

U4 Expert Answer



Bangladesh: Overview of corruption and anti-corruption with a focus on the health sector

Query

Please provide an overview of corruption as well as anti-corruption in Bangladesh. We are particularly interested in the health sector.

Purpose

The report is to be used as background documentation for a workshop on corruption in the health sector.

Content

1. Overview of corruption in Bangladesh
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Summary

Politics in Bangladesh can be characterised as a battle between established elites over state resources. A culture of confrontational politics between the country's two main parties has weakened the rule of law and led to the politicisation of state institutions, including the judiciary and bureaucracy. At the same time, political parties and parliament are increasingly being taken over by powerful business interests. Thus, despite a relatively strong legal framework,

weak implementation and political interference undermine anti-corruption efforts in Bangladesh.

As a result, corruption is an endemic problem in Bangladesh at all levels of society. Although bribery rates have declined over the past five years, the amount of unauthorised money paid for receiving public services is in fact estimated to have increased.

Despite recent gains in healthcare provision, the health sector also faces numerous corruption challenges. More than 40% of health service users report facing different kinds of corrupt practices. As well as bribery and unauthorised payments, irregularities include politically influenced recruitment, transfers and promotions of healthcare professionals, irregularities in the procurement of drugs and equipment, unregistered and unqualified doctors operating in private healthcare facilities, and absenteeism.

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Date: 31 March 2015 **Number:** 2015:05

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1. Overview of corruption in Bangladesh

Background

Bangladesh gained its independence from Pakistan in 1971 and has, since then, seen an alternation of civilian and military regimes. The most recent democratic era began in 2009 following a two year military backed “caretaker regime” from 2007-2008. After a period of relative calm, tensions in the country escalated in the run up to the 2014 parliamentary elections. This began with the government’s amendment to the constitution in July 2011, which meant that general elections were no longer required to be managed by a neutral caretaker government as had been the case previously (Human Rights Watch 2014).

The result was a boycott of the elections by the opposition alliance, led by the Bangladesh Nationalist Party. Consequently, more than half of seats were declared elected uncontested, giving a landslide victory for the incumbent Awami League. The pre and post-election period was marred by violence on both sides, with opposition supporters attacking security forces, members of the Awami League and members of the minority Hindu community, while paramilitary forces and the police retaliated with force, resulting in hundreds of deaths (Human Rights Watch 2014).

Human Rights Watch described the 2014 elections as “the most violent in the country’s history” (Human Rights Watch 2014). As a result of the political turmoil, Bangladesh’s political rights rating declined from 3 to 4 on Freedom House’s 2015 Freedom of the World Index (Freedom House 2015).

The events surrounding the 2014 elections, while extreme, were far from an isolated incident. According to Bertelsmann Stiftung, law and order in the country has deteriorated, and there has been an increase in human rights abuses and criminal activities, including enforced disappearances, extrajudicial killings, lynchings, gang rape, robbery, abduction, drug trafficking, attacks on women and murder. The death toll from political violence between 2009 and 2012 averaged 200 a year (Bertelsmann Foundation 2014). This trend is reflected in the country’s Worldwide Governance Indicators score for the rule of law which saw a worrying decline from 28.6

(on a scale of 0-100) in 2011 to 22.7 in 2013 (World Bank 2015a).

On 5 January 2015, one year on from the elections, renewed tensions between pro-government and opposition groups led to further deaths. According to the International Crisis Group, “With daily violence at the pre-election level, the political crisis is fast approaching the point of no return and could gravely destabilise Bangladesh unless the sides move urgently to reduce tensions”. (ICG 2015)

These ongoing tensions are symptomatic of a culture of confrontational politics between the country’s two main parties, characterised by frequent hartals (strikes) and parliamentary boycotts. Politics in this context is largely a battle between established elites over state resources (TI Bangladesh 2014a) whereby “the winner takes all, and the game is played by use of force and resorting to violence. Staying in power or capturing it is the only option, and hence election only under such terms would ensure victory” (Daily Star 2015, TI Bangladesh 2015).

After elections, there are few checks on the government’s power, as the opposition is neutralised through the manipulation of state institutions (TI Bangladesh 2014a). Thus, opposition activists often face politically motivated charges, opposition demonstrations are blocked and workers’ attempts to unionise face resistance (Bertelsmann Foundation 2014).

