

**ANTI-CORRUPTION AGENCY  
STRENGTHENING INITIATIVE  
ASSESSMENT OF BANGLADESH ANTI-  
CORRUPTION COMMISSION 2018**

Transparency International Bangladesh (TIB) is an independent, non-government, non-partisan and non-profit organisation with a vision of Bangladesh in which government, politics, business, civil society and the daily lives of the citizens shall be free from corruption. In the context of the international movement against corruption, as the fully accredited national chapter in Bangladesh of the Berlin-based TI, TIB partners and cooperates with TI and its chapters worldwide. Its mission is to catalyse and strengthen a participatory social movement to raise and strengthen peoples' voices and intensify public demand for accountability through strengthening institutions, laws and practices for establishing an efficient and transparent system of governance, politics and business.

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# ABBREVIATIONS

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ACA	Anti-Corruption Agency
ACC	Anti-Corruption Commission
ADB	Asian Development Bank
ADP	Annual Development Programme
BAC	Bureau of Anti-corruption
BBS	Bangladesh Bureau of Statistics
BFIU	Bangladesh Financial Intelligence Unit
BNP	Bangladesh Nationalist Party
BTRC	Bangladesh Telecommunication Regulatory Commission

CCC	Committee of Concerned Citizens
CPC	Corruption Prevention Committee
CPI	Corruption Perceptions Index
CSO	Civil Society Organisation
DFID	Department for International Development
GDP	Gross Domestic Product
GIZ	German International Cooperation Agency
IDO	Integrated District Office
IO	Investigation Officer
JICA	Japan International Cooperation Agency
MDG	Millennium Development Goal
MoU	Memorandum of Understanding
MP	Member of the Parliament
NBR	National Board of Revenue
NGO	Non-government Organisation
OCAG	Office of the Comptroller and Auditor General
UNCAC	UN Convention against Corruption
UNDP	United Nations Development Program
UNODC	UN Office on Drug and Crime

# PREFACE

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Transparency International Bangladesh (TIB) has been working with the mission of catalyzing an effective and sustained social movement against corruption in Bangladesh. As part of this, TIB has been conducting research and undertaking advocacy initiatives on selected sectors and institutions of public interest with the objective of contributing towards improving their governance and anti-corruption capacity through policy and institutional reforms based on research findings and recommendations.

Anti-Corruption Agencies (ACAs) are specialized institutions within the national integrity system mandated to control and prevent corruption. It is imperative that ACAs operate independently, transparently, accessibly, accountably and effectively and enjoy public trust. Transparency International (TI) undertook an initiative to contribute to strengthening of ACAs based on their assessment through engagement, dialogue and advocacy.

As part of this initiative TIB carried out a study on the Anti-Corruption Commission (ACC) of Bangladesh in 2016. In the period since then the ACC undertook a number of measures to strengthen its capacity and improve its performance. This follow up study assesses the progress made by ACC since the first assessment. The study has been conducted in two rounds following an assessment tool developed by TI with the relevant technical support of a group of international experts from across the globe as well as some top level ACA incumbent and former officials who went through a series of consultations to develop and refine the methodology. The methodology of the second round of assessment was refined on the basis of feedback received from stakeholders after the first round.

We are deeply encouraged that like in the earlier round the ACC leadership not only extended all necessary cooperation in course of conducting the research, but also agreed with most of our findings and recommendations when we shared with them the draft report and recommendations. We are grateful to the Chairman, Commissioners and concerned officials of the ACC and a large number of key informants, many distinguished individuals and organizations, whose insights made this study possible and enriched it immensely. As we remain committed to engage with the ACC as a well-wisher and a watchdog, we believe that the study, especially our recommendations will be helpful for ACC, the Government and other stakeholders in their effort to enhance the commission's effectiveness and public trust.

The research was conducted by TIB's researchers, Shahzada Md. Akram and Shammi Laila Islam. Professor Salahuddin M. Aminuzzaman of the Department of Public Administration, University of Dhaka was the advisor of this research and Professor Sumaiya Khair, Advisor Executive Management of TIB, coordinated the research, supervised the whole process and significantly contributed to finalizing the report. I am grateful to Jon S.T. Quah, Ph.D. former Professor of Political Science of National University of Singapore and a reputed Anti-Corruption expert, who reviewed the draft report and provided highly important suggestions that substantially enriched the analysis. We also acknowledge with gratitude the support of the Asia-Pacific Department of TI-Secretariat.

Iftekhharuzzaman  
Executive Director

# EXECUTIVE SUMMARY

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## Introduction

Transparency International (TI) undertook an initiative aimed at strengthening anti-corruption agencies (ACAs) in the Asia Pacific Region. This initiative comprised activities that included assessments of ACAs with sustained engagement, dialogue and advocacy at both national and regional levels.

As part of this initiative Transparency International Bangladesh (TIB) carried out an assessment of the Anti-Corruption Commission (ACC) of Bangladesh between November 2015 and April 2016. The study aimed at providing the ACC with up-to-date information regarding its performance and opportunities for improvement and providing all stakeholders committed to tackling corruption in the country a better understanding of the enabling and disabling factors which affect the ACC's efficacy. The findings of the assessment were shared with ACC high officials in March 2016 and later released through a press conference. In the following years the ACC undertook a number of initiatives with an aim to strengthen its capacity and improve its performance.

This follow up assessment has been conducted in 2019 for assessing the progress made by ACC since the first assessment. The objectives of this assessment are:

1. To review the performance and opportunities for improvement;
2. To assess enabling and disabling factors responsible for effectiveness of ACC;
3. To offer recommendations to overcome the challenges.

## Methodology

The following methods were followed for conducting this study.

- Document analysis – review of laws, existing literature, media reports, websites.
- Key Informant Interviews – with ACC officials, former ACC Chairman, legal experts, practitioners, civil society members, and journalists.
- Review of findings by an international expert.
- Validation Meeting – Sharing of findings with ACC Chairman, Commissioners and high officials on 10 February 2020.

For conducting the study an assessment tool was designed to capture internal and external factors affecting the ACC's reputation and actual performance by the TI. This is a practical and comprehensive benchmarking tool aimed at highlighting the strengths and weaknesses of ACAs. It is a comprehensive indicator framework, made up of a total of 50 indicators under six dimensions; indicators are divided into enabling factors and performance indicators. The assessment tool was developed in consultation with experts, and was reviewed on the basis of the feedbacks coming from the first round of studies.

The reference period for all assessments on the ACC is three years (2016-2018). The data was collected during April to September 2019.

## Scoring Method

The main findings of the assessment are based on a set of 50 indicators divided into six different dimensions. These indicators are designed to assess the capacity and effectiveness of the ACC, and to identify gaps and areas of opportunity (see Table 1 below).

**Table 1. Dimensions of Assessment for this Research**

DIMENSIONS OF ASSESSMENT	NUMBER OF INDICATORS
1. Independence and Status	9
2. Financial and Human Resources	9
3. Accountability and Integrity	9
4. Detection, Investigation and Prosecution	9
5. Prevention, Education and Outreach	8
6. Cooperation and External Relations	6
<b>Total</b>	<b>50</b>

Each indicator has been assigned one of three possible scores – high (2), moderate (1) and low (0), based on the level of standards set for each of the indicators. In order to arrive at the aggregate score for each dimension the final indicator scores for that dimension are added up, divided by the maximum total possible score for all indicators under that dimension and multiplied by 100. For example, the total score of indicators under the first dimension (Independence and Status) is 12 (4 indicators x 2 + 4 indicators x 1 + one indicator x 0). The maximum total possible score for this dimension is 18 (i.e. 9 indicators x the maximum possible score of 2 for each). Thus the aggregate score (percentage) for this dimension is: 12/18 x 100 = 67%. Then the average score of all dimensions are drawn to get the overall score.

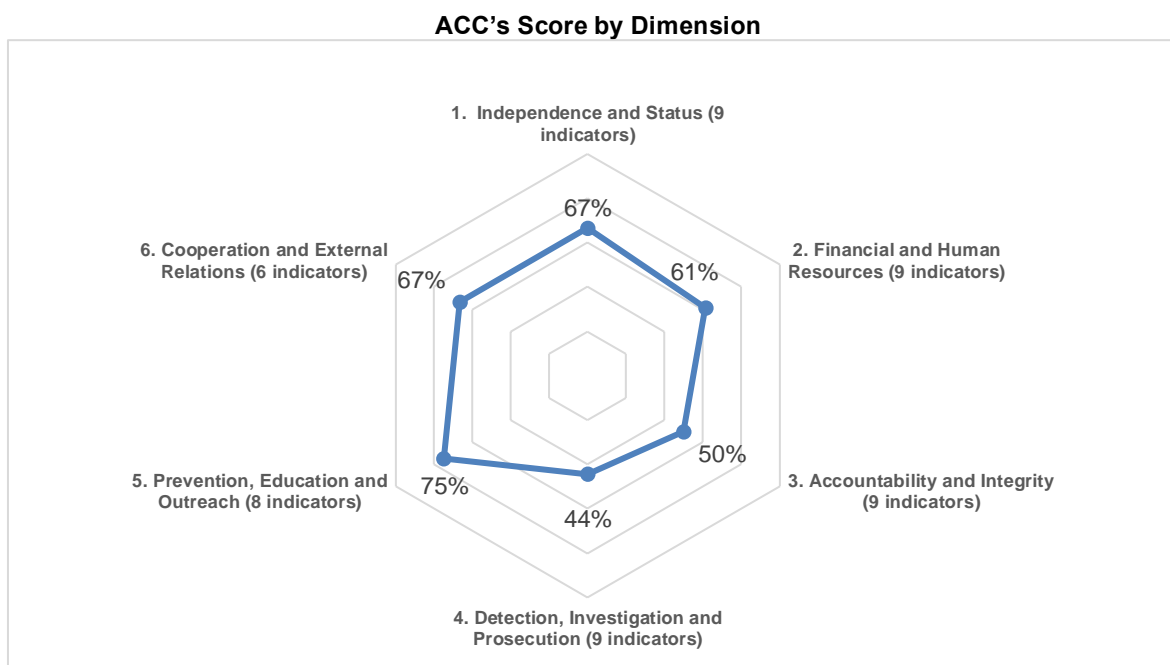
For a clear understanding of the dimensions as well as the overall score, it has been classified into three categories – ‘high’ for an overall score between 67% and 100%, ‘moderate’ for an overall score between 34% – 66%, and ‘low’ for an overall score between 0% - 33%.

## SUMMARY OF KEY FINDINGS

The overall score secured by ACC in this assessment is 60%, which falls in the ‘moderate’ category. It is noteworthy that ACC’s overall score falls short of 7 points from the ‘high’ category, which indicates that the institution needs to improve by only a few indicators in order to graduate to the ‘high’ category. Among the 50 indicators, the ACC scored ‘high’ in 42% (21), ‘moderate’ in 18 (36%), and scored ‘low’ in 11 indicators (22%). The highest score was achieved in ‘Prevention, Education and Outreach’ (75%), followed by ‘Independence and Status’ (67%) and ‘Cooperation and External Relations’ (67%). The lowest score achieved in ‘Detection, Investigation and Prosecution’ (44%).

**Table 2: Assessment Summary: Indicators by Dimension**

Dimension	Indicator								
<b>Independence &amp; Status</b>	Institutional Independence	Appointment and removal of Commissioner(s)	Mandate	Jurisdiction	Investigation & prosecutorial powers	Powers to report and enforce recommendations	Legal autonomy	Operational autonomy	Political use of powers
<b>Financial &amp; Human Resources</b>	Proportion of budget	Sufficiency of budget	Security & stability of budget	Staff salary & benefits	Staff selection	Investigation & prosecution expertise	Prevention & education expertise	Staff training	Stability of staff
<b>Accountability &amp; Integrity</b>	Annual reporting	Responsiveness to information requests	External oversight mechanisms	Internal review mechanisms	Adherence to due process	Willingness of complainants to identify themselves	Complaints handling	Outcomes of complaints	Internal integrity mechanisms
<b>Detection, Investigation &amp; Prosecution</b>	Accessibility to complainants /informants	Responsiveness to corruption complaints	Proactive investigation	Efficiency & professionalism	Prosecution rate	Conviction rate	Investigation of influential persons	Restitution & asset recovery	Perception of performance
<b>Prevention, Education &amp; Outreach</b>	Allocated budget	Strategic planning	Anti-corruption learning & development	Organizational reviews	Prevention recommendations	Research on corruption risks	Dissemination & campaigns	Online communication	
<b>Cooperation &amp; External Relations</b>	Confidence in Government support to the ACA	Cooperation with other integrity agencies	Cooperation with non-government organizations	International networks	Cooperation with other countries	Accessibility to marginalized groups			



A brief dimension-wise findings is given below emphasising the weak areas of the ACC.

### INDEPENDENCE AND STATUS

Under this dimension, four out of nine indicators received 'High' scores, four received 'Moderate' scores, and one received 'Low' score. The law provides ACC with substantial formal legal independence with little dependency on the government for its budget. The law also describes the mandate of ACC elaborately. Among 11 functions of ACC, five (5) are of punitive and six (6) are of preventive nature. These functions include investigation and filing cases, prevention, education, research and integrity advice for mainstreaming good practices in the work of government agencies. The Chairman and Commissioners of the ACC are appointed for five years, and they are well protected from any forceful and undue removal.

However, ACC's full independence and impartiality have been questioned due to its (in)effectiveness and autonomous exercise of power. Experts expressed that ACC is used as a tool for political harassment of the opposition and favouring the politicians of ruling party/ coalition, which has been evident during the 2018 National Parliamentary Election. It is also perceived that ACC is not politically neutral as it has not been able to show impartial behaviour in handling corruption cases. Experts alleged that it played a partisan role and did not take action against all accused equally. There is a common perception among informants that most of the people with partisan affiliation against whom investigation is going on belong to the political opposition, while only a few belonging to the party in power.

With regard to the jurisdiction of ACC, it covers all public sector corruption, and some private sector corruption with regard to money laundering, illegal wealth accumulation and bribery with public sector. Key issues including money laundering through currency transfer, mis-invoicing have been kept of ACC's jurisdiction through the amendment of the Money Laundering Prevention Act in 2015. The ACC prepares reports on corruption prone institutions and proposes recommendations, but does not have power to enforce such recommendations.

The operational autonomy of ACC is also limited, as sometimes it faces pressure from different stakeholders including government and political parties. The provision requiring prior permission of the government in filing cases against public officials under The Government Employment Act 2018 is believed to curtail ACC's autonomy. Moreover, ACC practices self-censorship to avoid adverse reaction from the government.

### FINANCIAL AND HUMAN RESOURCES

Four out of nine indicators under this dimension received 'High' scores, three received 'Moderate' scores, while two received 'Low' scores. The average proportion of ACC's budget to total government budget has been about 0.031% on average during 2016-2018, whereas the global standard is 0.2%. However, although the actual monetary allocation for the ACC demonstrates an increasing trend, the main challenge



is that the budget allocated for training is lower than the standard, which has some adverse impact on the efficiency, expertise and professionalism of the ACC staff. During the last three years (2016-2018) only on average 0.5% of total human resource budget was used for training (global standard 1%-3%). There is deficit of expertise in handling issues of converting property, banking sector corruption, detention of property, etc., as well as dearth of standard skill among panel lawyers specially in district levels. Similarly the relevant personnel engaged in corruption prevention and education lack adequate capacity of advocacy for implementing communication strategy of ACC, and mostly rely on the local committees (CPCs and Integrity Units).

Although the staff receive salaries and benefits according to government pay scale, and rationing and risk allowance for Grade 10 and below staff; but the monthly take-home salary is still not competitive with the private sector.

## ACCOUNTABILITY AND INTEGRITY

Three out of nine indicators under this dimension received 'High' scores, three received 'Moderate' scores, and three received 'Low' score. The major concern with regard to ACC's accountability and oversight is the lack of any external oversight mechanism, it is only reportable to the President. Although ACC has a Monitoring and Evaluation (M&E) Branch for evaluating inspection reports regularly, there is no public representation in the structure. Although the annual report of ACC is submitted to the President, no discussion has taken place in the Parliament on this report. With regard to Internal integrity mechanism, the ACC staff is regulated through *The Anti-Corruption Commission Rules 2007*, and *The Anti-Corruption Commission (Employees) Service Rules, 2008* where there are provisions regarding conduct and disciplinary issues. However, there is still no separate Code of Conduct, and the one drafted in 2019 is yet to be finalised and adopted.

Another area of concern is that other public agencies are not regularly involved in investigation of ACC personnel to avoid conflict of interest. Complaints against ACC personnel are investigated by its Internal Corruption Prevention Committee. However, according to law ACC can request other public agencies to investigate ACC allegedly handles corruption cases of the same nature differently – investigation and prosecution depend on guidance of ACC leadership and policy of government whether an investigation is to be expedited. Moreover, there are allegations of corruption and negligence to duties against a section of ACC officials.

According to some experts, this becomes more evident from the willingness or the lack thereof to collect evidence, which in essence reveals whether procrastination in respect of a case is intentional or stems from ignorance. Moreover, in most cases complaints are anonymous, indicating that they are not confident to identify themselves (less than 25%). and thus the profile of the complainants cannot be ascertained. Anonymity is primarily practiced to avoid harassment or for fear of reprisal.

## DETECTION, INVESTIGATION AND PROSECUTION

Under this dimension three out of nine indicators received 'High' scores, two received 'Moderate' scores, and four received 'Low' scores.

The responsiveness to corruption complaints is low because of the scrutinising system for assessing the complaints. During last three years (2016-18), a total 47,549 complaints (or an average of 15,849 complaints per year) were received by the ACC. Among them, only 3,209 complaints (6.75%) were processed for further enquiry, whereas the standard is above 66%. Apart from this, 2,369 were sent to the concerned ministry/ division for necessary action. The prosecution rate is also low – ACC filed 848 cases out of total 4,038 enquiries (21%) (standard is above 75%).

The conviction rate of ACC's cases of corruption during the last few years has slightly increased from below 40% to an average to 57.7%. During the past three years (2016-2018), there were a total of 495 convictions out of 857 disposed cases, however, the standard is above 75%.

Public perceptions on the ACC's impartiality in handling similar kinds of cases are not very positive. According to ACC officials interviewed, there is a lack of public trust in the ACC. The ACC appears to be focusing more on petty corruption, while during 2016-2018 there has been no apparent success in netting the 'big fish'.

Efficiency and professionalism in corruption investigations is a moderate concern. Usually ACC takes more than the stipulated time to complete enquiry and investigation. Considering the length of time taken and

conviction rate, investigation of corruption cases is still not efficient and professional up to standard. Another area of moderate concern for the ACC is the minimal amount of assets recovered, confiscated or frozen. considering volume of capital flight from Bangladesh (around US\$ 5.9 billion in 2015), amount recovered by ACC (BDT 1,532.9 million as fines and confiscations) not significant.

## **PREVENTION, EDUCATION AND OUTREACH**

Four out of eight indicators under this dimension received 'High' scores, and four received 'Moderate' scores. An amount of BDT 267.9 million (around 2.65% of the ACC budget) is allocated for prevention, education and outreach activities for the fiscal years 2016-17 to 2018-19, which is not adequate (the standard is above 5%). While the ACC initiated a number of activities during the past three years – both at the central level as well as local level through the CPCs and Integrity Units, it lacks a comprehensive plan for its outreach and prevention activities. Prevention and educational techniques are not followed although it is emphasized in the Five Year Strategic Action Plan (2017-2021). The ACC is very much dependent on CPC level activities, although the annual plan is not fully implemented. Moreover, the prevention and outreach activities of the local level CPCs and Integrity Units are still largely occasion-based (such as observing International Anti-corruption Day and Anti-corruption Week) and rather ceremonial in nature. Although the ACC's use of website and social media has improved a great deal, there is still scope for the dissemination of anti-corruption messages. The use of social media is still limited.

The ACC still does not do research by its own. It is in the process of forming a research wing, while three researches commissioned in 2018 to exploration of corruption risks, contexts and conditions, none of which has been completed and shared.

## **COOPERATION AND EXTERNAL RELATIONS**

Three out of six indicators under this dimension received 'High' scores, two received 'Moderate' scores, and one received 'Low' score.

The ACC does not have strategies, targets and benchmarks in place to enable it to monitor its responsiveness to marginalised groups (including women and minority groups). It does not collect disaggregated data (e.g. on corruption complaints received) according to different group characteristics.

The confidence in Government support to the ACC is moderate. Although the government top leadership has repeatedly indicated its commitment to control corruption and practiced a "Zero Tolerance" policy against corruption, and provided legal, institutional and financial support to the ACC to operate more effectively, the ACC has been weakened through the enactment of *The Government Employment Act 2018* which incorporates provisions designed to protect public servants. According to this law, it is mandatory for the ACC to seek permission from the appropriate authorities before arresting any government official on corruption charges related to their job. On the other hand, the ACC is directly or indirectly influenced while implementing the policy of zero tolerance. There is limited cooperation between ACC and ACAs of other countries. Two Memorandums of Understanding with the Anti-Corruption Commission of Bhutan and Investigative Committee of the Russian Federation (ICRF) were signed. The ACC is in communication with relevant organizations of different countries including Indonesia, China, USA, Singapore, Hong Kong, South Korea, Malaysia and India.

## **OVERALL OBSERVATIONS**

In sum, the strengths of the ACC include its institutional independence, specific appointment and removal process of Commissioners, its mandate, and investigation and prosecutorial powers. With regard to financial and human resources, the ACC has sufficiency, stability and security of its budget, a robust staff selection process and stable staff. With regard to accountability and integrity, it maintains annual reporting, is responsiveness to information requests, and takes measures against complaints against its own staff. In the context of detection, investigation and prosecution, there is increased accessibility for lodging complaints, proactive investigation, and willingness and capacity to investigate influential persons. The ACC has strong prevention, education, and outreach activities as manifest from its robust corruption prevention initiatives including anti-corruption learning and development, organizational reviews and recommendations, and dissemination and campaign programmes. In terms of cooperation with external stakeholders, the ACC has sustained cooperation with other integrity agencies, and with non-government organizations, and maintains international networks.

The weaknesses of the ACC include inadequate budget compared to the national budget. The ACC does not have any external oversight mechanism, and lacks adherence to due process. The complainants are unwilling to identify themselves, which may indicate lack of trust or feelings of insecurity. The ACC is weak in responding to corruption complaints. The prosecution rate is still poor compared to the complaints

lodged. There is no mechanism to address special needs of marginalized groups including the poor and women. Overall, the perception of ACC's performance is not encouraging and reflects lack of trust.

In the first assessment, the overall score for Bangladesh ACC was 61.22%, which fell in moderate category. Considering the previous score there is no significant change. The ACC improved on indicators such as staff selection, accessibility to complainants/ informants, conviction rate, dissemination and campaigns, cooperation with other integrity agencies. The areas where ACC has declined are political use of powers, investigation and prosecution expertise, responsiveness to corruption complaints, efficiency and professionalism, allocated budget for prevention, education and outreach activities, public confidence in Government support. It may also be noted that the ACC scored low score for the indicators proportion of budget, and external oversight mechanisms, as it did in the previous assessment.

## RECOMMENDATIONS

### Independence and Status

1. **Amendment of relevant laws:** Relevant laws (ACC Act 2004, Anti Money Laundering Act 2012, Govt. Employment Act 2018 etc.) should be amended by including following provisions:
  - a. Names and profiles of candidates should be disclosed for more transparent appointment of the Chair and Commissioners. Participation from the political opponents and civil society in the process should be ensured. An open public hearing should be organised with the selected candidates and should be aired.
  - b. ACC's jurisdiction should be enhanced through inclusion of money laundering and private sector corruption.
  - c. ACC's recommendations for concerned institutions to be made mandatory.
  - d. An independent committee comprising citizens' representatives and civil society members with high standards of integrity and credibility should be formed to advise, monitor and evaluate key aspects of ACC's work.
  - e. The provision related to arrest of government officials without prior permission must be repealed.

### Financial and Human Resources

2. **Budget:** The budget of the ACC should be enhanced for:
  - a. Recruiting staff following the approved organogram
  - b. Training of ACC staff
  - c. Implementing prevention activities (such as public hearings, research, etc.)
  - d. Recruiting skilled and efficient lawyers with relevant knowledge and experience.
3. **Staff strength:** The number of skilled staff for enquiry and investigation and prevention should be increased.
4. **Training:** ACC should establish its own training institution to offer corruption related courses for its staff. ACC's investigation officers should have a foundation training on enquiry and investigation. It should also arrange training for its panel lawyers, especially at the district level. Staff engaged with prevention activities need special training on this issue.

### Accountability and Integrity

5. **Adherence to due process:** ACC should handle all corruption cases of same nature in an equal manner through a neutral and transparent procedure.
6. **Comprehensive Code of Conduct:** ACC should have a comprehensive Code of Conduct for its staff and disciplinary procedures. It should include, *inter alia*, issues such as asset declaration, and conflict of interest, gifts and hospitality, post-employment restrictions, process for addressing breach of the code and other malpractices and management of internal complaints.

### Detection, Investigation and Prosecution

7. **Responsiveness to corruption complaints:** ACC should increase number of enquiries on the basis of complaints lodged. In this regard on what basis the complaints are scrutinised and the explanation of why a complaint is not considered for enquiry must be published.
8. **Prosecution rate:** The ACC should take following measures to increase prosecution rate:
  - a. Conduct robust and rigorous enquiry into corruption allegations, avoid procedural mistakes, and consult with lawyers before filing corruption cases
  - b. Identify corrupt staff, initiate enquiries, and prosecute while doing reviews in the corruption-prone public institutions and on the basis of public hearings on allegations against specific staff
  - c. Pursue and follow up on concerned institutions to ensure that the recommendations are implemented.

9. **Efficiency and Professionalism:** ACC should complete the enquiry and investigation within stipulated time mentioned in the law and maintain the standard of professionalism and excellence of their duty.
10. **Analysis of complainants:** The ACC should analyse information of the complainants according to age, gender and profession for developing strategy to encourage complaints. ACC should increase publicity on this.
11. **Conviction rate:** ACC should take measures to explore and address challenges of investigation and prosecution, and consult with experienced lawyers before lodging corruption cases. It should also appoint more skilled and experienced lawyers, if necessary, with enhanced fees to ensure better representation at the trials.
12. **Restitution and Asset Recovery:** ACC should enhance its drive to recover, confiscate and freeze more assets in corruption cases.

#### **Prevention, Education and Outreach**

13. **Prevention and Education Activities:** To implement the annual plan of prevention and education activities ACC should follow its five year strategic planning.
14. **Research:** ACC should strengthen its own research unit by investing more on adequate and skilled human and financial resources, and conduct its own research to explore corruption risks, context and conditions. It should also undertake research and public perception surveys on ACC's performance and effectiveness.
15. **Public confidence:** ACC should take measures to enhance public confidence and trust by publicising its activities, publishing and regularly updating detailed statements on income, assets and liabilities of Commissioners and senior officials, measures taken against the "big fish", and progress on investigation, prosecution and disposal of corruption cases.

#### **Cooperation and External Relations**

16. **Cooperation with other countries:** ACC should take measures to increase collaboration and cooperation with ACA's of other countries and learn from their activities and experience.
17. **Attention to marginalised groups:** ACC should emphasise on addressing the special needs of different marginalised groups by ensuring for them easy access to ACC and complaint mechanisms and effective redress through affirmative action.

# INTRODUCTION

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The UN Convention against Corruption (UNCAC) prescribes the existence of independent bodies established through national legal systems to enforce, implement and promote anti-corruption policies and principles. A well-functioning oversight mechanism with a focus on anti-corruption is absolutely vital for good governance in any country context. Meanwhile, the 2012 Jakarta Principles<sup>1</sup>, developed in consultation with Anti-Corruption Agency (ACA) heads, practitioners and experts from around the world, represent a widely accepted standard to which ACAs can be held accountable.

In practice, assessment against these standards is sporadic, due in part to the lack of political will by governments to scrutinise their own oversight mechanisms. Another reason is the absence of a coherent and practicable way in which to measure performance. Transparency International has responded to this opportunity by developing an initiative aimed at strengthening the ACAs in the Asia Pacific Region. The 'Anti-Corruption Agencies Strengthening Initiative' combines biennial assessments of ACAs with sustained engagement, dialogue and advocacy at both national and regional levels.

Under this initiative, Transparency International has developed a practical and comprehensive benchmarking tool aimed at highlighting the strengths and weaknesses of ACAs. The assessment tool has been developed and refined over a period of five years in consultation with experts and practitioners from around the world. The latest iteration of the assessment tool is based on the experience of conducting an initial pilot in Bhutan in 2015 and a first round of assessments in another seven countries in the Asia Pacific region between 2016-2017.<sup>2</sup>

As part of this initiative, Transparency International Bangladesh (TIB) carried out an assessment of the Anti-Corruption Commission (ACC) of Bangladesh between November 2015 and April 2016. The assessment was aimed at providing the ACC with up-to-date information regarding its performance and opportunities for improvement and to provide those stakeholders committed to tackling corruption in the country a better understanding of the enabling and disabling factors which affect the ACC's efficacy. In addition to a comprehensive evaluation of performance in relation to a set of robust indicators, the report provided practical solutions to key challenges listed as recommendations for reform. This study therefore serves as a guide for both ACC and other interested parties to strengthen and expand the impact of anti-corruption efforts in Bangladesh.<sup>3</sup>

The findings of the assessment were shared with ACC senior officials in March 2016 in a consultation meeting. In the following years the ACC undertook a number of initiatives with the aim to strengthen its capacity and improve its performance. Some of the initiatives include, for instance, adoption of a comprehensive Five Year Strategic Action Plan (2017-2021), formation of an Internal Discipline Unit to address allegations against its staff, replacement of inactive panel lawyers with new more efficient lawyers, identification of key sectors and institutions to explore and monitor corruption, launching anti-corruption drives and organising public hearings. As a result of these initiatives, some changes have been observed with regard to internal discipline, prosecution and conviction, and anti-corruption actions (discussed in detail in Section 3).

This follow up assessment has been conducted in 2019 for assessing progress made by ACC since the first assessment in 2015-16.

## ABOUT THIS ASSESSMENT

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<sup>1</sup> The principles can be found in UN Office on Drug and Crime, *Jakarta Statement on Principles for Anti-Corruption Agencies*, 26–27 November 2012, available at [https://www.unodc.org/documents/corruption/WG-Prevention/Art\\_6\\_Preventive\\_anti-corruption\\_bodies/JAKARTA\\_STATEMENT\\_en.pdf](https://www.unodc.org/documents/corruption/WG-Prevention/Art_6_Preventive_anti-corruption_bodies/JAKARTA_STATEMENT_en.pdf).

<sup>2</sup> Between 2015-17, national level assessments of the following ACAs were finalised utilising this methodology: Bangladesh, Bhutan, Indonesia, Maldives, Mongolia, Pakistan, Sri Lanka and Taiwan.

<sup>3</sup> Please see TIB, 2017, *Anti-Corruption Agency Strengthening Initiative: Assessment of the Bangladesh Anti-Corruption Commission 2016*, Dhaka.

The assessment in this round consists of a document analysis, including review of laws and media publications, followed by semi-structured interviews and focused group discussions with key stakeholders — primarily within the government but also with non-government actors. Fieldwork for the study took place from April to December 2019 in Dhaka. A draft report outlining key findings and recommendations was produced which was first reviewed by the ACC for accuracy and completeness, before being presented to relevant stakeholders for feedback, and to initiate dialogue on key issues. A validation meeting took place with ACC Chair and high officials on 10 February 2020 in Dhaka.

The assessment tool has been designed to capture internal and external factors affecting the ACC as well as getting a sense of the ACC's reputation and actual performance. To this end, a comprehensive indicator framework, made up of a total of 50 indicators, has been developed in consultation with experts. These indicators were formulated to develop a broad platform from which to assess the capacity and effectiveness of the ACC, and to identify gaps and areas of opportunity. The indicators inquire into six different dimensions (see Table 1 below).

**Table 1: Dimensions of Assessment for this Research**

DIMENSIONS OF ASSESSMENT	NUMBER OF INDICATORS
1. Independence and Status	9
2. Financial and Human Resources	9
3. Accountability and Integrity	9
4. Detection, Investigation and Prosecution	9
5. Prevention, Education and Outreach	8
6. Cooperation and External Relations	6
<b>Total</b>	<b>50</b>

Each indicator has three possible scores – **high, moderate and low** – and three defined levels of value for each indicator, depending on the condition assessed. To score each indicator the research team identified the specific source of information, where necessary, such as review of laws, existing literature, media reports, websites, and from key informant interviews with a former ACC Chairman, ACC officials, law practitioners, experts and journalists.

