

Anti-corruption policies and preventive measures – available tools and best practices

What is Corruption?

- ◆ Word *CORRUPTIO* comes from a Latin word and it means deterioration, depravity. It includes depravation, dishonesty and bribability of people, especially of politicians and civil servants.

Corruption is presnet

- ◆ Within politics
- ◆ Within executive branch of power
- ◆ Within legislative branch of power
- ◆ Within judiciary branch of power
- ◆ Within private sector
- ◆ Within association, Unions

In short, everywhere the different interest cross

Who should deal with the phenomena?

Not only law enforcement but also

- Governments
- NGOs
- Education institutions
- Scientific institutions
- General public (indirectly)

Broader Sense of Corruption

- ◆ Various forms of morally disapproving, questionable, and inadmissible behaviour for which a group of people or an individual obtains certain benefit.

Narrow Sense of Corruption

- ◆ It means illegal behaviour or act determined as such by the law; usually the criminal law focuses on various forms of bribing (active or passive).

Forms of Corruption

- ◆ As regards to extension
 - * Organized
 - * Massive
 - * Self- evident,
 - * Self – acting – giving or receiving gifts ...
 - * Periodically or occasionally
- ◆ As regards to amount of money
 - * A more or less money
- ◆ As regards to level of organization
 - * Systematic
 - * Structural (related to criminal activities or unsuitable functioning of administration)
 - * Individual – personal

- ◆ As regards to mode
 - * "Forced"
 - * Spontaneous
- ◆ As regards to actor's method
 - ◆ Active
 - * Passive
- ◆ As regards to *benefit*
 - * Material (money, car, flat)
 - * Nonmaterial (favours, job promotion, reputation ...)
- ◆ As regards to *sectors*
 - * Public
 - * Private
 - * Politics
- ◆ As regards to sanctions
 - * Criminal
 - * Moral
 - * *Socially unacceptable*
- ◆ As regards to actor's social standing
 - * "*high*" level of corruption (state capture)
 - * "*medium*" level corruption
 - * s.c. Street corruption

International Anti-Corruption Standards

- Convention on the protection of the EC financial interests + protocols (EU, 1995, 1996, 1997, 1998)
- Inter-American Convention against corruption (1996)
- The Twenty Guiding principles for the fight against corruption (CoE, 1997)
- Convention on the fight against corruption involving officials of the EC or officials of Member States of the European Union (EU, 1997)
- The Criminal Law Convention on Corruption + protocol (CoE, 1999, 2003)
- The Civil Law Convention on Corruption (CoE, 1999)
- UN Convention against Transnational Organised Crime (2000)
- OECD Convention on combating bribery of foreign public officials in international business transactions (1997)
- MERIDA – United Nations Convention against Corruption (2003)

Measures to Prevent Corruption

Anti-Corruption Strategy

◆ Assumptions of the Strategy shall be

- *Respect of human rights and freedoms*
- *Political will*
- *Appropriate timing*
- *Appropriate situation assessment*
- *Cooperation between the public and private sectors and the civil society*
- *Prevention before repression*
- *Graduated approach*
- *Transparency and openness of the project*
- *Organised and spontaneous supervision and performance measurability*
- *Updated assessment and corrections*

◆ Objectives of Strategy shall be

- Basic purpose - direct and general objectives :
 - ◆ formulation and implementation of adequate ethical standards;
 - ◆ long-term and permanent elimination of the conditions and circumstances for the occurrence and development of corruption;
 - ◆ establishment of adequate legal and institutional environment for the prevention of corruption;
 - ◆ strict enforcement of accountability for illegal actions;
 - ◆ establishment of a system of zero tolerance toward all corruptive actions;
 - ◆ effective introduction of internationally established standards relating to this area.

◆ In addition to direct and general objectives – broader social objectives:

- ◆ identification of areas most exposed to corruption;
- ◆ transparent and legal financing of political parties;
- ◆ effective reform of state administration;
- ◆ overcoming the conflict of interests in public services;
- ◆ ensuring legal, professional and responsible decision making;
- ◆ establishment of appropriate mechanisms for detection and notification of possible corruptive actions;
- ◆ ensuring independent and effective operation of law enforcement authorities, and judicial authorities;
- ◆ ensuring effective operation of other supervisory mechanisms;

◆ In addition to direct and general objectives – broader social objectives:

- ◆ ensuring open and transparent budget spending procedures;
- ◆ creative cooperation between state and private organisations and the civil society;
- ◆ training of and assistance to the private sector as regards effective and self-regulatory actions against corruption;
- ◆ increase of sensibility of state authorities, the civil society and individual persons toward forms of corruption;
- ◆ increase of general awareness on the rights and obligations pertaining to individuals and institutions;
- ◆ assistance to the media in the implementation of their supervisory function;
- ◆ inclusion of a country into international endeavours for the prevention of corruption.