Conflicts between and within political parties spill over into the public sector, impeding substantial reform of state structures, progressive policy making and the development of an enabling environment for strong leadership at different levels of government (TI Bangladesh 2014a). These conflicts also prevent the institutionalisation of civilian control over the armed forces and lead to the politicisation of other institutions such as the judiciary and bureaucracy (Bertelsmann Foundation 2014).

Despite this highly unstable governance environment, Bangladesh has achieved considerable social and economic progress in the past decade (Bertelsmann Foundation 2014). Economic growth has averaged around 6% per year for the last 20 years (CIA 2013), and there are significant reductions in population growth and child mortality, improvements in gender parity in primary education, an increase in life expectancy

from 46.2 years to 66.6, and a tripling of rice production since 1973 (Bertelsmann Foundation 2014; TI Bangladesh 2014a). As a result, Bangladesh is set to meet most of the millennium development goals (TI Bangladesh 2014a). Nevertheless, Bangladesh remains one of the poorest countries in the world, with GDP per capita in 2013 estimated to be less than US\$1,000 (World Bank 2015b). Poverty levels remain high, with 76.5% of the population in 2010 living on less than US\$2 a day, and 31% of the population living below the poverty line (35% in rural areas versus 21% in urban areas). Women earn on average less than half the income of men despite contributing 53% of the country's economic activity (Bertelsmann Foundation 2014).

The agriculture sector is the country's largest employer by far. The garment industry meanwhile accounts for 80% of the country's total exports, and 18% of GDP despite a recent spate of devastating accidents at garment factories and numerous strikes (CIA 2013).

According to the Heritage Foundation (2015), recent economic gains are severely threatened by weak rule of law, corruption, political interference in the judicial system, and a lack of any political consensus on the direction of future policy changes. Continued political instability, such as the opposition's countrywide hartal and traffic blockade in January 2015, is weakening the economy. Domestic and foreign direct investment is stagnant and this is likely to continue in 2015 (ICG 2015).

Extent of corruption

Corruption is an endemic problem in Bangladesh at all levels of society (Bertelsmann Foundation 2014). Transparency International's 2014 Corruption Perception Index ranks Bangladesh 145th out of the 174 countries and territories assessed, with a score of 25 on a scale from 0 (highly corrupt) to 100 (very clean). Bangladesh is perceived to be the 22d most corrupt country in the region, out of 28 countries (Transparency International 2014a). Similarly, the World Bank's Worldwide Governance Indicators place Bangladesh in the lowest quarter of the percentile ranks, with a score of 20.6, on a scale from 0 to 100, in terms of control of corruption. Bangladesh's score dropped significantly between 1998 (39) and 2002 (4.9), although there has been a slow but gradual improvement of the

country's performance since 2006 (World Bank 2015a).

Bangladeshi citizens perceive corruption as an increasing problem in their country, as reflected by Transparency International's Global Corruption Barometer 2013: 60% of the respondents considered that corruption had increased in Bangladesh in the past three years. Consistent with these findings, the World Economic Forum's Global Competitiveness Report 2014-2015 states that business executives perceive corruption as the second most significant obstacle to doing business in Bangladesh (20.7% of the respondents, up from 16.7% in 2012-2013), just after insufficient supply of infrastructure (WEF 2015).

Forms of corruption

Petty and bureaucratic corruption

Bangladesh's public administration is highly centralised and faces serious challenges including a lack of resources, poor remuneration, weak accountability, patronage and corruption (TI Bangladesh 2014a; Bertelsmann Foundation 2014). Numerous public officials, although not formally assigned any work, continue to receive salaries from the public purse. Recruitment and promotion of public officials is often opaque and arbitrary (TI Bangladesh 2014a). Licence and permit requirements are costly and cumbersome and e-governance is not well developed. This increases the necessity for face-to-face contact with public officials and hence the opportunities for the solicitation of bribes (BACP 2014).

According to Transparency International's Global Corruption Barometer 2013, 76% of respondents believed that corruption was a problem in the public sector in Bangladesh. Thirty-nine percent of respondents reported paying a bribe in the previous 12 months, in particular when dealing with the police (72%), the judiciary (63%), land services (44%), and registry and permit services (33%). The main reasons given for paying a bribe were: being the only way to obtain a service (58%), in order to speed things up (33%), to express gratitude (7%), or to get a cheaper service (3%) (Transparency International 2013).