In order to facilitate the targeting of recommendations, in addition to the categorisation of indicators by dimension, each indicator is also categorised according to whether it relates to:

- a set of **external enabling** factors *beyond* the control of the ACA which may affect the ACA's performance,
- a set of **internal enabling** factors *within* the control of the ACA which may affect the ACA's performance, and
- a set of factors which describe the **actual performance** of the ACA itself.

Among the 50 indicators, 30 relate to the enabling factors (16 external and 14 internal) and 20 of which relate to the performance of the ACA. In order to arrive at the aggregate score (percentage) for each of these three categories, the same approach is taken as for the dimensions above. In other words, the final scores for all the indicators under each category are added up, divided by the maximum total possible score for all indicators under that category, and multiplied by 100. This has been repeated for each of the three categories. The results are then mapped on a chart with the score for External and Internal Factors mapped along the Y axis and the score for Performance mapped along the X axis.

This study is divided into four sections. Section 1 presents Bangladesh's basic economic, social and political characteristics, in addition to its perceived level of corruption. Section 2 explores the legal and institutional conditions in which the ACC operates, as well as its place in the country's control and public management systems. Section 3 presents the key findings and a detailed assessment of each indicator, with comments on the key issues and specific gaps identified. Section 4 presents a brief set of conclusions, and TIB's recommendations for further strengthening the ACC.



# 1. BANGLADESH'S POLICY CONTEXT AND PERCEPTIONS OF CORRUPTION

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## SOCIO-ECONOMIC SITUATION

Bangladesh, a lower middle-income country, hosts an estimated population of 163.05 million in 2019 – a notable increase from 156.5 million from the 2013 estimate. This makes Bangladesh the 8<sup>th</sup> most populous country in the world.<sup>4</sup> With a population density of 1,115.62 people per square kilometre, the country ranks 10<sup>th</sup> in the world. The surface area in Bangladesh is currently 147,570 square kilometres.

Bangladesh has a promising and stable economy. Its market-based economy is one of the fastest growing in the world. In nominal terms, it is the 39<sup>th</sup> largest economy in the world, and 29<sup>th</sup> in terms of purchasing power parity (PPP); it is classified among the Next Eleven emerging market middle income economies and the Frontier market.<sup>5</sup> Bangladesh's GDP Per Capita reached USD 1,827 in June 2019, compared to USD 1,675 in June 2018.<sup>6</sup> According to the World Bank, Bangladesh has made remarkable progress in reducing poverty, supported by sustained economic growth – its poverty rate fell from 82% in 1972, to 18.5% in 2010, to 13.8% in 2016, and below 9% in 2018, measured by the percentage of people living below the international extreme poverty line.<sup>7</sup> At the same time, life expectancy, literacy rates and per capita food production have increased significantly. According to official estimates, progress which has been maintained by 6.5% growth on the average over the decade, reached 7.9% in 2017/2018.<sup>8</sup> In 2018, Bangladesh fulfilled all of the three eligibility criteria for graduation from the UN's Least Developed Countries (LDC) list for the first time and is on track for graduation to 'Upper Middle-Income Country' in 2024.<sup>9</sup> The Government has taken up multifarious initiatives to elevate Bangladesh to a knowledge-based and technology-driven middle-income country by 2021.<sup>10</sup>

Despite the fact that the economic growth through agricultural productivity, ready-made garment exports and remittances have led to significant development, Bangladesh still has a number of challenges to overcome. Some of these challenges include extreme poverty, unemployment, low access to reliable and affordable power, limited availability of serviced land, uncertain and complex business regulation, rapid urbanization and climate change.<sup>11</sup> Apart from these, there are more than 1.1 million Rohingyas who fled from neighbouring Myanmar into Bangladesh, resulting in a major humanitarian crisis.<sup>12</sup>

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<sup>4</sup> <http://worldpopulationreview.com/countries/bangladesh-population/> (accessed on 30 September 2019).

<sup>5</sup> See [https://en.wikipedia.org/wiki/Economy\\_of\\_Bangladesh](https://en.wikipedia.org/wiki/Economy_of_Bangladesh) (accessed on 30 September 2019).

<sup>6</sup> <https://www.ceicdata.com/en/indicator/bangladesh/gdp-per-capita> (accessed on 30 September 2019).

<sup>7</sup> The World Bank, <https://www.worldbank.org/en/news/feature/2017/10/24/bangladesh-continues-to-reduce-poverty-but-at-slower-pace> (accessed on 30 September 2019). However, according to the Bangladesh Bureau of Statistics, Bangladesh's poverty rate is 21.8% while people living in extreme poverty is 11.3% in 2018. Source: *Dhaka Tribune*, 13 May 2019.

<sup>8</sup> As per final estimate of Bangladesh Bureau of Statistics (BBS), the GDP growth stood at 7.86 percent in FY 2017-18. The per capita GDP increased to BDT 137,518 in FY 2017-18 which was BDT 122,152 in previous fiscal year. On the other hand, per capita national income in FY 2017-18 stood at BDT 143,789 up from BDT 127,401 in the previous fiscal year. The per capita GNI and GDP stood at US\$ 1,751 and US\$ 1,675 respectively in FY 2017-18 compared to US\$ 1,610 and US\$ 1,544 respectively in FY 2016-17. On the basis of Purchasing Power Parity (PPP), calculated by UNDP, the per capita GNI stood at US\$ 4,040. Source: Finance Division, *Bangladesh Economic Review 2018*, Ministry of Finance, Govt. of People's Republic of Bangladesh, <https://mof.gov.bd/site/page/44e399b3-d378-41aa-86ff-8c4277eb0990/BangladeshEconomicReview> (accessed on 17 July 2019).

<sup>9</sup> <https://www.worldbank.org/en/country/bangladesh/overview> (accessed on 11 August 2019).

<sup>10</sup> Planning Commission, *Seventh Five Year Plan: 2016-2020 - Accelerating Growth and empowering citizens*, Government of Bangladesh, 11 November 2015; [http://plancomm.portal.gov.bd/sites/default/files/files/plancomm.portal.gov.bd/files/aee61c03\\_3c11\\_4e89\\_9f30\\_d79639595c67/7th\\_FYP\\_18\\_02\\_2016.pdf](http://plancomm.portal.gov.bd/sites/default/files/files/plancomm.portal.gov.bd/files/aee61c03_3c11_4e89_9f30_d79639595c67/7th_FYP_18_02_2016.pdf) (accessed on 30 September 2019).

<sup>11</sup> <https://www.worldbank.org/en/country/bangladesh/overview> (accessed on 11 August 2019)

<sup>12</sup> See [https://en.wikipedia.org/wiki/Rohingya\\_refugees\\_in\\_Bangladesh](https://en.wikipedia.org/wiki/Rohingya_refugees_in_Bangladesh) (accessed on 30 September 2019).

**Table 2: Policy Context of Bangladesh**

DIMENSION	DATA	DATA SOURCE(S)
Land area (in sq. km)	147,570 km <sup>2</sup>	World Population Review <sup>13</sup>
Size of population	Estimated at 163.05 million (2019)	World Population Review <sup>14</sup>
GDP per capita (US\$)	1,827 (June 2019)	CEIC Data <sup>15</sup>
Type of government	<i>de jure</i> representative democracy	Wikipedia <sup>16</sup>
Voice & accountability	27.59 (percentile rank 2018)	The World Bank <sup>17</sup>
Political stability	13.81 (percentile rank 2018)	
Government effectiveness	21.63 (percentile rank 2018)	
Rule of law	28.37 (percentile rank 2018)	
Regulatory quality	19.23 (percentile rank 2018)	
Control of Corruption	16.83 (percentile rank 2018)	

Bangladesh was founded as a constitutional, secular, democratic, multi-party, parliamentary republic in 1971. Since independence, Bangladesh has endured periods of political turmoil and military coups.<sup>18</sup> Democracy was restored in 1991 that was followed by economic progress and relative political calm up to 2006.<sup>19</sup> Following a two-year military backed “caretaker regime” during 2007-2008, the present democratic era began in 2009.<sup>20</sup> However, tensions in the country again escalated in the wake of the 2014 parliamentary elections, beginning with the amendment of the Constitution in July 2011 by the government stating that general elections were no longer required to be managed by a non-party caretaker government, a system that had been effective since 1996.<sup>21</sup> In accordance with the amended constitution parliamentary elections were held in January 2014 where the 18-Party Alliance led by the Bangladesh Nationalist Party (BNP) did not participate and in which over half of the constituencies went uncontested.<sup>22</sup> This resulted in the formation of a government with more than 83% of the Members of the Parliament (MPs) who belonged to the 14-Party Alliance led by Awami League. Members from the main opposition were also included in the cabinet.<sup>23</sup>

Taking lessons from the 10<sup>th</sup> National Parliament Election, all registered political parties participated in the 11<sup>th</sup> National Parliament Election held in December 2018. However, in this election the Awami League locked a third consecutive term (fourth overall) with its coalition securing 96% of parliamentary seats, amid

<sup>13</sup> <http://worldpopulationreview.com/countries/bangladesh-population/> (accessed on 30 September 2019).

<sup>14</sup> <http://worldpopulationreview.com/countries/bangladesh-population/> (accessed on 30 September 2019).

<sup>15</sup> <https://www.ceicdata.com/en/indicator/bangladesh/gdp-per-capita> (accessed on 30 September 2019).

<sup>16</sup> [https://en.wikipedia.org/wiki/Bangladesh#People's\\_Republic\\_of\\_Bangladesh](https://en.wikipedia.org/wiki/Bangladesh#People's_Republic_of_Bangladesh) (accessed on 1 October 2019).

<sup>17</sup> The World Bank, *The Worldwide Governance Indicators, 2019 Update*, See [info.worldbank.org/governance/wgi/Home/downloadFile](http://info.worldbank.org/governance/wgi/Home/downloadFile) (accessed on 1 October 2019)

<sup>18</sup> <http://www.bd.undp.org/content/bangladesh/en/home/countryinfo/> (accessed on 6 December 2015).

<sup>19</sup> UNDP, <http://www.bd.undp.org/content/bangladesh/en/home/countryinfo/> (accessed on 6 December 2015).

<sup>20</sup> <https://www.cia.gov/library/publications/the-world-factbook/geos/bg.html> (accessed on 2 December 2015).

<sup>21</sup> Human Rights Watch, *Democracy in the Crossfire: Opposition Violence and Government Abuses in the 2014 Pre- and Post-Election Period in Bangladesh*, 2014. [http://www.hrw.org/sites/default/files/reports/bangladesh0414\\_ForUpload.pdf](http://www.hrw.org/sites/default/files/reports/bangladesh0414_ForUpload.pdf) (accessed on 13 December 2015).

<sup>22</sup> DFID Bangladesh, *Operational Plan 2011-2016*, Updated December 2014, [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/389036/Bangladesh.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/389036/Bangladesh.pdf) (accessed on 2 December 2015). It may be noted that Freedom House rated the status of freedom in Bangladesh as “partly free” in 2015 as national elections were marred by an opposition boycott, as well as widespread violence and intimidation by a range of political parties. For details see Freedom House, *Freedom in the World 2015*, [https://freedomhouse.org/sites/default/files/01152015\\_FIW\\_2015\\_final.pdf](https://freedomhouse.org/sites/default/files/01152015_FIW_2015_final.pdf) (accessed on 14 December 2015).

<sup>23</sup> TIB, *Parliament Watch: 10<sup>th</sup> Parliament (1<sup>st</sup> Session)*, July 2014, [http://www.ti-bangladesh.org/beta3/images/2014/fr\\_pw\\_nis\\_10\\_parliament\\_s1\\_14\\_bn.pdf](http://www.ti-bangladesh.org/beta3/images/2014/fr_pw_nis_10_parliament_s1_14_bn.pdf) (accessed on 24 December 2015).



widespread claims of election irregularities.<sup>24</sup> Thus, even though the political scenario in Bangladesh has largely been dominated by a two party polity, it has, in effect, been compromised, and turned into a so-called elected authoritarianism.<sup>25</sup>

Despite the restoration of parliamentary democracy, there is still a considerable degree of centralised executive power. Article 55 of the Constitution vests all executive authority in the Prime Minister rather than the cabinet; many legal experts consequently describe the form of government as “prime ministerial” rather than parliamentary.<sup>26</sup>

Although the Constitution of Bangladesh guarantees civil and political rights of citizens and also sets out fundamental principles of state policy that are fundamental to the governance of the country, the rule of law is often undermined by the executive branch of the government and political forces.<sup>27</sup> This is reflected in the gross abuse of human rights through, *inter alia*, political violence, enforced disappearances, extra-judicial killings by the law enforcement agencies seemingly in police encounters and cross-fires.<sup>28</sup>

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. Politicisation affects key institutions of governance, weakening trust in the very institutions that are meant to protect and promote the interests of the general public.<sup>29</sup> The existing system, however, has eroded pluralism within the political system resulting in the weakening of the parties as well as reducing the choices of the electorate.<sup>30</sup>

Bangladesh is increasingly moving away from what is considered a ‘minimalist democracy’ (transfer of power through regular, free and contested elections, fundamental freedoms, civilian control over policy and institutions) to an ‘illiberal democracy’, characterised by misuse of state power for partisan and personal gain and politicisation of key state institutions.<sup>31</sup> Political parties are known to be self-serving and rarely articulate broader public interests, except during pre-election campaigns<sup>32</sup> when party manifestos bulge with rich promises for the common people, only to be forgotten once the elections are over.<sup>33</sup> Political parties in Bangladesh are also known for having party leadership in the hands of single leaders for decades, non-functioning internal democracy, dominance of money and muscle power, lack of proper representation, and lack of transparency (in party funding).<sup>34</sup>

With regard to the different indicators of governance, there are huge gaps in the implementation and practice of laws and policies. Subtle gaps are identified in the laws, which create a scope for dismantling the independent status of most of the institutions under the National Integrity System (NIS).<sup>35</sup> There are significant gaps in the implementation of measures especially in the areas of human rights violation, corruption and holding the powerful political elites accountable. The Executive can be observed controlling

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<sup>24</sup> Central Intelligence Agency, *The World Factbook*, <https://www.cia.gov/library/publications/the-world-factbook/geos/bg.html> (accessed on 1 October 2019); TIB, ‘Tracking the 11<sup>th</sup> Parliament Election Process’, 2019, see [https://www.ti-bangladesh.org/beta3/images/2019/report/EPT/EPT\\_EX\\_SUM\\_2018.pdf](https://www.ti-bangladesh.org/beta3/images/2019/report/EPT/EPT_EX_SUM_2018.pdf) (accessed on 4 October 2019).

<sup>25</sup> According to the German-based think-tank Bertelsmann Stiftung’s Transformation Index, Bangladesh is among five countries that no longer meet minimum standards for democracy and are now under autocratic rule. Democracy has been undermined in these five countries for years, and it is often the shortcomings in the quality of elections that tipped the balance. *The Daily Star*, ‘Democracy in decline in Bangladesh, across globe’, 24 March 2018; <https://www.thedailystar.net/frontpage/democracy-decline-bangladeshacross-globe-1552726> (accessed on 7 October 2019).

<sup>26</sup> International Crisis Group, *Mapping Bangladesh’s Political Crisis*, Asia Report N°264 | 9 February 2015, <http://www.crisisgroup.org/~media/Files/asia/south-asia/bangladesh/264-mapping-bangladesh-s-political-crisis.pdf> (accessed on 2 December 2015).

<sup>27</sup> Md. Rajib Hasnat Shakil and Kaniz Marzia, “Political Parties and Good Governance: Bangladesh Perspective”, *IOSR Journal of Humanities and Social Science (IOSR-JHSS)*, Volume 8, Issue 5 (Mar. - Apr. 2013), pp. 37-45, at p. 41, cited in TI and TIB, *National Integrity System Assessment: Bangladesh*, 2013, p. 17.

<sup>28</sup> International Crisis Group, *Mapping Bangladesh’s Political Crisis*, Asia Report N°264 | 9 February 2015, <http://www.crisisgroup.org/~media/Files/asia/south-asia/bangladesh/264-mapping-bangladesh-s-political-crisis.pdf> (accessed on 2 December 2015).

<sup>29</sup> The Asia Foundation, *op. cit.* p. 9.

<sup>30</sup> Rehman Sobhan, “Structural Dimensions in of Malgovernance in Bangladesh”, *Economic and Political Weekly*, 4 September 2004, pp. 4101-08, at p. 4103, cited in TI and TIB, *National Integrity System Assessment: Bangladesh*, 2013, p. 17-18.

<sup>31</sup> Institute of Governance Studies (IGS), *The State of Governance in Bangladesh 2008*, Dhaka, 2009, p. xv.

<sup>32</sup> TIB, ‘Governance and Integrity in Election Manifestos of Political Parties in Bangladesh’, 2018. [https://www.ti-bangladesh.org/beta3/images/2018/report/political\\_parties/Political\\_Parties\\_Full\\_EN.pdf](https://www.ti-bangladesh.org/beta3/images/2018/report/political_parties/Political_Parties_Full_EN.pdf) (accessed on 1 October 2019).

<sup>33</sup> *Ibid.*

<sup>34</sup> Rounaq Jahan, *Political Parties in Bangladesh: Challenges of Democratization*, 2015, Prothoma Prokashan, Dhaka.

<sup>35</sup> For details see TIB, *Sustainable Development Goal 16: Preparedness, Progress and Challenges of Bangladesh: A Study of Selected Targets*, 2017, Dhaka. pp 28-29.

law enforcing agencies, ACC, Election Commission, media, civil society and business by adopting regressive laws and environment.<sup>36</sup>

Independent institutions suffer from mistrust and inefficiency largely derived from the faulty appointment procedures of the chiefs and members based on political considerations. There are shortages of human resources and budget as well as capacity constraints in many of the NIS institutions (such as the Election Commission and Office of the Comptroller and Auditor General), which might potentially hamper effectiveness, transparency and accountability of the ACC in the true sense

There are allegations of misusing the law to suppress the publication of information and opinion. For example, Section 14 of the Foreign Donation (Voluntary Activities) Regulation Act, 2016 limits the freedom of expression and independence of non-government organisations (NGOs) and civil society organisations (CSOs).<sup>37</sup> In 2018, the Digital Security Act was enacted by ignoring the concerns expressed by civil society on Sections 8, 28, 29 and 31.<sup>38</sup> The law was considered to breach the main spirit of the constitution and restrict free-thinking, freedom of speech and freedom of expression. Moreover, there is a fear that the draft National Online Mass Media Policy 2017, the Bangladesh Press Institute Act, and the National Broadcasting Act, will potentially increase government control and restriction on the freedom of expression.<sup>39</sup> Furthermore, Bangladesh Association of Banks (BAB) proposed a Bank Reporting Act in April 2018, which will prevent newspapers from publishing reports about corruption and malpractices by banks and financial institutions.<sup>40</sup> The Government Employment Act 2018 has been enacted with a provision of receiving government permission before arresting a public servant, which is discriminatory and thus against the spirit of the Constitution.<sup>41</sup>

With regard to information rights, the score and ratings of the country are moderate. According to the Freedom in the World Rating, Bangladesh scored 47 in 2017 and 45 in 2018 out of 100, which means “partially open” freedom of expression exists in the country.<sup>42</sup> The World Press Freedom Index shows that Bangladesh scored 48.36 in 2017 and 48.62 in 2018 out of 100 securing 146<sup>th</sup> position in both years among 180 countries; no change has occurred in this respect.<sup>43</sup> The Global Right to Information Rating shows that Bangladesh secured 107 points out of 150 with 24<sup>th</sup> position among 111 countries in 2017 which remains unchanged in 2019.<sup>44</sup>

Despite having an appropriate and robust legal framework, there is a tendency to diminish fundamental freedom in Bangladesh. For example, law enforcement agencies allegedly commit extrajudicial killings – 437 persons were victims of extrajudicial killings from January to October 2018.<sup>45</sup> Moreover, in 2017, there were at least 30 assaults on journalists, including the murder of a reporter while covering political unrest.

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<sup>36</sup> Citizens’ Platform for SDGs, Bangladesh, ‘Review Report on Goal 16: Peace, Justice and Strong Institutions’, presented in the prepared for the National Consultation on The Progress of SDGs in Bangladesh in the Context of HLPF 2019, held on 27 April 2019.

<sup>37</sup> The law has a provision for cancelling the registration of an NGO for making malicious and derogatory statements against the constitution and constitutional bodies of the country. This provision is vague as there is no explanation or definition of this term ‘malicious statement,’ and there will be an opportunity to misuse it. This is open to misinterpretation and also contradictory to the rights to freedom of expression provided in the constitution.

<sup>38</sup> The sections 8, 28, 29 and 31 deal with hurting religious values, disrupting public order, dishing out defaming information and causing deterioration in law and order by publishing anything on a website or in electronic form which would greatly hamper freedom of speech and independent journalism. According to section 29 of the law, a person may face up to three years in jail or a fine of BDT 5 hundred thousand or both if he or she commits the offences of criminal defamation (stipulated in section 499 of the Penal Code 1860) through a website or in electronic form. Section 31 of the act says a person may face up to seven years in prison or BDT 5 hundred thousand in fine or both if he or she is found to have deliberately published or broadcast something on a website or in electronic form which can spread hatred and create enmity among different groups and communities, and can cause deterioration in law and order.

<sup>39</sup> Amnesty International, *Amnesty International Report 2017/18, The State of the World’s Human Rights*, 2018, <https://www.amnesty.org/download/Documents/POL1067002018ENGLISH.PDF> (accessed on 10 March 2019).

<sup>40</sup> *The Daily Star*, ‘Banking sector: TIB worried at proposal for reporting law’, 3 April 2018.

<sup>41</sup> Shakhawat Liton, ‘The Civil Service Bill: Are some more equal than others?’, *The Daily Star*, 23 October 2018; <https://www.thedailystar.net/opinion/politics/news/are-some-more-equal-others-1650511> (accessed on 1 October 2019).

<sup>42</sup> Freedom House, *Freedom in the World 2019*, <https://freedomhouse.org/report/freedom-world/2019/bangladesh> (accessed on 13 April 2019).

<sup>43</sup> Reporters without Borders, *World Press Freedom Index 2018*, 2019, <https://rsf.org/en/bangladesh> (accessed on 17 March 2019).

<sup>44</sup> Center for Law and Democracy, *Global Right to Information Rating 2017*, 2018, <https://www.rti-rating.org/country-detail/?country=Bangladesh> (accessed on 17 March 2019).

<sup>45</sup> Ain-O-Salish Kendra, *National Human Rights Commission, Bangladesh Existing Challenges and Expectations of Civil Society*, 2018.

## LEVELS OF CORRUPTION

According to Quah, culture contributes to corruption when cultural values and practices like gift-giving and family ties influence individuals to give or receive bribes.<sup>46</sup> Larmour argues that even though culture has been used “to explain, or excuse acts of corruption” cultural concepts and “gift giving in particular, are still useful in understanding corruption and the problems related to controlling it.”<sup>47</sup>

According to Haque and Mohammad, the culture of corruption in the form of exchanges of money, gifts and privileges are “deep-rooted in the inherited administrative culture of Bangladesh.”<sup>48</sup> Furthermore, Bangladesh’s hierarchical and kinship-based social structure has contributed to the culture of *tadbir*, which is a process of lobbying that promotes corruption by “over-ruling, breaking or bending existing rules, norms, and practices.” *Tadbir* is prevalent in Bangladesh’s civil service because civil servants only take action by moving files or declaring files to be missing with *tadbir*.<sup>49</sup> Similarly, Kochanek found that *tadbir* is the preferred method employed by business persons in Bangladesh to obtain such benefits as getting a personal exemption from an existing policy. According to him, access to the bureaucracy is achieved through “school ties, kinship, social contact, job offers, and the payment of small gifts, cash, or goods and supplies.” Consequently, public policies in Bangladesh are “riddled with a large number of exceptions and exemptions” and policies are frequently modified to accommodate the needs and interests of a prominent person’s relatives. In other words, “every policy can be manipulated to suit the needs of any individual who has the appropriate contacts and can pay the allotted fee.”<sup>50</sup>

Finally, the high uncertainty avoidance in Bangladeshi administrative culture results in the production of “voluminous rules, regulations, and procedures” that encourage corruption, favouritism and nepotism among civil servants.<sup>51</sup> Consequently, red tape remains a serious problem in Bangladesh, which is ranked 177<sup>th</sup> among 190 countries for the ease of doing business because it takes 244 days to register a property and 269 days to obtain a construction permit.<sup>52</sup>

The Bangladesh Constitution affirms that the State will create conditions in which individuals will not be able to enjoy ‘unearned incomes’.<sup>53</sup> The Government of Bangladesh recognises that combating corruption is critical to progress towards realising the Perspective Plan – Vision 2021,<sup>54</sup> the 7<sup>th</sup> Five Year Plan (7FYP)<sup>55</sup> and SDGs. Furthermore, the 7FYP asserts that ensuring good governance requires establishing strong administrations and institutions, and that without a strong anti-corruption strategy, the ability to implement Vision 2021 and the underlying five-year development plans will be seriously compromised.

Bangladesh has a robust legal<sup>56</sup> and institutional<sup>57</sup> framework to fight corruption. The country became Party to the UNCAC in 2007, and since then it has continued to fulfil the commitments under this Convention by enacting and amending relevant laws and policies.

<sup>46</sup> Jon S.T. Quah, *Curbing Corruption in Asian Countries: An Impossible Dream?*, Bingley, UK: Emerald Group Publishing, 2011, p. 21.

<sup>47</sup> Peter Larmour, *Interpreting Corruption: Culture and Politics in the Pacific Islands*, Honolulu: University of Hawaii Press, 2012, pp. 116-117.

<sup>48</sup> Sk. Tawfique M. Haque and Sheikh Noor Mohammad, “Administrative Culture and Incidence of Corruption in Bangladesh: A Search for the Potential Linkage,” *International Journal of Public Administration*, Vol. 36, No. 13, 2013, p. 998.

<sup>49</sup> *Ibid*, pp. 1000-1001.

<sup>50</sup> Stanley A. Kochanek, *Patron-Client Politics and Business in Bangladesh*, New Delhi: Sage Publications, 1993, pp. 251-268.

<sup>51</sup> Haque and Mohammad, “Administrative Culture and Incidence of Corruption in Bangladesh,” p. 1005.

<sup>52</sup> World Bank, *Doing Business 2018: Reforming to Create Jobs*, Washington, DC: World Bank, 2018, p. 146.

<sup>53</sup> *Bangladesh Constitution*, Article 20 (2).

<sup>54</sup> In the Vision 2021 it has been asserted that “the Government is determined to confront and root out the scourge of corruption from the body politic of Bangladesh ... (and) intends to strengthen transparency and accountability of all government institutions as integral part of a programme of social change to curb corruption.” See Planning Commission of Bangladesh, *Perspective Plan 2010-21*, <http://www.plancomm.gov.bd/perspective-plan/> (accessed on 13 February 2019).

<sup>55</sup> “Promoting good governance and curbing corruption” is listed high among 12 development goals identified by the 7FYP, which also commits to strengthen the democratic governance process to ensure participation of all citizens and sound functioning of all democratic institutions. See Planning Commission of Bangladesh, *7<sup>th</sup> Five Year Plan: FY 2016 – FY 2020*, [http://www.plancomm.gov.bd/wp-content/uploads/2015/10/7th\\_FYP\\_18\\_02\\_2016.pdf](http://www.plancomm.gov.bd/wp-content/uploads/2015/10/7th_FYP_18_02_2016.pdf) (accessed on 13 February 2019).

<sup>56</sup> Major laws and rules applicable for combating corruption include the ‘Penal Code, 1860’, the ‘Code of Criminal Procedure Act, 1898’, ‘The Anti-Corruption Act, 1947’, ‘The Foreign Exchange Regulation Act, 1947’, ‘The Anti-corruption Commission Act, 2004’ and ‘The Anti-corruption Commission Rules, 2007’, ‘The Government Servant (Conduct) Rules, 1979’, ‘The Public-Interest Information Disclosure Act (Provide Protection), 2011’, and the ‘Crime Related Mutual Legal Assistance Ordinance, 2012’. Moreover, GOB has five policies that support transparency and accountability. These include RTI policy, National Integrity Strategy, Citizen’s Charters and Grievance Redress System.

<sup>57</sup> The major anti-corruption institutions in Bangladesh comprise the ACC, the Office of the Comptroller and Auditor General (OCAG), BFIU of Bangladesh Bank as the anti-money laundering department, the Judiciary, law enforcing agencies, and the Parliamentary Standing Committees. Institutions including the National Board of Revenue (NBR), the Election Commission

The government has undertaken initiatives for promoting integrity and good governance as a strategy to discourage corruption. Over the last few years, the Executive has formulated guidelines for cabinet meetings, published best practices in service sectors, started Access to Information (a2i) project, established the Governance Innovation Unit, started video conferencing with Deputy Commissioners (DC), and sending encouraging mails to the best performing DCs based on an annual assessment under National e-service System (NESS) and Union Information Service Centre (UISC), introduced Fortnightly Confidential Report (FCR) for the DCs to report to the Cabinet Division by using Information Exchange Management System (IEMS).<sup>58</sup> It also introduced the Integrity Award Policy 2017<sup>59</sup>, started signing Annual Performance Agreements (APA) with other ministries and departments, and formed an Expert Pool for annual performance management in ministries/ departments.<sup>60</sup> The government also introduced the Public Administration Award in 2015 as an incentive for public officials to perform efficiently and ethically.<sup>61</sup>

In order to make government jobs more attractive and decrease corruption, the salary and allowances were doubled by the Pay Commission of 2015. The government introduced loan facilities (interest-free up to BDT 3 million) for the positions of Deputy Secretaries and above for buying cars and maintenance allowances (monthly BDT 50,000). Other incentives include Bengali New Year allowance, allowance for buying mobile phones, house loans with minimum interest (5%), increasing the pension rate, redefining pensionable job duration (5 to 25 years), and extending retirement age (up to 59 years).<sup>62</sup>

Despite these developments, widespread corruption exists in the country, as reflected in different national and international indices and surveys. According to the nation-wide household survey conducted by TIB at a regular interval, the proportion of households experiencing corruption and bribery while accessing services from both public and private sectors and institutions continues to be quite high. The 2017 survey reveals that 66.5% households became victims of corruption while receiving services from different public and private sectors or institutions, which is almost similar to that of the findings of the 2015 survey (67.8%).<sup>63</sup> However, the extent of bribery paid by households (on an average of BDT 5,930 for services) has decreased to 49.8% in 2017 compared to 58.1% in 2015. The nationally estimated amount of bribes paid to different service sectors was found to be BDT 106,889 million, which is 21.2% more than that of 2015, 3.4% of the extended national budget of 2016-17 and 0.5% of GDP for the same year.<sup>64</sup> Using identical indicators, the results of three surveys conducted by TIB in 2012, 2015 and 2017, respectively show that the corruption level remains the same in almost all sectors.

Similar findings have been presented by Naim and Hasan (2018) on the corruption among the bureaucracy. According to their research, 59.7 of the respondents had to pay bribes for services from public officials, while 88.8 percent identified corruption and nepotism and 74.4 percent identified corruption in administrative bureaucracy as impediments to development in Bangladesh.<sup>65</sup>

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(EC), Information Commission (IC), and stakeholders such as the civil society, media and international community provide supporting but important watchdogs roles in combating and preventing corruption.

<sup>58</sup> For details see

[http://cabinet.portal.gov.bd/sites/default/files/files/cabinet.portal.gov.bd/publications/5ab9615e\\_241a\\_4c7b\\_869b\\_048ce621219/5/BestpracticesCopy.pdf](http://cabinet.portal.gov.bd/sites/default/files/files/cabinet.portal.gov.bd/publications/5ab9615e_241a_4c7b_869b_048ce621219/5/BestpracticesCopy.pdf) (14 March 2019).

