REGIONAL ANTI-CORRUPTION INITIATIVE

RegionalCooperationCouncil

Ministarstvo pravde
Uprava za antikorupcijsku inicijativu

REGIONAL WORKSHOP
for validation of the

Methodology on Anti-corruption Assessment (**Corruption Proofing**) of Legislation

Becici, Montenegro – 9 September 2014

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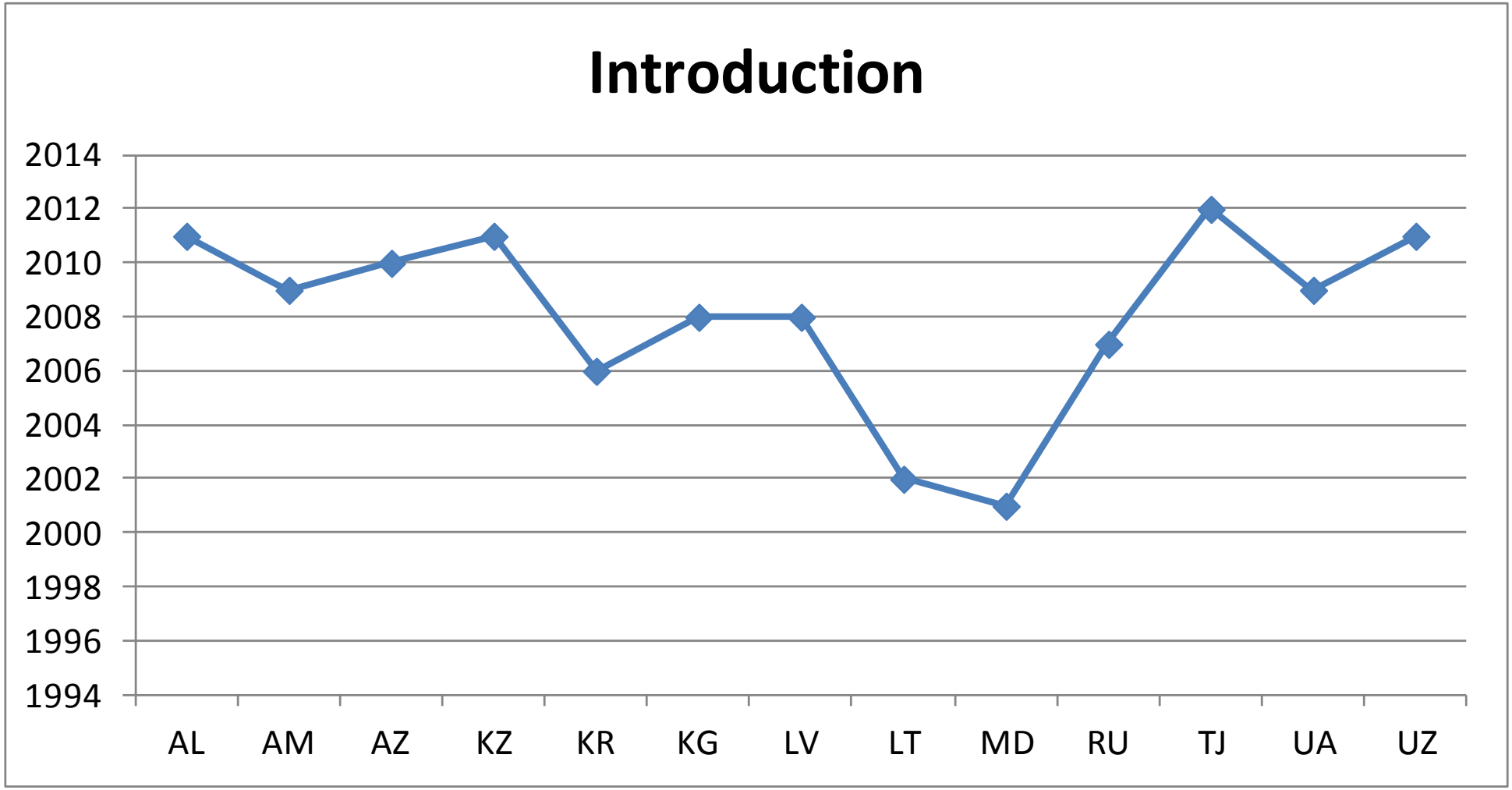
Legislative process				Corruption
Bribery Conflicts of interest etc.	➔	Laws	➔	Bribery Conflicts of interest etc.

“Individuals and legal entities shall be prosecuted in accordance with the laws of the Republic of Tajikistan for violation of this Act.”


