Monitoring Anti-Corruption Reforms: Experience from Bulgaria and the EU Anti-corruption Report

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EU AC Report

- **Austria**: no overall AC strategy in place; programmes for specific ministries (interior, finance); no central AC authority
- **Belgium**: no overall AC strategy in place;
- **Bulgaria**: unified national AC strategy and plan; National AC Commission – coordinating body;
- **Croatia**: unified AC strategy and plan, and AC Council and Committee monitoring its implementation;
- **Cyprus**: no unified AC strategy nor body;
- **Czech Republic**: national AC strategy is regularly reviewed by the government; no AC agency;
- **Denmark**: no national AC strategy nor unitary body; relies on ethics standards;
- **Estonia**: national AC strategy, which is reviewed by ministries with central role of MoJ, but also MoI and MoF;
- **Finland**: no AC strategy, but AC legislation; no single focal point on corruption
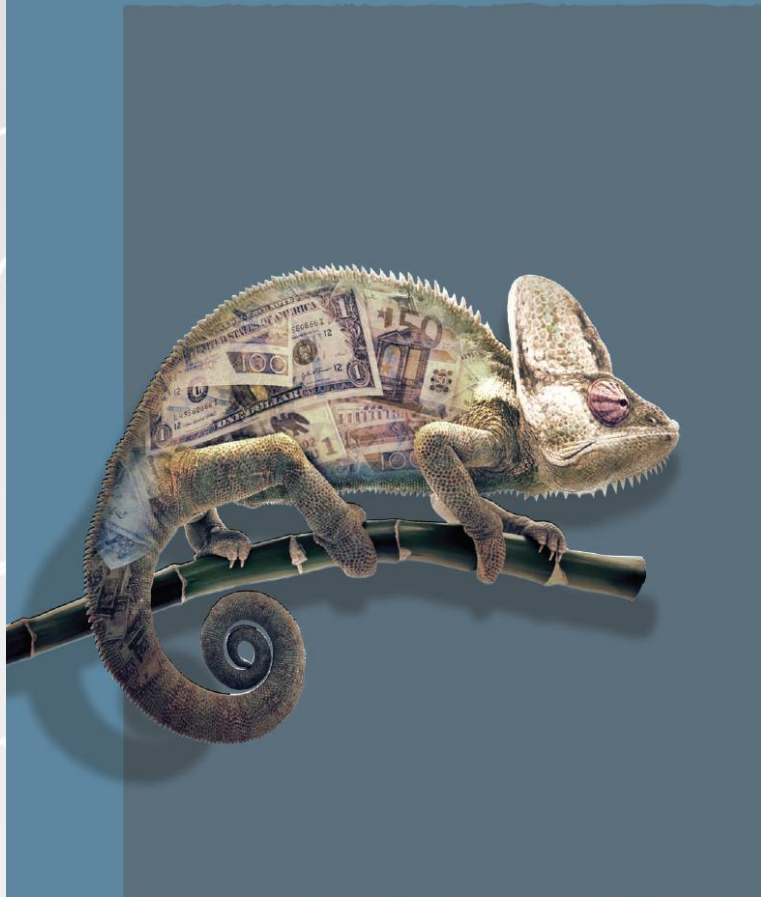
EU AC Report

- **France**: no AC strategy but Jospin Committee Report; no focal point but Central Corruption Prevention Department;
- **Germany**: no strategy as such but Federal Government Directive on preventing corruption in the public administration and a concept from the standing conference of German MoIs; BKA;
- **Greece**: no strategy and no focal multipurpose body on AC;
- **Hungary**: AC programme of the goernment but no centralised body;
- **Ireland**: no AC strategy and unified AC body but standards setting committee for public office holders;
- **Italy**: just adopted a strategy, which created a national AC agency;
- **Latvia**: AC guidelines and programme; Corruption Prevention and Combating Bureau
- **Lithuania**: national AC programme and Trans-institutional AC Commission;
- **Luxembourg**: no AC strategy not focal body;
- **Malta**: AC strategy and the Permanent Commission Against Corruption;

EU AC Report

- **Netherlands**: focus on positive – integrity standards, and no focal AC body;
- **Poland**: AC programme and the Central Anti-corruption Bureau;
- **Portugal**: no clear strategy but both prevention council and National unit against Corruption;
- **Romania**: the national AC strategy and National Anticorruption Directorate;
- **Slovakia**: strategy plan to fight corruption but no national single AC point of contact;
- **Slovenia**: AC strategy and Commission for prevention of corruption;
- **Spain**: no national AC strategy nor single body; but regional strategy in Catalonia;
- **Sweden**: no AC strategy nor agency;
- **UK**: no AC strategy nor agency.