<sup>59</sup> For details see

[http://cabinet.portal.gov.bd/sites/default/files/files/cabinet.portal.gov.bd/notification\\_circular/dcd10ed2\\_ed24\\_438b\\_9998\\_4ba8e486b62/Award\\_GO.pdf](http://cabinet.portal.gov.bd/sites/default/files/files/cabinet.portal.gov.bd/notification_circular/dcd10ed2_ed24_438b_9998_4ba8e486b62/Award_GO.pdf) (14 March 2019). This award was first given during 2017-2018 for officials from both the field and central levels.

<sup>60</sup> For details see

[http://cabinet.portal.gov.bd/sites/default/files/files/cabinet.portal.gov.bd/notification\\_circular/86f0b16f\\_bd42\\_4f28\\_af42\\_dec5a6dede98/Expert%20Pool0001.pdf](http://cabinet.portal.gov.bd/sites/default/files/files/cabinet.portal.gov.bd/notification_circular/86f0b16f_bd42_4f28_af42_dec5a6dede98/Expert%20Pool0001.pdf) (14 March 2019).

<sup>61</sup> On 23 July 2016, 30 officials were awarded for the first time, while 26 officials in 2017, and 39 officials and three institutions were awarded in 2018.

<sup>62</sup> TIB, 'Integrity in Public Administration: Policies and Practices', 2019; <https://www.ti-bangladesh.org/beta3/images/2019/report/public-administration/Public-Admin-EX-English.pdf> (accessed on 1 October 2019).

<sup>63</sup> TIB, *Corruption in Service Sectors: National Household Survey 2017*, 2018. [https://www.ti-bangladesh.org/beta3/images/2018/report/nhs/NHS\\_2017\\_Ex\\_Sum\\_EN.pdf](https://www.ti-bangladesh.org/beta3/images/2018/report/nhs/NHS_2017_Ex_Sum_EN.pdf) (accessed on 11 March 2019).

<sup>64</sup> *Ibid.*

<sup>65</sup> Sayada Jannatun Naim, Abu Hena Reza Hasan, 'Concentration of Authority and Rent Seeking Behaviour in Bureaucracy: An Evidence of Ineffective Governance in Bangladesh', *Journal of Social and Development Sciences* (ISSN 2221-1152) Vol. 9, No. 1, pp. 19-30, March 2018;

[https://www.researchgate.net/profile/Abu\\_Hena\\_Reza\\_Hasan/publication/324653310\\_Concentration\\_of\\_Authority\\_and\\_Rent\\_Seeking\\_Behaviour\\_in\\_Bureaucracy\\_An\\_Evidence\\_of\\_Ineffective\\_Governance\\_in\\_Bangladesh/links/5ad9e5960f7e9b28593cf7d](https://www.researchgate.net/profile/Abu_Hena_Reza_Hasan/publication/324653310_Concentration_of_Authority_and_Rent_Seeking_Behaviour_in_Bureaucracy_An_Evidence_of_Ineffective_Governance_in_Bangladesh/links/5ad9e5960f7e9b28593cf7d)

The existence of robust legal and institutional preparedness could not prevent money laundering and illicit financial flows in recent years. According to the Global Financial Integrity (GFI), around US\$ 5.9 billion was siphoned out of Bangladesh in 2015 through trade mis-invoicing. The GFI found Bangladesh to be among the top 30 of countries, and ranked second in South Asia by dollar value of illicit outflows in 2015.<sup>66</sup> Moreover, the Swiss National Bank shows that Bangladeshis' deposits in Swiss banks increased by 28.33% amounting to 617.72 million Swiss Francs or BDT 53.41 million in 2018.<sup>67</sup> In November 2017, International Consortium of Investigative Journalist published the "Paradise Papers", which gave evidence that some Bangladeshi businessmen and business houses sent money to offshore accounts illegally.<sup>68</sup> Another form of illicit flow outside Bangladesh has occurred through different programmes, such as, the Malaysia Second Home scheme. A total of 3,746 Bangladeshis have availed of this investment opportunity in Malaysia that accounted for 10.50% of the total beneficiaries until August 2017. Bangladeshis' participation in this project is third largest after China (9,902) and Japan (4,372).<sup>69</sup>

The perception of the existence and spread of corruption has been recognised in different international surveys and indices. In Transparency International's Corruption Perceptions Index (CPI) 2018, Bangladesh scored 26 points on a scale of 0 (highly corrupt) to 100 (very clean), ranking 149<sup>th</sup> among 180 countries.<sup>70</sup> Table 3 below shows that Bangladesh's level of governance has declined from a total percentile rank of 135.72 in 2016 to 127.46 in 2018. More specifically, there has been a decline in voice and accountability, government effectiveness, regulatory quality and control of corruption. On the other hand, the percentile rank for political stability has increased from 10.95 to 13.81 from 2016 to 2018, and the percentile rank for the rule of law has increased marginally from 27.88 to 28.37 for the same period. It may be noted that Bangladesh has continued to score below 30 since the development of this index, which indicates that Bangladesh is a corruption-prone country.<sup>71</sup>

**Table 3: Declining Level of Governance in Bangladesh, 2016-2018**

World Bank's Governance Indicators <sup>a</sup>	2016		2017		2018	
	Score <sup>b</sup>	Percentile rank	Score	Percentile rank	Score	Percentile rank
Voice and accountability	-0.59	30.54	-0.62	30.05	-0.73	27.59
Political stability and absence of violence	-1.26	10.95	-1.26	10.48	-1.03	13.81
Government effectiveness	-0.68	25.48	-0.73	22.12	-0.75	21.63
Regulatory quality	0.80	22.12	0.81	20.67	-0.83	19.23
Rule of law	-0.66	27.88	-0.67	28.37	-0.64	28.37
Control of corruption	-0.86	18.75	-0.83	19.23	0.91	16.83
Total percentile rank	-	135.72	-	130.92	-	127.46

<sup>a</sup> For the definition of these indicators, see Daniel Kaufmann, Aart Kraay and Massimo Mastruzzi, "Governance Matters VIII: Aggregate and Individual Governance Indicators 1996-2008," Policy Research Working Paper 4978, World Bank, Washington, DC, June 2009, p. 6.

<sup>b</sup> The governance score ranges from -2.5 to +2.5.

Source: Compiled from World Bank, "Worldwide Governance Indicators, 2016-2018," available at: <https://info.worldbank.org/governance/wgi/Home/Reports> (accessed 20 November 2019).

[0/Concentration-of-Authority-and-Rent-Seeking-Behaviour-in-Bureaucracy-An-Evidence-of-Ineffective-Governance-in-Bangladesh.pdf](#) (accessed on 30 December 2019).

<sup>66</sup> Global Financial Integrity (GFI), *Illicit Financial Flows to and from 148 Developing Countries: 2006-2015*, 2019, pp. VII-VIII and 29, <https://www.gfintegrity.org/wp-content/uploads/2019/01/GFI-2019-IFF-Update-Report-1.29.18.pdf> (accessed on 26 February 2019).

<sup>67</sup> Rejaul Karim Byron and Refayet Ullah Mirdha, 'Swiss Banks: Bangladeshis' deposits rise to Tk 5,341 cr', *The Daily Star*, 28 June 2019; <https://www.thedailystar.net/frontpage/news/swiss-banks-bangladeshis-deposits-rise-tk-5341cr-1763506> (accessed on 7 October 2019).

<sup>68</sup> See [https://en.wikipedia.org/wiki/Paradise\\_Papers](https://en.wikipedia.org/wiki/Paradise_Papers) (accessed on 15 March 2019).

<sup>69</sup> *The New Nation*, 26 February 2019; <http://m.thedailynewnation.com/news/167572/3746-bd-natls-invested-in-malaysias-second-home-scheme> (accessed on 26 February 2019).

<sup>70</sup> TI, *Corruption Perceptions Index 2018*, 2019, Berlin. <https://www.transparency.org/cpi2018> (accessed on 11 March 2019).

<sup>71</sup> Bangladesh was earlier placed at the bottom of the list for five successive years from 2001-2005. The score of Bangladesh has been somewhat static around 24-27 over the period 2011-18. For details, see Iftekharuzzaman, 'Bangladesh descends in corruption ranking: zero tolerance – what next?', *The Daily Star*, 30 January 2019. <https://www.thedailystar.net/opinion/governance/news/bangladesh-descends-corruption-ranking-1694551> (accessed on 11 March 2019).



Two other indicators, the World Bank's Control of Corruption and the World Economic Forum's assessment of Irregular Payments and Bribes, paint a similar picture. The World Bank scores Bangladesh 16.83 for 'Control of Corruption', which was 18.8 in 2018.<sup>72</sup> Among 15 areas in business environment, firms in Bangladesh are more likely to rate political instability to be the biggest obstacle to their daily operations, followed by electricity, access to finance, and corruption.<sup>73</sup> Moreover, 47.7% of the surveyed companies reported incidents of bribery (the percentage of firms experiencing at least one bribe payment request). According to the Global Competitiveness Ranking, Bangladesh scored 28 on the indicator for 'incidence of corruption', and ranked 120<sup>th</sup> out of 140 countries in 2018.<sup>74</sup> Bangladesh scored 2.5 and ranked 126<sup>th</sup> among 137 countries in 2017 for 'Irregular Payments and Bribes'.<sup>75</sup>

**Table 4: Perception of the ACA Performance in Three Global Indicators**

INDICATOR	RANK AND SCORE
CPI (Transparency International)	149 <sup>th</sup> from the top out of 180 countries (2018) Score 26 points on a scale of 0 (highly corrupt) to 100 (very clean)
Control of Corruption (World Bank)	16.83 (2018)
Incidence of Corruption (World Economic Forum)	120 <sup>th</sup> out of 140 countries (2018) Score 28
Irregular Payments and Bribes (World Economic Forum)	126 <sup>th</sup> out of 137 countries (2017) Score 2.5

From the above discussion, it may be noted that Bangladesh remains a highly corruption-prone country. It may also be noted that despite some noteworthy initiatives, the ability and willingness of the ACC to take actions against high level politicians and public officials continues to raise questions. The political will of the government to pursue anti-corruption measures is also often challenged and questioned, as reflected in the following sections.

<sup>72</sup> It is a Percentile rank among all countries (ranges from 0 (lowest) to 100 (highest) rank). See World Bank, *The Worldwide Governance Indicators, 2019 Update*; See [info.worldbank.org/governance/wgi/Home/downloadFile](http://info.worldbank.org/governance/wgi/Home/downloadFile) (accessed on 1 October 2019).

<sup>73</sup> World Bank Group, *Enterprise Surveys Bangladesh, 2013*; <https://www.enterprisesurveys.org/data/exploreeconomies/2013/bangladesh> (accessed on 11 March 2019).

<sup>74</sup> World Economic Forum, 2018, *The Global Competitiveness Report 2018*, <http://www3.weforum.org/docs/GCR2018/05FullReport/TheGlobalCompetitivenessReport2018.pdf> (accessed on 4 October 2019).

<sup>75</sup> World Economic Forum, *The Global Competitiveness Index 2017-2018*, <http://reports.weforum.org/global-competitiveness-index-2017-2018/competitiveness-rankings/#series=BRIBEIDX> (accessed on 7 October 2019).

## 2. INSTITUTIONAL BACKGROUND AND PROFILE OF THE ACC

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### ACC HISTORY AND LEGAL BASIS

The ACC is a statutory independent corruption prevention and detecting body of the state. Previously the Bureau of Anti-corruption (BAC), formed in 1957 by way of the Anti-Corruption Act, 1957, conducted anti-corruption activities. However, the BAC did not have the jurisdiction to inquire into and investigate allegations of corruption independently, and thus could not meet the expectation of preventing corruption effectively.<sup>76</sup> The BAC was abolished when the current ACC was established on 21 November 2004 under the Anti-Corruption Commission Act 2004.<sup>77</sup>

The ACC's vision is "to ensure creating a strong anti-corruption culture that permeates throughout the whole society", and its mission is "to combat, control, prevent corruption relentlessly and promote good practices".<sup>78</sup> The ACC's strategic objectives are to curb corruption through ways of punitive actions; to prevent corruption in revising the existing work procedures; and to prevent corruption through education, burgeoning good practices and disseminating awareness.<sup>79</sup>

### FINANCIAL RESOURCES

The ACC proposes its own budget to the government on an annual basis. The budget proposal of ACC, scrutinised by the Ministry of Finance (MoF), is usually approved by it unless any demand under a head is considered too high or exaggerated. The agreed budget estimate is placed at the Parliament as part of the national budget.<sup>80</sup> The Government allocates a certain sum of money in favour of the ACC for its expenditure.<sup>81</sup> Although there is no formal guarantee of fiscal stability over time, the ACC by and large enjoys the stability in practice as much of its budget is approved by the MoF in consultation with the ACC as part of the national budget. The ACC's estimated budget is very rarely reduced or refused when tabled at the Parliament.

Once the budget is approved, the ACC does not need to obtain any permission in advance from the government in order to spend the allocated money without prejudice to the rights of the Controller and Auditor General to audit the accounts of the ACC.<sup>82</sup> The Finance and Accounts Branch of the Administration, Establishment and Finance Wing supervise the functions relating to finance and internal audits; and conduct purchase of the ACC as per public procurement regulations.<sup>83</sup>

The budget of the ACC has so far been considered as sufficient and it has not faced any impediment for want of budgetary resources.<sup>84</sup> The financial resources are enhanced regularly to accommodate the rise in operational costs of the ACC. The budget allocation of the last five years (from 2013-14 to 2017-18)

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<sup>76</sup> ACC, *Annual Report 2018*, p. 13, [http://acc.portal.gov.bd/sites/default/files/files/acc.portal.gov.bd/annual\\_reports/920837bf\\_160d\\_4734\\_9026\\_5d0bd0b43b58/acc-annual-report-2018-eng.pdf](http://acc.portal.gov.bd/sites/default/files/files/acc.portal.gov.bd/annual_reports/920837bf_160d_4734_9026_5d0bd0b43b58/acc-annual-report-2018-eng.pdf) (accessed on 27 September 2019). See also Iftekharuzzaman, 'The Anti-Corruption Commission: How Can It Be Made Effective?', paper presented at the Roundtable Discussion organized jointly by TIB and Reporters Against Corruption, Dhaka, 17 September 2006.

<sup>77</sup> ACC, *Annual Report 2018*, p. 13, [http://acc.portal.gov.bd/sites/default/files/files/acc.portal.gov.bd/annual\\_reports/920837bf\\_160d\\_4734\\_9026\\_5d0bd0b43b58/acc-annual-report-2018-eng.pdf](http://acc.portal.gov.bd/sites/default/files/files/acc.portal.gov.bd/annual_reports/920837bf_160d_4734_9026_5d0bd0b43b58/acc-annual-report-2018-eng.pdf) (accessed on 27 September 2019).

<sup>78</sup> ACC website, <http://acc.org.bd/site/page/957ced4f-ea9e-446e-b1ca-8e7a59c4f374/-> (accessed on 27 September 2019).

<sup>79</sup> ACC website, <http://acc.org.bd/site/page/957ced4f-ea9e-446e-b1ca-8e7a59c4f374/-> (accessed on 27 September 2019).

<sup>80</sup> TI and TIB, *National Integrity System Assessment: Bangladesh*, 2013.

<sup>81</sup> ACC *Annual report 2018*, p. 99.

<sup>82</sup> *Anti-Corruption Commission Act, 2004*, Section 25.

<sup>83</sup> ACC *Annual report 2014*, p. 99.

<sup>84</sup> Interviews with DG, Administration, Establishment and Finance, ACC, September 2019.

demonstrates that the allocation has been increasing over the years in consideration of the increase in expenditure (details are provided in Section 3 of this report).

## HUMAN RESOURCES

Previously the total manpower of the ACC was 1,073, which was increased to 2,146 staff (including 2,098 and 48 supernumerary posts) in 2018, through approval from the Cabinet.<sup>85</sup> At present the number of human resources is 865,<sup>86</sup> and the recruitment of the proposed positions is underway. According to the new organogram, the Head Office in Dhaka hosts 1,198 at various levels whereas the number in the divisional and district level offices outside Dhaka stands at 948.

The ACC Act 2004 empowers the Commission to appoint necessary personnel to carry out its work efficiently,<sup>87</sup> for which the 'Anti-Corruption Commission (Personnel) Employment Rules, 2008' was adopted to determine the appointment and terms and conditions of its personnel. The Rules provides four methods of recruitment to fill ACC's vacant posts – (1) direct recruitment, (2) recruitment through promotion, (3) recruitment through transfer on deputation, and (4) contract-based recruitment. Rule 4 stipulates that the Commission shall form a recruitment and promotion committee for making recommendations on direct recruitment or recruitment through promotion. Sixty per cent (60%) of the recruitment to the positions of Deputy Assistant Director takes place through direct recruitment and 40% through promotion.<sup>88</sup> At the time of data collection, a number of high level officials were on deputation from other government functionaries – for instance, all the Director Generals have been appointed on deputation. The recruitment of ACC staff is now predominantly meritocratic, as the quota system has been abolished.<sup>89</sup>

Before appointment at the ACC, selected candidates are subjected to police verification to ascertain their antecedents, particularly whether they were involved in any political or criminal activities. The new staff members are provided with theoretical and practical training after joining the service.<sup>90</sup> The Commission emphasises on the enhancement of competence of its officers and staff and to that end has taken several measures to improve the efficiency of its officials and employees by providing necessary training and orientation, and organising seminars, symposiums, etc.

## ACC'S STRUCTURE

The ACC comprises three commissioners one of whom is the Chairman.<sup>91</sup> Based on the recommendation of a Selection Committee, all the commissioners are appointed by the President on a full-time basis<sup>92</sup> for a period of five years<sup>93</sup> from the date of their appointment. The Chairman serves as the Chief Executive of the Commission.<sup>94</sup> The commissioners are not eligible for appointment in any profitable post of the Republic after completion of their tenure. No commissioner can be removed from office except on causes and in a manner similar to that which apply to the removal of a judge of the Supreme Court.<sup>95</sup>

The operational activities of the ACC are carried out by six Director Generals with the rank and status of Joint Secretary, overseeing eight units: (1) Administration, establishment and Finance, (2) Training and ICT, (3) Inquiry and Investigation-1, (4) Inquiry and Investigation-2, (5) Special Investigation, (6) Money Laundering, (7) Legal and Prosecution, and (8) Prevention and Research (Figure 1). All of these units are

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<sup>85</sup> ACC, *Annual report 2018*, p. 79.

<sup>86</sup> Data collected from ACC website updated on 29 May 2019, <http://www.acc.org.bd/site/page/32af49b9-7ff8-4f9f-af2e-a466557de260/-> (accessed on 21 July 2019).

<sup>87</sup> *Anti-Corruption Commission Act, 2004*, Section 16 (3).

<sup>88</sup> *Anti Corruption Commission (Personnel) Employment Rules, 2008*.

<sup>89</sup> Before this abolishment the quota system permitted recruitment of 40 percent of the personnel based on special considerations. On 4 October 2018, the government announced that recruitments in Grade-9 (Class-I) and Grade-10 to 13 (Class-II) in all government departments, autonomous or semi-autonomous institutions, and various corporations will be made based solely on merit. However, the quota system remains in force for Class-III and Class-IV jobs.

<sup>90</sup> TI and TIB, *National Integrity System Assessment: Bangladesh*, 2013.

<sup>91</sup> *Anti-Corruption Commission Act, 2004*, Section 5(1).

<sup>92</sup> *Anti-Corruption Commission Act, 2004*, Section 7.

<sup>93</sup> *Anti-Corruption Commission Act, 2004*, Section 6.

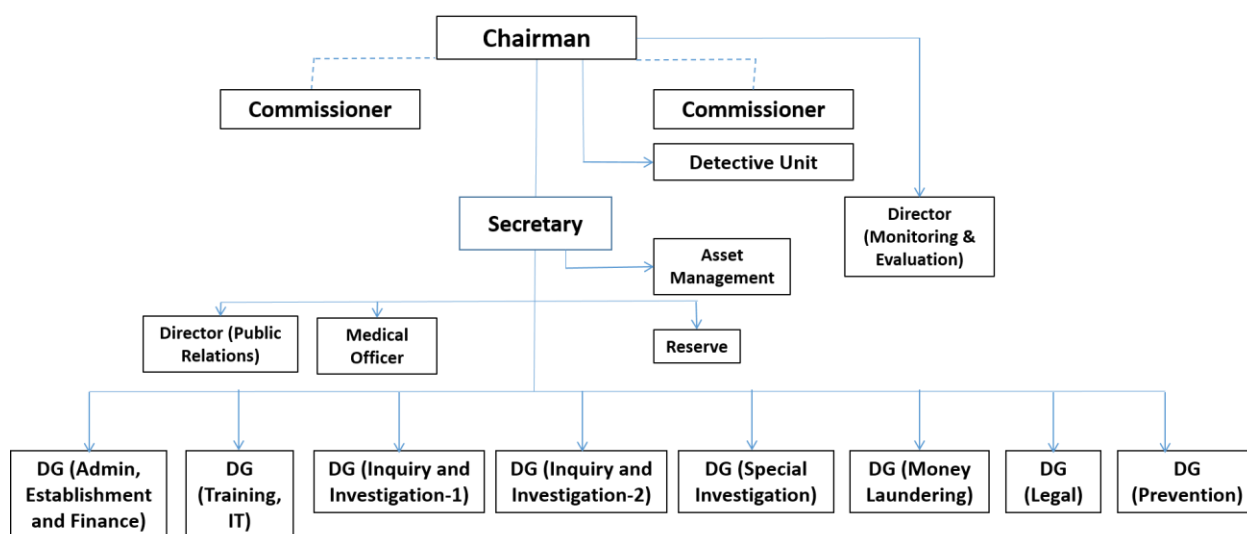
<sup>94</sup> *Anti-Corruption Commission Act, 2004*, Section (1).

<sup>95</sup> *Anti-Corruption Commission Act, 2004*, Section 10.



run by both deputed staff of the Government as well as internal staff members of the ACC. All DGs report to the Secretary of the ACC, who is deputed from the government with the rank and status of a Secretary of the government. There is also a Director for Intelligence Unit, who directly reports to the Chairman of the ACC.<sup>96</sup> Apart from the head office in Dhaka, the ACC has eight divisional offices and 22 integrated district offices (IDOs) all over the country.<sup>97</sup> Although ACC has 36 approved integrated district offices (IDOs), they are yet to be formed.

**Figure 1: Organisational Structure of ACC<sup>98</sup>**



## ACC'S FUNCTIONS AND MANDATE

According to ACC Act, 2004, the Commission is responsible for several functions. These include:<sup>99</sup>

- (a) to inquire into and conduct investigation of the offences specified in the Schedule;
- (b) to file and conduct cases under this Act on the basis of inquiry and investigation conducted under clause (a);
- (c) to hold inquiry into any allegation of corruption on its own motion, or on an application made by an aggrieved person or any person on his behalf;
- (d) to discharge any duty assigned to the Commission regarding anti-corruption by any law;
- (e) to review the measures recognized by any law for preventing corruption and submit recommendations to the President for the effective implementation thereof;
- (f) to make research scheme for prevention of corruption and submit recommendations to the President for taking action on the basis of such research findings;
- (g) to create feeling of honesty and integrity in order to prevent corruption and to take measures to raise public awareness against corruption;
- (h) to organise seminars, symposiums, workshops etc. on subjects falling within the jurisdiction of the Commission;
- (i) to identify various sources of corruption existing in Bangladesh in the context of socio-economic conditions and submit recommendations to the president for taking necessary steps;
- (j) to inquire into, conduct investigation of corruption, file the cases against corruption and to determine the procedure of approval by the Commission in respect of such inquiry, investigation and filing of cases; and
- (k) to perform such other functions as may be necessary for prevention of corruption.

<sup>96</sup> TI and TIB, *National Integrity System Assessment: Bangladesh*, 2013.

<sup>97</sup> Ibid, <http://www.acc.org.bd/site/page/32af49b9-7ff8-4f9f-af2e-a466557de260/> (Accessed on 21 July, 2019)

<sup>98</sup> Prepared from the organogram at ACC website, [http://acc.portal.gov.bd/sites/default/files/files/acc.portal.gov.bd/page/151f56b3\\_d01a\\_45f5\\_ab2f\\_0c2f99d6f515/3.pdf](http://acc.portal.gov.bd/sites/default/files/files/acc.portal.gov.bd/page/151f56b3_d01a_45f5_ab2f_0c2f99d6f515/3.pdf) (Accessed on 28 September 2019).

<sup>99</sup> *The Anti-Corruption Commission Act, 2004*, Section 17; [http://www.dpp.gov.bd/upload\\_file/gazettes/24867\\_42481.pdf](http://www.dpp.gov.bd/upload_file/gazettes/24867_42481.pdf) (accessed on 28 September 2019).

Out of above-mentioned 11 functions, five (5) are punitive and six (6) are preventive in nature. The ACC is entrusted with enquiry, investigation and prosecution of corruption on one hand, while perform prevention, education and outreach on the other.

## ENQUIRY, INVESTIGATION AND PROSECUTION

The principal statutory functions of the Commission are to conduct enquiries into and investigate corruption offences.<sup>100</sup> Enquiries and investigations become the bases for prosecuting corruption offences. The Anti-Corruption Commission Act, 2004 confers special powers on the Commission in respect of enquiry or investigation.<sup>101</sup> The Commission takes legal measures only against specific allegations under the offences prescribed in the Schedule of the Anti-Corruption Commission Act, 2004. The ACC prioritises enquiries in the following areas: money laundering; land, land revenue and lease; bribes (finance, assets and services); illegal attainment of movable or immovable assets; corruption in construction works and communication sector; implementation of development projects and corruption in private sector; duty and tax, revenue, businessmen/ business organizations; public procurement, issuance of license; criminal breach of trust and misuse of power; and other offences stated in the schedule of The Anti-Corruption Commission Act, 2004.<sup>102</sup>

The ACC has two Enquiry and Investigation Wings, a Special Enquiry and Investigation Wing and a Money Laundering wing to look after issues related to enquiry and investigation. Branches and Sections of these Wings oversee enquiries and investigations carried out by the divisional and integrated district offices at the field level.

The Anti-Corruption Commission Act, 2004 directs the Commission to have its own prosecution unit consisting of the required number of prosecutors in order to conduct corruption cases before the Special Judge.<sup>103</sup> However, so far this unit has not been established with permanent prosecutors. The reason behind it has been attributed to the absence of a government prosecutorial services, and the absence of rules and preconditions for such recruitment. For availing such services, the Commission has a panel of lawyers<sup>104</sup> appointed on a contractual basis to conduct corruption cases on behalf of the Commission in the Special Judge Courts and the Supreme Court of Bangladesh. The appointment can however be revoked in accordance with the decision of the Commission, if their performance falls short of expectations.

There is a huge backlog of corruption cases lodged by the erstwhile BAC. The total number of cases filed by the Commission in 2016-18 which were under trial was 8,243, among which ongoing cases were 7,180, and the number of cases stayed by the higher court was 1,063. On the other hand, during 2016-18, the total number of pending cases filed by the BAC was 1,915 during 2016-18, among which the number of ongoing cases was 1,128, and the number of cases that had been stayed was 787.<sup>105</sup>

## PREVENTION, EDUCATION AND OUTREACH

One of the key mandates of the Commission is the promotion of values of honesty and integrity to prevent corruption and taking measures to build mass awareness against corruption. The ACC adopted corruption prevention initiatives in order to expedite a national social movement to prevent corruption with spontaneous participation of people from all socio-economic strata. As part of these initiatives, 3,736 Corruption Prevention Committees (CPCs) have been formed at the upazila<sup>106</sup>, district and metropolitan levels since 2010. Moreover, in order to engage the future generation of the nation in creating mass awareness against corruption and to help them take a stand against it on the basis of ideology, ethics and

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<sup>100</sup> *The Anti-Corruption Commission Act, 2004*, Section 17(a).

<sup>101</sup> *The Anti-Corruption Commission Act, 2004*, Section 19 and 20.

<sup>102</sup> *ACC Annual report 2014*, p. 27.

<sup>103</sup> *Anti-Corruption Commission Act, 2004*, Section 33 (a).

<sup>104</sup> A thirteen-member lawyers' panel called as 'Public Prosecutors' is working in the thirteen Special Judge Courts of Dhaka. Besides, 38 lawyers in Dhaka Division, 28 in Chittagong, 23 in Rajshahi, 25 in Khulna, 14 in Barisal, and 10 lawyers in Sylhet and 14 in Mymensingh are working on behalf of the Commission. Source: *ACC Annual Report 2018*, p. 33.

<sup>105</sup> *ACC Annual Report 2018*, pp. 34.

<sup>106</sup> The upazilas are the second lowest tier of local administration in Bangladesh and its members are directly elected. An upazila consists of several unions. At present, there are 491 upazilas in Bangladesh.

values, ACC has formed 26,123 'Integrity Units' across the country.<sup>107</sup> Events organised by the CPCs and Integrity Units include discussions, debates, essay competitions, human chains and rallies, seminars, drama, and speech by distinguished persons (see Tables 5 and 6).

**Table 5: Events Organized by CPCs (2016-2018)**

Year	Discussions	Debate	Essay competitions	Human Chain	Rally	Seminar	Drama	Speech by distinguished persons	Others
2018	2967	316	364	1242	948	264	140	1868	811
2017	2614	329	284	920	736	101	111	753	1616
2016	2625	502	370	1145	1153	117	137	1053	2038
<b>Total</b>	<b>8206</b>	<b>1147</b>	<b>1018</b>	<b>3307</b>	<b>2837</b>	<b>482</b>	<b>388</b>	<b>9674</b>	<b>4465</b>

**Source:** Prepared from ACC Annual Reports 2016, 2017, 2018.

**Table 6: Events Organized by Integrity Units (2018)**

Year	Discussions	Debate	Essay competitions	Human Chain	Rally	Seminar	Drama	Speech by distinguished persons	Others
2018	4801	327	438	990	751	190	65	923	461

**Source:** ACC Annual Report 2018.

Besides, the ACC introduced a new initiative to promote integrity and best practices in schools by establishing 'Honesty Stores'<sup>108</sup> – till 2018, the total number of these stores was 1,972. The ACC observes 'Corruption Prevention Week', 'International Anti-Corruption Day' and its foundation anniversary by organising human chains, meetings, rallies, and information fairs, etc., every year. The CPCs organised discussions (8,206), debates (1,147), essay competitions (1,018), human chains (3,307), rallies (2,837), seminars (482), dramas (388), speeches by distinguished persons (3,674), and other events (4,465) during 2016-2018, while the Integrity Units organised similar events during this period. Moreover, the ACC holds public hearings on the performance of different institutions at the local level to assess their status and address gaps. During 2016-2018, the ACC held 97 public hearings at the local and national levels. Besides, the Prevention Wing held a series of workshops (consultative meetings) on corruption free services like secondary education, health care and other pertinent issues with local public officials and representatives of the civil society in different districts.<sup>109</sup>

The ACC has a quarterly newsletter titled *Dudok Barta*. It republished a booklet of religious sermons (first published in 2014) titled *Dire Consequences of Corruption* for the *Imams* and religious leaders. The ACC also publishes advertisements against corruption in the leading national dailies. With the help of Bangladesh Telecommunication Regulatory Commission (BTRC), text messages are sent to mobile phone users encouraging them to refrain from corruption. On the occasion of the 'Corruption Prevention Week' and 'International Anti-Corruption Day', T-shirts inscribed with slogans against corruption were distributed among participants.<sup>110</sup>

ACC engages with different stakeholders including other government organisations, NGOs and development partners including Japan International Cooperation Agency (JICA), German Development Agency (GIZ), TIB, The United Nations Development Program (UNDP), Asian Development Bank (ADB), and World Bank to promote anti-corruption good practices.<sup>111</sup>

Table 6 shows that according to law, the ACC has jurisdiction over all public sector entities (legislators, judiciary, law enforcing agencies and other public services) and almost all non-government sectors (government owned corporations, public contractors, charities/ NGOs and business),<sup>112</sup> which essentially demonstrates the leverage that ACC has to curb corruption in the country.

**Table 7: Scope of ACC's Jurisdiction and Functions**

<sup>107</sup> For the mandate and formation of the CPCs and Integrity Units please see the *District/ Upazila/ City Corporation Corruption Prevention Committee and Supporting Organizations: Constitution and Working Guideline* (May 2010), and *Integrity Unit Constitution and Working Guideline 2015* by ACC.