Introduction
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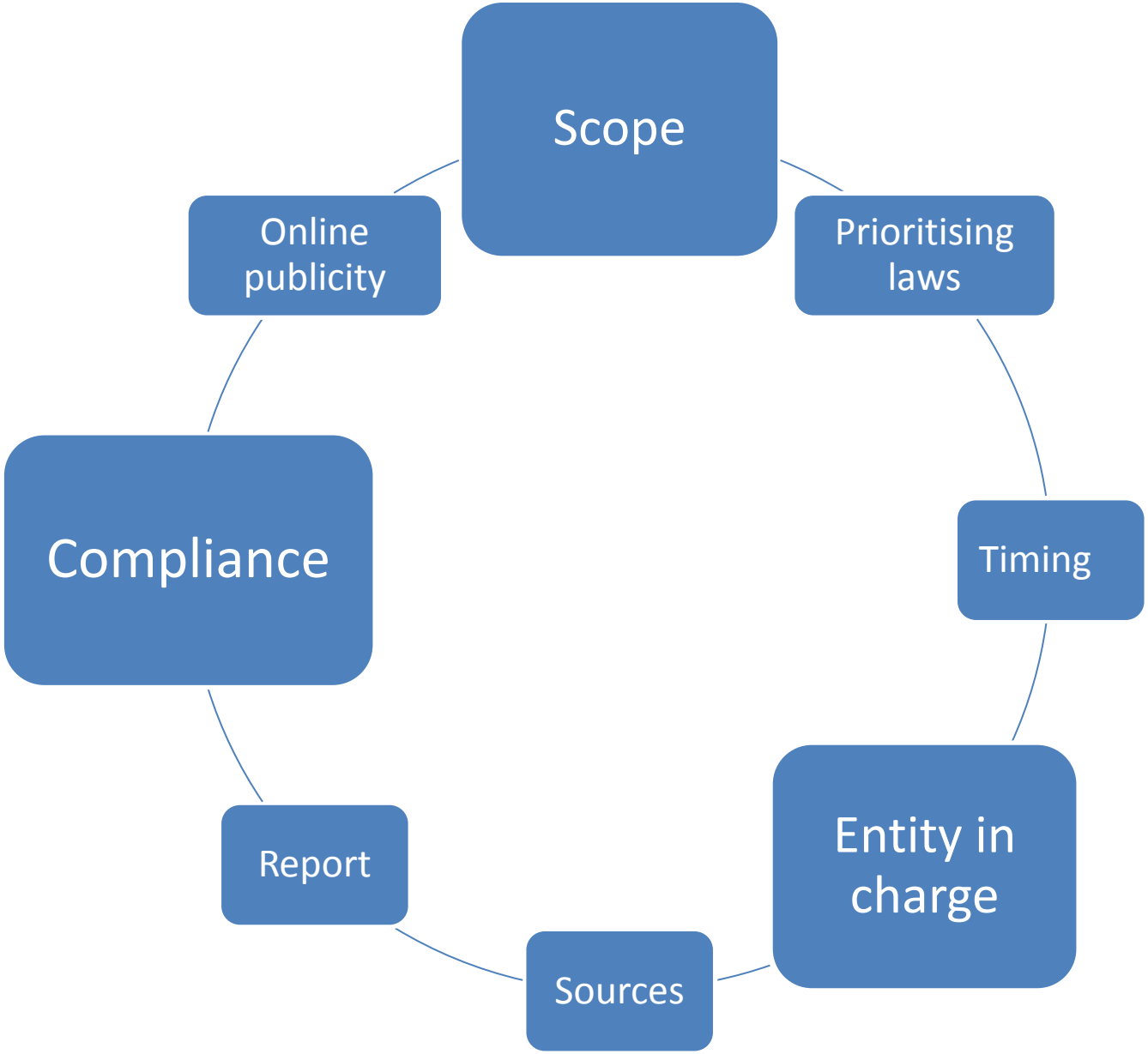

Scope
Prioritising laws
Timing
Entity in charge
Sources
Report
Compliance
Online publicity

RISK CATEGORY I: AMBIGUITY

Language

- Words
- Phrases

Legal coherence

- Conflicting provisions
- Inconsistent terminology
- Unclear references
- Regulatory gaps
- Uniform structure of laws

RISK CATEGORY II: PREVENTION GAPS

- **Public laws**
  - Competencies
  - Powers and resources
  - Procedures
  - Decisions
  - Oversight
  - Sanctions
  - Judicial review
- **Private laws**

- Addendum: Corrupted Legislation

Legislative process				Corruption
Bribery Conflicts of interest etc.	➔	Laws	➔	Bribery Conflicts of interest etc.