Regional anti-corruption report

anticorruption reloaded

Assessment of Southeast Europe

SELDI.net
Southeast European Leadership for
Development and Integrity

CSD
A project implemented
by a consortium led by the
Center for the Study of
Democracy

Key recommendations

Deliver effective prosecution of high-level corruption

- Sentencing of corrupt politicians from the top political echelon provides a strong example for everyone and have proven very effective in strengthening anti-corruption measures in Croatia and Slovenia.

Adopt an independent corruption and anti-corruption monitoring mechanism

- The mechanism should be implemented through national and/or regional civil society network(s), and should be independent of direct national government funding. It should serve as a vehicle for opening up administrative data collection and public access to information.

Anti-corruption efforts should be focused on critical sectors

- Energy, public procurement, corporate governance of state owned enterprises, large-scale investment projects.

SELDI.net
Southeast European Leadership for Development and Integrity

CSD
A project implemented by a consortium led by the Center for the Study of Democracy

Anticorruption policies and legislation

- Frequent and inconsistent changes to laws resulted in procedural and statutory complexity and contradictory interpretation.

- Corruption is now a major electoral campaign issue, which tends to water down the commitment to strategic pledges.

- Strategies address all possible aspects of corruption, instead of prioritising.

- Shift of attention from petty corruption to grand, and criminalisation of a wider array of abuses of public office. The key challenge is to keep up with the shifting manifestations and forms of corruption.

- Compromised autonomy of the oversight and law enforcement bodies and interference by politicians.

- None of the SELDI countries has an adequate complaints management mechanism in the public administration.

- Shortage of reliable and publicly accessible data on the performance of government institutions, especially as relates to anticorruption.

- Key issue is how to combine preventive and repressive functions. The focus is placed on supervision and control.

AC Strategies in SEE

- Adopted to show "political will"

- Executive leads but ensuring concerted action of all stakeholders difficult

- Each successive government wanted its own AC strategy => AC became a political campaign issue

- The AC strategy as a list of measures without clear link to policy purpose => monitoring measures not impact of their action

AC strategies in SEE

- **Albania**: 2014 – 2017; focus on prevention and corruption proofing/monitoring of performance + AC Agency; 2018 – 2020 adopted
- **B&H**: 2009 – 2014; not implemented in full by delays in establishing the AC Agency; different timeframes and bodies on federal and entity level; 2015 - 2020
- **Bulgaria**: 2015 – 2020; last one not assessed; centralised AC commission to be replaced by an agency; monitoring indicators key for progress
- **Croatia**: 2008 with annual action plans, which remain somewhat unclear as to monitoring their implementation progress
- **Kosovo**: 2012 – 2016; all encompassing; progress measured not impact; AC Agency in charge
- **Macedonia**: 2011; AC Strategy and AC Agency
- **Montenegro**: 2010 – 2014; long list of measures outlined in action plans; foresees the establishment of a national AC agency by January 2016
- **Serbia**: 2013 – 2018; AC measures and indicators; all encompassing
- **Turkey**: 2010; ten measures each overseen by a working group; OECD SIGMA says implementation has slowed

Difficulties faced by the anticorruption institutions

Not feasible to create institutions with extraordinary powers that would affect the constitutionally established balance of power. Authority limited to requiring other government agencies to report on the implementation of the tasks assigned to them.

The agencies need to be careful not to duplicate powers conferred to other bodies (e.g. national audit institutions or law enforcement).

Most were provided with limited institutional capacity (budget, personnel) despite intentions to the opposite.

Objectives and Principles

- The main objective of the system of indicators is to introduce a **viable mechanism of accountability and evaluation** of the results of the implementation of **anticorruption strategies**.

- Principles:
    - use of internationally recognized methods and systems of indicators;
    - use of multiple sources of information;
    - comparability.

Methods of Assessment and Analysis

A major challenge in the development of the system of indicators is the need to **use objective criteria, methods and tools for assessing the spread of corruption**.

The System of indicators – a proposal

Group3
- Indicators for assessment of the effect of implemented programmes and measures on society by monitoring their **outcomes and practical impact** - assessment of the effectiveness of anticorruption policies

Group2
- Indicators for assessment of the social environment factors directly affecting the **level of corruption and governance transparency** (victimization and perception surveys)

Group1
- Indicators for assessment of the **implementation** of the anticorruption strategy, evaluating its adequacy, effectiveness, implementation progress, observance of deadlines, etc.

Group 3: Monitoring and assessing the ultimate impact of the Strategy/Programme on public service delivery

- Number of documents required for delivery of an administrative service
- Time spent on filing documents
- Instructions the documents needed to initiate administrative procedure
- Total duration of the procedure from the filling of the documents to final completion
- Staff quality and competence
- Service quality

Group 2: Monitoring and assessing anti-corruption effects of strategies / programmes

Corruption Victimization
- Share of people that paid bribes / favors
- Value of informal payments, etc.

Corruption Pressure
- Share of citizens/companies asked for money, gifts or favors
- Ways in which the officials exert corruption pressure and maim reasons, etc.