While the bribery figures are high, they show a decrease from 2010, when the overall reported bribery rate was 72% (Transparency International 2010). This is supported by Transparency

International Bangladesh's 2012 household survey, which found that the incidence of corruption had decreased in most sectors since 2010. According to the survey, the overall rate of corruption victimisation – defined as bribery, negligence of duty, nepotism, embezzlement of money or assets, deception and different types of harassment among service recipient households – declined from 84.2% in 2010 to 55.8% in 2012 (TI Bangladesh 2012a).

According to the 2012 survey, higher income groups experience corruption in service sectors at a higher rate (68.8%) than lower income groups (65.2%). This is largely explained by the fact that higher income groups, on average, receive services from more sectors compared to lower income households and from sectors for which corruption rates are higher (e.g. land administration, judiciary). On the other hand, lower income groups paid a higher proportion of their income on unauthorised payments as compared to higher income groups, indicating that they are more affected by corruption. Moreover, women were found to be relatively more victimised than men (TI Bangladesh 2012a).

In 2012, sectors most affected by corruption were labour migration (77%), law enforcement (75.8%), land administration (59%), justice (57.1%), health (40.2), education (40.1) and local government (30.9), with the most notable reductions since 2010 apparent in law enforcement, land administration, justice and local government. The survey suggests that this progress may be attributed to a range of factors including: increased anti-corruption awareness among citizens (including on the right to information), digitalisation of some service sectors, the provision of anti-corruption training to government officials, the responsible role played by public representatives in some local government institutions, and increased participation, transparency and accountability in service sectors due to the increasing role of the media and civil society (TI Bangladesh 2012a).

However, while the overall incidence of bribery appears to have declined, the estimated cost of bribery in 2012 was 2.4 percent of GDP and 13.4 percent of annual budget, compared to 1.4 percent of GDP or 8.7 percent of annual national budget in 2010. This is possibly a result of higher bribes demanded by service providers to cover the increased risk of corruption, inflation, or the

additional fees of middlemen mediating the transactions. (TI Bangladesh 2012a)

Bribery of public officials is also common in the business sector. Undocumented extra payments or bribes made by firms connected with annual tax payments are very common (CPD 2013). According to the World Bank, 48% of firms have experienced at least one bribe payment request. The number of firms reporting that they are expected to give gifts in order to get a licence is also very wide, ranging from 55% for a construction permit to 77% for an import licence. A similar picture is apparent for obtaining water and electricity connections (56% and 48% respectively) (World Bank 2013).

Political and grand corruption

Political corruption is widespread in Bangladesh: 45% of citizens perceive political parties and 41% perceive the parliament as among the four most corrupt institutions of the country, behind the police and the judiciary (Transparency International 2013).

According to Transparency International Bangladesh (TI Bangladesh), the political system has undergone a process of “criminalisation and commercialisation” and political parties are believed to harbour criminals and terrorists. Political party funds are exchanged in anticipation of favours or through extortion. Ruling parties abuse state resources to buy the support of members and supporters through jobs, licenses and/or contracts, and to illegitimately make money for themselves or their party (TI Bangladesh 2014a).

Lack of transparency of political party finance facilitates the abuse of state resources by politicians. Despite fairly robust campaign and party finance regulations, reports are either not submitted to the election commission or are short on detail, and sanctions for non-compliance are hardly applied (TI Bangladesh 2014a).

At the same time, political parties and parliament are taken over by powerful business interests. Businessmen and industrialists now account for 56% of parliamentary members (compared to around 30% in 1970) (Amundsen 2014). Rather than promoting the business sector or pushing for a more enabling business environment, businessmen are accused of running for parliament in order to reap personal benefits (Amundsen 2014). A study of 149 MPs conducted

by TI Bangladesh in 2012 found that as many as 97% of MPs were involved in illicit activities of which:

- 81.8% were engaged in activities related to influencing local administrative decisions, job-placement and transfer processes.
 - 76.9% were engaged in abusing their positions on the boards of local education institutions.
 - 75.5% abused development funds/projects for their own benefit, including taking commissions for approving projects or programmes.
 - 53.5% were directly involved in criminal activities.
 - 69.2% influenced procurement decisions in government.
 - 62.2% were accused of influencing local government elections.
- 8.4% received residential plots in Dhaka despite already having property in the city (TI Bangladesh 2012b).