<sup>108</sup> An 'Honesty Store' is a shop without any shop-keeper where varieties of learning materials/goods are available with comprehensive price list and the cash box to take the money for payments. The students may buy their desired items and drop the price-money into the cash box. This is actually to promote escalation of honest practices.

<sup>109</sup> ACC Annual report 2018.

<sup>110</sup> Details are provided in Section 3 under the dimension of Prevention, Education and Outreach.

<sup>111</sup> For detail activities with different stakeholders see Section 3 under the dimension of Prevention, Education and Outreach.

<sup>112</sup> *Anti-Corruption Commission Act, 2004*, Section 1 (2).

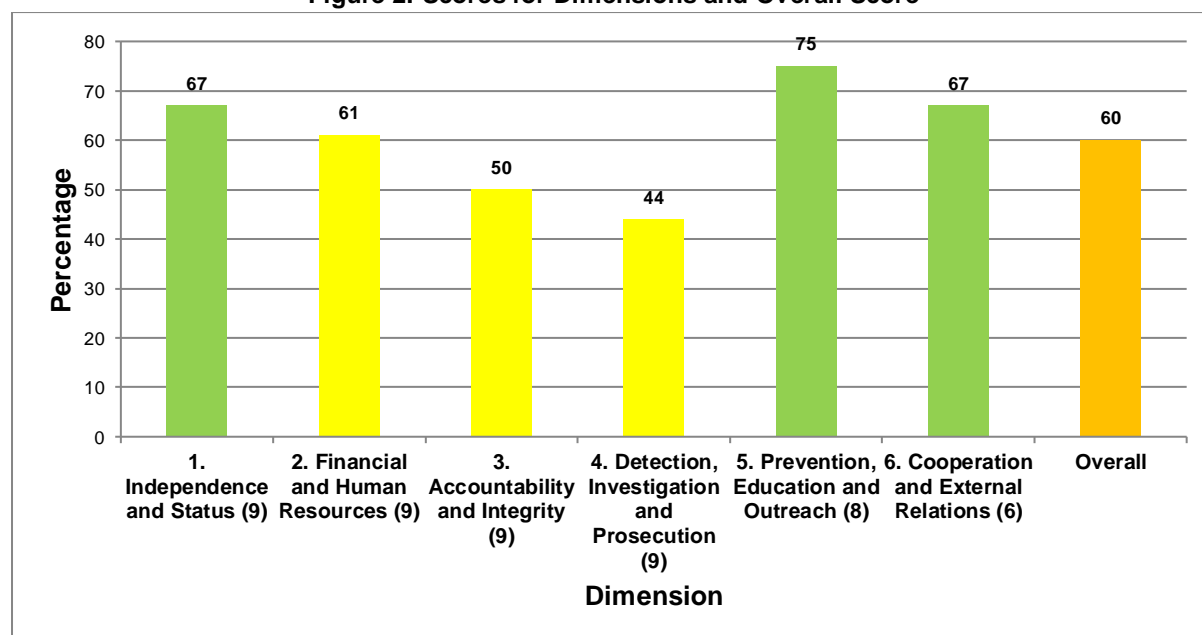
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### 3. KEY FINDINGS

The study has been conducted based on a set of 50 indicators spread across six different dimensions that have been designed to assess the capacity and effectiveness of the ACC, and to identify gaps and areas of opportunity. Each indicator has been assigned one of three possible scores – high, moderate and low, based on the level of standards set for each of the indicators.<sup>113</sup> For a clearer understanding of the dimensions, the overall score has been classified into three categories – ‘high’ for an overall score between 67% and 100%, ‘moderate’ for an overall score between 34% – 66%, and ‘low’ for an overall score between 0% - 33%.<sup>114</sup>

According to this assessment, the ACC has achieved a ‘moderate’ scoring an overall 60% (Figure 2). It scored ‘high’ (21) in 42% of the indicators, ‘moderate’ (18) in 36% of the indicators and ‘low’ (11) in 22% of the indicators.

**Figure 2: Scores for Dimensions and Overall Score**



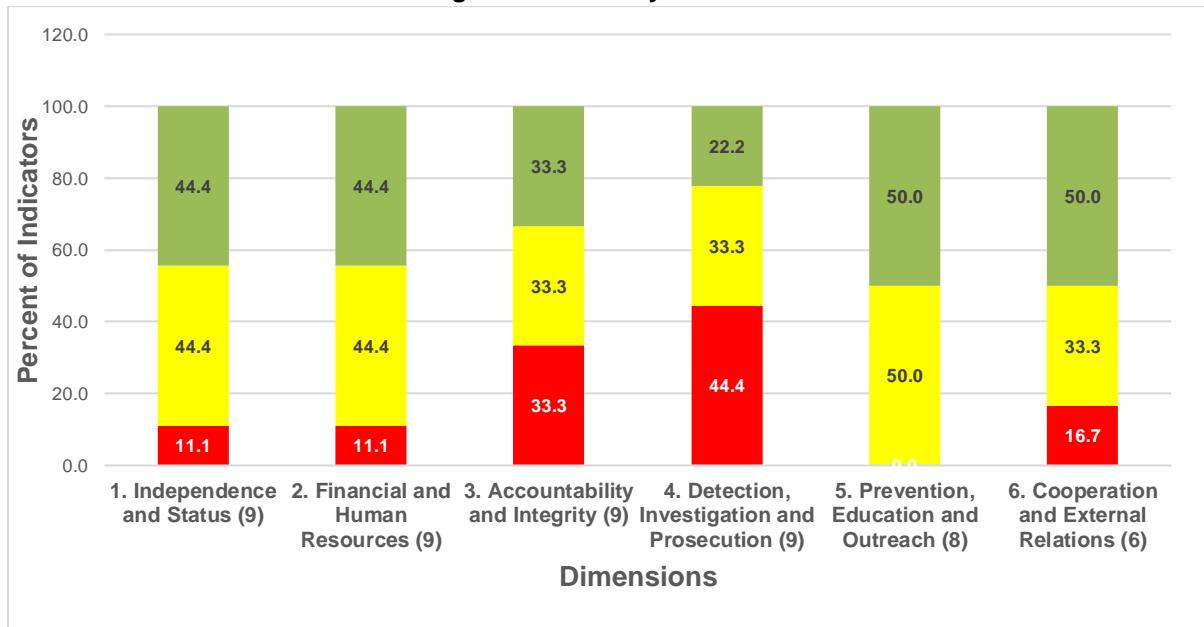
As evident from Figure 2, the highest score achieved in ‘Prevention, Education and Outreach’ (75%), scoring ‘high’ on four indicators and ‘moderate’ on four indicators. The ACC received the second highest score (67%) on ‘Independence and Status’ dimension, scoring ‘high’ on four indicators and ‘moderate’ on four indicators, and on ‘Cooperation and External Relations’ (67%), scoring ‘high’ on three indicators and ‘moderate’ on two indicators.

The ACC achieved the lowest score in respect of ‘Detection, Investigation and Prosecution’ (44%), indicating that its performance in this area needs special and immediate attention. In Figure 3 the percentage of high, moderate and low scores for the respective indicators have been presented for each dimension.

<sup>113</sup> See Table 10 on details of the standards.

<sup>114</sup> In order to arrive at the aggregate score for each dimension, the scores were first converted from the 1-3 scale to a 0-2 scale. Thus, all (1) scores become (0), all (2) scores become (1) and all (3) scores become (2). This was done because when aggregating the scores and converting them to percentages the bottom of the scale must always be 0. If we were to use the 1-3 scale then the lowest possible score for any dimension would be 33% (i.e. 1/3). Once the scores were converted from the 1-3 scale to the 0-2 scale, scores obtained by each of the indicators of a dimension were added up and then divided by total of maximum possible scores for all indicators under that dimension and then multiplied by 100. For example, the sum of the indicators under the first dimension (independence and status) was 15 (6 indicators received the maximum score of 2 and 3 indicators received a score of 1). The maximum total possible score for that dimension is 18 (i.e. 9 indicators X the maximum possible score of 2 for each). Thus the final aggregate score (percentage) for that dimension was:  $15/18 \times 100 = 83.33\%$ .

**Figure 3: Scores by Indicators**



An illustrative summary is presented in Table 8 demonstrating all the indicators for each dimension based on which the assessment has been carried out.

**Table 8: Assessment Summary: Indicators by Dimension**

Dimension	Indicator								
<b>Independence &amp; Status</b>	Institutional Independence	Appointment and removal of Commissioner(s)	Mandate	Jurisdiction	Investigation & prosecutorial powers	Powers to report and enforce recommendations	Legal autonomy	Operational autonomy	Political use of powers
<b>Financial &amp; Human Resources</b>	Proportion of budget	Sufficiency of budget	Security & stability of budget	Staff salary & benefits	Staff selection	Investigation & prosecution expertise	Prevention & education expertise	Staff training	Stability of staff
<b>Accountability &amp; Integrity</b>	Annual reporting	Responsiveness to information requests	External oversight mechanisms	Internal review mechanisms	Adherence to due process	Willingness of complainants to identify themselves	Complaints handling	Outcomes of complaints	Internal integrity mechanisms
<b>Detection, Investigation &amp; Prosecution</b>	Accessibility to complainants /informants	Responsiveness to corruption complaints	Proactive investigation	Efficiency & professionalism	Prosecution rate	Conviction rate	Investigation of influential persons	Restitution & asset recovery	Perception of performance
<b>Prevention, Education &amp; Outreach</b>	Allocated budget	Strategic planning	Anti-corruption learning & development	Organizational reviews	Prevention recommendations	Research on corruption risks	Dissemination & campaigns	Online communication	
<b>Cooperation &amp; External Relations</b>	Confidence in Government support to the ACA	Cooperation with other integrity agencies	Cooperation with non-government organizations	International networks	Cooperation with other countries	Accessibility to marginalized groups			

The key findings of the study based on the indicators and broken down by dimensions are provided in the following section.

## INDEPENDENCE AND STATUS

ACC scored 67% on the 'Independence and Status' dimension securing a 'high' on four indicators, 'moderate' on four indicators, and 'low' on one indicator. Institutional independence, appointment and removal of Commissioner(s), mandate, and legal autonomy received high scores, indicators including jurisdiction, investigation and prosecutorial powers, power to enforce recommendations, and operational autonomy received moderate scores, while political use of the ACC received a 'low' score.

The law provides the ACC with substantial legal independence.<sup>115</sup> The law also describes the mandate of ACC elaborately. Out of 11 functions of ACC, which include investigation, prevention, education, research and integrity advice for mainstreaming good practices in the work of government agencies, five (5) are of punitive nature and six (6) are of preventive nature.<sup>116</sup>

The ACC Chairman along with the Commissioners are appointed by the President for a period of five years,<sup>117</sup> based on the recommendation of a Selection Committee.<sup>118</sup> This committee is independent in nature, and is comprised of a Judge of the Appellate Division and a Judge of the High Court Division, both nominated by the Chief Justice, the Comptroller and Auditor General of Bangladesh, the Chairman of the Public Service Commission, and the immediate past Cabinet Secretary. Persons having "20 years of experience in law, education, administration, judiciary, or a disciplined force" are eligible for the post.<sup>119</sup>

As part of the process, the Selection Committee is supposed to assess the individual's perceived integrity, reputation, administrative or experience. The Selection Committee makes a proposal based on their preferences and knowledge through a head-hunting process. On the basis of the decision of at least three members present, the Selection Committee makes a list of two names for each vacant post of commissioner and sends it to the President for appointment.<sup>120</sup> However, the law does not ensure transparency in the process, and thus "confidentiality" is strictly maintained. The names and the profiles of the selected officials are not disclosed beforehand. Key informants noted that relevant qualities for the job are often compromised in the selection process when candidates are chosen considering their proximity and/or loyalty to political power base and other factors.

The Commissioners are well protected from forceful and undue removal. According to the law, no Commissioner can be removed from office except on grounds and in accordance with procedures that are applicable to the removal of a Judge of the Supreme Court.<sup>121</sup> However, to what extent these two grounds are tenable in the discharge and implementation of ACC's mandate, and how incapacity and misbehaviour are defined and addressed and who initiates and investigates these matters based on which the President may order removal, are not clear.

The ACC is entrusted with a wide range of legal authority to undertake inquiry or investigation, arrest, hear the accused, ask for declaration of properties, confiscate property in excess of known sources of income, prosecution, formulate rules etc.<sup>122</sup> It is not accountable to any other authority except the Office of the Comptroller and Auditor General for reviewing its financial operations.

However, it may be mentioned that ACC's full independence and impartiality have been questioned due to its alleged (in)effectiveness and selective exercise of power. Experts opined that ACC's independence is guided more by the individual capacity of the office bearers rather than the authority provided by the law. They raised questions whether and to what extent the Chairman and Commissioners are willing to apply their independence. Questions are also raised with regard to the appointment of the ACC Chairman and the Commissioners, as the very formation of the Selection Committee that recruits them is questionable

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<sup>115</sup> *The Anti-Corruption Commission Act 2004* stipulates that the Commission will be an independent, impartial and self-governed Commission [Section 3(2)&(3)]. According to this law, "The commissioners shall be free to discharge their duties under this Act subject to its terms" [Section 24].

<sup>116</sup> *The Anti-Corruption Commission Act 2004*, Section 17.

<sup>117</sup> *The Anti-Corruption Commission Act 2004*, Section 6(3).

<sup>118</sup> *The Anti-Corruption Commission Act 2004*, Section 6(1).

<sup>119</sup> *The Anti-Corruption Commission Act 2004*, Section 8.

<sup>120</sup> *The Anti-Corruption Commission Act 2004*, Section 7 (4).

<sup>121</sup> *The Anti-Corruption Commission Act, 2004*, Section 10(3). Parliament may by law regulate the procedure in relation to a resolution under clause (2) and for investigation and proof of the misbehaviour or incapacity of a Judge. The same procedure is applicable to the Commissioners of ACC.

<sup>122</sup> *The Anti-Corruption Commission Act 2004*, Sections 18, 19, 20, 21, 22, 26, 27, 34 and 36.



given that political consideration and loyalty often get priority in such appointments, and the list and credentials of the selected candidates are not made public.<sup>123</sup>

Experts also expressed that ACC cannot exercise its legal autonomy fully, and a lot depends on the approach of the commissioners. It is alleged that the ACC is seen to take action against people at the lower tiers (social, political or official) whereas the main culprits at the higher levels remain untouched. The ACC is also not known to have lodged many cases against powerful persons belonging to the current ruling party.<sup>124</sup> There is also allegation of political interference and influence in the exercise of its authority.<sup>125</sup>

The Commission is legally empowered to carry out inquiry or investigation and to that end, summon witnesses, ensure their appearance and interrogate, discover and present any document, take evidence, call for public records or its certified copies from any court office, issue warrants for the interrogation of witnesses and the examination of documents, any other matter required for realizing and fulfilling the aims and objectives of the law; power to arrest; power to hear the accused; power to ask for declaration of properties; power to confiscate property in excess of known sources of income; power to file cases; and formulate rules.<sup>126</sup> Moreover, it may call for any information from the government or from any authority or organisation under the government during inquiry or investigation into allegations of corruption.<sup>127</sup> The ACC has the power to proactively initiate proceedings in addition to a range of other powers (e.g., compel other government agencies to co-operate; arrest and search of arrested persons; examine the suspect's bank accounts, safe-deposit boxes, income tax records and property; search and entry into premises, etc.

The ACC operates throughout the country. It mostly deals with public sector corruption which basically refers to the corruption and bribery involving public officials. In so doing, the ACC relies on relevant provisions in the anti-corruption laws (The Penal Code 1860, The ACC Act 2004, The Prevention of Corruption Act 1947 etc.).<sup>128</sup> Although, according to Section 27 of The Anti-Corruption Commission Act 2004 and The Money Laundering Prevention Act 2012, the ACC can address private sector corruption relating to corruption and bribery. Its scope to deal with private sector corruption is limited. While it can partly handle (government offices and bank related issues) matters of cheating and dishonestly inducing delivery of property under the Section 420 of The Penal Code 1860, the rest of this section is under the jurisdiction of the police. According to the amendment of The Money Laundering prevention At 2012 in 2015, the ACC is the responsible investigating authority for only "bribe and corruption" amongst the 28 predicate offences regarding money laundering. Before this amendment all predicate offences mentioned in the Money Laundering Prevention Act 2012 were the scheduled offences of ACC. This amendment curtailed the jurisdiction and investigating powers of ACC regarding money laundering to some extent.

The ACC has the power to identify the sources of corruption existing in Bangladesh in the context of socio-economic conditions and submit recommendations to the President for taking necessary steps. The ACC prepares reports on different corruption-prone institutions, proposes recommendations, and sends the report and recommendations to the concerned institutions. It also publishes the same in its annual report. However, the ACC's recommendations are not legally binding. Besides, the ACC organizes public hearings on corruption prone institutions at the local and national levels and inquiries into the complaints.<sup>129</sup>

The ACC is a self-governed institution with full legal autonomy.<sup>130</sup> Pending the adoption of Rules prescribing a code of conduct including discipline of the officers and the employees is to be prescribed by rules and until such rules are made, the Commission may, subject to the approval of the government

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<sup>123</sup> Interviews with former ACC Chair, journalists.

<sup>124</sup> According to TIB Executive Director, "There is hardly any example of high-profile corrupt individual getting punished". *The Daily Star*, 'TI Corruption Index 2018: Bangladesh slips six notches', 30 January 2019.

<sup>125</sup> For instance, it was alleged that no investigation was conducted against Mohiuddin Khan Alamgir, the former Chairman of the Farmers Bank on a scam (*Daily Prothom Alo*, 4 April 2018).

<sup>126</sup> *The Anti-Corruption Commission Act 2004*, Section 19, 20, 21, 22, 26, 27, 32, 34.

<sup>127</sup> *The Anti-Corruption Commission Act 2004*, Section 23 (1).

<sup>128</sup> For the scheduled offence see <http://www.acc.org.bd/site/page/0eecc834-a087-4272-8127-3197eacb9785/%E0%A6%A4%E0%A6%BE%E0%A6%AB%E0%A6%B8%E0%A6%BF%E0%A6%B2%E0%A6%AD%E0%A7%82%E0%A6%95%E0%A7%8D%E0%A6%A4-%E0%A6%85%E0%A6%AA%E0%A6%B0%E0%A6%BE%E0%A6%A7%E0%A6%B8%E0%A6%AE%E0%A7%82%E0%A6%B9%E0%A7%87%E0%A6%B0-%E0%A6%A4%E0%A6%BE%E0%A6%B2%E0%A6%BF%E0%A6%95%E0%A6%BE> (accessed on 20 January 2020).

<sup>129</sup> *The Anti-Corruption Commission Act 2004*, Section 17(i).

<sup>130</sup> *The Anti-Corruption Commission Act 2004*, Section 3(3), 18, 24, 25.



determine the procedures to be followed in this regard by administrative orders.<sup>131</sup> The ACC commissioners and staff are immune from any lawsuits for any deed while performing their duties.<sup>132</sup>

The law stipulates that ACC Commissioners have the power to decide which corruption cases will be taken up for prosecution. However, opinions about ACC's operational autonomy are somewhat mixed. ACC officials claim that they have sufficient operational autonomy with little exception in terms of dependence on the Ministry of Finance for its budget and extra allocation of resources if and when needed. They further stated that they maintain full impartiality in their activities. In case of enquiry, investigation and filing of cases they do not take into account the political and social identity of the accused, although at times they face pressure from different stakeholders including the government, political parties, and development partners. It is however widely believed that the ACC is being politically used by the government in power to harass, opposition political parties and favour the politicians of ruling party and/ or coalition. While ACC officials claimed otherwise, statistics show that in the last three years (2016-2018) a good number of leaders of the political opposition party (BNP) faced enquiry and investigation by the ACC, and some faced lawsuits.<sup>133</sup> It has been argued that such enquiry and investigation was deliberately undertaken as they were given the responsibility of coordination in the party for the 11<sup>th</sup> national election. However, the enquiries and investigations virtually discontinued after the election.<sup>134</sup>

Evidence shows that the ACC has lodged cases against many high level political persons (such as ministers and MPs) and high level government officials. They emphasised that they do not face any kind of pressure or influence. Again, loopholes in the law also affect ACC's operational autonomy. For example, the provision requiring prior permission of the government in filing cases against public officials stated in 'The Government Employment Act 2018' may potentially curtail the ACC's operational autonomy.<sup>135</sup>

However, some experts stated that although the ACC has legal powers to take action against corruption, contextual (political and cultural) challenges on the ground often make it difficult for it to work effectively, as evident from different issues including the unusual increase of wealth of MPs, the BASIC Bank loan scam<sup>136</sup> etc., where the ACC did not take adequate actions. Experts also opined that government support is very important for ACC to make the anti-corruption drive more effective. For instance, a 'zero tolerance' policy against corruption as has recently been adopted by the government helps ACC fulfil its mandate whereas it may not be as conducive to do so in the absence of such policy.<sup>137</sup> Thus, ACC's operational autonomy somewhat depends on the political will of the government and the attitude and mind-set of the ACC's leadership.

## FINANCIAL & HUMAN RESOURCES

Four out of nine indicators (sufficiency of budget, security and stability of budget, staff selection and stability of staff) received 'high' score, three (staff salary and benefits, prevention and education expertise, and staff training) received 'moderate' score, while two (proportion of budget, investigation and prosecution expertise) received 'low' score on the Financial and Human Resources dimension.

Usually, the budget sought by the ACC is approved in its entirety and disbursed by the Ministry of Finance (MoF) with no terms and conditions attached. In other words, the ACC has complete independence to use the budget as they wish. When the ACC requires additional allocation for different activities (investigation,

<sup>131</sup> *The Anti-Corruption Commission Act 2004*, Section 16(4).

<sup>132</sup> *The Anti-Corruption Commission Act 2004*, Section 31.

<sup>133</sup> *The Daily Star*, 'Eight BNP leaders face graft probe', 3 April 2018. <http://www.thedailystar.net/frontpage/eight-bnp-leaders-face-graft-probe-1557265> (accessed on 10 October 2019).

<sup>134</sup> Interview with journalists.

<sup>135</sup> Shakhawat Liton, 'The Civil Service Bill: Are some more equal than others?', *The Daily Star*, 23 October 2018. <https://www.thedailystar.net/opinion/politics/news/are-some-more-equal-others-1650511> (accessed on 10 October 2019).

<sup>136</sup> Basic Bank Limited, a state-owned scheduled bank of Bangladesh, was one of the best-run banks until a former MP from the Jatiya Party was made the Chairman of the bank in 2009, who was re-appointed in 2012. The audit reports from Bangladesh Bank and the external audit firms hired by BASIC Bank found the Chairman involved in abnormalities around the granting of loans, appointment of jobs and promotions. In 2014 Bangladesh Bank sent a report on the BASIC Bank scam to the ACC, detailing how borrowers embezzled money from the bank through fake companies and suspected accounts. The report mentioned that the Dilkhusa Branch doled out BDT 6830 million in loans to 16 borrowers, all of whom took the money through illegal means. In Gulshan branch, 12 clients took out BDT 2970 million through pay orders or in cash. The report also contained a list of 40 pay orders that were transferred from a number of loan accounts at Shantinagar Branch to suspected accounts in the same branch in 2012. Each pay order transferred funds between BDT 5 million and BDT 10 million.

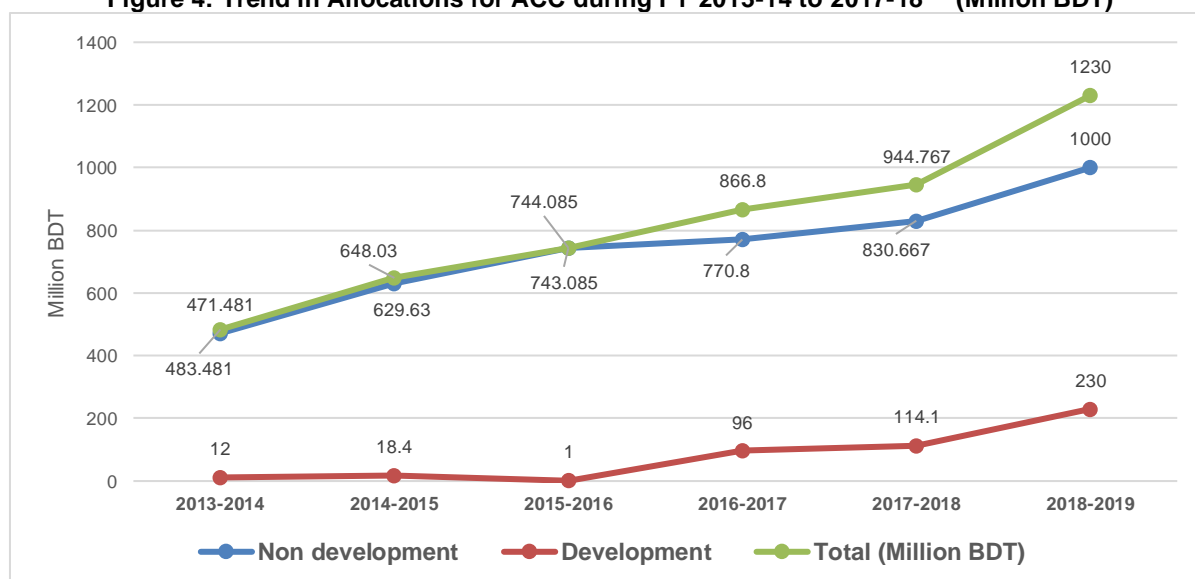
<sup>137</sup> Interviews with former ACC Chair, academics, lawyers, journalists; Ali Imam Mujumdar, 'The ACC must thrive', *Daily Prothom Alo*, 10 July 2019.

prosecution and prevention), this need is also met by the MoF upon request from the ACC. According to ACC officials, the budget they receive is sufficient. In order to cater to other needs such as training, capacity building, and organising events, the ACC receives financial support from other agencies like JICA, GIZ, TIB, UNDP, ADB, and World Bank.<sup>138</sup>

One of the two indicators under this dimension that received 'low' score is the average proportion of ACC's budget to the total government budget, which has not been more than 0.031% during 2016-2018.<sup>139</sup> It may be noted that in 2016 this proportion of ACC's budget to total government budget was not more than 0.025% for the previous three years (2014-2016). It may be noted that although the ACC's budget has increased significantly, the proportion to the national budget remains low since the national budget in the past three years also have increased exponentially.

However, the budget of the ACC has so far been found to be sufficient and the Commission has not faced any impediment for want of budgetary resources.<sup>140</sup> The financial resources are enhanced regularly to accommodate the rise in operational costs of the Commission. The budget allocation of the last five years (from 2013-14 to 2017-18) demonstrates that the allocation has been increasing over the years in consideration of the increase in expenditure. It may be noted that ACC's total budget has significantly increased since FY 2014-15, while the development budget has recently been enhanced substantially during the last two years (Figure 4).

**Figure 4: Trend in Allocations for ACC during FY 2013-14 to 2017-18<sup>141</sup> (Million BDT)**



For its staff selection the ACC follows 'The Anti-Corruption Commission (Personnel) Employment Rules, 2008'. The recruitment is based on competitive examinations. Candidates are screened first based on an examination of 100 marks followed by a written examination of 200 marks. The selection procedure is transparent as it is managed by the Institute of Business Administration (IBA) of the University of Dhaka, which is a reputed academic institution of the country.

The recruitment of ACC staff cannot be viewed as being totally meritocratic as, until recently, 55% of the vacant positions used to be filled following a quota system<sup>142</sup> and the rest on merit. On 4 October 2018, the quota system was abolished through a government circular.<sup>143</sup> Following this shift, the recruitment of ACC staff [from Grade-9 (Class-I) and Grade-10 to 13 (Class-II)] now can be termed mostly meritocratic, as

<sup>138</sup> Interview with DG, Administration, Establishment and Finance, ACC, September 2019.

<sup>139</sup> Ministry of Finance website; ACC Annual reports of 2016, 2017, 2018.

<sup>140</sup> Interview with DG, Administration, Establishment and Finance, ACC, September 2019.

<sup>141</sup> Prepared from data collected from ACC Annual Reports 2013, 2014, 2015, 2017, 2018.

<sup>142</sup> Before abolishing the quota system in 2018, there were various regional, gender and ethnic quotas prescribed by the government which is applicable to all public recruitments in the country.

<sup>143</sup> *The Daily Star*, 5 October, 2018, <https://www.thedailystar.net/country/quota-system-in-bangladesh-scrapped-officially-1642534> (accessed on 3 October 2019). According to the circular, the recruitment from Grade-9 (Class-I) and Grade-10 to 13 (Class-II) at all government departments, autonomous or semi-autonomous institutions, and various corporations will be based solely on merit. But the quota system will remain in force for Class-III and Class-IV jobs.

quota system is not followed for the recruitment of staff belonging to these grades. However, after the above-mentioned circular became effective, the ACC went for some recruitment for 3<sup>rd</sup> and 4<sup>th</sup> class staff in 2018, where quota system was permissible and duly applied. Besides, the age limit was relaxed for the children of freedom fighters and staff working in ACC.<sup>144</sup>

The ACC personnel receive salaries and benefits according to the National Pay Scale of Bangladesh Government.<sup>145</sup> At the level of Director General (Grade-3), the salary range is BDT 56,500-74,400, while the salary range of Grade-20 is BDT 8,250-20,010. The ACC officials consider it adequate. In addition to their monthly salary, ACC staff belonging to all grades get rice, flour, sugar, lentil and oil ration. These products are distributed according to the number of family members of a staff member. A staff member is entitled to rationing benefits for a maximum of 4 family members. Besides, staff of Grade 10 and below also get 'risk allowance', which varies according to the grade and tenure of service. For example, a grade 10 staff member with five-year service gets BDT 2,700, whereas a staff member of the same grade with more than 20 years' service is entitled to receive BDT 5,400 as risk allowance.

Some of the ACC officials are government officers who came to ACC on deputation; ACC officials are also transferred to other departments and ministries.<sup>146</sup> The turnover rate of ACC is low (average 4.1% per year during 2016-2018). Turnover is primarily due to retirement, resignation, termination and death of concerned staff. Termination in some cases took place following departmental prosecution due to allegations raised against them and duly investigated and proven.

**Table 9: Staff Turnover (2016 – 2018)**

Year	Existing Staff (as of 1 January)	Retirement	Resignation	Termination	Death	Total	Turnover rate (%)
2016	941	23	10	1	1	35	3.72
2017	907	26	1	1	1	29	3.20
2018	918	42	6	-	2	50	5.45

**Source:** ACC, September 2019.

**Table 10: Incoming and Outgoing Staff on Deputation (2016 – 2018)**

Year	Incoming Staff on Deputation	Outgoing Staff on Deputation
2016	9	7
2017	7	1
2018	14	1
Total	30	9

**Source:** ACC, September 2019.

The ACC puts special emphasis on building the capacity of its staff and to this end organises training courses. It is observed that the number of training courses and participants have increased over the last three years. However, the ACC officials still need more training in order to carry out their work more efficiently. The ACC officials are sent to in-country and international training courses sponsored by different government departments, non-government organisations and development partners. In the last three years (2016-2018), some 160 training programmes were organised at the national and international levels were organised for ACC staff in which 3,093 staff took part.<sup>147</sup> On an average 1,031 staff got the opportunity of training each year. Each staff had the opportunity to participate in more than one training programme each year. These training programmes covered technical aspects such as follow-the money, forensic investigation, foreign aid management system, comprehensive intelligence, Income Tax Ordinance-1984, Customs Act-1969, Investigating and Prosecuting Financial Crimes, Annual Performance Agreement, Public Procurement Regulations, Case Preparation and Trial Skills Programme, etc. It may be noted that most of the trainings (90%) are imparted to the investigation officers (IOs) of ACC. All officials starting from the Additional Director to Director levels have the power of investigation and can act as IOs. In-house trainings are arranged for lower level staff.

Although the ACC officials claim that training always remains a top priority list for ACC, it is seen that during last three years (2016-2018) only on average 0.5% of total human resource budget has been used for

<sup>144</sup> Interview with Director, Administration and Finance, ACC, Panel Lawyer, ACC.

<sup>145</sup> Government of Bangladesh, Cabinet Division, Circular no 04.00.0000.521.15.071.15.526,.

<sup>146</sup> Interview with Director, Administration and Finance, ACC.

