



Republic of Slovenia



COMMISSION FOR THE PREVENTION OF CORRUPTION

# **Implementation of the United Nations Convention Against Corruption and CoE conventions into -domestic laws and practice**

Ohrid, Macedonia, 1 June - 6 June, 2009

---

**Sandra A. Blagojevic, MSc**

**Advisor to the Commission for the Prevention of Corruption, Slovenia  
Vice President of European Healthcare Fraud and Corruption Network, Belgium**

# Main criteria for good anti corruption program

- Do the measures of the anti corruption program reflect the main corruption patterns in Slovenia?
- Do the measures solve the causes of corruption?
- Is it possible to measure the effectiveness of the implementation of the program?
- Is there political will to implement anticorruption strategy?

# Anti-corruption policy development in Republic of Slovenia

- Prevention of Corruption Act (ZPKor) – January 2004
- Resolution on the prevention of corruption in Republic of Slovenia (RePKRS) – June 2004
- Commission for the prevention of corruption began functioning – October 2004
- Resolution Implementation Action Plan adopted – February 2005

## Resolution on the prevention of corruption in the R. Slovenia (RePKRS)

- The corruption prevention policy goals are defined in the RePKRS
- The strategy is mid – term strategy – for 3 years revision of the need for amendments and other changes to the content
- Regular annual reports to the National Parliament on the implementation
- The objective of the Resolution is intended to produce realistic, gradual and deliberated measures for the elimination of corruption and basic objectives are directed into preventive action – long term and permanent elimination

## Resolution indicates legislative, institutional and practical measures in following areas

- Politics (L:10, I:3, P:9)
- Public administration (L:20, I:6, P:26)
- Law enforcement and judiciary (L:11, I:6, P:10)
- Private sector (L:11, I:3, P:10)
- NGO (L:5, I:2, P:11)
- Media (L:5, I:3, P:11)
- General public (L:1, I: not necessary, P:9)

# Implementation of the Resolution and monitoring mechanism – *in theory*

- Responsible bodies : Nat. P. for adoption of the Resolution, CPC for the Action Plan
- Information on the implementation collected, assessed and evaluated by the CPC
- Reports on the implementation of the Resolution to the CPC prepared by those responsible for individual actions, as set out in the Resolution Implementation Action Plan
- AP defines: guidelines for sector based anti corruption programmes, clear objectives for individual measures, responsible bodies, methods, priorities and deadlines for implementation, expected costs, risk factors and success criteria
- Bodies to report CPC within six months of the Resolution adoption and every 12 months thereafter – compulsory reporting (contact person within each body for coordination with CPC)
- CPC submits report to the National parliament every year
- CPC proposes amendments to the Resolution and immediate actions for implementation to the National Parliament.
- 170 measures included in the Action plan

# Implementation statistics

- 2004/2005 – 28 measures – primarily CPC measures where the cooperation with other bodies was unnecessary and measures which were result of other projects, some measures against Resolution;
- 2006 – 7 measures – again measures implemented only by the CPC, 7 measures contradictory to the Resolution;
- 2007 – 9 measures, at least 19 contradictory;
- 2008 – will report to the Parliament by 31 March 2009
- Overall implementation – not exemplary except in some areas

# Commission for the prevention of corruption

- Established by the ZPKor 2004
- Independent prevention body, administrative investigation
- 5 functionaries appointed by the NP, 6 civil servants (+ 6 contractors) – employs 20% of the required staff
- CPC makes decisions as collegial body – opinions, standpoints and other decisions of cases adopted by the majority votes in sessions
- Reports to the NP once a year, and every 3 months sends in regular reports
- 3 sectors: Conflict of Interest (restrictions as rg. profitable activity, receiving of gifts and operations, supervision of financial assets), Prevention (implementation of the Resolution, assesses corruption allegations) and Integrity (integrity plans as risk management in all state and local community bodies) + all raising awareness and educating