“Ten Principles of Effective Corruption Proofing”

1 – *Scope*

2 – *Prioritisation*

3 – *Regulatory corruption risks*

4 – *Timing*

5 – *Responsible entity*

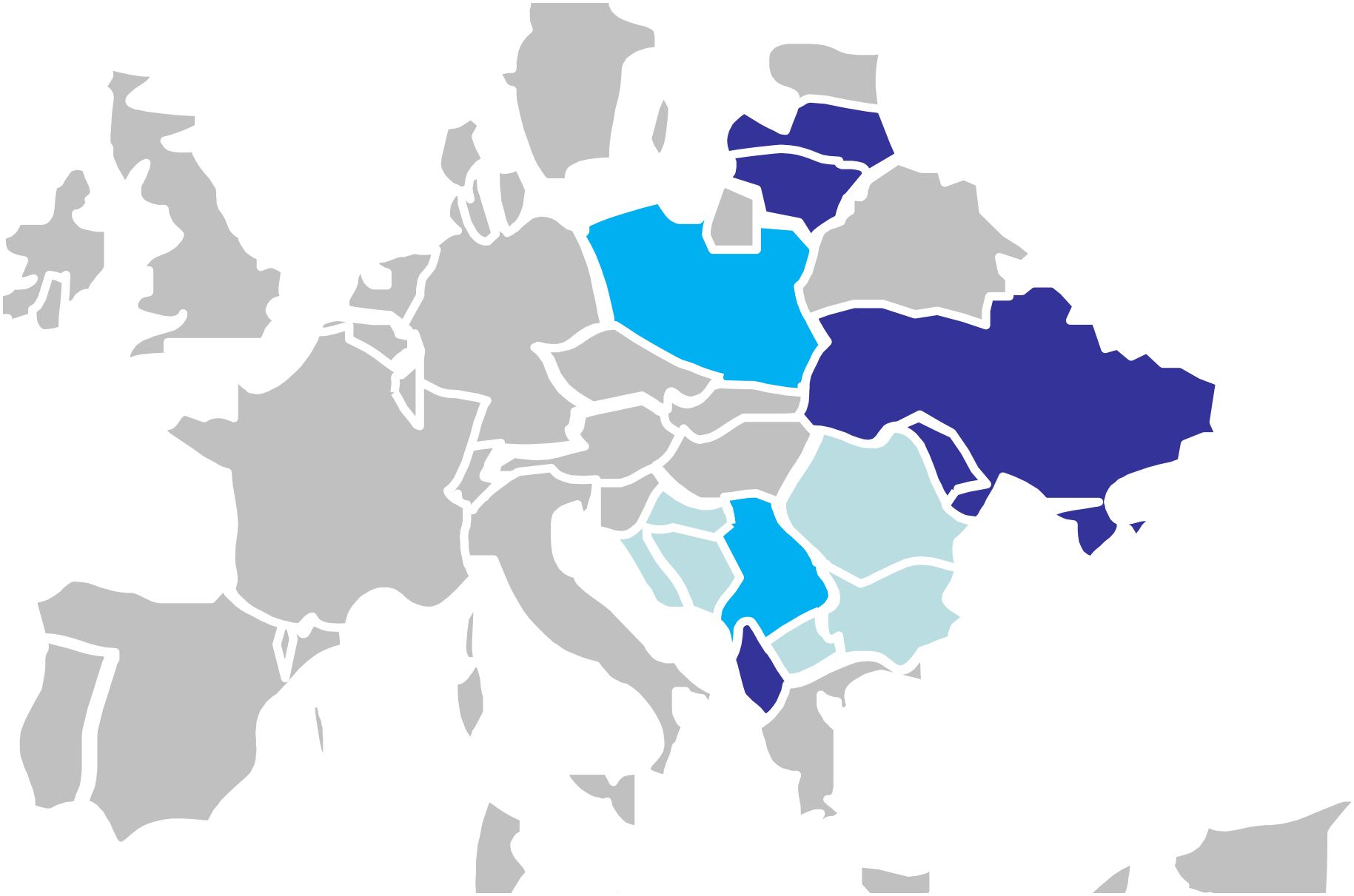
6 – *Recommendations*

7 – *Compliance*

8 – *Online publicity*

9 – *Broader framework on transparency and integrity*

10 – *Training and public awareness*

Principle 4 – ~~Selection~~ Prioritisation

Ideally, the entirety of laws is subject to review. Any necessary prioritisation ~~selection from the entirety of laws~~ should be risk-based, such as legislation from corruption prone areas, involving corruption prone transactions, or from areas with real incidents of corruption. All state bodies and the entity in charge with corruption proofing should be entitled to select laws for review.