Large public contracts are often the subject of allegations of corruption and collusion (BACP 2014). According to the World Bank (2013), 49% of firms said they were expected to give gifts to secure government contracts, with the average value of gifts estimated to almost 3% of the contract value. One of the most widely publicised examples of such practices is the Padma Multilateral Purpose Bridge near Dhaka, which involved the Canadian construction firm SNC-Lavalin. The World Bank, the Asian Development Bank (ADB), the Islamic Development Bank and the Japan International Cooperation Agency (JICA) agreed to provide US\$2.9 billion of funding for the project in April 2011 (Bertelsmann Foundation 2104).

In June 2012, the World Bank released a statement that it had credible and corroborated evidence pointing to “a high-level corruption conspiracy among Bangladeshi government officials, SNC-Lavalin executives, and private individuals in connection with the Padma Multipurpose Bridge Project” (World Bank 2012). Although the Bangladeshi authorities took steps to investigate the allegations, the World Bank was left unsatisfied with the results, and by early 2013 the ADB and JICA also withdrew their support for the project (Bertelsmann Foundation 2014).

Collusion between public officials and private businessmen is also a feature of the garment

industry which contains “elements of both bureaucratic and political corruption” (Islam 2014). Partly because it is so important to the Bangladeshi economy, the garment industry is alleged to have captured state power to obtain tax concessions, gain preferential access to infrastructure and avoid various government safety and security regulations through a complex nexus of private and political interests (Islam 2014).

The most striking example of the consequences of these practices was the collapse of the Rana Plaza factory complex, resulting in deaths of more than 1200 citizens. The building was allegedly constructed on illegally occupied land, circumventing numerous regulations through the reported collusion of corrupt officials with business. According to the chief engineer of Dhaka’s Capital Development Authority, the owner, Mr Rana, had only received permission to build a five storey building, rather than the eight storey building he eventually constructed, a breach which was allegedly ignored by the local authorities due to Mr Rana’s political connections (Daily Star 2015; Gomes 2013).

Political pressure also affects the Bangladeshi judicial system, which is inefficient and unduly influenced by a dominant executive branch through politically motivated judicial appointments, promotions and removals (TI Bangladesh 2014a). This creates difficulties in, among other things, effectively enforcing contracts and resolving business disputes (BACP 2014).

2. Special focus on the health sector

Bangladesh has achieved important gains in healthcare provision. This is largely attributed to a greater emphasis on women-centred family planning and maternal and child health programmes supported by a large network of community health workers (Chowdury et al. 2013). Other contributing factors include improving infrastructure and equipment, an expanding healthcare workforce, and the establishment of a number of specialised healthcare institutions.

As a result, Bangladesh has managed to reduce birth rates and child and maternal mortality rates, and to increase life expectancy, receiving an UN award for its achievements in attaining the Millennium Development Goals (MDGs) and an

international award from the Global Alliance for Vaccines and Immunisation (TI Bangladesh 2014b). Notwithstanding these achievements, a number of concerns remain, including continued high child and maternal malnutrition rates and limited use of maternity-related services (Chowdury et al. 2013).

At the same time, the health sector faces numerous governance challenges, including corruption. Research by Transparency International has found a strong correlation between lower levels of transparency, accountability and integrity, and reduced country progress on key MDGs including access to basic health services, particularly for the poor (MDG 4, 5 and 6) (Transparency International 2011).

Forms of corruption

Petty and bureaucratic corruption in the health sector

According to a survey by TI Bangladesh, 40.2% of healthcare seekers were victims of different kinds of irregularities and corruption. In particular, 21.5% reported making irregular payments, averaging 258 taka (US\$3.24), almost a third of which (32.6%) were made to ambulance services. Moreover, 31.7% of the households who paid unauthorised money did so to get services quicker, 27.2% to get a better service, and 46.5% because it was the only way to obtain a service (TI Bangladesh 2012a).

This picture is largely corroborated by Transparency International's 2013 Global Corruption Barometer, which found that 16% of those who had accessed medical and health services in the previous year had paid a bribe, while 33% of those surveyed perceived the sector to be corrupt or extremely corrupt (Transparency International 2013).

Grand corruption in the health sector

Beyond bribery and unauthorised payments, a number of other irregularities exist in both the public and private healthcare sectors in Bangladesh. One recent study by TI Bangladesh found the main types of irregularities to include:

- Politically influenced recruitment, promotion and transfer of doctors, often involving illegal financial transactions and overlooking requirements on length of service,

qualifications, exam scores and annual confidential reports.