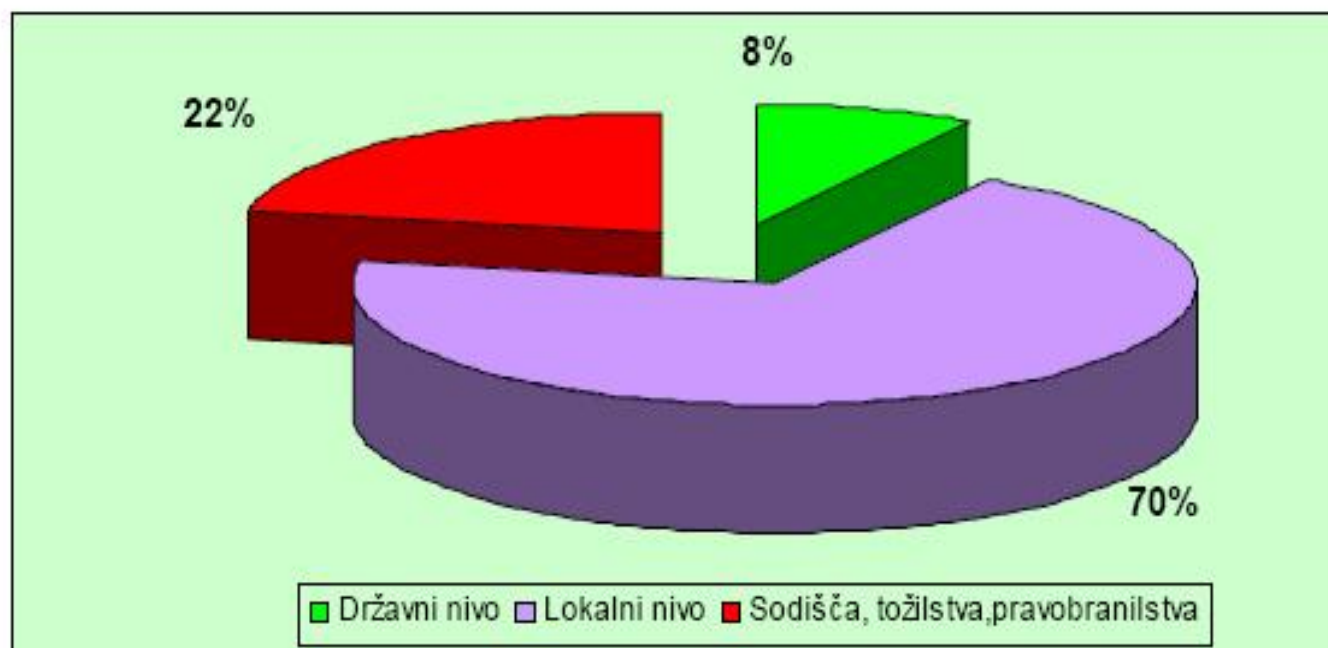
## Resolution measures implemented – in CPC domain of work

### Supervision of the financial assets of the functionaries

- Functionaries must each year present the decision on the assessment of personal income tax and evidence of data on annual incomes (Art.37, ZPKor)
- CPC publishes lists of functionaries who did not report on the web site and informs media
- Sanctions if non compliant:
  - another warning
  - decrease of next salary by one tenth
  - asking for dismissal from function

Tabela 1: Število funkcionarjev v RS po nivoju opravljanja funkcije

Raven opravljanja funkcije	Število	%
Državni nivo	424	8,43
Lokalni nivo	3.620	69,75
Sodišča, tožilstva, pravobranilstva	1.182	21,83
Skupaj	5.226	100,00



Graf 1: Deleži posameznih skupin funkcionarjev



## Number of non-submitted forms and other results

- 71 out of 5.226 functionaries
- Out of which are 63 newly elected
- Out of which are 8 reelected
- Some declarations on assets did not have complete data (Art.11, ZPKor), CPC questioned those functionaries (3) and based on the Art.258 PC, on the grounds of the suspicion of committing a criminal offence of giving false statements sent decision to prosecution for further procedural steps
- 1 functionary has resigned from his function