<sup>147</sup> Interview with PRO, ACC; ACC Annual Reports 2016, 2017, 2018. It may be noted that during 2013-15 the number of training programmes was 47 and there were 808 participants.

training. During this period the total expenditure for training was BDT 7.304 million and total human resource expenditure was BDT 1.335 billion.

In spite of having of many capacity building opportunities, the ACC personnel still lack requisite expertise in respect of some aspects of corruption investigation and prosecution. According to experts, ACC's investigation officers lack necessary expertise to handle issues of misappropriating or converting property of a deceased person,<sup>148</sup> banking sector corruption, detention of property, etc. Different types of skills and expertise are needed for handling different types of corruption issues. Sometimes, there is lack of clarity and knowledge among some IOs about how corruption cases should be lodged. As a result, procedural mistakes sometimes occur in corruption cases. For instance, an officer who filed the corruption case becomes the IO of that case, which is not supported by law, and gives rise to conflict of interest. Sometimes, a number of cases are filed against one individual consecutively which essentially weakens the case.<sup>149</sup>

The ACC has about 300 investigation officers at present, of whom 64 were recruited in 2014 and 2017 respectively. According to some high officials of ACC and other stakeholders, there is lack of understanding among the comparatively new staff on how to investigate corruption, while the older staff do not keep abreast with the latest forms and techniques of corruption, such as, money laundering and use of cyber technology in corruption. Besides, there is lack of exposure of IOs to other ACAs regionally and internationally for learning how to handle corruption investigations. It is seen that the same staff conduct both enquiry and investigation of a corruption case. As a result, sometimes, they allegedly develop relationships with the accused which has the potential to affect the investigation process and eventually the investigation report. There is lack of skill among ACC's panel lawyers as well. Experts stated that the ACC is not eager to appoint qualified lawyers in the ACC's panel, and consequently, they often lack the necessary competence. This is also the scenario at the district level.

According to some of the high officials of ACC, some personnel lack expertise to engage in corruption prevention and education. ACC is providing extensive training and orientation to these staff to build their capacity. However, the shortage of staff in corruption prevention and education is a significant problem. Only one staff is assigned for corruption prevention and education in ACC's Integrated Districts Offices. However, this staff is not solely assigned to prevention activities, but has to carry out many other tasks including inquiry, investigation and so on. These additional activities make it difficult for them to spend more time on prevention activities and as such, they mostly rely on ACC's local committees ('Corruption Prevention Committee' and 'Integrity Unit') for preventing corruption and promoting integrity.<sup>150</sup>

## ACCOUNTABILITY AND INTEGRITY

Three out of nine indicators (annual reporting, responsiveness to information requests, and outcomes of complaints) received 'high' scores, three (internal review mechanisms, complaints handling, and internal integrity mechanisms) received 'moderate' scores, while three (external oversight mechanisms, adherence to due process, and willingness of complainants to identify themselves) received 'low' scores on this dimension.

The ACC publishes its annual report on a regular basis. The annual report of the ACC is submitted to the President who then submits it to the Parliament. The report is comprehensive and provides necessary information about its ongoing activities, information on regulatory function for corruption control, investigations and prosecution, corruption prevention and promotion of good governance, Commission's plan of action, institutional capacity, budget and manpower. The soft version of the Annual Reports of 2016, 2017 and 2018 are available on ACC's website.<sup>151</sup>

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<sup>148</sup> *The Penal Code 1860*, Section 404. It entails that whoever dishonestly misappropriates or converts to his own use property, knowing that such property was in the possession of a deceased person at the time of that person's decease and has not since been in the possession of any person legally entitled to such possession, shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine; and if the offender at the time of such person's decease was employed by him as a clerk or servant, the imprisonment may extend to seven years.

<sup>149</sup> Interviews with Panel Lawyer of the ACC, journalist, law practitioner, former Chairman of ACC.

<sup>150</sup> Interview with DG & Director, Prevention, Education and Outreach, ACC.

<sup>151</sup> ACC Annual Report 2016, 2017, 2018; [http://www.acc.org.bd/site/view/annual\\_reports](http://www.acc.org.bd/site/view/annual_reports) (accessed on 10 October 2019).

The ACC has a 'high' score with regard to responsiveness to information requests. It has been working for the implementation of The Right to Information Act, 2009 with a view to ensure free flow of and the people's right to information. The ACC has an 'Information Disclosure Policy 2011' as prescribed by the RTI Act 2009. This policy defines 'information' as any memorandum published pertaining to the composition, structure and activities of the Commission, books, statistics, log books, orders, notifications, deeds, specimen, letters, reports, financial statements, project proposals, audios, and videos; official notes and copies of note sheets are outside this ambit.

ACC follows the process prescribed in the RTI Act with regard to information requests. In conformity with this law, the Public Relations Officer at the Headquarters, Directors within their own jurisdictions of five Divisional Offices and the Deputy Directors within their jurisdictions of 22 Integrated Offices are responsible for providing citizens with information on request in the prescribed form. Refusing or abstaining from providing the information sought without any valid reason will amount to "misconduct", and accordingly actions shall be taken against him/her under the Anti-Corruption Commission (Employees) Service Rules, 2008. The designated information officers (DIOs) are well aware of this and are specially trained on the RTI Act.

According to the ACC officials, all RTI applications are responded to properly and generally they are addressed within the legally stipulated timeline. During the last three years, a total of 56 applications were submitted requesting information based on which the ACC responded to 53 out of 56 applications. The remaining three applications are under process.<sup>152</sup>

An issue of concern is the unwillingness of complainants to identify themselves. Some basic information of applicants (name/ profession and full address) are needed to be mentioned in the complaint form before ACC can go for action. According to ACC officials, in most cases complaints are anonymous, as less than 25% of the complainants reveal their identities, and thus the profile of the complainants cannot be ascertained. Anonymity is primarily practiced to avoid harassment or for fear of reprisal. As a result, the number of complaints where actions were taken for further enquiry is less than the total number of complaints received. During last three years (2016-18), a total 47,549 complaints were received by the ACC, out of which 40,555 complaints were submitted by citizens. However, only 3,209 complaints were taken for further enquiry.<sup>153</sup>

The ACC's performance is internally monitored by its Monitoring and Evaluation (M&E) Branch. Short and detailed inspections are used to oversee the performance of ACC's divisional and integrated offices, and these inspections are carried out by Director Generals and Directors of ACC Headquarters. In special cases such as allegations against directors, the two Commissioners conduct inspections of the various Wings of the Commission's Head Office and DIOs as well. The M&E branch regularly evaluates these inspection reports and submits the key findings to the ACC Chairman. The Commission monitors its internal activities on the basis of internal reporting. Moreover, the Commission has constituted a permanent Internal Anti-Corruption Committee, headed by the Chairman, to consistently monitor, supervise, enquire, and investigate into any corruption allegations against the ACC officials and to make recommendations for taking legal and departmental actions against the corrupt staff.<sup>154</sup> The existing internal procedure for dealing with complaints against ACC personnel is quite strong, and the outcomes are visible, and made public through ACC's annual report. However, the ACC does not have any mechanism in place that collects public perception data on its performance.<sup>155</sup>

With regard to internal integrity mechanisms, the ACC does not have a comprehensive code of conduct. The 'Anti-Corruption Commission (Employees) Service Rules, 2008' contains provisions on conduct, asset declarations and disciplinary issues, but there is no rule on conflict of interest. As mentioned earlier, the ACC has a formal disciplinary procedure in practice for addressing misconduct as well as for handling internal complaints through the Corruption Prevention Committee. Moreover, performance of the officers and staff are regularly monitored by the monitoring and evaluation branch under the direct supervision of the Chairman. Besides, the performance of the officers is followed by ACC's Intelligence Unit. The Commission follows the principle of 'Zero Tolerance' in case of corruption by its employees.<sup>156</sup>

Allegations of corruption against ACC officials are often received, in particular the IOs, who allegedly engage in corruption during inquiry and investigation. In the last three years (2016-2018), a total of 33

<sup>152</sup> Interview with PRO, ACC; ACC Annual Report 2016, 2017, 2018.

<sup>153</sup> Interview with PRO, ACC; ACC Annual Report 2016, 2017 & 2018.

<sup>154</sup> Under Rule 19 (1) of the Anti-Corruption Commission Rules 2007.

<sup>155</sup> Interview with Director, Intelligence Unit, ACC; ACC Annual Report 2016, 2017 & 2018.

<sup>156</sup> Interview with Director, Intelligence Unit, ACC; ACC Annual Report 2016, 2017 & 2018.



complaints were lodged against ACC personnel. Besides, 12 more complaints were recorded from before 2016. Among these, 37 were resolved whereby six of the accused received rigorous punishment (removal from service, compulsory retirement and downgrading the pay-scale), and five received minor punishment (censure, deferring promotion or increment, fixing pay at the lowest grade of the time scale, transferred to other government organisations), and 26 cases were disposed of in other ways. These actions are mentioned in the annual report, and are also posted on ACC's website.<sup>157</sup> However, it may be mentioned that the ACC does not have the data on the profile of complainants.<sup>158</sup>

The complaints against ACC personnel are investigated by its internal control unit, as mentioned earlier. No other public agency has the mandate to do so. Recently Khandaker Enamul Basir, a Director of ACC was accused in a case for taking BDT 4 million as bribe from Deputy Inspector General (DIG) Mizanur Rahman, a suspended police officer to clear him in a graft allegation.<sup>159</sup> At first ACC formed a three-member investigation committee, suspended Basir and then filed a case with the ACC's Dhaka District Coordination Office-1 under the Anti-Money Laundering Act 2012. Later Basir was arrested by a team of ACC officials led by a Director of ACC.<sup>160</sup>

### **Case Study 1** **Good Practice: ACC Official Arrested for Taking Bribe<sup>161</sup>**

Mizanur Rahman, Deputy Inspector General (DIG) of Bangladesh Police, was posted as an Additional Commissioner of Dhaka Metropolitan Police (DMP). He came into limelight following allegations that he had threatened a female news presenter of a private television channel and that he forcibly married a woman and tortured her. He was later withdrawn from his position.

In 2018, the ACC launched an enquiry into the alleged accumulation of illegal wealth by DIG Mizan. It assigned Khandaker Enamul Bashir, one of the Directors of ACC, to conduct the enquiry. The ACC summoned Mizan and quizzed him for about seven and a half hours. Enamul Bashir submitted a report to the ACC with a recommendation to file a case against Mizan. Mizan however presented before the media an audio clip of their conversation which indicated that Enamul Bashir took a bribe of BDT 4 million from Mizan for clearing him from the graft allegation. Mizan alleged that Enamul Bashir also asked him to call on his personal number as conversations on his official number is recorded. Mizan also claimed to have bought the ACC Director a mobile phone handset and a SIM card. Later, Enamul Bashir informed Mizan that he had to submit a report implicating Bashir as he was under pressure from the ACC. They had had a heated debate thereafter.

The ACC formed a three-member committee to examine this allegation. After scrutinising the probe report, the ACC suspended Enamul Bashir on charges of leaking information and breaching service discipline. Later, the ACC filed a case against Enamul Bashir and DIG Mizan for the bribe transaction, and the enforcement team of the ACC arrested Enamul Bashir. The ACC also filed a case against Mizan, his wife Sohelia Anar and nephew Mahmudul Hasan, a Sub-Inspector of Police, on charges of amassing over BDT 30 million beyond known sources of income. DIG Mizan has been shown arrested in a case filed for transaction of BDT 4 million as bribe and is now in jail in connection with another graft case filed over acquiring wealth illegally.

There is no formal external oversight committee as such to monitor ACC's performance, and thus there is no scope for any public representation and participation, or a review process and mechanism for following up. The oversight of the ACC is limited to submission of the annual report to the President and financial audit by the Office of the Comptroller Auditor General (CAG). According to the Anti-Corruption Commission Act 2004, the ACC has to submit an annual report to the President which is again required to be submitted

<sup>157</sup> ACC Annual Report 2016, 2017, 2018.

<sup>158</sup> Interview with Director, Intelligence Unit, ACC; ACC Annual Report 2016, 2017 & 2018.

<sup>159</sup> See *The Daily Star*, 'ACC director suspended for leaking info', 11 June 2019; *The Daily Star*, 'ACC sues Basir, DIG Mizan in bribery case', 17 July 2019.

<sup>160</sup> *The Daily Star*, 'Bribe Allegation: ACC official Enamul arrested', 23 July 2019.

<sup>161</sup> *The Daily Star*, 'DIG Mizan, ACC director Basir sued', July 16, 2019; <https://www.thedailystar.net/country/ex-dig-mizan-acc-director-basir-sued-1772305> (accessed on 12 October 2019); *The Daily Star*, 'DIG Mizan suspended: Home minister', June 26, 2019; <https://www.thedailystar.net/country/news/dig-mizan-suspended-temporarily-home-minister-1762396> (accessed on 12 October 2019); *Dhaka Tribune*, 'Suspended ACC director Basir arrested', 22 July 2019; <https://www.dhakatribune.com/bangladesh/dhaka/2019/07/22/suspended-acc-director-basir-arrested> (accessed on 12 October 2019).

in the Parliament,<sup>162</sup> which is mandated to discuss and deliberate on it. Besides, ACC's financial accounts are reviewed by the Office of the CAG regularly (after every one or two years). ACC officials are socially accountable to common people through its public hearings.

The ACC has neither conducted nor commissioned any public perception survey on its work and profile. However, according to some of the interviewees, the ACC is not impartial in handling corruption cases of the same nature. The common perception is that the outcome of a case and whether an investigation will continue depends on the intention of the ACC leadership and the policy of the government. According to some experts, this becomes more evident from the willingness or the lack thereof to collect evidence, which, in essence, reveals whether procrastination in respect of a case is intentional or it stems of ignorance.<sup>163</sup>

## DETECTION, INVESTIGATION AND PROSECUTION

On the Detection, Investigation and Prosecution dimension, ACC secured received 'high' score on three out of nine indicators (accessibility to complainants/ informants, proactive investigation, and investigation of influential persons), 'moderate' score on two indicators (conviction rate, and restitution and asset recovery), while it received a 'low' score on four indicators (responsiveness to corruption complaints, efficiency and professionalism, prosecution rate, and perception of performance).

The accessibility to complainants/ informants to ACC is fairly good. Any person can lodge complaints to the Commission regarding offences listed in the Schedule to the Anti-Corruption Act, 2004. Allegations against corruption are currently received both digitally and manually. Complaints are received at all ACC offices, i.e., the headquarters and district offices.

The ACC receives corruption allegation from different sources – (1) populace/ members of public; (2) divisional offices of the ACC; (3) various government offices/ agencies; (4) non-government offices/ agencies; (5) proactively gathered corruption allegations from newspapers and TV reports; and (6) other sources. Apart from this, a toll free "Hot Line" 106 was introduced in ACC's Complaint Centre in 2017. By using this hotline, anyone can lodge a complaint from a land/ mobile phone. The introduction of this service has accelerated people's enthusiasm thereby raising the number of complaints. For instance, in 2016 the total number of complaints received by the ACC was 12,990, whereas in 2017 this number was 17,953, and in 2018, a number of 17,18,736 calls were received from people through the hotline. However, not all complaints via hotline are relevant to ACC's mandate.

Earlier ACC used to enter each complaint and send an acknowledgement letter to the complainants. During the last three years (2016-2018) this has not been possible as a total 47,549 complaints (15,849 complaints on average per year which accounts for about 0.009% of the country's population) were received by the ACC. However, many complaints were anonymous and thus the profile of the complainants cannot be ascertained. Anonymity is a common feature in lodging a complaint which people resort to presumably to either to harass a person or for fear of being harassed or threatened. Considering the proportion of corruption complaints received relative to the population and high perceived level of corruption (Bangladesh ranked 149<sup>th</sup> out of 180 countries and scored 26 out of 100 in TI's CPI 2018), and proportion of complainants confident to identify themselves, the ACC is considered highly accessible (on average more than 1 complaint per 10,000 citizens per year).

Apart from the complaints, the ACC proactively gathers corruption related information from different media reports, both electronic and print. In the last three years (2016-18), out of a total 3,209 complaints, the ACC proactively picked out 1,013 complaints or news of corruption from the media (31.57%) and shortlisted for enquiry. In 2018, on the basis of complaints received, ACC launched 144 anti-corruption drives as part of their prevention activities and to alleviate public harassment. Apart from this, in the last three years, ACC formed 25 teams to combat institutional corruption (details of the teams are provided later).<sup>164</sup>

During the past three years the ACC initiated enquiry into and investigated around 50 influential persons including existing and former Ministers, MPs, Chairman of the *Rajdhani Unnoyon Kortirpokkho* – RAJUK (capital city development authority), public engineers, Judges, government high officials (former secretary),

<sup>162</sup> The Anti-Corruption Commission Act 2004, Section 29.

<sup>163</sup> Interview with journalists, law practitioner, former Chairman of ACC.

<sup>164</sup> Interviews with Director, Intelligence Unit, ACC (18 July 2019); Annual Report 2016-18.

drug dealers and influential business persons. A number of them were issued charge sheets, some were arrested and others were convicted in the court. Recently, the ACC Chairman informed that some 10 to 15 ruling party men are under investigation and inquiry leading up to prosecution.<sup>165</sup> This suggests ACC's willingness to investigate corruption cases irrespective of power and positions in the society.<sup>166</sup>

ACC achieved a 'moderate' score on the indicator of efficiency and professionalism. As has been mentioned earlier, there is a lack of expertise among the ACC personnel in respect of certain aspects of corruption investigation. Although The Anti-Corruption Commission Act 2004 clearly stipulates a timeline for completing corruption investigations, it usually takes ACC longer to complete the process. According to ACC officials, it is not possible to measure the average time taken to complete the investigation of a corruption case as the duration varies depending on the nature of the offence. Sometimes it takes 40-50 working days to complete an enquiry. On the other hand sometimes it takes a year. Generally it varies case to case and depends on the type and nature of the offence. On the other hand, sometimes it takes average 1.5 years to submit charge sheet after filing a case, and sometimes it takes up to three years. Generally it varies case to case and depends on the type and nature of the offence. But in both cases it goes beyond the stipulated time. Although there are around 300 IOs in the ACC, their workloads are not the same – some IOs handle 20-25 enquiries, whereas some handle up to 50. While high officials of ACC claim that the investigating officers are efficient and professional, experts raised concerns over their efficiency and professionalism.<sup>167</sup>

With regard to the indicator on responsiveness to corruption complaints, the ACC scored 'low'. A screening committee comprised of a Deputy and an Assistant Director is responsible for scrutinising the complaints received by the ACC. This process is undertaken on the basis of a set of pre-determined considerations -- whether the complaint is a scheduled offence under the ACC law, if the complaint is specific and based on data, if it specifies the time of occurrence, link between the accused and the incident, names and addresses of the accused and the complainant, extent and significance of the complaint, amount of money involved, etc. In 2017 the ACC introduced a point-based mechanism composed of certain conditions on the basis of which complaints are filtered for necessary action. Under this system, each complaint is marked out of 100. If any complaint secures up to 55 marks, it is documented in ACC's file for the record only, whereas complaints securing 56-74 marks are sent to the concerned offices for further action (departmental action). When a complaint gets between 75-100 marks, the ACC takes up the complaint for further enquiry.

### **Case Study 2**

#### **ACC's Loss of Face: The Tale of Jaha Alam<sup>168</sup>**

In 2012, the ACC filed 33 cases against a number of individuals over misappropriation of Tk 185 million from Sonali Bank. Abu Salek, a businessman, was accused in 26 of these cases. In 2016, a jute mill worker named Jaha Alam was arrested by the ACC which construed that Jaha Alam was actually Abu Salek and was accordingly sent to jail. When after three years the media brought to light that Jaha Alam was falsely implicated, the High Court Division of the Supreme Court of Bangladesh intervened through *suo moto* and ordered his release, Jaha Alam was released on 4 February 2019.

The real culprit, Abu Salek was involved in fraud and misappropriation and held accounts in the cantonment branch of Sonali Bank. Employed in the National Identity (ID) project implemented by the Election Commission, was easy for Abu Salek to commit identity fraud by replacing Jaha Alam's photograph with his own. Abu Salek used a fake address in all of his 10 bank accounts and the name of his native village (located in Thakurgaon) was not mentioned. Instead, he used Jaha Alam's address (located in Tangail) in a bank account.

<sup>165</sup> *The Daily Star*, '10 to 15 AL leaders under ACC scanner', 21 July 2019.

<sup>166</sup> Interview with PRO, ACC (22 July 2019); Annual Report 2016-18.

<sup>167</sup> Interviews panel lawyers, journalist.

<sup>168</sup> *The Daily Star*, 'Wrongful Imprisonment of Jaha Alam ACC officials to blame, *Finds probe by anti-graft body; 'bank officials misled them into wrongly implicating Jaha' in graft cases'*, 12 July 2019; <https://www.thedailystar.net/frontpage/news/plight-jaha-alam-acc-officials-blame-1770286> (accessed on 12 October 2019); *The Daily Star*, 'ACC cannot afford to lose public trust: The anti-graft body's probe report reveals negligence of its officials', 13 July 2019; <https://www.thedailystar.net/editorial/news/acc-cannot-afford-lose-public-trust-1770574> (accessed on 12 October 2019); *The Daily Star*, 'Jaha Alam's Plight: What steps taken against them? HC asks ACC, banks about officials responsible', 17 July 2019; <https://www.thedailystar.net/backpage/jaha-alam-plight-what-music-did-officials-face-1772464> (accessed on 12 October 2019).



On 14 September 2010, the General Manager of a local office of Sonali Bank filed a case with Motijheel Police Station, accusing Salek of misappropriating money. The case was later sent to the ACC for further investigation. The ACC assigned one Deputy Director to run an enquiry which took him 14 months to complete. During the enquiry, he did not undertake any field visits, and submitted his enquiry report solely on the basis of findings in two investigation reports of Bangladesh Bank and Sonali Bank. In the enquiry report, there was no mention of any person named Jaha Alam. The Deputy Director of ACC made another mistake by filing 33 separate cases on a single matter in violation of the rules, which created further complexities. Later, the ACC assigned 12 investigation officers to probe these.

Although Jaha Alam claimed at different stages that he was not Abu Salek and the Nagarpur Union Parishad Chairman confirmed that he was indeed Jaha Alam, the bank officials continued to refer to him as Salek. The ACC placed a charge-sheet before the court identifying Jaha Alam as Abu Salek alias Jaha Alam. Jaha Alam was arrested from Ghorashal of Narsingdi. Later when the media flagged that Jaha Alam was wrongly accused, the High Court Division gave a rule asking the authorities concerned to explain why Jaha Alam should not be acquitted from the cases in which he was not the true accused and ordered the ACC to submit a probe report explaining the facts. Accordingly, a report was submitted to the High Court Division. The report clearly revealed a number of lapses on the part of the Investigating Officers (IO): for instance, the IOs did not collect photos of all the accused from bank documents and publish them in newspapers or air them television channels, seeking people's to locate them and help in their arrest; they did not interrogate Jaha Alam in the presence of the other accused in the cases; they did not take into consideration his educational qualification, economic condition or social status; they did not try to discover why would anyone introduce Salek to different banks; they did not bring the concerned bank officials to book for providing extra cheque books and aiding in bank transactions; they did not go for field visits, and instead pressurized bank officials to look for Salek. The bank officials introduced Jaha Alam as Salek to the ACC to avoid getting implicated in the cases. Although many bank officials were involved in it by misusing their power, none were made accused in the cases. Although two persons testified before the police under Section 164 of CrPC before the case was transferred to the ACC, the IOs did not take any initiative to record their testimonies again. It may be noted that 11 out of the 12 IOs involved here were apprentice officers when they were assigned to probe this rather complex matter in August 2011. Ironically, despite such negligence which landed an innocent man in jail, the officials who were responsible for this were actually promoted subsequently and assigned serious responsibilities by the ACC.

In this trial the High Court said that the ACC must take full responsibility for Jaha Alam's failure to get bail much earlier. It observed that the ACC should have taken initiatives to ensure that Alam obtained bail as soon as it became known that he was wrongly imprisoned for three years because of an identity fraud. Reiterating that the ACC is an independent institution and as such, it should be transparent, the High Court questioned ACC's credibility and efficiency and asked "what is the use of the cat that cannot catch rats"?

It is observed that most of the complaints received by the ACC do not fall under the scheduled offences. After scrutiny of the complaints, only those which are cognizable are taken up for further enquiry. During the last three years (2016-18), a total 47,549 complaints (15,849 complaints on average per year) were received by the ACC. Among these, 3,209 complaints (7%) were processed for further enquiry and 2,369 were sent to the concerned ministry/ division for necessary action. In this regard, according to an expert the point-based scrutiny system seemingly hampers the rate of enquiry, as 75 is a high mark, and sometimes common people may not be able to file a complaint properly. For this, the rate of enquiry may be low, which in turn, results in a low rate of filing corruption cases.<sup>169</sup>

In the last three years (2016-2018), the ACC filed 848 cases (282 cases on average per year) after completing preliminary enquiry. During this period, a total 4,038 enquiries were completed by ACC, bringing the average prosecution rate to 21%.<sup>170</sup>

During the past three years (2016-2018), there were a total of 495 convictions out of 857 disposed of cases (57.7%) lodged by the ACC and erstwhile Bureau of Anti-Corruption. According to experts, the ACC is having to deal with long pending cases carried over from the Bureau which contributes to the backlog. Moreover, many corruption cases have been stayed by the High Court Division of the Supreme Court following writ petitions by the accused. Other causes of delay include lack of a dedicated bench in the High

<sup>169</sup> Interview with PRO, Director, Intelligence Unit, ACC; Interview with a former ACC Chair; ACC Annual Report 2016, 2017 & 2018.

<sup>170</sup> It may be noted that there were 2,893 enquiries pending till 2015. The total number of enquiries initiated in 2016, 2017 and 2018 is 3,209. So till 2018, there were 6,102 (3209+2893) enquiries and in last three years, and 4,038 enquiries were completed by ACC.

Court to hear corruption cases, failure to produce evidence on the date of hearing, and frequent time petitions by lawyers of the accused.<sup>171</sup>

With regard to asset recovery, ACC's score is 'moderate'. In 2018, a total amount of BDT 1,532,924,243 was realised by the order of the court in the form of fines and confiscations in different cases filed by the Commission. Apart from this, around BDT 245.3 million was confiscated in money laundering and other cases (excluding immovable property confiscated in 2015). However, the ACC does not have data on this for 2016 and 2017,<sup>172</sup> although the ACC claimed that it has retrieved an amount of BDT 2.7427 billion during 2013 and 2017.<sup>173</sup> Considering the volume of capital flight from Bangladesh,<sup>174</sup> the amount recovered by the ACC is not significant.

The ACC has neither conducted nor commissioned any public perception survey on its performance or people's trust on the Commission. According to different stakeholders, there is a grave dearth of public trust on the ACC.<sup>175</sup> The common people have little idea about the activities of ACC or the corruption laws. According to experts and other stakeholders, the ACC is not impartial in handling corruption cases of the same nature. As mentioned earlier, the common perception is that the role of ACC is guided by the intention of ACC in terms of whether or not to investigate and the pulse of the government – a case is perceived to be avoided either intentionally or out of ignorance.<sup>176</sup>

The ACC is found to have taken anti-corruption drives, especially in different government institutions (sub-registrar's offices, railway station, RAJUK, passport offices, Rajshahi Development Authority, Titas Gas Transmission and Distribution Company Ltd., union land offices, upazila health complexes, food stores, government owned pharmaceutical companies, district social service offices, schools etc.) at both local and national levels. However, according to experts, the ACC appears to be focusing more on petty corruption, instead of grand corruption which requires its urgent attention, and there is no apparent success in netting the 'big fish'.<sup>177</sup> For instance, ACC officials during inspection of public hospitals and health institutions found that doctors were absent or were late without prior permission and raised the issue.<sup>178</sup> However, these matters fell in the category of professional misconduct or irregularities and ought to be addressed by the health department rather than the ACC.<sup>179</sup> On the other hand, in the Basic Bank case, the Board members are still at large despite clear evidence of their role in irregular loan approval and subsequent loan default,<sup>180</sup> and the ACC has not been able to complete 56 corruption cases involving Basic Bank, as it is yet to trace the default loan. Although a section of the population possesses unimaginable amounts of wealth with virtually no disclosure of the source, the ACC to date has not investigated any of them nor called for any explanation. Experts also stated that ACC would be more effective if they had taken action against such people. Although the conviction rate should be higher to secure public confidence in ACC's capacity to punish the corrupt, experts feel that the ACC works more by feeling the "pulse" of the government.<sup>181</sup>

## PREVENTION, EDUCATION AND OUTREACH

The ACC scored 'high' on the Prevention, Education and Outreach dimension on four indicators (anti-corruption learning and development, organisational reviews, prevention recommendations, and dissemination and campaigns), and 'moderate' on four indicators (allocated budget, strategic planning, online communication, and research on corruption risks).

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<sup>171</sup> Interviews with PRO, Director, Intelligence Unit, ACC; Panel Lawyer, Annual Report 2016-18.

<sup>172</sup> Interview with PRO, Director Intelligence Unit, 24 July 2019.

<sup>173</sup> *Daily Prothom Alo*, 13 November 2018.

<sup>174</sup> *The Daily Star*, "Checking capital flight before it is too late" 6 February, 2019;

<https://www.thedailystar.net/opinion/economics/news/checking-capital-flight-it-too-late-1697959>

<sup>175</sup> Interview of Dr. Iftekharuzzaman, Executive Director of TIB, published in *Daily Prothom Alo*, 'Capacity increased, lack of implementation', 6 January 2018; Interview of Dr. Shahdeen Malik, eminent lawyer and expert, published in *Daily Prothom Alo*, 'Jaha Alam is victim of ACC's negligence', 4 February 2019.

<sup>176</sup> Interview with Journalist, Lawyers, former Chairman ACC, Civil society representatives.

<sup>177</sup> Dr. Shahdeen Malik, *Daily Prothom Alo*, 24 June 2019.

<sup>178</sup> *The Daily Star*, '11 Govt Hospitals: ACC finds 40 pc doctors absent', 22 January 2019.

<sup>179</sup> Some more examples can be ACC's drive against sale of banned notebooks, local offices of Bangladesh Road Transport Authority (BRTA), primary schools, and even cars running on the wrong side of the roads in Dhaka City.

<sup>180</sup> For details please see TI and TIB, *Anti-Corruption Strengthening Initiative: Assessment of Bangladesh Anti-Corruption Commission 2016, 2017*.

<sup>181</sup> *The Daily Star*, 'Corruption a big concern: UN body cites 'inefficiency' of ACC in combating pervasive graft', 6 April 2018.

With regard to anti-corruption learning and development, the ACC implements multiple corruption prevention initiatives both at the national and local levels. At the national level, the Commission undertakes corruption prevention activities such as, campaigns through 'week' and 'day' observations ('Anti-Corruption Week' in March and 'International Anti-Corruption Day' in December every year), organising events (human chains, seminars, meetings, rallies, debate and essay competitions, stage dramas, speeches of renowned persons), and other promotional activities such as integrity stores, anti-corruption messaging in leading national dailies, screening of short films, short text messages (SMS) to mobile phone users alerting them to refrain from corruption, distribution of note books, scales, geometry boxes, umbrella, posters leaflets, school bags, T-shirts (inscribed with slogans against corruption) among students and common people, dissemination of anti-corruption sermons by imams of mosques, and dissemination of anti-corruption posters. Moreover, the ACC organised 97 public hearings in government and semi-government offices at local and national levels, in an attempt to raise awareness about corruption prevention. Besides, ACC's Prevention Wing organised a series of workshops with participation of local public officials and representatives of the civil society in various districts.<sup>182</sup>

At the local level, the Corruption Prevention Committees (CPCs) and Integrity Units formed with the support from the ACC undertook different prevention and education activities against corruption throughout 2016 and 2018. These included discussions, debates, essay competitions, human chains, rallies, seminars, dramas, speeches by distinguished persons, and other events.