◆ *Strategy shall contain*

- *Legislative measures*
- *Institutional measures*
- *Practical measures*

◆ Strategy shall be supported by general and institutional Action plans for the implementation of the strategy measures

Corruption's Most Exposed Areas in Public Administration

- ◆ Issuing of the different licences, permits (construction licences, visas ...)
- ◆ Public Procurement Procedure (building, services, IT equipment ...)
- ◆ Assignment of funds to the business
- ◆ Business subsidies
- ◆ Public administration employment tenders
- ◆ Privatization of the state property
- ◆ State property sale
- ◆ Lobbying
- ◆ Financing of the political parties

Some Measures to Reduce Corruption in the PA

- ◆ Transparent Public Procurement Procedure
- ◆ Supervision of the assets of the public servants
- ◆ Restriction regarding Conflict of Interests
- ◆ Code of Conduct for Public Officials
- ◆ Raising Public Awareness

The Integrity Plan as Preventive Tool

Using risk assessment methodology to;

- ◆ Measure corruption risks.
- ◆ Design effective counter measures.
- ◆ Build integrity.

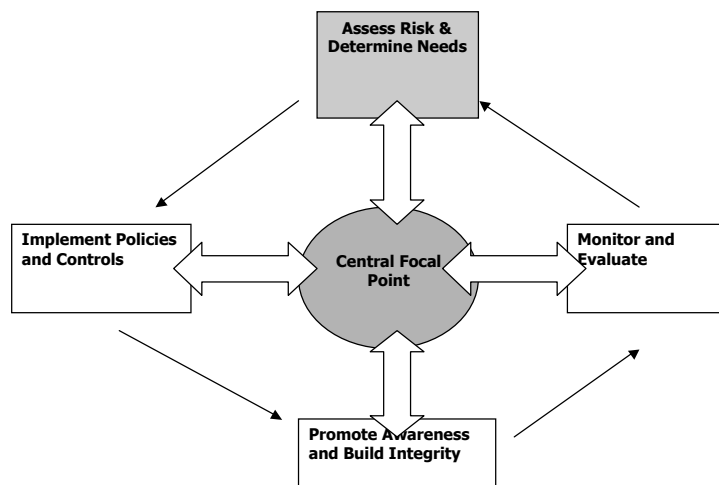
The integrity plan = risk management plan

- ◆ Strategic tool for prevention of corruption
- ◆ Risk assessment as being part of it represents the systematic approach for analysis of vulnerabilities in institutions
- ◆ Combines the system of effectiveness of rules and regulations in practice (e.g. RIA model) and the system of quality
- ◆ One of the fundamentals of the Slovenian national strategy in the fight against corruption
- ◆ The Prevention of the Corruption Act in the Republic of Slovenia (2004) defines the integrity plan as *“measures of legal and practical nature, which eliminate and prevent the possibilities for the occurrence and development of corruption in a body.”*
- ◆ Public and local community bodies adopt the integrity plan and mould the plans within the time limits, defined with the guidelines

Benefits of the Integrity Plan

- ◆ Strengthens the preventative mechanism;
- ◆ Stimulates awareness of the vulnerable activities;
- ◆ Creates possibility for greater integrity of organization;
- ◆ Increases efficacy, level of quality, respect, trust;

The Integrity Cycle



What do we achieve?

- ◆ The integrity centred institution
- ◆ Six main attributes of such institution:
 - **CHARACTER: consistency between word and deed.**
 - **HONESTY: truthful communication in organisation.**
 - **OPENNESS: operational transparency.**
 - **MERITOCRACY: employee encouragement.**
 - **TEAMWORK: honour obligations, respect, and discipline.**
 - **PERFORMANCE: accountability throughout the organization.**

Case studies

Corruption of a member of a parliament

- ◆ Whistle-blower approaches to the police
- ◆ The role of the regional police force
- ◆ Police proceedings
- ◆ Charges against the MP
- ◆ Role of the local prosecutor
- ◆ Police complaints against the prosecutor
- ◆ Nothing happens

Illegal financing of a political party

- ◆ New minister is elected
- ◆ Abolition of the existing contract
- ◆ Signature of a new contract through an intermediary
- ◆ Provision goes to the intermediary first, then to the political party, headed by his brother
- ◆ Police may not file charges for the whole procedure, it stops at the minister
- ◆ Public prosecutor does not want to supplement the investigation
- ◆ His boss is released from his duties

Bribing of top public officials

- ◆ Government of the first country issues a license to the mobile telephony provider
- ◆ Provider buys the equipment in the second country
- ◆ Seller sends large amounts of money to its lawyer in a third country
- ◆ Lawyer dispatches money to the accounts of different individuals, including the public officials, who were deciding on issuing of license
- ◆ Public prosecutor in the country of a seller starts the proceedings
- ◆ Public prosecutor in the country of a lawyer finds the documentation on the payments
- ◆ Public prosecutor in the first country is informed about the case
- ◆ After 6 months no reaction from his side

Discussion points

- 📖 Normally, people do not feel as victims and/or as impaired persons, according to the criminal law, and for that reason they are not ready to report the act.
- 📖 Corruption is usually done between two actors between whom there is mutual trust.
- 📖 Both, the “giver” and “taker” gain some benefit.
- 📖 Is the claim, that you must provide a bowl of honey big enough in order to attract all the bees around, acceptable?
- 📖 How is the damage caused by corrupt behavior assessed?
- 📖 In what extent does the strategy help in decreasing corruption?
- 📖 What is the importance and role of the Code of Conduct in prevention of corruption?

Questions and Discussion!

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