## 1.1. Incompatibility

- CPC receives numerous qs related to the concrete issues of incompatibility of functions, gives advices and explanations, publishes official clarifications and opinions on the web / informs media
- A total of 163 advisory opinions/clarifications have been issued by March 2009 (since 2004, October)
- CPC has adopted 87 decisions on incompatibility (80 closed to date, the decisions of CPC have been followed by the functionaries)
- Criminal charges have been brought in 3 cases
- CPC can ask for dismissal if the functionary does not rectify the instances of incompatibility



## 1.2. Restrictions of business conduct

- CPC publishes the lists of business entities for which apply restrictions for the business conduct, gives advices to qs, issues permits (Art. 28, ZPKor) and negative decisions
- In previous year there were 751 business entities that had restrictions
- 4 permits were given
- No negative decisions



## 1.3. Restrictions of acceptance of gifts

- All authorities under whose competences the functionaries perform their functions must keep the list of gifts and send them to CPC (deadline March 31 for previous year, Art.26, ZPKor),
- CPC creates The Catalogue of gifts and publishes it on the web site, as well as the list of authorities that did not present the gift lists,
- 254 bodies did not send till deadline, after official notice by CPC all bodies sent them in,
- CPC analysed the lists and the Catalogue is available online
- No special issues were found.



## 2. Integrity plans = risk management plans

- All state and local authorities have to adopt the integrity plans as a strategic tool for prevention of corruption (Art. 40, ZPKor), no mandatory
- CPC provides guidelines concerning the development of the integrity plans and monitors the implementation
- To this effect, CPC issued Guidelines on the Introduction of Integrity plans, provided training for over 216 institutions and 330 civil servants
- Methodology is published in the EU Catalogue on Best practices in the field of integrity, anti corruption and administrative measures against organised crime in 2008
- OLAF and the Cabinet of VP of European Commission, Siim Kallas, are negotiating with the CPC on possibilities and ways of introducing integrity plans as standard in risk assessment and measurement used by the EC

### 3. Concrete examples of implementation of the Resolution on the Prevention of Corruption till this date by other bodies

- Implementation of the provisions of the Law on access to information (B.1.11, Information Commissioner),
- Adoption of measures to allow electronic procedures all users with the administrative units, on-line following of procedures, deadlines for their processing and names of those involved in procedures (MoPA, B.1.13),
- Detailed anti-corruption analysis of the established practices in the domain of public finance, public procurement, in the fiscal and customs domain, and in the domain in healthcare, adoption of appropriate modifications (B.3.24),
- Introduction of basic and special training for police, prosecutors and judges on corruption, fraud, tax evasion, money laundering and illegal accounting procedures (MoI, MoJ, State Prosecutor, Supreme Court, C.3.1),
- Consistent unacknowledgment of expenses paid for illicit means during tax procedure (MoF, D.3.10)...



## Back to criteria...! – *implementation in practice*

- Do the measures of the anti corruption program reflect the main corruption patterns in the society? More less (missing vision on the combating corruption in healthcare)
- Do the measures solve the causes of corruption? The adoption of new norms should not become the aim per se, in some cases the Resolution concentrates more on the missing legislation elaboration that is not necessarily the main cause for corruption
- Is it possible to measure the effectiveness of the implementation of the resolution? + is it possible to follow the schedule of the implementation – clear answer ???
- Is there political will??? – the most challenging criteria



## Conclusions based on experience so far How to Disable AC Strategies? What is happening in many countries?

- The list of “good wishes”
- No fixed procedures for follow-up
- No institutions responsible for monitoring
- No resources for monitoring
- No changes or too frequent changes of strategies
- No responsibility of public office holders for non-implementation

Seeds must be planted on fertile ground

- That of political will
- That of local ownership
- That of commitment to reform

*.....Until then we are left with...*

## **The Real Name of the Game:**

To fight corruption or to act as if fighting it?

**What can we do to assist each other?**

*Thank you for your attention*