In 2017, the ACC formed 25 teams to deal with institutional corruption in the public sector.<sup>183</sup> These teams are composed of officers of the Commission, drawn from different positions. Usually officers in the rank of Director General monitor the performance of such teams. The institutional teams or the task forces focus on issues that are raised in public hearings, consultations with the stakeholders, media reports and information received from the Commission's own Intelligence Unit. Formed with the intent to combat and resist corruption, these teams work under a Terms of Reference (TOR). The performance of these teams are regularly appraised. It may be noted that in the course of their work, if they happen to discover any incident of corruption, the teams have the authority to conduct an enquiry or investigation. The institutional teams work concurrently for both control and prevention.<sup>184</sup>

The organisational review teams attached to the institutions formulate reports and submit to the Commission along with recommendations. So far, five organisational reviews have been completed and submitted to the respective Minister(s)<sup>185</sup>, with specific recommendations. The reports briefly describe the nature and process of corruption in respective institutions. Among some 70 recommendations in the five reports, 25 dwelt on how to prevent corruption in the respective institution.<sup>186</sup>

The ACC disseminates corruption prevention messages through various methods. It sends SMS to all mobile phone users with support of the BTRC. The Deputy Commissioners' (DC) offices are instructed by the Cabinet Division to convey anti-corruption messages through billboards, local cable networks channels etc. at the grassroots. The ACC produces anti-corruption TVCs and audio messages in the form of *Jari* (folk) songs. As many as 2,90,356 posters and 8,400 leaflets containing various messages/ information were distributed in 2018. Moreover, 1,09,648 exercise books, 89,093 ruler-scales, 4,769 geometry boxes with slogans on their covers (such as, "Shall not commit any bad deeds-nor shall endure it", "Shall work fairly-shall build up the country together", "Shall think about the country- shall go to the path of morality", "Shall tell the truth-shall resist the inequity and injustice", "Shall obey the laws-shall live with safety", "Pledge for patriotism-drive off the corruption", "No one trusts a liar", "Do not laugh at the elders") were distributed among students of grades 6, 7, 8 and in 2018. According to high officials of ACC, the messages have had some impact, although they are not always reader/audience friendly; besides, the extent to which

<sup>182</sup> Interview with Director, Prevention, Education and Outreach, ACC; ACC Annual reports 2016, 2017, 2018.

<sup>183</sup> These include (1) Titas Gas, (2) Bangladesh Railway, (3) Civil Aviation Authority, (4) Bangladesh Biman, (5) Customs, VAT and Excise, (6) Department of Income Tax, (7) Dhaka WASA, (8) Department of Narcotics Control, (9) Roads and Highways Department, (10) Bangladesh Road Transport Authority, (11) Registration Complex including Offices of the Sub-Registrars, (12) Bangladesh Inland Water Transport Authority, (13) Bangladesh Inland Water Transport Corporation, (14) Public Works Department, (15) Office of the Comptroller General of Accounts, (16) Sea and Land Port Authorities, (17) Directorate of Drug Administration, (18) Offices of the Deputy Commissioner, Dhaka [Land Acquisition (LA) and Revenue Section (SA)], (19) Department of Environment, (20) Bangladesh Standard and Testing Institution, (21) *Rajdhani Unnayan Kortripokkho - RAJUK* (capital city development authority), (22) Land Records and Survey Department, (23) Directorate of Health, (24) National Housing Authority, (25) Directorate of Education. **Source:** ACC, *Annual Report 2018*, p. 34.

<sup>184</sup> Interview with DG, Detection and Investigation, ACC, former Chairman ACC.

<sup>185</sup> These institutions include DG Health (31 January 2019), Titas (18 April 2019), Finance Ministry (12 March 2019), WASA (18 July 2019).

<sup>186</sup> Interview with PRO, ACC; institutional reports submitted to ACC.

they are effective has not been measured yet. The ACC mainly relies on the activities of CPCs, Integrity Units, and the more recently introduced public hearings to campaign against corruption.

The ACC publishes a newsletter titled 'Dudok Barta' which highlights the whole gamut of the Commission's activities. Around 100,000 copies of this newsletter is circulated in a year. The Commission also re-printed a booklet titled 'The Extreme Consequences of Corruption', containing religious sermons to be used by the *Imams* and other religious leaders. Copies of this booklet have been sent to the Integrated Districts Offices and to different mosques and religious centres through the Islamic Foundation, Bangladesh. The ACC considers the media as one of its key partners. It proactively furnished them with information about its activities on a regular basis through press releases, press briefings, and press conferences.<sup>187</sup>

With regard to the budget allocated for public outreach and prevention, an amount of BDT 267.9 million has been allocated in the fiscal years 2016-17 to 2018-19, which accounts for 2.65% of ACC's total budget on average. The total operating budget of ACC in the last three years was BDT 1,605.38 million.<sup>188</sup>

ACC has developed a comprehensive Five Year Strategic Action Plan (2017-2021), based on which yearly action plans are developed. This plan prioritises effective prevention and educational measures to fight corruption. The 2019 strategic action plan focused on prevention, priority sector demanding attention of the CPCs, appointment of corruption prevention officers, conducting survey on corruption perception and activities of ACC, orientation on preventive measures, preventive activities, awareness building, research etc. The action plans for 2017 and 2018 were implemented within the given timeline. The ACC has a yearly plan of its programmes and events to be organised at the national level. The CPCs and Integrity Units also submit their yearly plans to the ACC. Around 90% of the annual plan is implemented at the CPC level, while all the central level events are organized by ACC itself.<sup>189</sup>

The ACC is in the process of forming a research wing but it does not conduct research on its own. In 2018, for the first time, the ACC commissioned three research to explore corruption risks, contexts and conditions.<sup>190</sup> The ACC allocated budget for these research and outsourced them to external consultants who included academicians, independent researchers and government officials, selected through an open tender process. The process of outsourcing another research on the effectiveness of public hearings is underway.<sup>191</sup> It may be noted that none of the studies has been completed yet, and thus the ACC is yet to utilise the knowledge generated therefrom.

ACC has a robust website with considerable information on ACC activities; however, not all of them are updated while some information are in fact excluded altogether. Information on budget, public hearings and other activities, activity plans, annual reports (2016, 2017 and 2018), investigation and prosecution statistics, updated Acts and Rules etc. are posted, but there is general dearth of awareness raising messages on the website. The ACC has started to utilise social media (Facebook, twitter and YouTube) to publicise actions taken by the Commission. Apart from these, the Commission is contemplating on increasing the circulation of its quarterly newsletter and since 2017 steps have been taken to bring out on-line editions of the newsletter.<sup>192</sup>

## COOPERATION AND EXTERNAL RELATIONS

On the dimension of Cooperation and External Relations, ACC scored 'high' on three indicators (cooperation with other integrity agencies, cooperation with non-government organizations, and international networks), 'moderate' on two indicators (confidence in government support to the ACC, and cooperation with other countries) and 'low' on one indicator (accessibility to marginalised groups).

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<sup>187</sup> Interview with Director, Prevention, Education and Outreach, ACC.

<sup>188</sup> Interview with Director, Prevention, Education and Outreach, ACC; ACC Annual report 2016, 2017, 2018.

<sup>189</sup> Interview with DG & Director, Prevention, Education and Outreach, ACC.

<sup>190</sup> The titles are: (1) Evaluating and Strengthening the Operational Performances of Integrity Units under the Framework of the Corruption Prevention Committees; (2) Examine the Audit Objections and its Corruption Linkage to Some Sectors like Health, Education, Water Resources, Local Government Engineering & Ministry of Foreign Affairs; (3) Reviewing the cases in which ACC lost in Final Judgement: Learning Implications.

<sup>191</sup> Interview with DG & Director, Prevention, Education and Outreach, ACC; ACC Annual Report 2018.

<sup>192</sup> Interview with Director, Prevention, Education and Outreach, & PRO, ACC; review of ACC website by the research team.



ACC is the only institution the core mandate of which is to deal with corruption in the country. While discharging its functions, ACC gets necessary cooperation from other relevant organisations, such as, the National Bureau of Revenue (NBR), banking institutions, Office of the Comptroller and Auditor General (OCAG), and Attorney General's office. Recently the ACC has signed an MoU with Bangladesh Bank for easy access to information on money laundering.<sup>193</sup>

According to ACC officials, a high level of cooperation exists between the ACC and non-government organisations including JICA, GIZ, TIB, UNDP, ADB, and World Bank. The ACC collaborates with these organisations on various projects, programmes and activities. For example, the ACC organised a workshop on 'Business Process Re-engineering for Corruption-free Service Delivery: Role of Integrity Focal Points' in joint collaboration with JICA. Besides, ACC in association with the Law and Justice Division of the Ministry of Law, Justice and Parliamentary Affairs, and also with the financial assistance of GIZ, is jointly implementing a project titled 'Justice Reform and Corruption Prevention' in five districts of the country. The ACC has an MoU with TIB, under which different programmes including celebration of International Anti-Corruption Day, organising information fairs, public hearings, seminars and symposiums, etc. are implemented. The World Bank, JICA and the UNDP have extended their technical assistance to promote public hearings and other allied interventions. The UNDP has also provided financial support to setting up integrity stores in schools. The ADB and the governments of Korea and Bangladesh are jointly funding the development of a web-based software as a part of implementation of a technical project named 'Institutional Capacity Development of the Anti-Corruption Commission'. Apart from these, the ACC collaborates with Bangladesh Scouts and Bangladesh Girls' Guide to implement corruption prevention activities.<sup>194</sup>

ACC's participation in international fora and networks is manifest from its engagement in the Conferences of State Parties in UNCAC, involvement with the Asia Pacific Group of Anti-Money Laundering, and membership of the ADB/ OECD Anti-Corruption Initiative for Asia-Pacific.<sup>195</sup> As part of an inclusive approach, the ACC makes an effort to develop partnership with international organisations. The ACC has an MoU with Anti-Corruption Commission of Bhutan and Investigative Committee of the Russian Federation (ICRF) respectively. Besides the ACC is in communication with relevant organizations of different countries including Indonesia, China, USA, Singapore, Hong Kong, South Korea, Malaysia and India.<sup>196</sup>

There is a mixed perception regarding confidence in government support to the ACC. No survey is available in this context. However, the top leadership in the government have repeatedly committed to control corruption and practice "Zero Tolerance" against corruption.<sup>197</sup> After the formation of the new government in 2019, the Prime Minister reiterated her strict stand against corruption. In her address to the nation, alongside acknowledging the unease at all levels over corruption, the PM made an important four-point declaration. First, she urged self-purification of people involved in graft; second, elimination of corruption through a stern application of laws; third, uprooting of corruption through extensive application of digital technology; and fourth, and above all, due importance to resisting corruption through people's participation and media cooperation.<sup>198</sup> Based on this, the ACC has been equipped with sufficient financial and human resources. The ACC gets adequate support from other organisations of the government. Certain legal developments have also contributed to the strengthening of the ACC; for instance, the Ministry of Finance issued rules for the Money Laundering Prevention Act 2012 which included the ACC as an investigating authority alongside other defined investigators.<sup>199</sup> Moreover, the ACC amended its Rules in June 2019 where provisions have been included enabling the ACC to seek information about an individual's financial status from the NBR whenever needed for enquiry purposes. The ACC can also file lawsuits if necessary without completing enquiry.<sup>200</sup>

<sup>193</sup> *bdnews24.com*, <https://m.bdnews24.com/bn/detail/economy/1677439> (accessed on 19 October 2019).

<sup>194</sup> Interview with Director, Prevention, Education and Outreach, & PRO, ACC. Annual report 2016. 2017, 2018.

<sup>195</sup> Interview with Director, Prevention, Education and Outreach, & PRO, ACC; Annual report 2016. 2017, 2018.

<sup>196</sup> Interview with Director, Prevention, Education and Outreach, & PRO, ACC; Annual report 2016. 2017, 2018.

<sup>197</sup> *The Daily Star*, 'Hasina warns against graft at field-level administration', 18 January 2019; *The Daily Star*, 'Uproot graft, drug menace: PM asks home ministry', 21 January 2019; *The Daily Star*, 'Won't stand corruption: PM warns at programme of government officials', 14 July 2019. She said, "We'll never tolerate this [corruption], all will be held responsible for their own duties, and all will have to perform their duties properly. All must keep it in mind that development must not be affected in any way because of graft".

<sup>198</sup> Shah Husain Imam, 'Uprooting corruption: We can do better', *The Daily Star*, 1 February 2019;

<https://www.thedailystar.net/opinion/pleasure-all-mine/news/uprooting-corruption-we-can-do-better-1695628> (accessed on 10 October 2019).

<sup>199</sup> *Financial Express*, 'Money Laundering Act: New rules define working areas of investigators', 18 February 2019.

<sup>200</sup> *Daily Prothom Alo*, 24 June 2019.

However, different stakeholders including the ACC's senior personnel, CSO leaders, representatives of donor agencies, anti-corruption experts, and journalists think that the ACC has been weakened through the enactment of The Government Employment Act 2018 which incorporates provisions designed to protect public servants.<sup>201</sup> According to this law, it is mandatory for the ACC to seek permission from appropriate authorities before arresting any government official on corruption charges related to their job.

The ACC does not have strategies, targets and benchmarks in place to enable it to monitor its responsiveness to marginalised groups (including women and minority groups). It does not hold disaggregated data (e.g. on corruption complaints received) according to different group characteristics. Although the ACC is aware of the different needs of its citizens and the different ways in which people experience and report corruption, it has not developed any procedure to monitor this data and to inform the ACC's outreach and accessibility policies.<sup>202</sup>

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<sup>201</sup> According to former cabinet secretary Ali Imam Mujumdar, the provision that makes it mandatory for the ACC to take prior permission for arresting any public servant will weaken the ACC Act and compromise the commission's work. *The Daily Star*, 'Govt. officials given shield from arrest: Prior govt. approval needed for detaining them on charges related to their job', 25 October 2018; <https://www.thedailystar.net/country/sarkari-chakori-ain-2018-now-permission-mandatory-arresting-any-public-servant-1651324> (accessed on 10 October 2019). Shakhawat Liton, 'The Civil Service Bill: Are some more equal than others?', *The Daily Star*, 23 October 2018. <https://www.thedailystar.net/opinion/politics/news/are-some-more-equal-others-1650511> (accessed on 10 October 2019).

<sup>202</sup> Interview with PRO, ACC.



**Table 10: Detailed Indicator Scores, with Sources and Comments**

**1. Independence and Status (9 indicators)**

No.	INDICATOR	INDICATOR VALUES			JUSTIFICATION OF SCORES AND DATA SOURCES
		Low	Moderate	High	
1.	Institutional independence	Within police or ministry	Separate agency accountable to a ministry	Statutory or constitutional agency accountable to the legislature	<p>According to The Anti-Corruption Commission Act 2004, the ACC is an independent, impartial and self-governed Commission [Section 3(2), (3)], and the Commissioners are to discharge their duties independently [Section 24].</p> <p><b>Source:</b> <i>The Anti-Corruption Commission Act 2004.</i></p>
2.	Appointment and removal of Commissioner(s)	Prime Minister/ President/ Head of State makes the appointment decision with no safeguards for ensuring impartiality (including a transparent procedure) AND Commissioners do not have a fixed term and can easily be replaced	A ministerial committee makes the appointment decision with some safeguards in place to ensure impartiality (such as a transparent procedure) AND/OR Commissioners have a fixed term (without tenure) but it is not difficult to remove them	An independent committee makes the appointment decision with strong safeguards in place to ensure impartiality (including a transparent procedure) AND Commissioners have a fixed term (with tenure) and cannot be removed without proven cause (e.g. incompetence or misconduct)	<p>According to The Anti-Corruption Commission Act 2004 the Chairman and Commissioners are appointed by the President upon recommendation of a selection committee [Section 6(1)]. The Selection Committee is independent in nature, and is comprised of a Judge of the Appellate Division and a Judge of the High Court Division, both nominated by the Chief Justice, the Comptroller and Auditor General of Bangladesh, the Chairman of the Public Service Commission, and the immediate past Cabinet Secretary. Person having “20 years of experiences in law, education, administration, judiciary, or a disciplined force” are eligible for the post [Section 8].</p> <p>As part of the process, the selection committee is supposed to assess an individual’s perceived integrity, reputation, administrative or experience, and makes a proposal based on their preferences and knowledge through a head hunting process. On the basis of the decision of at least three members present, the Selection Committee makes a list of two names for each vacant post of commissioner and sends it to the President for appointment [Section 7 (4)].</p> <p>However, the law does not ensure transparency in the process, and thus “confidentiality” is strictly maintained. The names and the profiles of the selected officials are not disclosed beforehand. Key informants noted that relevant qualities for the job are often compromised in the selection process when candidates are chosen considering their proximity and/or loyalty to political power base and other factors.</p> <p>The Commissioners are well protected from forceful and undue removal. No</p>

No.	INDICATOR	INDICATOR VALUES			JUSTIFICATION OF SCORES AND DATA SOURCES
		Low	Moderate	High	
					<p>Commissioner can be removed from office except on similar grounds and in accordance with similar procedures as applicable to the removal of a Judge of the Supreme Court [Section 10(3)]. However, to what extent these two grounds are tenable in the discharge and implementation of ACC's mandate, and how incapacity and misbehaviour are defined and addressed and who initiates and investigates these matters, based on which the President may order removal are not clear.</p> <p><b>Source:</b> The Anti-Corruption Commission Act 2004.</p>
3.	Mandate	Education and prevention without investigation	Primary focus on investigation	Focus on investigation and as well as education and prevention	<p>According to law, out of 11 functions of ACC, 5 are of punitive and 6 are of preventive in nature. The major functions include enquiry and investigation, prosecution, prevention, education, and research [Preamble and Section 17].</p> <p><b>Source:</b> The Anti-Corruption Commission Act 2004.</p>
4.	Jurisdiction	Only public sector at the national level	Both public and private sector but only at the national level OR only public sector but at both national and sub-national levels	Both public and private AND at both national and sub-national level	<p>ACC is operational all over the country. It mostly deals with public sector corruption which basically refers to the corruption and bribery of public officials. In so doing, the ACC relies on relevant provisions in the anti-corruption laws (The Penal Code 1860, The ACC Act 2004, The Prevention of Corruption Act 1947 etc.). However, the ACC has limited scope to deal with private sector corruption. It can partly handle (government offices and bank related issues) the matters of cheating and dishonestly inducing deliver of property (under the Section 420 of The Penal Code 1860) and rest of this section are under the jurisdiction of police. Besides, according to Section 27 of The Anti-Corruption Commission Act 2004 and The Money Laundering Prevention Act 2012, ACC can cover private sector corruption relating to corruption and bribery.</p> <p><b>Source:</b> The Anti-Corruption Commission Act 2004; The Penal Code; The Money Laundering Prevention Act 2012.</p>
5.	Investigative & prosecutorial powers	Few or no powers	Some powers	Extensive powers including the power to initiate investigations and/or prosecutions	<p>According to law, the Commission has the power of inquiry or investigation (summon witnesses, ensure their appearance and interrogate, discover and present any document, take evidence, call for public records or its certified copies from any court office, issue warrants for the interrogation of witnesses and the examination of documents, any other matter required for realizing and fulfilling the aims and objectives of this law) [Section 19],</p>

No.	INDICATOR	INDICATOR VALUES			JUSTIFICATION OF SCORES AND DATA SOURCES
		Low	Moderate	High	
					<p>power of investigation [Section 20], power of arrest [Section 21], power of hearing the accused [Section 22], power of asking for declaration of properties [Section 26], power of confiscating property in excess of known sources of income [Section 27], power of filing cases [Section 32], and formulate rules [Section 34]. Moreover, the Commission may call for any information from the government or from any authority or organization under the government during any inquiry or investigation into allegations of corruption [Section 23 (1)].</p> <p>ACC also has the power to proactively initiate proceedings and has a broad range of other powers (e.g. to compel other government agencies to co-operate; arrest and search of arrested persons; examining suspect's bank accounts, safe-deposit boxes, income tax records and property; search and entry of premises, etc.</p> <p><b>Source:</b> The Anti-Corruption Commission Act 2004.</p>
6.	Powers to report & enforce recommendations	Few or no powers	Some powers	Extensive powers	<p>The ACC has the power to identify the sources of corruption existing in Bangladesh in the context of socio economic conditions and submit recommendations to the President for taking necessary steps [Section 17(i)]. The ACC prepares reports on different corruption-prone institutions, proposes recommendations, sends the report and recommendations to the concerned institutions. It also publishes the same in its annual report. However, the ACC's recommendations are not legally binding. Besides, the ACC organizes public hearings on corruption prone institutions at the local and national levels and inquiries into the complaints.</p> <p><b>Source:</b> The Anti-Corruption Commission Act 2004.</p>
7.	Legal autonomy	No legal autonomy	Some legal autonomy	Full legal autonomy	<p>The ACC is a self-governed Commission [Section 3(3)] with full legal autonomy. A code of conduct including discipline of the officers and the employees is to be prescribed by rules and until such rules are made, the commission may, subject to the approval of the government determine the procedures to be followed in this regard by administrative orders. [Section 16(4)]. However, the ACA commissioners and staff are liable for prosecution.</p> <p><b>Source:</b> The Anti-Corruption Commission Act, 2004.</p>
8.	Operational	Low degree of	Limited degree of	High degree of	<p>A mixed reflection of opinion is found regarding ACC's operational</p>

No.	INDICATOR	INDICATOR VALUES			JUSTIFICATION OF SCORES AND DATA SOURCES
		Low	Moderate	High	
	autonomy	operational autonomy	operational autonomy	operational autonomy	<p>autonomy. Although ACC officials claimed that they have sufficient operational autonomy, and maintain full impartiality in their activities, experts claimed that sometimes it is hard to work effectively in the political context of Bangladesh, where the government support is very important for ACC to make the anti-corruption drive more effective. If the government has a zero tolerance policy against corruption, it is helpful for ACC in performing its duty. Sometimes the ACC has to face pressure from different stakeholders including the government, political parties, and development partners. Moreover, the provision requiring prior permission of the government in filing cases against public officials stated in 'The Government Employment Act 2018' may potentially curtail the ACC's operational autonomy.</p> <p><b>Source:</b> Director, Finance and administration ACC; Former Chairman of ACC; Lawyer; Journalist; The Anti-Corruption Commission Act 2004.</p>
9.	Political use of powers	Evidence of widespread use of ACA by government as a tool against political opponents	Some evidence of limited manipulation of ACA by government for political motives	Government has not used ACA as a tool against political opponents or for political motives	<p>It is widely believed that the ACC is being politically used by the government in power to harass, opposition political parties and favour the politicians of ruling party and / or coalition. While ACC officials claimed otherwise, statistics show that in the last three years (2016-2018) a good number of leaders of the political opposition party (BNP) faced enquiry and investigation by the ACC, and some faced lawsuits.</p> <p><b>Source:</b> Interviews with PRO of ACC; Former Chairman of ACC; lawyer; journalist; <i>The face Daily Star</i>, 'Eight BNP leaders graft probe', 3 April 2018.</p>

## 2. Financial and Human Resources (9 indicators)

No.	INDICATOR	INDICATOR VALUES			JUSTIFICATION OF SCORES AND DATA SOURCES
		Low	Moderate	High	
10.	Proportion of budget	Below 0.10% of government's total budget	Between 0.10% to 0.20% of government's total budget	Above 0.20% of government's total budget	<p>The average proportion of ACC's budget to total government budget has not been more than 0.031% during 2016-2018. It may be noted that although the ACC's budget has increased significantly, the proportion to the national budget remains low since the national budget in the past three years also have increased exponentially.</p>

No.	INDICATOR	INDICATOR VALUES			JUSTIFICATION OF SCORES AND DATA SOURCES
		Low	Moderate	High	
					<b>Source:</b> Ministry of Finance website; ACC Annual report, 2016, 2017 & 2018.
11.	Sufficiency of budget	Inadequate (less than 66% of budget request is approved) and relies on funding by CSOs and donor agencies	Adequate (66% to 79% of budget request is approved)	More than adequate (80% to 100% of budget request is approved)	Usually, the budget sought by the ACC is approved in its entirety and disbursed by the Ministry of Finance with no terms and conditions attached. In other words, the ACC has complete independence to use the budget as they wish. When ACC requires additional allocation for different activities (investigation, prosecution and prevention), this need is also met by the Ministry of Finance upon request from the ACC. According to ACC officials, the budget they receive is sufficient. In order to cater to other needs such as training, capacity building, and organizing events, the ACC receives financial support from other agencies like JICA, GIZ, TIB, UNDP, ADB, and World Bank.  <b>Source:</b> Interview with PRO of ACC.
12.	Security & stability of budget	ACA budget has been reduced during past 3-5 years and/or the budget is not dispersed in a timely manner	ACA budget has not been reduced during past 3-5 years	ACA budget is guaranteed based on previous year's allocation and has not been reduced	The budget allocation of the last five years (from 2013-14 to 2017-18) demonstrates that the allocation has been increasing over the years in consideration of increase in expenditure. It may be noted that ACC's total budget has significantly increased since FY 2014-15, while the development budget has recently been enhanced substantially during the last two years. Besides there are no terms attached to budgetary allocations.  <b>Source:</b> ACC Annual Reports 2013, 2014, 2015, 2016, 2017 & 2018.
13.	Staff salary & benefits	Low salary and limited benefits (compared to similar public sector agencies)	Adequate salary and benefits (comparable with similar public sector agencies)	Competitive salary and benefits (comparable with private sector entities)	The ACC personnel receive salaries and benefits according to the National Pay Scale of Bangladesh Government, which the ACC officials consider adequate. In addition to their monthly salary, ACC staff belonging to all grades get rice, flour, sugar, lentil and edible oil ration. These products are distributed according to the number of family member of a staff. Besides, staff of Grade 10 and below also get risk allowance, varying depending on the staff's experience.  <b>Source:</b> Interview with DG, Administration, Establishment and Finance, ACC.
14.	Staff selection	Patronage and non-transparent procedures and	Limited meritocratic and/or transparent	Meritocratic and transparent procedures and	The ACC follows 'The Anti-Corruption Commission (Personnel) Employment Rules, 2008' for its staff selection. The recruitment is based on competitive examinations. The selection procedure is transparent as it is managed by

No.	INDICATOR	INDICATOR VALUES			JUSTIFICATION OF SCORES AND DATA SOURCES
		Low	Moderate	High	
		practices	procedures and practices	practices	<p>the Institute of Business Administration (IBA) of the University of Dhaka, which is a reputed academic institution of the country.</p> <p>However, in 2018 the ACC recruited 3<sup>rd</sup> and 4<sup>th</sup> class staff where quota system was applied. Besides, the age limit was relaxed for children of freedom fighters and the staff working in ACC.</p> <p><b>Source:</b> Interview with Director, Administration and Finance, ACC, Panel Lawyer, ACC.</p>
15.	Investigation & prosecution expertise	Lacking expertise in many areas	Lacking expertise in some areas	High level of expertise	<p>The ACC personnel lack requisite expertise in respect of some aspects of corruption investigation and prosecution. According to experts, ACC's investigation officers lack necessary expertise to handle issues of converting property, banking sector corruption, detention of property, etc. According to experts, different types of skills and expertise are needed for handling different types of corruption issues. Sometimes, there is lack of clarity and knowledge about the procedure of filing corruption cases among some investigation officers (IOs). As a result, sometimes procedural mistakes occur in some corruption cases.</p> <p>The ACC has about 300 investigation officers at present, of whom 64 were recruited in 2014 and 2017 respectively. According to some high officials of ACC and other stakeholders, there is lack of understanding among the new staff on how to investigate corruption, while the older staff do not keep abreast with the latest forms and techniques of corruption such as, money laundering and use of cyber technology in corruption. Besides, there is lack of exposure of IOs to learn from other ACAs regionally and internationally in how to handle corruption investigations.</p> <p>On the other hand, there is lack of skill among ACC's panel lawyers as well. Experts stated that sometimes qualified lawyers are not recruited to ACC's panel, consequently, ACC's lawyers often lack the necessary qualifications and competence. This is also the scenario at the district level.</p> <p><b>Source:</b> Interview with Panel Lawyer, ACC, Journalist, Lawyer, Former Chairman ACC.</p>
16.	Prevention &	Lacking expertise	Lacking expertise	High level of	Relevant personnel engaged in corruption prevention and education lacks



No.	INDICATOR	INDICATOR VALUES			JUSTIFICATION OF SCORES AND DATA SOURCES
		Low	Moderate	High	
	education expertise	in many areas	in some areas	expertise	<p>necessary skills and expertise. The shortage of staff in corruption prevention and education is also a significant problem. Only one staff is assigned in corruption prevention and education in ACC's Integrated Districts Offices. However, this staff is not solely assigned to prevention activities, and has to carry out many other tasks including inquiry, investigation and so on. These additional activities make it difficult for them to spend more time on prevention activities. They mostly rely on ACC's local committees ('Corruption Prevention Committee' and 'Integrity Unit') for preventing corruption and promoting integrity.</p> <p><b>Source:</b> Interview with DG &amp; Director, Prevention, Education and Outreach, ACC.</p>
17.	Staff training	Training is unimportant and neglected	Some trained personnel with limited training opportunities and/or the training offered is not relevant	Well-trained personnel with many relevant training opportunities	<p>It is observed that the number of training and participants have been increased over the last three years. In the last three years (2016-2018), some 160 training programmes were organised at national and international levels where ACC staff in which 3,128 staff took part. On an average 1,031 staff got the opportunity of training each year. Each staff had the opportunity to participate in more than one trainings each year. These trainings covered technical aspects such as follow the money, forensic investigation, foreign aid management system, comprehensive intelligence, Income Tax Ordinance-1984, Customs Act-1969, Investigating and Prosecuting Financial Crimes, the Annual Performance Agreement, Public Procurement Regulations, Case Preparation and Trial Skills Programme, etc. It may be noted that during 2013-15 the training number was 47 and participant number was 808. However, still the ACC staff need more training to carry out their work more efficiently.</p> <p>During last three years (2016-2018) only on average 0.5% of total human resource budget was used for training.</p> <p><b>Source:</b> Interview with PRO, ACC; ACC Annual Report 2016, 2017 &amp; 2018.</p>
18.	Stability of staff	High turnover and resignation rate (more than 10% per year)	Moderate turnover and resignation rate (more than 5% to 10% per year)	Low turnover and resignation rate (0% to 5% per year)	<p>The turnover rate of ACC is low (average 4% per year during 2016-2018). Such turnover was due to retirement, resignation, termination and death of concerned staff. Termination took place following departmental prosecution due to allegations raised against them and duly investigated and proven.</p>

No.	INDICATOR	INDICATOR VALUES			JUSTIFICATION OF SCORES AND DATA SOURCES
		Low	Moderate	High	
					<b>Source:</b> Interview with Director, administration and Finance, ACC

### 3. Accountability and Integrity (9 indicators)

No.	INDICATOR	INDICATOR VALUES			JUSTIFICATION OF SCORES AND DATA SOURCES
		Low	Moderate	High	
19.	Annual reporting	ACA submits its annual report to parliament but it is not available to the public and/or it is made publicly available but it is very short on substantive detail	The ACA submits its annual report to parliament and it is made publicly available but the report is somewhat limited in the level of information it provides	Comprehensive information on ACA is provided in annual report which is submitted to parliament and easily accessible to the public	<p>The ACC publishes its annual report on a regular basis. The annual report of the ACC is presented to the President who then submits it to the Parliament. The report is comprehensive and provides necessary information about its on-going activities, information on regulatory function for corruption control, investigations and prosecution, corruption prevention and promotion of good governance, Commission's plan of action, institutional capacity, budget and manpower. The soft version of the Annual Reports of 2016, 2017 and 2018 are available on ACC's website.</p> <p><b>Source:</b> Interview with DG Prevention, Education and Outreach, ACC Annual Report 2016, 2017 &amp; 2018.</p>
20.	Responsiveness to information requests	The ACA does not have any access to information policies or mechanisms in place to respond to public requests for information and does not respond to such requests in practice	The ACA has some mechanisms in place to respond to public requests for information (including on ACA decisions and how these decisions were made), but it is usually a difficult, cumbersome and/or lengthy process.	The ACA has a comprehensive access to information policies and processes in place and responds to public requests for information in a timely manner	<p>The ACC has its 'Information Disclosure policy 2011' as prescribed by the Right to Information Act 2009. This policy defines information as any published, different documents have been defined as "documents" that can be provided to common people. ACC officials for different offices have been made responsible for providing information upon citizens' demands. Any citizen can apply to the Commission seeking information, in prescribed formats or in plain white papers. Abstaining from providing the information without any valid reasons, will amount to "Misconduct", and accordingly actions shall be taken against him/her under the Anti-Corruption Commission (Employees) Service Rules, 2008. The designated information officers are well aware of this and they are specially trained upon the RTI Act.</p> <p>According to the ACC officials, all the RTI applications are responded properly and generally the applications are responded to, within the stipulated timeline. In some special or complex cases it takes some more time to provide information. During last three years, a total of 56 applications</p>

No.	INDICATOR	INDICATOR VALUES			JUSTIFICATION OF SCORES AND DATA SOURCES
		Low	Moderate	High	
					were submitted for obtaining information from ACC and information were provided against 53 applications out of 56. The remaining three applications are still being processed.  <b>Source:</b> Interview with PRO, ACC; ACC Annual Report 2016, 2017 & 2018.
21.	External oversight mechanisms	The ACA is accountable to Executive without any oversight committee	The ACA is accountable to (an) oversight committee(s) with Members of Parliament and/or senior civil servants as members but the committee is not very effective and/or there are few additional oversight mechanisms in place	The ACA has a comprehensive set of oversight mechanisms in place including (an) effective oversight committee(s) with active participation by Members of Parliament, senior civil servants and prominent citizens	There is no formal external oversight committee as such to monitor ACC's performance, and thus there is no scope for any public representation and participation, or a review process and mechanism for following up.  According to the Anti-Corruption Commission Act 2004, ACC has to submit an annual report to the President which is again required to be submitted in the Parliament [Section 29]. The Parliament has the mandate to discuss on this report. Besides, the ACC's financial accounts are reviewed by the Office of CAG regularly (after every one or two years). ACC officials are socially accountable to common people through its public hearings.  <b>Source:</b> Interview with PRO, ACC.
22.	Internal review mechanisms	The ACA has weak or non-existent internal monitoring and review mechanisms in place	The ACA has some internal monitoring and review mechanisms in place, but with important gaps	The ACA has a comprehensive set of internal monitoring and review mechanisms in place	ACC's performance is internally monitored by its Monitoring and Evaluation (M&E) Branch. Short and detailed inspections are done by using monitoring tools to oversee the performance of ACC's divisional and integrated offices, which are carried out by Director Generals and Directors of ACC Headquarters. In special cases, the two Commissioners hold inspections of the Wings of the Commission's Head Office and other offices as well. The M&E Branch regularly evaluates these inspection reports and submits the key findings to the ACC Chairman. The Commission monitors its internal activities on the basis of internal reporting. Moreover, the Commission has constituted a permanent Internal Anti-Corruption Committee, headed by its Chairman, to consistently monitor, supervise, enquire, and investigate into any corruption allegations against ACC officials and to make recommendations for taking legal and departmental actions against the corrupt staff. The internal procedure for dealing with complaints against the ACC personnel is quite strong, and the outcomes are visible, and made public through the annual report.

