

## QUESTIONNAIRE

### Annex 1

Indicators	Formal provisions	What actually happens
<p><b>Executive</b></p> <ul style="list-style-type: none"> <li>• Can citizens sue Government for infringement of their civil rights?</li> <li>• Are there procedures for the monitoring of assets, including disclosure provisions, for the chief executive, Ministers and other high level officials?</li>   <li>• Are there conflict of interest rules?</li> <li>• Are there rules and registers concerning gifts and hospitality?</li>   <li>• If so, are these registers kept up to date? By whom?               <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> </li> <li>• Are members of the executive obliged by law to give reasons for their decisions?</li>   <li>• 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?</li> <li>• Are there administrative checks and balances on decisions of individual members of the executive?</li> </ul>	<p>Yes</p> <p>No</p> <p>Yes</p> <p>No</p> <p>No</p> <p>No</p> <p>Yes</p> <p>Yes</p>	<p>Very little</p> <p>Parliament failed to endorse a law in that regards for four times</p> <p>There are general rules. Gifts are never registered.</p> <p>But there are investigations procedures within parliament if a deputy submits a request They are limited in certain cases</p> <p>But they are violated</p>

## QUESTIONNAIRE

<p><b>Legislature</b></p> <ul style="list-style-type: none"> <li>• Is the legislature required to approve the budget?</li> <li>• Are there significant categories of public expenditure that do not require legislative approval? Which?</li>   <li>• Are there conflict of interest rules for parliamentarians?</li> <li>• Are there rules concerning gifts and hospitality?</li> <li>• If so, are these registers kept up to date? By whom?             <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> </li> <li>• If so, are there public registers for gifts and hospitality?</li>   <li>• 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)?</li> </ul> <p><b>Political Party Funding</b></p> <ul style="list-style-type: none"> <li>• Are there rules on political party funding?</li> <li>• Are substantial donations and their sources made public?</li> <li>• Are there rules on political party expenditures?</li> <li>• Are political party accounts published?</li> <li>• Are accounts checked by an independent institution?</li> <li>• Does that institution start investigations on its own initiative?</li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes Not sure</p> <p>No</p> <p>No</p> <p>Yes No Yes No No No</p>	<p>The budget of the Royal court and the Armed Forces</p>     <p>But there is an initial approval to form such a committee</p> <p>There is no follow-up</p> <p>They are not monitored</p>
<p><b>Supreme Audit Institution</b></p>		



## QUESTIONNAIRE

<p>Are the appointees protected from removal without relevant justification?</p> <ul style="list-style-type: none"><li>• Are recruitment and career development based on merit?</li><li>• Have there been instances of successful prosecutions of corrupt senior officials in the past 3 years?</li><li>• Does the education system pay attention to integrity issues and corruption/bribery? Is it expected to?</li></ul>	<p>Yes</p> <p>No</p> <p>Yes</p>	<p>connections.</p>
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## QUESTIONNAIRE

<p><b>Civil Service</b></p> <ul style="list-style-type: none"> <li>• Are there laws establishing criminal and administrative sanctions for bribery?</li> <li>• Are there rules requiring political independence of the civil service?</li> <li>• Are recruitment/career development rules based on merit?</li> <li>• 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)</li>   <li>• Are there rules (including registries) concerning acceptance of gifts and hospitality?</li> <li>• If so, are these registers kept up to date? By whom?             <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> </li> <li>• Are there restrictions on post public service employment?</li> <li>• Are procedures and criteria for administrative decisions published (e.g. for granting permits, licences, bank loans, building plots, tax assessments, etc)?</li> <li>• Are there complaint mechanisms for public servants and whistleblower protection measures?</li> <li>• Are there means for complaints by members of the public?</li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>Not sure</p> <p>No</p> <p>No</p> <p>Not sure</p> <p>-</p>	<p>In practise, they are not usually used They are violated They are not implemented</p> <p>There had been efforts last year (2000) to introduce a code of ethics against wasta (the use of connections for appointments/personal gain) but there was no follow-up.</p> <p>Complaints are usually carried by the press and in courts or through appeals to the Royal Court or through using influential connections to make the complaint reach the concerned official</p>
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## QUESTIONNAIRE

<p><b>Police and Prosecutors</b></p> <ul style="list-style-type: none"> <li>• 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?</li> <li>• Are public prosecutors independent?</li> <li>• Are there special units for investigating and prosecuting corruption crimes?</li> <li>• Is there an independent mechanism to handle complaints of corruption against the police?</li> <li>• Does civil society have a role in such a mechanism?</li> <li>• In the last five years, have police officers suspected of corruption been prosecuted (or seriously disciplined or dismissed)?</li> <li>• Are there any cases of corruption within the prosecuting agencies?</li>   <li>• 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?</li> </ul>	<p>No Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>- -</p>	<p>But they are not so in political cases</p> <p>They are usually tackled with great caution</p> <p>It rarely occurs</p> <p>When police officers are dismissed, the reason is not given and the press is banned by law to publish any related information. Any information about suspected corruption is spread through rumours.</p> <p>Most of the information police and public prosecutors obtain is through general intelligence department</p> <p>Information is not available</p>
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## QUESTIONNAIRE