Attitudes towards Corruption
- Awareness of corruption as a problem
- Share of those to whom it is acceptable

Spread of Corruption
- Share of those who think corruption is widespread in ministries and government agencies; in the judiciary; in the education system; healthcare system, etc.

Intolerance of Corruption
- Share of citizens/companies that have filed complaints
- Readiness of to report cases
- Main reasons for (not) reporting

Corruption Factors
- Assessment of the major factors
- General impact of corruption on the social process
- Effect of corruption on private business development

Government Action
- Assessment of government efforts; of the anti-corruption measures; institutions perceived as most effective, etc.

Awareness of Anticorruption
- Awareness and interest in anticorruption measures
- Sources of information
- Awareness of the legal framework, etc.
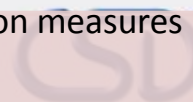
Group1: Indicators for assessment of the implementation progress of specific measures, included in the anticorruption Strategy/Programme

1. **Availability** of laws, programmes, analyses, research methodologies, proposals, plans, publicly announced measures, etc.

2. **Relevance** of the measure adopted

3. **Timeframe compliance** or non-compliance

4. **Implementation** progress

5. **Quality** of the elaborated laws, programmes, analyses, research methodologies, proposals, plans

6. **Quantitative** indicators measuring the outcomes of the adopted measure

7. **Effectiveness** of the measure adopted (assessing the cost-effectiveness of the particular measure)

Groups of Sample Indicators for particular objectives of the anticorruption strategy/programme

- Prevention and counteraction of corruption in the high ranks of state power
- Transparent party financing
- Measures in central and local administration
- Transparent and effective management of the healthcare system
- Transparent and effective management of the education system
- Transparency and prevention of corruption in the administration of tax and customs revenues
- Public procurement and concessions
- Transparency of state-business relations: regulating the forms of public-private partnership
- Effectiveness of anticorruption penal policy

Examples of Proposed Indicators

I. **Measures in the Public Sphere: Prevention and Counteraction of Corruption in the High Ranks of Power**

Measure	Institution responsible	Deadline	Indicators
Applying the mechanism envisioned in the Code of Ethics of Holders of High Government Office and ensuring public access to the declaration for the prevention and avoidance of conflicts of interests	Council of Ministers (CM), CPCC	06/30/2006	2, 3, 6 (number of persons who have submitted declarations), 7
Expanding public and media access to the Registry under the Law on Property Declaration by Persons in High Public Office	CPCC, National Audit Office (NAO)	03/31/2006	2, 3, 6 (share of audience reached), 7
Analysis of the effectiveness of the sanctions under the Law on Property Declaration by Persons in High Public Office	Ministry of Finance (MF), NAO	10/31/2006	1, 4, 5, 7
Elaborating a draft law on lobbying	CPCC, The Parliamentary Anticorruption Committee jointly with the Ombudsman of the Republic of Bulgaria	12/20/2006	4

II. Measures in the Economic Sphere: Public Procurement and Concessions

Measure	Institution responsible	Deadline	Indicators
Developing internal rules for improving the organization and transparency, and alleviating the bureaucratic procedures in the area of concessions. Increased control over the implementation of concession contracts.	All administrations with functions related to the granting of concessions	06/30/2006	1, 2, 3, 4, 5, 7
Developing a special training module on control related to public procurement by the bodies of PIFCA	PIFCA	06/30/2006	1, 2, 3, 4, 5, 7
Analysis of the existing legislation and procedures for holding tenders for road construction and refurbishment, including concession procedures	Ministry of Regional Development and Public Works (MRDPB)	04/30/2006	1, 2, 3, 4, 5, 7
Maintaining a public procurement registry in line with the standards of accountability, transparency, free and fair competition in the area of public procurement	Public Procurement Agency (PPA)	06/30/2006	1, 2, 3, 4, 5, 7

III. Civic Control and Cooperation with Civil Society: Assessment of the Spread of Corruption and the Effectiveness of Anticorruption Policies

Measure	Institution responsible	Deadline	Indicators
Developing a system of indicators for the implementation of the strategy	CPCC jointly with NGOs	04/30/2006	1, 2, 3, 4, 5, 7
Assessment of the spread of corruption in the country	CPCC jointly with NGOs	annually	1, 2, 3, 4, 5, 6 (number of surveys), 7
Biannual public progress reports and updating of the Implementation Program for the 2006 Strategy for Transparent Governance and Prevention and Counteraction of Corruption	CPCC jointly with NGOs	06/30/2006	1, 2, 3, 4, 5, 7
Biannual assessment of the implementation progress of the Implementation Program for the 2006 Strategy for Transparent Governance and Prevention and Counteraction of Corruption	CPCC jointly with NGOs	06/30/2006	1, 2, 3, 4, 5, 7

Discussion

- Chapters 23 – 24
- CVM
- EU AC Report
- Other international monitoring exercises
- Independent / CSO monitoring

Thank you!

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