No.	INDICATOR	INDICATOR VALUES			JUSTIFICATION OF SCORES AND DATA SOURCES
		Low	Moderate	High	
					<p>However, the ACC does not have any mechanism in place that collects public perception data on its performance.</p> <p><b>Source:</b> Interview with Director, Intelligence Unit, ACC; ACC Annual Reports 2016, 2017 &amp; 2018.</p>
23.	Adherence to due process	Low level of confidence as reflected in survey finding (below 50%) and views of ACA senior personnel, CSO leaders, journalists and, if possible, persons with direct contact with ACA	Moderate level of confidence as reflected in survey finding (50%-75%) and views of ACA senior personnel, CSO leaders, journalists and, if possible, persons with direct contact with ACA	High level of confidence as reflected in survey finding (above 75%) and views of ACA senior personnel, CSO leaders, journalists and, if possible, persons with direct contact with ACA	<p>The ACC has neither conducted nor commissioned any public perception survey on its work and profile. However, according to experts, journalists and other stakeholders, the ACC is not impartial in handling corruption cases of the same nature. The common perception is that the outcome of a case and whether an investigation will continue depends on the guidance of the ACC leadership and the policy of the government whether an investigation is to be expedited.</p> <p><b>Source:</b> Interviews with experts, journalists.</p>
24.	Willingness of complainants to identify themselves	Low proportion of complainants are confident to identify themselves (less than 25%)	Moderate proportion of complainants are confident to identify themselves (25-50%)	High proportion of complainants are confident to identify themselves (more than 50%)	<p>Some basic information of applicants (name/ profession and full address) are needed to be mentioned in the complaint form before ACC can go for action. In most cases complaints are anonymous and the profile of the complainants cannot be ascertained. A very low proportion of complainants (less than 25%) are confident to identify themselves, primarily to avoid harassment or for fear of reprisal. As a result, the number of complaints where actions were taken for further enquiry is less than the total number of complaints received. During last three years (2016-18), a total 47,549 complaints were received by the ACC, out of which 40,555 complaints were submitted by citizens. However, only 3,209 complaints were taken for further enquiry.</p> <p><b>Source:</b> Interview with PRO, ACC; ACC Annual Reports 2016, 2017 &amp; 2018.</p>
25.	Complaints handling	Complaints against ACA personnel are ignored and/or not investigated	Complaints against ACA personnel are investigated by its internal control unit	Complaints against ACA personnel are investigated by another public agency to avoid	<p>Complaints against ACC personnel are investigated by its internal control unit, as mentioned earlier. No other public agency has the mandate to do so. A permanent Internal Anti-Corruption Committee is there to consistently monitor, supervise, enquire, and investigate into any corruption allegations against the ACC officials and to make recommendations for taking legal and</p>

No.	INDICATOR	INDICATOR VALUES			JUSTIFICATION OF SCORES AND DATA SOURCES
		Low	Moderate	High	
		without any explanation		conflict of interest	departmental actions against the corrupt staff.  <b>Source:</b> Interview with Director, Intelligence Unit, ACC; ACC Annual Reports 2016, 2017 & 2018.
26.	Outcomes of complaints	Complaints involving ACA personnel are ignored and not investigated at all	Some valid complaints against ACA personnel result in punishment or other remedies	All valid complaints against ACA personnel result in punishment or other remedies and are publicized in its annual report.	Allegations of corruption against ACC officials are often received, in particular the IOs who allegedly engage in corruption during inquiry and investigation. In the last three years (2016-2018) a total of 33 complaints were lodged against ACC personnel. Besides, 12 more complaints were recorded from before 2016. Among these, 37 were resolved whereby six of the accused received rigorous punishment (removal from service, compulsory retirement and downgrading the pay-scale), and five received minor punishment (censure, deferring promotion or increment, fixing pay at the lowest grade of the time scale, transferred to other government organisations), and 26 cases were disposed of in other ways.  <b>Source:</b> ACC Annual Reports 2016, 2017 & 2018.
27.	Internal integrity mechanisms	ACA does not have a code of conduct or internal disciplinary procedures, or these are very weak/not applied in practice	The ACA has a code of conduct and internal disciplinary procedures, but these are not comprehensive and/or applied inconsistently	The ACA has a comprehensive code of conduct and disciplinary procedures which are applied fairly and consistently	ACC does not have a comprehensive code of conduct. The 'Anti-Corruption Commission (Employees) Service Rules, 2008' contains provisions on conduct, asset declarations, and disciplinary issues, but there is no rule on conflict of interest. As mentioned earlier, the ACC has a formal disciplinary procedure in practice for addressing misconduct as well as for handling internal complaints through the Corruption Prevention Committee. Moreover, performance of the officers and staff are regularly monitored by the monitoring and evaluation branch under the direct supervision of the Chairman. Besides, the performance of the officers are watched by ACC's Intelligence Unit. The Commission follows the principle of 'Zero Tolerance' in case of corruption by its employees.  <b>Source:</b> Interview with Director, Intelligence Unit, ACC; ACC Annual Reports 2016, 2017 & 2018.

#### 4. Detection, Investigation and Prosecution (9 indicators)

No.		INDICATOR VALUES	JUSTIFICATION OF SCORES AND DATA SOURCES
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		Low	Moderate	High	
28.	Accessibility to complainants/ informants	ACA is inaccessible as reflected in low proportion of corruption complaints received relative to population and perceived level of corruption (on average less than 1 complaint per 20,000 citizens per year)	ACA is accessible as reflected in the moderate proportion of corruption complaints received relative to population and perceived level of corruption (on average between 1 complaint per 10,000 and 1 complaint per 20,000 citizens per year)	ACA is highly accessible as reflected in the high proportion of corruption complaints received relative to population and perceived level of corruption (on average more than 1 complaint per 10,000 citizens per year)	<p>Any person can lodge complaints to the Commission regarding offences listed in the Schedule to the Anti-Corruption Act, 2004. Allegations against corruption are currently received both digitally and manually. Complaints are received at all ACC offices, i.e., the headquarter and district offices.</p> <p>The ACC receives corruption allegation from different sources. Apart from this, the toll free “Hot Line” 106 of ACC’s Complaint Centre was introduced in 2017, by which anybody from any fixed/ mobile phone can lodge complaints. After introducing this hotline, people found it more accessible than before and the number of complaints has increased.</p> <p>During the last three years (2016-2018), a total 47,549 complaints (15,849 complaints on average per year which accounts for about 0.009% of the country’s population) were received by the ACC. However, many complaints were anonymous and thus the profile of the complainants cannot be ascertained. Anonymity is therefore a common feature of the complaints which may be resorted to either to harass a person or for fear of being harassed or threatened. Considering the proportion of corruption complaints received relative to the population and high perceived level of corruption (Bangladesh ranked 149<sup>th</sup> out of 180 countries and scored 26 out of 100 in TI’s CPI 2018), and proportion of complainants confident to identify themselves, the ACC can be considered highly accessible (on average more than 1 complaint per 10,000 citizens per year).</p> <p><b>Source:</b> Interview with PRO, ACC; ACC Annual Report 2016, 2017 &amp; 2018.</p>
29.	Responsiveness to corruption complaints	ACA is not responsive as reflected in the low proportion of relevant corruption complaints/information investigated during past 3-5 years (less than 33%)	ACA is responsive as reflected in the moderate proportion of relevant corruption complaints/information investigated during past 3-5 years (33%-66%)	ACA is highly responsive as reflected in the high proportion of relevant corruption complaints/information investigated during past 3-5 years (more than 66%)	<p>It is observed that most of the complaints received by the ACC do not fall under the scheduled offences. After scrutiny of the complaints, only the those which are cognizable are taken up for further enquiry. During last three years (2016-18), a total 47,549 complaints (15,849 complaints on average per year) were received by the ACC. Among these, 3,209 complaints (7%) were processed for further enquiry. Apart from this, 2,369 were sent to the concerned ministry/ division for necessary action.</p> <p><b>Source:</b> Interview with PRO, Director, Intelligence Unit, ACC; ACC Annual Report 2016, 2017 &amp; 2018.</p>
30.	Proactive investigation	Low proportion of corruption investigations	Moderate proportion of corruption	High proportion of corruption investigations	ACC proactively gathers corruption related information from different reports released in electronic and print media. In the last three years (2016-18), out of total 3,209 complaints the ACC proactively picked out 1,013 complaints or



No.	INDICATOR	INDICATOR VALUES			JUSTIFICATION OF SCORES AND DATA SOURCES
		Low	Moderate	High	
		initiated by ACA (less than 5% of all investigations)	investigations initiated by ACA (5-10% of all investigations)	initiated by ACA (more than 10% of all investigations)	<p>news of corruption from the media (31.57%) and shortlisted for enquiry. In 2018, on the basis of complaints received, ACC launched 144 anti-corruption drives as part of their prevention activities and to alleviate public harassment. Apart from this, in the last three years, ACC formed 25 teams to combat institutional corruption.</p> <p><b>Source:</b> Interviews with Director, Intelligence Unit, ACC (18 July 2019); Annual Report 2016-18</p>
31.	Efficiency & professionalism	Inefficient and unprofessional investigation of corruption cases	Efficient and professional investigation of corruption cases	Highly efficient and professional investigation of corruption cases	<p>Although The Anti-Corruption Commission Act 2004 clearly stipulates a timeline for completing corruption it usually takes ACC longer to complete an investigation – varying from a few months to a few years. However, according to ACC officials, it is not possible to measure the average time taken to complete the investigation of a corruption case as the duration varies depending on the nature of the offence. Moreover, the IOs are over-burdened as each one has to deal with 30-40 investigations on average. While the high officials of ACC claim that the officers involved in corruption investigation are efficient and professional, experts raised concerns over the efficiency and professionalism of the investigating officials.</p> <p><b>Source:</b> Interviews of ACC officials, panel lawyers, journalist.</p>
32.	Prosecution rate	Below 50%	Between 50% to 75%	Above 75%	<p>In last three years (2016-2018), ACC filed 848 cases (282 cases on average per year) after completing preliminary enquiry. During this period, a total 4,038 enquiries were completed by ACC, bringing the average prosecution rate to 21%.</p> <p><b>Source:</b> Interviews with Director, Intelligence Unit, ACC; DG, ACC; ACC Annual Reports 2016-18.</p>
33.	Conviction rate	Below 50%	Between 50% to 75%	Above 75%	<p>During the past three years (2016-2018), there were a total of 495 convictions out of 857 disposed of cases (57.7%) lodged by the ACC and the abolished Bureau of Anti-Corruption. According to experts, the ACC is having to deal with long pending cases from the erstwhile Bureau. Moreover, many corruption cases have been stayed by the High Court Division of the Supreme Court following writ petitions by the accused. Other causes of delay include lack of a dedicated bench in the High Court to hear corruption cases, failure to produce evidence on the date of hearing, and frequent time petitions by lawyers of the accused.</p>

No.	INDICATOR	INDICATOR VALUES			JUSTIFICATION OF SCORES AND DATA SOURCES
		Low	Moderate	High	
					<p><b>Source:</b>, Interviews with PRO, Director, Intelligence Unit, ACC; Panel Lawyer, Annual Report 2016-18</p>
34.	Investigation of influential persons	No or very few investigations of influential persons for corruption (less than 5)	Some investigations of influential persons for corruption (between 5 and 30)	Considerable number of investigations of influential persons for corruption (more than 30)	<p>During 2016-2018 the ACC initiated enquiry into and investigated around 50 influential persons including existing and former Ministers, MPs, Chairman of RAJUK, public engineers, Judges, government high officials (former secretary), drug dealers and influential business persons. A number of them were issued charge sheets, some were arrested and others were convicted in the court. Recently, the ACC Chairman informed that some 10 to 15 ruling party men are under investigation and inquiry leading up to prosecution. This suggests ACC's willingness to investigate corruption cases irrespective of power and positions in the society.</p> <p><b>Source:</b> Interview with PRO, ACC; ACC Annual Reports 2016-18.</p>
35.	Restitution & asset recovery	Inactive role by ACA	Moderately active role by ACA	Very active role by ACA	<p>With regard to asset recovery the score is moderate. In 2018, a total amount of BDT 1,532,924,243 was realised by the order of courts in the forms of fines and confiscations against different cases lodged by the Commission. Apart from this around BDT 245.3 million was confiscated in money laundering and other cases (excluding immovable property confiscated in 2015). However, the ACC does not have data of 2016 and 2017. Considering the volume of capital flight from Bangladesh the amount recovered by the ACC is not significant.</p> <p><b>Source:</b> Interview with PRO, Director Intelligence Unit, 24 July 2019; <i>The Daily Star</i>, "Checking capital flight before it is too late" 6 February 2019.</p>
36.	Perception of performance	Low level of effectiveness as reflected in survey finding (below 50%) and views of CSO leaders, anti-corruption experts, journalists and persons with direct contact with	Moderate level of effectiveness as reflected in survey finding (50%-75%) and views of CSO leaders, anti-corruption experts, journalists and persons with direct contact with ACA, if possible	High level of effectiveness as reflected in survey finding (above 75%) and views of CSO leaders, anti-corruption experts, journalists and persons with direct contact with ACA, if possible	<p>The ACC has neither conducted nor commissioned any public perception survey on its performance or people's trust on the Commission. According to different stakeholders, there is grave dearth of public trust on the ACC. The common people have little idea about the activities of ACC or the corruption laws. According to experts and other stakeholders, the ACC is not impartial in handling corruption cases of the same nature. As mentioned earlier, the common perception is that the role of ACC depends on the intention of ACC where an investigation is to be directed and the superior role of the state – a case is avoided either intentionally or out of ignorance.</p> <p>According to experts and activists, the ACC is focusing more on petty</p>

No.	INDICATOR	INDICATOR VALUES			JUSTIFICATION OF SCORES AND DATA SOURCES
		Low	Moderate	High	
		ACA, if possible			<p>corruption through different anti-corruption drives in public institutions, instead of grand corruption which require its urgent attention. Experts also stated that ACC could be termed more effective if they had taken action against such people. According to them the ACC try to work according to the “pulse” of the government. Moreover, the conviction rate should be higher so that people may have the impression that corrupt people are being punished.</p> <p><b>Source:</b> Interviews with journalist, lawyers, former Chairman of ACC, civil society representatives.</p>

#### 5. Prevention, Education and Outreach (8 indicators)

No.	INDICATOR	INDICATOR VALUES			JUSTIFICATION OF SCORES AND DATA SOURCES
		Low	Moderate	High	
37.	Allocated budget	Below 2.5% of ACA's operating expenditure	Between 2.5% and 5% of ACA's operating expenditure	Above 5% of ACA's operating expenditure	<p>An amount of BDT 267.9 million has been allocated in the fiscal years 2016-17 to 2018-19, which accounts for 2.65% of ACC's total budget on average. The total operating budget of ACC in the last three years was BDT 1,605.38 million.</p> <p><b>Source:</b> Interview with Director, Prevention, Education and Outreach, ACC; ACC Annual report 2016-18.</p>
38.	Strategic planning	There is no or a weak plan for prevention, education and outreach activities	The plan for prevention, education and outreach is comprehensive but not implemented fully	The plan for prevention, education and outreach is comprehensive and fully implemented	<p>ACC has developed a comprehensive Five Year Strategic Action Plan (2017-2021), based on which yearly action plans are developed. This plan prioritises effective prevention and educational measures to fight corruption. The 2019 strategic action plan focused on prevention, priority sector demanding attention of the CPCs, appointment of corruption prevention officers, conducting survey on corruption perception and activities of ACC, orientation on preventive measures, preventive activities, awareness building, research etc. The action plans for 2017 and 2018 were implemented within the given timeline. The ACC has a yearly plan of its programmes and events to be organised at the national level. The CPCs and Integrity Units also submit their yearly plans to the ACC. Around 90% of the annual plan is implemented at the CPC level, while all the central level</p>

No.	INDICATOR	INDICATOR VALUES			JUSTIFICATION OF SCORES AND DATA SOURCES
		Low	Moderate	High	
					<p>events are organized by ACC itself.</p> <p><b>Source:</b> Interviews with the DG &amp; Director, Prevention, Education and Outreach, ACC.</p>
39.	Anti-corruption learning and development	ACA initiated few or no corruption prevention initiatives	Some corruption prevention initiatives (average of 1-4 per year)	Many corruption prevention initiatives (average of 5 or more per year)	<p>The ACC implements multiple corruption prevention initiatives both at national and local levels. At the national level the Commission undertakes prevention activities such as campaigns through 'week' and 'day' observations, organising events such as human chains, seminars, meetings, rallies, debate competition, essay competition, drama, speech of renowned persons, and other promotional activities. Moreover, the ACC organised 97 public hearings in government and semi-government offices at local and national levels, with a view to raising awareness about corruption prevention. Besides, the Prevention Wing organised series of workshops in attendance with local officials and representatives of the civil society in various districts.</p> <p>At the local level, the Corruption Prevention Committees (CPCs) and Integrity Units formed with the support from the ACC undertook different prevention and education activities against corruption throughout 2016 and 2018. These included discussions, debates, essay competitions, human chains, rallies, seminars, dramas, speeches by distinguished persons, and other events.</p> <p><b>Source:</b> Interview with Director, Prevention, Education and Outreach, ACC; ACC Annual report 2016-18.</p>
40.	Organizational reviews	Few or no reviews were conducted (relative to no. of organisations in jurisdiction)	A substantial number of reviews were conducted (relative to no. of organisations in jurisdiction)	Many reviews were conducted (relative to no. of organisations in jurisdiction)	<p>The ACC formed 25 teams in 2017 to deal with institutional corruption in the public sector. These teams are composed of officers of the Commission, drawn from different positions. Usually officers in the rank of Director General monitor the performance of such teams. The institutional teams or the task forces focus on issues that are raised in public hearings, consultations with the stakeholders, media reports and information received from the Commission's own Intelligence Unit. Formed with the intent to combat and resist corruption, these teams work under a TOR. The performance of these teams are regularly appraised. It may be noted that in the course of their work, if they happen to discover any incident of corruption, the teams have the authority to conduct an enquiry or</p>

No.	INDICATOR	INDICATOR VALUES			JUSTIFICATION OF SCORES AND DATA SOURCES
		Low	Moderate	High	
					<p>investigation. The institutional teams work concurrently for both control and prevention.</p> <p><b>Source:</b> Interview with DG, Detection and Investigation, ACC, former Chairman ACC.</p>
41.	Prevention recommendations	Not at all	Sometimes (up to 50% of investigation reports contain concrete prevention recommendations)	Frequently (more than 50% of investigation reports contain concrete prevention recommendations)	<p>The organisational review teams attached to the institutions formulate reports and submit to the Commission along with recommendations. So far five organisational reviews have been completed, and submitted to the respective Minister(s), with specific recommendations. The reports briefly describe the nature and process of corruption in respective institutions. Among some 70 recommendations in the five reports, 25 dwelt on how to prevent corruption in the respective institution.</p> <p><b>Source:</b> Interview with PRO, ACC; institutional reports submitted to ACC.</p>
42.	Research on corruption risks	Little or no discernible independent research carried out by the ACA	Some degree of research to develop risk assessments and sectoral corruption profiles	Extensive use of research, to develop risk assessments and sectoral corruption profiles	<p>The ACC is in the process of forming a research wing but it does not conduct research on its own. In 2018, for the first time the ACC commissioned three research projects to explore corruption risks, contexts and conditions. The ACC allocated budget for these projects and outsourced them to external consultants, including academicians, independent researchers and government officials, selected through an open tender process. The process of outsourcing another research on the effectiveness of public hearings is underway. It may be noted that none of the studies has been completed yet, and thus the ACC is yet to utilise the knowledge generated therefrom.</p> <p><b>Source:</b> Interview with DG &amp; Director, Prevention, Education and Outreach, ACC; ACC Annual Report 2018.</p>
43.	Dissemination and campaigns	Does not disseminate corruption prevention information or rely on campaigns	Limited dissemination of corruption prevention information and reliance on campaigns	Extensive dissemination of corruption prevention and reliance on campaigns	<p>The ACC runs extensive dissemination of corruption prevention messages through various methods. It sends small messages on anti-corruption to all mobile phone users through the operators in collaboration with the BTRC. The DC offices are instructed to convey anti-corruption messages through billboard, local cable networks channels etc. at the grassroots. The ACC makes anti-corruption TVCs and audio messages in <i>Jari</i> song form, circulates posters and leaflets, exercise books, ruler-scales, geometry boxes for students with on-cover slogans promoting integrity. The ACC mainly</p>

No.	INDICATOR	INDICATOR VALUES			JUSTIFICATION OF SCORES AND DATA SOURCES
		Low	Moderate	High	
					<p>relies on the activities of CPCs, Integrity Units, and recently organized public hearings to campaign against corruption.</p> <p>The ACC publishes a newsletter titled 'Dudok Barta' which highlights the whole gamut of the Commission's activities. Around 100,000 copies of this newsletter is circulated in a year. The Commission also re-printed a booklet titled 'The Extreme Consequences of Corruption', containing religious sermons to be used by the <i>Imams</i> and other religious leaders. Copies of this booklet have been sent to the Integrated Districts Offices and to different mosques and religious centres through the Islamic Foundation, Bangladesh. The ACC considers the media as one of its key partners. It proactively furnished them with information about its activities on a regular basis through press releases, press briefings, and press conferences.</p> <p><b>Source:</b> Interview with Director, Prevention, Education and Outreach, ACC.</p>
44.	Online communication	ACA does not have a website and does not rely on social media to spread corruption prevention information	Limited use of its website and social media to spread corruption prevention information	Extensive use of its website and social media to spread corruption prevention information	<p>ACC has a robust website with considerable information on ACC activities; however, not all of them are updated and while some information are in fact excluded altogether. Information on budget, public hearings and other activities, activity plans, annual reports (2016, 2017 and 2018), investigation and prosecution statistics, updated Acts and Rules etc. are posted, but there is general dearth of awareness raising messages on the website. The ACC has started to utilise social media (Facebook, twitter and YouTube) to publicise actions taken by the Commission.</p> <p><b>Source:</b> Interview with Director, Prevention, Education and Outreach, &amp; PRO, ACC; review of ACC website by the research team.</p>

#### 6. Cooperation and External Relations (6 indicators)

No.	INDICATOR	INDICATOR VALUES			JUSTIFICATION OF SCORES AND DATA SOURCES
		Low	Moderate	High	
45.	Confidence in Government support to the ACC	Low level of confidence as reflected in survey finding (below	Moderate level of confidence as reflected in survey finding (50%-75%)	High level of confidence as reflected in survey finding (above 75%)	<p>There is mixed perception regarding confidence in government support to the ACC. No survey is available in this context. However, the government top leadership have repeatedly committed to control corruption and practice "Zero Tolerance" against corruption. After the formation of the Cabinet of the</p>



No.	INDICATOR	INDICATOR VALUES			JUSTIFICATION OF SCORES AND DATA SOURCES
		Low	Moderate	High	
		50%) and views of ACA senior personnel, CSO leaders, anti-corruption experts and journalists	and views of ACA senior personnel, CSO leaders, anti-corruption experts and journalists	and views of ACA senior personnel, CSO leaders, anti-corruption experts and journalists	<p>new government in 2019, the Prime Minister reiterated her strict stand against corruption, based on which, the ACC has been equipped with sufficient financial and human resources. The ACC gets adequate support from other organisations of the government. Certain legal developments have also contributed to the strengthening of the ACC, such as rules issued by the Ministry of Finance on the Money Laundering Prevention Act 2012 which included the ACC as an investigating authority alongside other defined investigators.</p> <p>However, different stakeholders including the ACC's senior personnel, CSO leaders, representatives of donor agencies, anti-corruption experts, and journalists think that the ACC has been weakened through the enactment of The Government Employment Act 2018 which incorporates provisions designed to protect public servants. According to this law, it is mandatory for the ACC to seek permission from appropriate authorities before arresting any government official on corruption charges related to their job.</p> <p><b>Source:</b> ACC's senior personnel, CSO leaders, experts, journalists.</p>
46.	Cooperation with other integrity agencies	Conflict and/or lack of cooperation between ACAs or between ACA and other integrity agencies	Limited cooperation between ACAs or between ACA and other integrity agencies	High degree of cooperation between ACAs or between ACA and other integrity agencies	<p>Being the only institution with the core mandate of dealing with corruption in the country, the ACC gets necessary cooperation from other relevant organisations, while discharging its functions. The ACC receives support from the National Bureau of Revenue (NBR), banking institutions, Office of the Comptroller and Auditor General (OCAG), and Attorney General's office. Recently the ACC has signed an MoU with Bangladesh Bank for easy access to information on money laundering.</p> <p><b>Source:</b> Interviews with PRO, Director Prevention ACC, ACC Act 2004.</p>
47.	Cooperation with non-government organizations	Conflict and/or lack of cooperation between ACA and other organizations	Limited cooperation between ACA and other organizations	High degree of cooperation between ACA and other organizations including CSOs and private companies	<p>According to ACC officials, high level of cooperation exists between the ACC and non-government organisations including JICA, GIZ, TIB, UNDP, ADB, and World Bank. The ACC has collaborations with these organisations for various projects, programmes and activities. Apart from these, ACC has collaboration with Bangladesh Scouts and Bangladesh Girls' Guide for corruption prevention activities.</p> <p><b>Source:</b> Interview with Director, Prevention, Education and Outreach, &amp; PRO, ACC. Annual report 2016. 2017, 2018</p>
48.	International	ACA does not	Active with ACA	Very active with	ACC's participation in international forums and networks manifests from its

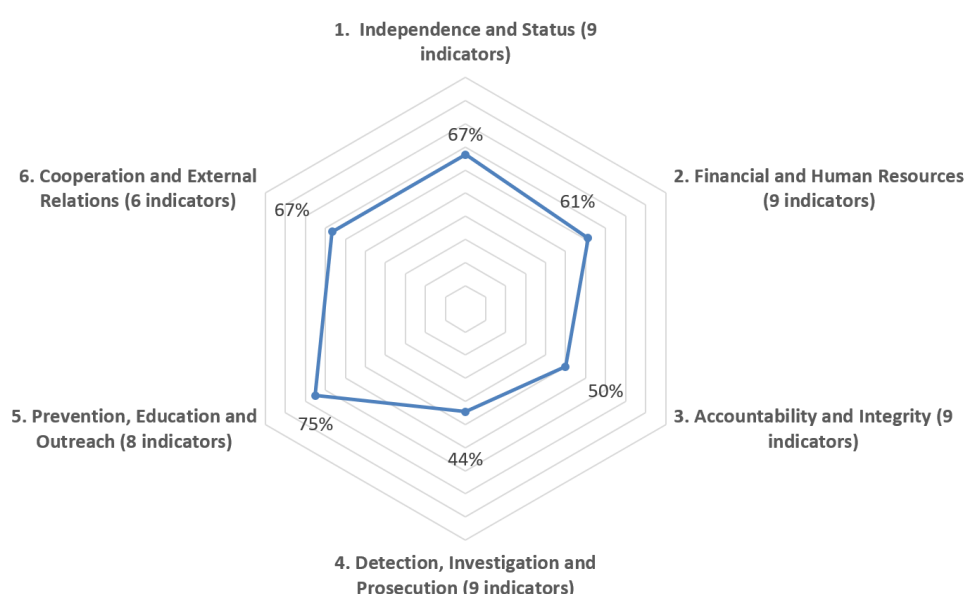
No.	INDICATOR	INDICATOR VALUES			JUSTIFICATION OF SCORES AND DATA SOURCES
		Low	Moderate	High	
	networks	participate in any network	participating in 1 or 2 networks	ACA participating in 3 or more networks	engagement in the Conferences of State Parties in UNCAC, involved with Asia Pacific Group of Anti-Money Laundering, and member of the ADB/OECD Anti-Corruption Initiative for Asia-Pacific.  <b>Source:</b> Interview with Director, Prevention, Education and Outreach, & PRO, ACC; Annual report 2016. 2017, 2018
49.	Cooperation with other countries	No cooperation between ACA and ACAs and/or law enforcement agencies in other countries	Limited cooperation in some areas with one or two ACAs and/or law enforcement agencies in other countries	High degree of cooperation with joint projects and technical assistance with several ACAs and/or law enforcement agencies in other countries	As part of an inclusive approach the ACC has an effort to develop partnership with international organisations. The ACC has MoU with Anti-Corruption Commission of Bhutan and Investigative Committee of the Russian Federation (ICRF). Besides the ACC has communication with the relevant organisations of different countries including Indonesia, China, USA, Singapore, Hong Kong, South Korea, Malaysia and India.  <b>Source:</b> Interview with Director, Prevention, Education and Outreach, & PRO, ACC; Annual report 2016. 2017, 2018.
50.	Accessibility to marginalized groups	The ACA does not have strategies, targets and benchmarks in place to enable it to monitor its responsiveness to marginalized groups (including women and minority groups).	The ACA has strategies, targets and benchmarks in place to enable it to monitor its responsiveness to marginalized groups, but it does not actively monitor these differences.	The ACA has strategies, targets and benchmarks in place to enable it to monitor its responsiveness to marginalized groups, which it actively monitors.	The ACC does not have strategies, targets and benchmarks in place to enable it to monitor its responsiveness to marginalised groups (including women and minority groups). It does not hold disaggregated data (e.g. on corruption complaints received) according to different group characteristics. Although the ACC is aware of the different needs of its citizens and the different ways in which people experience and report corruption, it has not developed any no procedure to monitor this data and to inform the ACC's outreach and accessibility policies.  <b>Source:</b> Interview with PRO, ACC.



## 4. CONCLUSIONS AND RECOMMENDATIONS

The overall score secured by ACC in this assessment is 63%, which falls in the 'moderate' category. It is noteworthy that ACC's overall score falls short of 4 points from the 'high' category, which indicates that the institution needs to improve by only a few indicators in order to graduate to the 'high' category. Among the 50 indicators, the ACC scored 'high' and 'moderate' on 42% (21 each) of the indicators and 'low' on 16% (8) indicators.