<ul style="list-style-type: none"><li>• Is the law applied?</li><li>• 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?</li></ul>	Not sure Do not know	
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## QUESTIONNAIRE

<p><b>Public procurement</b></p> <ul style="list-style-type: none"> <li>• Do rules for public procurement require competitive bidding for all major procurements with limited exceptions?</li>   <li>• Are the rules laid down in documents publicly accessible?</li> <li>• Are there strict formal requirements that limit the extent of sole sourcing?</li> <li>• Are all major public procurements widely advertised to the private sector?</li> <li>• Are procurement decisions made public?</li> <li>• Is there a procedure to request review of procurement decisions?</li> <li>• Can an unfavourable decision be reviewed in a court of law?</li> <li>• Are there provisions for blacklisting of companies proved to have bribed in a procurement process?</li> <li>• Are there rules and procedures to prevent nepotism/conflict of interest in public procurement?</li> <li>• Are assets, incomes and life styles of public procurement officers monitored?</li> </ul> <p><b>Ombudsman</b></p> <ul style="list-style-type: none"> <li>• Is there an ombudsman or its equivalent (i.e. an independent body to which citizens can make complaints about maladministration)?</li> <li>• Is the ombudsman independent? i.e. Are appointments required to be based on merit? Is the appointee protected from removal without relevant justification?</li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>Not all</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>No</p> <p>No</p> <p>No</p>	<p>The government is establishing a new system that runs public procurement related issues.</p>   <p>It is rarely used It rarely occurs</p>
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## QUESTIONNAIRE

<p>Has an ombudsman been removed without relevant justification in the last five years?</p> <ul style="list-style-type: none"> <li>• Can petitioners complain anonymously if they fear possible reprisals?</li> <li>• Are reports of the ombudsman published?</li> <li>• Does the government act on the Ombudsman's recommendations?</li> </ul>		
<p><b>Investigative/watchdog agencies</b> (e.g. Anti-Corruption Bureau)</p> <ul style="list-style-type: none"> <li>• Are there special investigative or watchdog agencies?</li> <li>• Are they independent? i.e. <ul style="list-style-type: none"> <li>Are appointments required to be based on merit?</li> <li>Are appointments generally based on merit?</li> <li>Are the appointees protected from removal without relevant justification?</li> <li>Are their reports published (other than when criminal charges are pending)?</li> </ul> </li> <li>• Do they report publicly to the legislature on the general scope of their work?</li> <li>• Can people complain to the agency without fear of recrimination?</li> </ul>	<p>Yes</p> <p>No</p> <p>Not sure</p> <p>No</p> <p>No</p> <p>Yes</p> <p>No</p> <p>-----</p>	<p>Anti-corruption unit that is part of the General Intelligence Department</p> <p>Depends on the case</p>

## QUESTIONNAIRE

<p><b>Media</b></p> <ul style="list-style-type: none"> <li>• Is there a law guaranteeing freedom of speech and of the press?</li> <li>• Is there censorship of the media?</li> <li>• Is there a spread of media ownership?</li> <li>• Does any publicly-owned media regularly cover the views of government critics?</li>   <li>• Have journalists investigating cases of corruption been physically harmed in the last five years?</li> <li>• Does the media carry articles on corruption?</li> <li>• Do media licensing authorities use transparent, independent and competitive criteria and procedures?</li>   <li>• Are libel laws or other sanctions (e.g. withdrawing of state advertising) used to restrict reporting of corruption?</li> </ul>	<p>No No Yes Yes  No Yes <u>???</u>  Yes</p>	<p>Censorship is practised by the government, parliament and all other bodies through pressures, detentions, filing lawsuits, etc.</p> <p>There is rare investigative reporting in the press <u>Licensing in itself is not transparent</u></p>
<p><b>Civil Society</b></p> <ul style="list-style-type: none"> <li>• Does the public have access to information and documents from public authorities?</li> <li>• Do the public authorities generally co-operate with civil society groups?</li> </ul>	<p>No  No</p>	<p>It depends on the institution, the person in charge, its activities and its connections with the government or influential people.</p> <p>Very limited</p>

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<ul style="list-style-type: none"> <li>• Are there citizen's groups or business groups campaigning against corruption?</li> <li>• Are there citizen's groups monitoring the government's performance in areas of service delivery, etc?</li> <li>• Do citizen's groups regularly make submissions to the legislature on proposed legislation?</li> </ul>	<p style="text-align: center;">Yes</p> <p style="text-align: center;">Yes</p> <p style="text-align: center;">No</p>	<p style="text-align: center;">Very limited</p>
<p><b>Local Government</b></p> <ul style="list-style-type: none"> <li>• Is there a legal requirement that meetings of city/ town councils be open to the press and public?</li> <li>• Are there clear criteria restricting the circumstances in that city/town councils can exclude the press and public?</li> </ul>	<p style="text-align: center;">No</p>	
<p><b>Progress with Government Strategy</b></p> <ul style="list-style-type: none"> <li>• Has the government announced an anti-corruption strategy and a timetable for implementation?</li> <li>• How much of the strategy has been implemented?</li> <li>• Is the government meeting its own timetable?</li> </ul>	<p style="text-align: center;">Yes</p> <p style="text-align: center;">Little</p> <p style="text-align: center;">Yes</p>	