- Selective training often depriving the most deserving candidates of training opportunities while financially benefiting others.
- Political influence and collusion in the selection of contractors for food supplies and purchase of unnecessary medical equipment.
- Doctors failing to fulfil their official hours of service.
- Private healthcare institutions employing unregistered doctors and doctors with fake qualifications, or failing to employ the legally required minimum number of doctors and support staff.
- Private diagnostic centres maintaining contracts with doctors in exchange for a commission ranging from 10-50% (TI Bangladesh 2014b).

The same study found that reports of financial irregularities in the health sector are also common in Bangladesh. In one recent case, the World Bank threatened to withdraw financial assistance to Bangladesh's Health Population and Nutrition Sector Development Program after audit investigations found financial irregularities of Tk160 crore (US\$20 million) committed by twenty mid-level managers. A subsequent review by the World Bank's International Development Association found indications of inappropriate procurement practices and fraudulent activities, including the procurement of unapproved items, deliberate avoidance of competitive procedures, and honorariums paid to directors for training programmes which they didn't attend (Bangladesh Chronicle 2014).

Governance failures in the health sector

Many of these challenges may be the result of broader governance and institutional weaknesses in the health sector in Bangladesh. The health budget has decreased from 6.38% of the national budget in 2008-09 to 4.6% in 2013-14 (TI Bangladesh 2014b), and Bangladesh has among the lowest number of doctors per head of population in the world (WHO 2011). The situation is compounded by high absenteeism rates. One study found absenteeism rates in primary healthcare centres in Bangladesh to be as high as 35% (Capacity Plus 2012). At the same time, the regulatory framework for monitoring health service delivery is weak, with 45 separate laws related to various aspects of health (Ara 2008).

The Bangladesh Medical and Dental Council (BMDC), responsible for maintaining proper standards of health services, suffers from the absence of a system for monitoring practitioners (Ara 2008), and the legal means to hold doctors accountable for negligence are not used (TI Bangladesh 2014b). The law does not stipulate the frequency of inspections of private clinics and laboratories, which means that there is no guarantee of regular inspections. Fees and charges for private medical services are not updated and are not required to be displayed, which creates the opportunity for clinics to charge patients arbitrarily (TI Bangladesh 2014b).

Other challenges include lack of coordination among different levels of service and between ministries to monitor public health, highly centralised health planning, lack of accountability to citizens, limited incentives for strong performance and widespread mismanagement of drugs and equipment (Ara 2008).

Governance weaknesses are also apparent in the pharmaceutical sector in Bangladesh. The Directorate General of Drug Administration does not have enough institutional capacity to monitor the industry, and the regulatory framework is inadequate, including a lack of regulation on drug pricing. As a result, there have been allegations that some companies are producing fake, low quality, adulterated and inessential drugs, as well as selling expired drugs. Corruption has therefore become “institutionalised at almost every point of service delivery through collusive corrupt practices” (TI Bangladesh 2015)

3. Governance structure and anti-corruption efforts in Bangladesh

Overview of anti-corruption reforms in Bangladesh

Bangladesh has taken a number of concrete steps to promote good governance and fight corruption over recent years, including institutional reforms, accession to the United Nations Convention against Corruption (UNCAC) and the adoption of new legislation. As a result, Bangladesh’s National Integrity System is characterised by a relatively strong legal framework (notwithstanding some important gaps). However, practical implementation is very weak. TI Bangladesh’s 2014 National Integrity System assessment

attributes these weaknesses to a number of factors, including: a culture of non-compliance and lack of political will, weak oversight functions, insufficient resources and lack of incentives, dearth of technical and professional competence of concerned actors, politicisation, nepotism, and a culture of impunity/denial. Citizens’ low awareness of their rights and inadequate access to information exacerbates these factors (TI Bangladesh 2014a).

Legal framework

International conventions

Bangladesh became a party to UNCAC in 2007. Since then, the country has submitted a self-assessment checklist on UNCAC, completed a compliance and gap analysis and developed an action plan for UNCAC compliance (TI Bangladesh 2014a). Despite these efforts, progress on UNCAC implementation has been uneven and the action plan has not been fully implemented.

While the Right to Information Act, Whistle-blower Protection Act, and Mutual Legal Assistance Act have been enacted, they contain some weaknesses and are not effectively enforced. Meanwhile, a number of other laws are still needed for full compliance (for example, the Witness Protection Act and Civil Service Act) (UNCAC Coalition 2014).