**Figure 5: ACC's Scores by Dimension**



## STRENGTHS AND WEAKNESSES

In sum, the strengths of the ACC include its institutional independence, specific appointment and removal process of Commissioners, its mandate, and investigation and prosecutorial powers. With regard to financial and human resources, the ACC has sufficiency, stability and security of its budget, a robust staff selection process and stable staff. With regard to accountability and integrity, it maintains annual reporting, is responsiveness to information requests, and takes measures against complaints against its staff. In the context of detection, investigation and prosecution, there is increased accessibility for lodging complaints, proactive investigation, and willingness and capacity to investigate influential persons. The ACC has strong prevention, education, and outreach activities as manifest from its robust corruption prevention initiatives including anti-corruption learning and development, organizational reviews and recommendations, and dissemination and campaign programmes. In terms of cooperation with external stakeholders, the ACC has sustained cooperation with other integrity agencies, and with non-government organisations, and maintains international networks.

The weaknesses of the ACC include low budget compared to the national budget. The ACC does not have any external oversight mechanism, and lacks strict adherence to due process. The complainants are unwilling to identify themselves, which may indicate lack of trust or feelings of insecurity. The ACC is weak in responding to corruption complaints. The prosecution rate is still poor compared to the cases filed. There is no mechanism to address special needs of marginalised groups including the poor and women. Overall, people's perception of ACC's performance is not encouraging and reflects lack of trust.

In the first assessment, the overall score for Bangladesh ACC was 61.22%, which fell in the moderate category.<sup>203</sup> Considering the previous score The ACC has performed slightly better in comparison to the earlier assessment in 2016 but not significantly. It may be noted that among the 50 indicators used in the present assessment, 25 indicators are the same as that of the 2016 study and 14 new indicators have been incorporated to make the assessment more meaningful. This is why the scores against all the indicators cannot be compared, which means the assessment findings of the two studies are also not comparable.

Among the 25 indicators that remained the same, ACC's score reveals that it has improved distinctly on 6 indicators while its performance has slipped on 7 indicators, and the scores remain the same for rest of the indicators. The ACC improved on indicators such as, staff selection, accessibility to complainants/informants, conviction rate, research on corruption risks, dissemination and campaigns, and cooperation with other integrity agencies. The areas where ACC's performance has declined are political use of power, jurisdiction, responsiveness to corruption complaints, allocated budget for prevention, education and outreach activities, and confidence in Government support to the ACC. It may also be noted that the ACC scored low score for the indicators proportion of budget, and external oversight mechanisms, as it did in the previous assessment.

**Table 11: Assessment Comparison between 2015 and 2018**

	Issue	2015	2018
1.	Number of Dimensions	7	6
2.	Total Indicator	50	50
3.	Overall Score	61.22%	60%
4.	Indicators receiving High Score	21	21
5.	Indicators receiving Moderate Score	19	18
6.	Indicators receiving Low Score	9	11
7.	Indicators remained as same of 2015	-	25
8.	New Indicators in 2018	-	14
9.	Indicators having positive changes in score	-	6
10.	Indicators having negative changes in score	-	7
11.	Indicators having no changes in score	-	12

The indicators on adherence to due process (indicator 23), perception of performance (indicator 36), and willingness of complainants to identify themselves (indicator 24) got low scores, while indicators on confidence in government support (indicator 45), operational autonomy (indicator 8) and political use of powers (indicator 9) got moderate scores. It may be noted that assessment of ACC based on these can be made either through surveys, which are unavailable, or based on the perception of the experts, stakeholders and common people which revealed that people think ACC is performing at a 'moderate level'. This perception again indicates lack of trust of people on the ACC on the one hand and on the political will of the government to reduce corruption.

The indicator on efficiency and professionalism (indicator 31) is found to be weak since the investigation and prosecution expertise (indicator 15) is also very weak, and both indicators received moderate scores. This leads to low prosecution and low conviction rates (indicators 32 and 33) as well. The reason behind this is primarily inadequate staff training (indicator 17), which also received a moderate score. All these are the result of low budget allocation for prosecution and low proportion of national budget (indicator 10) allocated for the anti-corruption institution and activities, although according to ACC it receives sufficient budget. This indicates that the ACC is yet to assess its demand of budget according to its necessities, and later allocate judiciously where the budget is required the most.

As mentioned by a number of experts, despite adequate institutional independence, mandate, jurisdiction and legal autonomy, ACC's performance is not satisfactory and does not meet people's expectation that the ACC will take action against corrupt people who are in power and who belong to upper echelons at the policy level. Despite ACC Chairman's claim that the Commission is investigating a number of individuals who belong to the ruling political party and who are high officials of the government, and that they intend to "catch big fish along with small ones",<sup>204</sup> the ground reality is quite different. This is partly due to ACC's dependence on either the complaints lodged by the complainants or corruption news published in the

<sup>203</sup> It is noteworthy that the score was 5.78 points short of the 'High' category, which indicates that the institution needs to improve only a few indicators to be elevated to the high category. Among the 50 indicators, 21 indicators (42.86%) scored 'high', 19 (38.78%) scored 'moderate' and nine (18.37%) scored 'low'. For details, see TI and TIB, *Anti-Corruption Strengthening Initiative: Assessment of Bangladesh Anti-Corruption Commission 2016* (Dhaka, 2017).

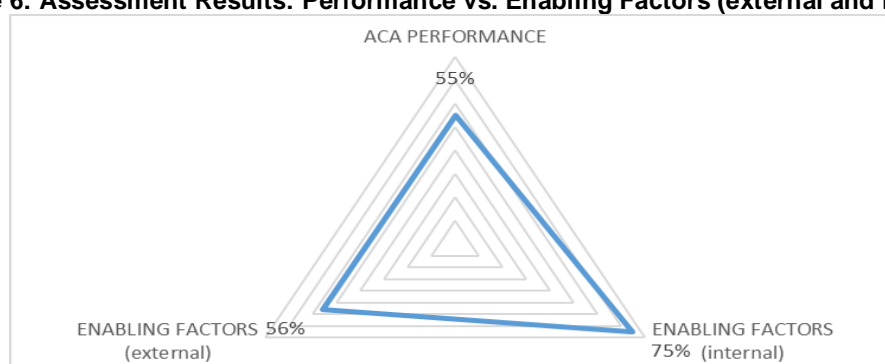
<sup>204</sup> *The Daily Star*, '10 to 15 AL leaders under ACC scanner: Says anti-graft body boss', July 21, 2019.

media. The ACC still lacks its own research capacity that is crucial for providing insights into different corruption prone sectors and institutions, and unearth cases of grand corruption. The ACC seems more preoccupied with irregularities that only demand departmental actions. This state of affairs has contributed significantly to people's negative perception on ACC's performance (indicator 36) which secured a 'low' score. Table 11 below clearly demonstrates ACC's level of performance. It shows that the internal enabling factors are quite strong in complementing ACC's work (75%), as opposed to the external enabling factors (56%) (also clear from Figure 6).

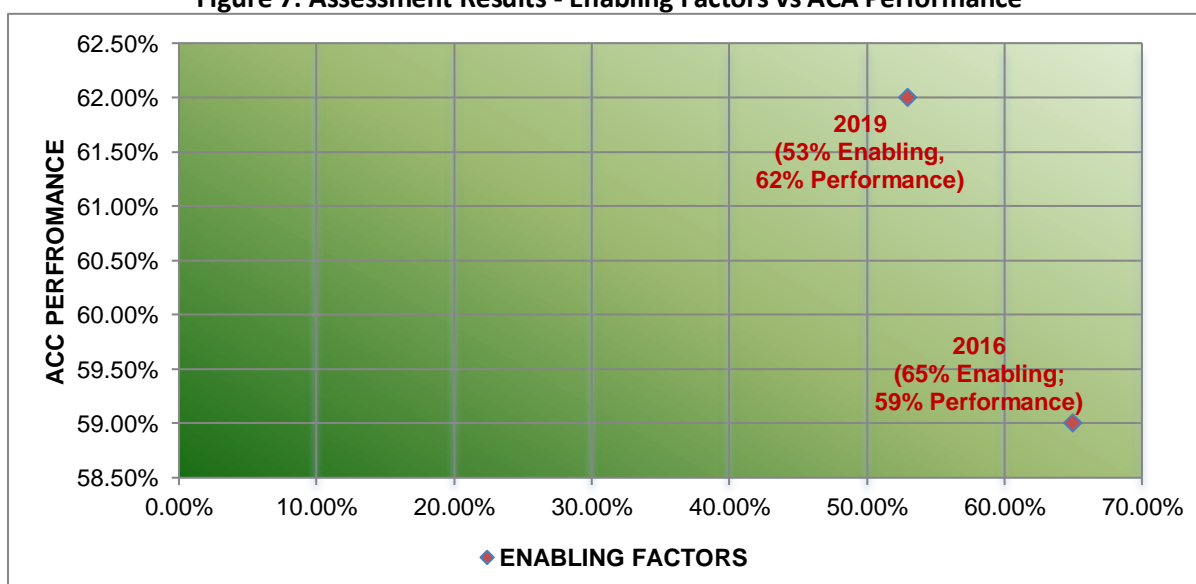
**Table 11: Indicators by Classification: Enabling Factors or ACA Performance**

Classification	Number of Indicators	Maximum Possible Score	Total Actual Score	Percentage Score
Internal Enabling Factors	14	28	21	75%
External Enabling Factors	16	32	18	56%
ACC Performance	20	40	22	55%
<b>Totals:</b>	<b>50</b>	<b>100</b>	<b>61</b>	<b>61%</b>

**Figure 6: Assessment Results: Performance vs. Enabling Factors (external and internal)**



**Figure 7: Assessment Results - Enabling Factors vs ACA Performance**



## GOOD PRACTICE

The ACC undertook commendable initiatives based on the findings and recommendations of the first round of assessment conducted in 2016.



**Enhancement of Budget:** One of the key recommendations of the first assessment flagged the need to increase ACC's budget to ensure stronger logistical support, prevention activities, recruitment of skilled lawyers and staff training. Since the first assessment, the ACC's budget has been increased and a number of infrastructural development has been completed, including provision for detaining an accused in custody on the ACC premises, an archive and record room, and extension of ACC office. An intelligence unit has been formed. Some projects and initiatives for automation of work for instance, web-based software to receive complaints, IT based monitoring system, e-filing etc. have been undertaken. Investments have also been made to strengthen the prosecution unit of the ACC. In the process some inactive panel lawyers have been excluded from ACC's list and new ones have been enlisted.

**Review of ACC's organogram and increased staff strength:** It was recommended that the ACC should have its offices in all 64 districts with necessary staff and logistical support. The number of staff engaged in enquiry and investigation and prevention should be increased. In the last three years, ACC's organogram has been revised and staff number has been increased. Its Armed Unit was formed with 20 members for operational activities. It established two new divisional offices and another 14 District offices are yet to be established as the total number of ACC's approved DIOs is 36.

**Digitalization of the complaint system:** It was recommended that ACC's system of handling corruption complaints, investigation and case management should be digitalised to make it simple and user-friendly, and to ensure anonymity. In the last three years (2016-2018), the number of allegations received by the ACC has visibly increased. The Hotline service introduced in 2017 to receive complaints through toll free calls seems to have gained tremendous popularity. ACC also introduced an e-filing system.

**Long-term comprehensive strategic plan:** Pursuant to recommendations of the earlier assessment the ACC developed a Five year Strategic Action Plan (2017-2021) with the objective to make its actions more dynamic, result-oriented and visible. .

**More robust website:** It was recommended that the ACC should improve the quality of its website and make it more interactive and user-friendly. It was suggested that, in addition to increasing its presence on the social media, ACC's website should host relevant literature, scholarly papers, updated information on ACC's budget, public hearings and other activities, activity plans, investigation and prosecution statistics, and all updated Acts and Rules. Since the release of the first assessment, the ACC website has improved considerably and information posted on it are regularly updated. It also has a verified Facebook and Twitter page.

**Undertaking research and wider publicity:** It was recommended in the first assessment that the ACC should conduct research on its own, and publicise its activities on a larger scale, so that common people are more aware of its achievements. In 2018, the ACC outsourced three research studies which are awaiting completion and publication. It is also observed that ACC has been trying to publicise its activities on a larger scale through social and mass media in an attempt to reach out to the people and keep them abreast with their work. However, steps to regularly publish and update detailed statements on income, assets and liabilities of ACC Commissioners and senior officials have not yet been taken.

## RECOMMENDATIONS

Considering the developments in the ACC in the past three years, the dimension-wise recommendations are proposed below in order to help ACC become stronger, more efficient and effective.

### *Independence and Status*

1. **Amendment of relevant laws:** Relevant laws (ACC Act 2004, Anti Money Laundering Act 2012, Govt. Employment Act 2018 etc.) should be amended by including following provisions:
  - a. Names and profiles of candidates should be disclosed for more transparent appointment of the Chair and Commissioners. Participation from the political opponents and civil society in the process should be ensured. An open public hearing should be organised with the selected candidates and should be aired.
  - b. ACC's jurisdiction should be enhanced through inclusion of money laundering and private sector corruption.
  - c. ACC's recommendations for concerned institutions to be made mandatory.

- d. An independent committee comprising citizens' representatives and civil society members with high standards of integrity and credibility should be formed to advise, monitor and evaluate key aspects of ACC's work.
- e. The provision related to arrest of government officials without prior permission must be repealed.

### Financial and Human Resources

2. **Budget:** The budget of the ACC should be enhanced for:
  - a. Recruiting staff following the approved organogram
  - b. Training of ACC staff
  - c. Implementing prevention activities (such as public hearings, research, etc.)
  - d. Recruiting skilled and efficient lawyers with relevant knowledge and experience.
3. **Staff strength:** The number of skilled staff for enquiry and investigation and prevention should be increased.
4. **Training:** ACC should establish its own training institution to offer corruption related courses for its staff. ACC's investigation officers should have a foundation training on enquiry and investigation. It should also arrange training for its panel lawyers, especially at the district level. Staff engaged with prevention activities need special training on this issue.

### Accountability and Integrity

5. **Adherence to due process:** ACC should handle all corruption cases of same nature in an equal manner through a neutral and transparent procedure.
6. **Comprehensive Code of Conduct:** ACC should have a comprehensive Code of Conduct for its staff and disciplinary procedures. It should include, *inter alia*, issues such as asset declaration, and conflict of interest, gifts and hospitality, post-employment restrictions, process for addressing breach of the code and other malpractices and management of internal complaints.

### Detection, Investigation and Prosecution

7. **Responsiveness to corruption complaints:** ACC should increase number of enquiries on the basis of complaints lodged. In this regard on what basis the complaints are scrutinised and the explanation of why a complaint is not considered for enquiry must be published.
8. **Prosecution rate:** The ACC should take following measures to increase prosecution rate:
  - a. Conduct robust and rigorous enquiry into corruption allegations, avoid procedural mistakes, and consult with lawyers before filing corruption cases
  - b. Identify corrupt staff, initiate enquiries, and prosecute while doing reviews in the corruption-prone public institutions and on the basis of public hearings on allegations against specific staff
  - c. Pursue and follow up on concerned institutions to ensure that the recommendations are implemented.
9. **Efficiency and Professionalism:** ACC should complete the enquiry and investigation within stipulated time mentioned in the law and maintain the standard of professionalism and excellence of their duty.
10. **Analysis of complainants:** The ACC should analyse information of the complainants according to age, gender and profession for developing strategy to encourage complaints. ACC should increase publicity on this.
11. **Conviction rate:** ACC should take measures to explore and address challenges of investigation and prosecution, and consult with experienced lawyers before lodging corruption cases. It should also appoint more skilled and experienced lawyers, if necessary, with enhanced fees to ensure better representation at the trials.
12. **Restitution and Asset Recovery:** ACC should enhance its drive to recover, confiscate and freeze more assets in corruption cases.

### Prevention, Education and Outreach

13. **Prevention and Education Activities:** To implement the annual plan of prevention and education activities ACC should follow its five year strategic planning.
14. **Research:** ACC should strengthen its own research unit by investing more on adequate and skilled human and financial resources, and conduct its own research to explore corruption risks, context and conditions. It should also undertake research and public perception surveys on ACC's performance and effectiveness.
15. **Public confidence:** ACC should take measures to enhance public confidence and trust by publicising its activities, publishing and regularly updating detailed statements on income, assets and liabilities of Commissioners and senior officials, measures taken against the "big fish", and progress on investigation, prosecution and disposal of corruption cases.

### Cooperation and External Relations

- 16. Cooperation with other countries:** ACC should take measures to increase collaboration and cooperation with ACA's of other countries and learn from their activities and experience.
- 17. Attention to marginalised groups:** ACC should emphasise on addressing the special needs of different marginalised groups by ensuring for them easy access to ACC and complaint mechanisms and effective redress through affirmative action.

# ANNEX 1: INTERVIEWEES

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## Persons interviewed during assessment of ACA – Dhaka, July – October 2019

Position	Organisation
1. Director, Prevention and Education	ACC
2. Director General, Prevention and Education	ACC
3. Public Relations Officer	ACC
4. Panel Lawyer	ACC
5. Director, Intelligence Unit	ACC
6. Director, Finance and Admin	ACC
7. Assistant Director	ACC
8. Former Chairman	ACC
9. Journalist, General Secretary, Gazi TV	Reporters Against Corruption (RAC)
10. Lawyer	Advisor, Bangladesh Legal Aid and Services Trust
11. Former Cabinet Secretary	TIB
12. Journalist	New Age

# ANNEX 2: STAKEHOLDERS CONSULTED

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## Persons engaged during consultation on assessment findings (held on 10 February 2020)

	Position	Organisation
1	Chairman	ACC
2	Commissioner	ACC
3	Commissioner	ACC
4	Director General, ICT and Training	ACC
5	Director General, Money Laundering	ACC
6	Director General, Enquiry and Investigation-1	ACC
7	Director General, Legal and Prosecution	ACC
8	Director General, Admin, Establishment and Finance	ACC
9	Director General, Special Investigation	ACC
10	Director General, Enquiry and Investigation-1	ACC
11	Director	ACC
12	Director	ACC
13	Public relation Officer	ACC
14	Director, Prevention	ACC
15	PS to Chairman	ACC
16	Executive Director	TIB
17	Advisor, Executive Management	TIB
18	Director, Research and Policy	TIB
19	Senior Programme Manager, Research and Policy	TIB
20	Programme Manager, Research and Policy	TIB

# ANNEX 3: REFERENCES

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- ACC, *Annual Report 2018* (Dhaka, 2019), available at [http://acc.portal.gov.bd/sites/default/files/files/acc.portal.gov.bd/annual\\_reports/920837bf\\_160d\\_4734\\_9026\\_5d0bd0b43b58/acc-annual-report-2018-eng.pdf](http://acc.portal.gov.bd/sites/default/files/files/acc.portal.gov.bd/annual_reports/920837bf_160d_4734_9026_5d0bd0b43b58/acc-annual-report-2018-eng.pdf)
- ACC, *District/ Upazila/ City Corporation Corruption Prevention Committee and Supporting Organizations: Constitution and Working Guideline* (Dhaka, 2010).
- ACC, *Integrity Unit Constitution and Working Guideline 2015* (Dhaka, 2015).
- ACC, *The Anti Corruption Commission (Personnel) Employment Rules, 2008*.
- Ain-O-Salish Kendra, *National Human Rights Commission, Bangladesh Existing Challenges and Expectations of Civil Society* (Dhaka, 2018).
- Ali Imam Mujumdar, 'The ACC must thrive', *Daily Prothom Alo*, 10 July 2019.
- Amnesty International, *Amnesty International Report 2017/18, The State of the World's Human Rights*, 2018, available at <https://www.amnesty.org/download/Documents/POL1067002018ENGLISH.PDF>
- bdnews24.com*, <https://m.bdnews24.com/bn/detail/economy/1677439>
- CEIC Data, <https://www.ceicdata.com/en/indicator/bangladesh/gdp-per-capita>
- Center for Law and Democracy, *Global Right to Information Rating 2017* (2018), available at <https://www.rti-rating.org/country-detail/?country=Bangladesh>
- Central Intelligence Agency, *The World Factbook* (2019), available at <https://www.cia.gov/library/publications/the-world-factbook/geos/bg.html>
- Citizens' Platform for SDGs, Bangladesh, 'Review Report on Goal 16: Peace, Justice and Strong Institutions', presented in the prepared for the National Consultation on The Progress of SDGs in Bangladesh in the Context of HLPF 2019, held on 27 April 2019.
- Daily Prothom Alo*, 'Capacity increased, lack of implementation', 6 January 2018.
- Daily Prothom Alo*, 'Jaha Alam is victim of ACC's negligence', 4 February 2019.
- DFID Bangladesh, *Operational Plan 2011-2016*, Updated December 2014, available at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/389036/Bangladesh.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/389036/Bangladesh.pdf)
- Finance Division, *Bangladesh Economic Review 2018*, Ministry of Finance, Govt. of People's Republic of Bangladesh, available at <https://mof.gov.bd/site/page/44e399b3-d378-41aa-86ff-8c4277eb0990/BangladeshEconomicReview>
- Financial Express*, 'Money Laundering Act: New rules define working areas of investigators', 18 February 2019.
- Freedom House, *Freedom in the World 2019* (2019), available at; <https://freedomhouse.org/report/freedom-world/2019/bangladesh>
- Freedom House, *Freedom in the World* 2015 (2016), available at [https://freedomhouse.org/sites/default/files/01152015\\_FIW\\_2015\\_final.pdf](https://freedomhouse.org/sites/default/files/01152015_FIW_2015_final.pdf)
- Global Financial Integrity (GFI), *Illicit Financial Flows to and from 148 Developing Countries: 2006-2015* (2019), available at <https://www.gfintegrity.org/wp-content/uploads/2019/01/GFI-2019-IFF-Update-Report-1.29.18.pdf>
- Government of Bangladesh, *The Anti-Corruption Commission Act, 2004*.
- Human Rights Watch, *Democracy in the Crossfire: Opposition Violence and Government Abuses in the 2014 Pre- and Post-Election Period in Bangladesh*, (2014), available at [http://www.hrw.org/sites/default/files/reports/bangladesh0414\\_ForUpload.pdf](http://www.hrw.org/sites/default/files/reports/bangladesh0414_ForUpload.pdf)
- Iftekhharuzzaman, 'Bangladesh descends in corruption ranking: zero tolerance – what next?', *The Daily Star*, 30 January 2019, available at <https://www.thedailystar.net/opinion/governance/news/bangladesh-descends-corruption-ranking-1694551>
- Iftekhharuzzaman, 'The Anti-Corruption Commission: How Can It Be Made Effective?', paper presented at the Roundtable Discussion organized jointly by TIB and Reporters Against Corruption, Dhaka, 17 September 2006.
- Institute of Governance Studies (IGS), *The State of Governance in Bangladesh 2008* (Dhaka, 2009).



International Crisis Group, *Mapping Bangladesh's Political Crisis*, Asia Report N°264 | 9 February 2015, available at <http://www.crisisgroup.org/-/media/Files/asia/south-asia/bangladesh/264-mapping-bangladesh-s-political-crisis.pdf>

Md. Rajib Hasnat Shakil and Kaniz Marzia, "Political Parties and Good Governance: Bangladesh Perspective", *IOSR Journal of Humanities and Social Science (IOSR-JHSS)*, Volume 8, Issue 5 (Mar. - Apr. 2013).

Planning Commission of Bangladesh, *Perspective Plan 2010-21*, available at <http://www.plancomm.gov.bd/perspective-plan/>

Planning Commission of Bangladesh, *Seventh Five Year Plan: 2016-2020 - Accelerating Growth and empowering citizens*, Government of Bangladesh (2015), available at [http://www.plancomm.gov.bd/wp-content/uploads/2015/10/7th\\_FYP\\_18\\_02\\_2016.pdf](http://www.plancomm.gov.bd/wp-content/uploads/2015/10/7th_FYP_18_02_2016.pdf)

Rehman Sobhan, "Structural Dimensions in of Malgovernance in Bangladesh", *Economic and Political Weekly*, 4 September 2004.

Rejaul Karim Byron and Refayet Ullah Mirdha, 'Swiss Banks: Bangladeshis' deposits rise to Tk 5,341cr', *The Daily Star*, 28 June 2019, available at <https://www.thedailystar.net/frontpage/news/swiss-banks-bangladeshis-deposits-rise-tk-5341cr-1763506>

Reporters without Borders, *World Press Freedom Index 2018*, (2019), available at <https://rsf.org/en/bangladesh>

Rounaq Jahan, *Political Parties in Bangladesh: Challenges of Democratization*, Prothoma Prokashan (Dhaka, 2015).

Shah Husain Imam, 'Uprooting corruption: We can do better', *The Daily Star*, 1 February 2019, available at <https://www.thedailystar.net/opinion/pleasure-all-mine/news/uprooting-corruption-we-can-do-better-1695628>

Shakhawat Liton, 'The Civil Service Bill: Are some more equal than others?', *The Daily Star*, 23 October 2018, available at <https://www.thedailystar.net/opinion/politics/news/are-some-more-equal-others-1650511>

*The Daily Star*, '10 to 15 AL leaders under ACC scanner', 21 July 2019.

*The Daily Star*, '11 Govt Hospitals: ACC finds 40 pc doctors absent', 22 January 2019.

*The Daily Star*, 'ACC director suspended for leaking info', 11 June 2019

*The Daily Star*, 'ACC sues Basir, DIG Mizan in bribery case', 17 July 2019.

*The Daily Star*, 'Banking sector: TIB worried at proposal for reporting law', 3 April 2018.

*The Daily Star*, 'Bribe Allegation: ACC official Enamul arrested', 23 July 2019.

*The Daily Star*, 'Corruption a big concern: UN body cites 'inefficiency' of ACC in combating pervasive graft', 6 April 2018.

*The Daily Star*, 'Democracy in decline in Bangladesh, across globe', 24 March 2018, available at <https://www.thedailystar.net/frontpage/democracy-decline-bangladeshacross-globe-1552726>

*The Daily Star*, 'Eight BNP leaders face graft probe', 3 April 2018, available at <http://www.thedailystar.net/frontpage/eight-bnp-leaders-face-graft-probe-1557265>

*The Daily Star*, 'Govt. officials given shield from arrest: Prior govt. approval needed for detaining them on charges related to their job', 25 October 2018, available at <https://www.thedailystar.net/country/sarkari-chakori-ain-2018-now-permission-mandatory-arresting-any-public-servant-1651324>

*The Daily Star*, 'Hasina warns against graft at field-level administration', 18 January 2019.

*The Daily Star*, 'TI Corruption Index 2018: Bangladesh slips six notches', 30 January 2019.

*The Daily Star*, 'Uproot graft, drug menace: PM asks home ministry', 21 January 2019.

*The Daily Star*, 'Won't stand corruption: PM warns at programme of government officials', 14 July 2019.

*The Daily Star*, "Checking capital flight before it is too late" 6 February, 2019, available at <https://www.thedailystar.net/opinion/economics/news/checking-capital-flight-it-too-late-1697959>

*The Daily Star*, 5 October, 2018, available at <https://www.thedailystar.net/country/quota-system-in-bangladesh-scrapped-officially-1642534>

*The New Nation*, 26 February 2019, available at <http://m.thedailynewnation.com/news/167572/3746-bd-natls-invested-in-malaysias-second-home-scheme>

TI and TIB, *Anti-Corruption Strengthening Initiative: Assessment of Bangladesh Anti-Corruption Commission 2016* (Dhaka, 2017).

TI and TIB, *National Integrity System Assessment: Bangladesh*, 2013.

TI, *Corruption Perceptions Index 2018* (Berlin 2019), available at <https://www.transparency.org/cpi2018>

TIB, 'Governance and Integrity in Election Manifestos of Political Parties in Bangladesh' (Dhaka, 2018), available at [https://www.ti-bangladesh.org/beta3/images/2018/report/political\\_parties/Political\\_Parties\\_Full\\_EN.pdf](https://www.ti-bangladesh.org/beta3/images/2018/report/political_parties/Political_Parties_Full_EN.pdf)

TIB, 'Integrity in Public Administration: Policies and Practices' (Dhaka, 2019), available at <https://www.ti-bangladesh.org/beta3/images/2019/report/public-administration/Public-Admin-EX-English.pdf>

TIB, 'Tracking the 11<sup>th</sup> Parliament Election Process' (Dhaka 2019), available at [https://www.ti-bangladesh.org/beta3/images/2019/report/EPT/EPT\\_EX\\_SUM\\_2018.pdf](https://www.ti-bangladesh.org/beta3/images/2019/report/EPT/EPT_EX_SUM_2018.pdf)

TIB, *Anti-Corruption Agency Strengthening Initiative: Assessment of the Bangladesh Anti-Corruption Commission 2016* (Dhaka, 2017).

TIB, *Corruption in Service Sectors: National Household Survey 2017*, (Dhaka, 2018), available at [https://www.ti-bangladesh.org/beta3/images/2018/report/nhs/NHS\\_2017\\_Ex\\_Sum\\_EN.pdf](https://www.ti-bangladesh.org/beta3/images/2018/report/nhs/NHS_2017_Ex_Sum_EN.pdf)

TIB, *Parliament Watch: 10<sup>th</sup> Parliament (1<sup>st</sup> Session)*, (Dhaka 2014), available at [http://www.ti-bangladesh.org/beta3/images/2014/fr\\_pw\\_nis\\_10\\_parliament\\_s1\\_14\\_bn.pdf](http://www.ti-bangladesh.org/beta3/images/2014/fr_pw_nis_10_parliament_s1_14_bn.pdf)

TIB, *Sustainable Development Goal 16: Preparedness, Progress and Challenges of Bangladesh: A Study of Selected Targets* (Dhaka, 2017).

UN Office on Drug and Crime, *Jakarta Statement on Principles for Anti-Corruption Agencies*, 26–27 November 2012, available at [https://www.unodc.org/documents/corruption/WG-Prevention/Art\\_6\\_Preventive\\_anti-corruption\\_bodies/JAKARTA\\_STATEMENT\\_en.pdf](https://www.unodc.org/documents/corruption/WG-Prevention/Art_6_Preventive_anti-corruption_bodies/JAKARTA_STATEMENT_en.pdf).

UNDP, *About Bangladesh* (2019), available at <http://www.bd.undp.org/content/bangladesh/en/home/countryinfo/>

Wikipedia, *Bangladesh* (2019), available at [https://en.wikipedia.org/wiki/Bangladesh#People's\\_Republic\\_of\\_Bangladesh](https://en.wikipedia.org/wiki/Bangladesh#People's_Republic_of_Bangladesh)

Wikipedia, *Paradise Papers* (2019), available at [https://en.wikipedia.org/wiki/Paradise\\_Papers](https://en.wikipedia.org/wiki/Paradise_Papers)

Wikipedia, *Rohingya Refugees in Bangladesh* (2019), available at [https://en.wikipedia.org/wiki/Rohingya\\_refugees\\_in\\_Bangladesh](https://en.wikipedia.org/wiki/Rohingya_refugees_in_Bangladesh)

World Bank, *Bangladesh Continues to Reduce Poverty But at Slower Pace* (24 October 2017), available at <https://www.worldbank.org/en/news/feature/2017/10/24/bangladesh-continues-to-reduce-poverty-but-at-slower-pace>

World Bank Group, *Enterprise Surveys Bangladesh*, (2013), available at <https://www.enterprisesurveys.org/data/exploreeconomies/2013/bangladesh>

World Bank, *Bangladesh Overview* (2019), available at <https://www.worldbank.org/en/country/bangladesh/overview>

World Bank, *The Worldwide Governance Indicators, 2019 Update*, available at [www.govindicators.org](http://www.govindicators.org)

World Economic Forum, 2018, *The Global Competitiveness Report 2018*, available at <http://www3.weforum.org/docs/GCR2018/05FullReport/TheGlobalCompetitivenessReport2018.pdf>

World Economic Forum, *The Global Competitiveness Index 2017-2018*, available at <http://reports.weforum.org/global-competitiveness-index-2017-2018/competitiveness-rankings/#series=BRIBEIDX>

World Population Review, *Bangladesh Population 2019* (2019), available at <http://worldpopulationreview.com/countries/bangladesh-population/>

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