



Media Release

Bangladesh's implementation of UNCAC: Progress undermined by setbacks

Dhaka, 28 October, 2011. Bangladesh's legal regime is generally compatible with standards and principles of the UN Convention against Corruption (UNCAC). The Government has also taken a few important steps towards strengthening the legal and institutional capacity to control corruption. However, application and enforcement remain far behind affecting compliance of the commitments made under the UNCAC. This has been revealed by a report on the status of implementation of the Convention conducted by Transparency International Bangladesh (TIB) in support of the Implementation Review Process of the UNCAC, as a part of the Conference of the States Parties (CoSP) being held in Marrakesh, Morocco.

Dr. Iftekharuzzaman, Executive Director of TIB said, "while we commend the Government for a few positive initiatives following Bangladesh's accession to the UNCAC in 2007, we are also concerned that in some other instances steps have been taken that could weaken the capacity to control corruption". He referred to the bill to amend the Anti-corruption Act as an example which, if enacted, will adversely affect the independence and effectiveness of the Anti-Corruption Commission.

The report noted that soon after being elected the present Government adopted the Bangladesh Action Plan for Compliance of UNCAC in 2009. The Right to Information (RTI) Act 2009 was adopted, following which the Information Commission has been set up. The Human Rights Commission has been reconstituted. The Money Laundering Prevention Act 2009 has been adopted. A whistleblower protection (WB) act titled "Public Interest Related Information Disclosure (Protection) Act 2011" has been enacted. In connection with the RTI and WB Protection Act, the Government worked closely with civil society, which was noted as a good practice.

However, "political and electoral commitments to fight corruption are not followed up by enforcement without fear or favour, nor are laws often enforced duly. The judicial process has been bypassed under partisan political consideration in case of many criminal and corruption cases, undermining the rule of law, sustaining corruption and promoting a culture of impunity", he said.

Having referred to the proposed amendments to the anti-corruption act the report also raises concern over lack of credibility of some of the Anti-Corruption Commission staff and absence of enforceable Code of Conduct in the Commission.

Among other negative trends mentioned in the report are failure to implement the constitutional provision to establish the Office of the Ombudsman and the recent abolition of the Tax Ombudsman's office; delay in providing the necessary human resources to the Information Commission and Human Rights Commission; disempowering the Bangladesh Telecommunication Regulatory Commission; granting of immunity to any decision taken in connection with the production, sale or distribution of electricity; and amendment of the Public Procurement Act undermining expertise and experience as criteria for public sector contracts.

The report recommends that the Anti-Corruption Commission should be strengthened and its independence ensured. The proposed amendments to the Anti-corruption Act that will curtail the Commission's independence and effectiveness should not be enacted. The rule of law must be ensured without any influence on the judicial process, including partisan political bias.

The technical and human resource capacity of the focal point for implementing the UNCAC in the Ministry of Law, Justice and Parliamentary Affairs must be strengthened. There must be regular monitoring and evaluation of implementation of UNCAC provisions. Mechanisms for inter- and intra-ministerial coordination should be established and strengthened.

The full report can be viewed in: www.ti-bangladesh.org.

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