National legislation

Bribery

Bangladesh has criminalised domestic bribery, but no law specifically addresses or defines foreign public officials, nor is there a law categorically criminalising bribery of foreign public officials (GTDT 2012). The Money Laundering Prevention Act of 2002 (amended in 2009 and 2012) provides for corporate liability, and both individuals and companies can be held liable for bribery. The act also covers private commercial bribery.

Money laundering

Bangladesh was the first South Asian country to enact anti-money laundering legislation in 2002. The Money Laundering Prevention Act has had several amendments (2009 and 2012) to meet international standards (Bank Asia 2013). The law gives the Bangladesh Bank wide-ranging powers to prevent and monitor money laundering and

prosecute money laundering offences, including the concealment of the proceeds of crime, embezzlement and illicit enrichment (NRF 2014). Bangladesh also enacted the Anti-Terrorism Act 2009 (amended in 2012) and the Mutual Assistance in Criminal Matters Act 2012 to enhance international cooperation on money laundering and terrorist financing (Bank Asia 2013).

Conflicts of interest

There are a number of important gaps in the regulation of conflicts of interest in Bangladesh, especially in the executive branch. Members of the executive branch are not required to disclose their assets. The ruling party (Awami League) pledged to make the declaration of assets mandatory for members of parliament and all cabinet members following the 2014 elections, but this has not happened so far.

To date, only one minister has submitted a statement of assets to the prime minister. Members of the executive are not prevented from entering the private sector following their term in office, which opens up the possibility of undue influence on government policy and law making through the revolving door phenomenon (TI Bangladesh 2014a).

Political finance

There is no public funding of political parties in Bangladesh, and donations from foreign individuals or organisations are prohibited. The Representation of the People Order (amended in 2009) limits donations to no more than Tk500,000 (US\$7,143) or equivalent in services provided from individuals, or Tk2.5 million (US\$35,714) or equivalent in services provided from a company in a year. However, there is no mention of any specific punitive measure in the law for violating the above provisions (TI Bangladesh 2014a).

The law also states that political parties participating in elections must report election related expenditure and sources within 90 days of the election to the Election Commission, which publishes the information on its website. Donors, however, are not required to disclose information on political financing. If a political party fails to submit its expenditure statement within the time specified, they can be issued with a warning and eventually fined up to Tk10,000 (US\$139).

Right to information

The Right to Information ACT, enacted in 2009, is considered strong and supported by an Information Commission to ensure compliance with the law. The act requires public agencies to employ dedicated information officers to handle requests for information (Transparency International 2014b). It requires all public authorities to maintain all records in an appropriate manner to facilitate the right to information, to publish details every two years on their organisational activities, employees and the process of decision making, and “shall not delimit denial to furnish information or the availability of information” (TI Bangladesh 2014a).

Whistleblowing

The Bangladeshi Public Interest Related Information Disclosure (Protection) Act was enacted in 2011. The law empowers a person to disclose information on government offices as well as non-government organisations, but does not cover the private sector. It ensures that authorities can reward a whistle-blower if their information is proved correct, that no criminal, civil or administrative proceedings can be brought against whistle-blowers, and that their identities cannot be revealed without their consent. However, there are fears that the threat of imprisonment for up to five years for knowingly presenting false information may deter public officials from blowing the whistle in practice. (Transparency International 2014b)

Public procurement

The Public Procurement Act was passed in 2006 unifying public procurement procedures for all government procuring entities. (BACP 2014) The law contains a number of detailed provisions designed to ensure objectivity and reduce the risk of corruption, including public accessibility of tendering rules, eligibility and non-discrimination criteria and independent complaints and appeals mechanisms (TI Bangladesh 2014a). Furthermore, the law requires all procurement officials to receive training on how to correctly apply regulations and procedures. Companies that violate the procurement regulations risk being blacklisted. (BACP 2014)

Institutional framework

Anti-Corruption Commission

The Bangladeshi Anti-Corruption Commission (ACC) was established on the basis of the Anti-corruption Commission Act of 2004 and is in charge of investigation and prosecution of corruption among public officials. Despite some reform efforts, the ACC has been dubbed a "Toothless Tiger" (TI Bangladesh 2014a) and is considered largely ineffective in both investigating and preventing corruption. For example, only around 57 out of 588 cases submitted resulted in successful prosecutions in 2012 (TI Bangladesh 2014a). The Commission is subject to direct and indirect political interference and suffers from lack of political will, inaction in respect of allegations against ruling party members, reluctance to initiate proactive inquiries, limited capacity and lack of transparency and accountability (TI Bangladesh 2014a). Recent attempts have been made to further undermine the Commission by bringing in amendments to the Anti-Corruption Commission Act requiring the Commission to obtain permission from the government before filing a corruption case against a judge, magistrate or public servant. The amendments were struck down by the High Court in 2014 (Transparency International 2014b).

