is criticized.
Is there a spread of media ownership?	No	The ownership tends to be monopolized
Does any publicly-owned media regularly cover the views of government critics?	Yes	Publications should not touch the President.
Have journalists investigating cases of corruption been physically harmed in the last five years?	Yes	Several cases that have never been investigated by the police.
Does the media carry articles on corruption?	Yes	Only second or third-rate perpetrators of corruption
Do media licensing authorities use transparent, independent and competitive criteria and procedures?	No	No
Are libel laws or other sanctions (e.g. withdrawing of state advertising) used to restrict reporting of corruption?	Yes	The dependent judiciary restricts reporting of corruption.

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<b>CIVIL SOCIETY</b>		
Does the public have access to information and documents from public authorities?	Yes	No system of free distribution
Do the public authorities generally co-operate with civil society groups?	Yes	Low level of interaction
Are there citizen's groups or business groups campaigning against corruption?	No	Their actions are not systematic enough.
Are there citizen's groups monitoring the government's performance in areas of service delivery, etc?	Not many	Some groups in the penitentiary and judiciary systems and environment movement.
Do citizen groups regularly make submissions to the legislature on proposed legislation?	No	The bills submitted by citizen groups are ignored.
<b>LOCAL GOVERNMENT</b>		
Is there a legal requirement that meetings of city/ town councils be open to the press and public?	No	No
Are there clear criteria restricting the circumstances in that city/town councils can exclude the press and public?	No	Press admission is filtered by the check-point regime, press-services of local governments and selective informing.
<b>PROGRESS WITH GOVERNMENT STRATEGY</b>		
Has the government announced an anti-corruption strategy and a timetable for implementation?	Yes, but not precisely.	The strategy is rather broad
How much of the strategy has been implemented?	Some legislation acts have been developed and some are being examined.	80% of legislative basis was established. The actual corruption is not reduced.
Is the government meeting its own timetable?		Almost