Office of the Comptroller and Auditor General

The Office of the Comptroller and Auditor General (CAG) is the Supreme Audit Institution of Bangladesh. The Comptroller General is appointed by the President and responsible for the oversight of the expenses of all government bodies. According to the 2014 Bangladesh National Integrity System assessment, the CAG is the strongest of the 15 state and non-state institutions assessed. It performs its auditing role with relative success, despite staff shortages, the absence of a comprehensive audit law and the fact that audits are not often effectively followed up by the relevant institutions. The CAG is largely free from political or administrative interference and is able to perform its tasks openly in full view of the public. (TI Bangladesh 2014a)

Election Commission

The Bangladesh Election Commission (BEC) was established in 1972 as an independent constitutional body. Since then it has overseen more than 15 local, parliamentary and presidential elections, almost all of which have witnessed some form of violence and corruption. One of the

principle criticisms of the BEC has been the apparently arbitrary appointment of Chief Election Commissions and Elections Commissioners without political consent. Of the nine Chief Election Commissioners appointed since the establishment of the BEC, only three have completed their full terms. Given the challenge of managing elections in the confrontational political environment of Bangladesh, the BEC has adopted a largely passive approach which has been criticised for facilitating the commercialisation and criminalisation of politics (TI Bangladesh 2014a).

Human Rights Commission

In the absence of a national Ombudsman, the National Human Rights Commission (NHRC) was established in 2007 as a statutory body for monitoring the protection and promotion of human rights. Since its inception, the Commission has been largely ineffective in investigating complaints, raising awareness or pushing for change. Given its limited resources, the Commission is largely dependent on donor support. The Commission has been accused of political bias and the dominance of the Commission Chairman has seen it described as "one-man show" (TI Bangladesh 2014a).

Information Commission

Following the adoption of the Right to Information Act, the Information Commission was established in 2009 for handling complaints relating to the right to information. Despite a promising start, the Commission has struggled to keep up with the rate of complaints and raise awareness among citizens of their right to know (TI Bangladesh 2014a). Within two years of beginning its operations, the Commission had only processed 44 of around 1000 received complaints and only 56 per cent of citizens are aware of the Right to Information law (Transparency International 2014b). The Commission remains weak and there is a lack of political will to strengthen it (Bertelsmann Foundation 2014).

Other actors

Media

The Bangladeshi Constitution recognises the "right of every citizen to freedom of speech and expression, and freedom of the press" although the regulatory framework is ambiguous and restrictive, and the media can be censored through national security legislation and criminal libel laws (TI Bangladesh 2014a). Freedom House

classifies Bangladesh's Media as "partly free" with a relatively open media environment despite increasing censorship of online and social media, and some physical threats against journalists (Freedom House 2014).

Although the media is described as diverse and vibrant (Bertelsmann Foundation 2014), with more open debates and insightful analysis, self-censorship is not uncommon for fear of backlash by the government and political parties (TI Bangladesh 2014a). The media has also become increasingly politicised. Reports are often biased and self-serving in favour of certain political parties or business interests (TI Bangladesh 2014a).

Civil Society

Bangladesh has a strong tradition of civil society associations that are recognised for the promotion of good governance and democratic principles (TI Bangladesh 2014a). There are approximately up to 250,000 registered CSOs in the country, although fewer than 50,000 organisations are thought to be active (ICNPL 2015)

The right of association and assembly was restored in 2008, after being suspended during the interim government, and is guaranteed by law. According to the Constitution, the right of assembly is "subject to any reasonable restrictions imposed by law". In practice, the independence of CSOs is weakened through political interference including the introduction of restrictive legal or administrative measures, control of CSO resources, threats of harassment and physical torture of CSO personnel (TI Bangladesh 2014a). At the same time, the polarised political environment in affects certain sections of the civil society sector, which some CSOs aligned with the ruling party and others with the opposition (ICNPL 2015).

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