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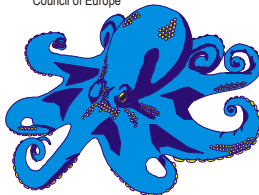
THE PREVENTION OF CORRUPTION IN CENTRAL AND EASTERN EUROPE

Activity Report

Prepared by the Economic Crime Division
Department of Crime Problems, Directorate General 1 - Legal Affairs
Council of Europe

Octopus

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Programme against
corruption and organised crime in Europe

For further information please contact:

Economic Crime Division
Directorate General I – Legal Affairs
Council of Europe, F-67075 Strasbourg, France
Tel: 0033-3-9021-4506
Fax: 0033-3-8841-3955
Email: alexander.seger@coe.int
www.coe.int

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1 INTRODUCTION

Experience shows that anti-corruption strategies are more likely to be successful if they consist of several elements:

- a. **Political commitment and leadership.** Governments and political leaders need to exercise leadership in the anti-corruption effort, for example: by pushing for the adoption of the necessary legislation and the ratification of international agreements, by making the necessary resources available to law enforcement agencies and the criminal justice system, by providing access to information and transparent governance, by establishing control mechanisms within the Government, by providing for transparent and accountable party financing, and, most importantly, by living up themselves to the highest ethical standards. In democratic societies, the failure of governments to deal with corruption is increasingly reflected in election results.¹ Where political leaders fail, prosecutors and judges or civil society organisations take the lead against corruption.
- b. **Legislation.** Societies must have a common understanding as to what they want to control, prevent or fight. In the absence of a generally accepted definition of corruption, they need to clearly define offences which they consider corrupt behaviour in their criminal, civil and administrative law. Traditionally, these offences include bribery. However, European standards in this respect are becoming broader and more comprehensive.²
- c. **Enforcement.** Laws against corruption need to be enforced and those responsible for enforcement need to be given the necessary resources and authority to investigate and prosecute corruption-related offences. One could argue that a criminal law approach is very narrow as it only targets individual offenders and does not improve structures and reduce opportunities, and as it risks stigmatising and excluding rather than integrating institutions, individuals and the private sector. On the other hand, corruption is a “control offence”: without investigation and prosecution, corruption may not become visible and societies may perceive themselves to be free of corruption. Also, and perhaps most importantly, justice and the rule of law in themselves are primary goals of any society. Finally, law enforcement has an important preventive effect: it may even be considered a prerequisite for prevention, in that it points at specific corruption problems, thus helping create the necessary awareness. Successful law enforcement can generate a momentum and mobilise society against corruption. Without the prosecution of high-level corruption, the chances of success of specific prevention measures may be fairly slim.
- d. **Prevention.** The prevention of corruption is about preventing corrupt behaviour and corruption-related offences, including active and passive bribery, trading in influence and related accounting offences, fraud, embezzlement, breach of trust, abuses of office or function, or other offences either in the private or public sector. Stated positively, the prevention of corruption is about promoting integrity and ethics, good governance, justice and the rule of law. Prevention includes a large range of measures and seeks to involve a large number of actors.

¹ Globally, political corruption is perhaps the most often quoted justification for coups d'état and explanation for political instability.

² As reflected in the Council of Europe's Criminal Law Convention on Corruption which requires countries to criminalise a wide range of offences.

There are of course many other elements which help contain corruption, including an independent and efficient judiciary, a fully functioning democracy, and economic and social development in general.³ The question is not what comes first; specific anti-corruption strategies and general reform measures go hand in hand and reinforce each other.

The Council of Europe started to tackle the question of corruption in the mid-1990s and so far has focussed primarily on the first three elements: by committing Member States to addressing the corruption issue, by setting European standards requiring countries to enhance their legislation, by monitoring compliance with European standards through GRECO,⁴ and by contributing to the strengthening of law enforcement capacities through programmes such as Octopus and PACO.⁵

Recently, however, the Council of Europe also began to undertake measures in the field of prevention. This included the adoption of a model code of conduct for public officials in 2000, and the drafting of a recommendation on the financing of political parties. Moreover, the 2001 meeting of specialised anti-corruption services (26 – 28 September 2001 in Slovenia) was dedicated to the contribution of civil society to the prevention of corruption.

In November 2001, the Council of Europe – within the framework of the Octopus Programme and in cooperation with the Ministry of Justice of the Slovak Republic – organised a regional seminar on the prevention of corruption. The seminar was held from 19 to 21 November in Bratislava.⁶ Its objective was to contribute to enhancing capacities for the prevention of corruption in countries of central and eastern Europe.

The expected results of the seminar were the following:

1. Participants will be able to conceive approaches and measures for the prevention of corruption in their respective countries.
2. Participants will have elaborated recommendations with regard to the measures to be taken in their respective countries.

The seminar was addressed at countries from central and eastern Europe which had participated in the Octopus 2 Programme and which are at the same time candidates for accession to the European Union, namely Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, and Slovenia.

Each of the ten countries was invited to nominate up to five participants representing the following institutions.

1. Ministry of Justice
2. Ministry of Interior or the Police or a specialised anti-corruption service
3. Finance / customs
4. Judicial training institution
5. Law enforcement training institution

³ For example, to make it possible to pay officials appropriate salaries.

⁴ See www.greco.coe.int

⁵ See www.legal.coe.int/economiccrime

⁶ The meeting was initially scheduled for the period 13 to 15 September 2001, but had to be postponed due to the events of 11 September. The Secretariat would like to thank participants and in particular the Slovak authorities for their cooperation in the re-organisation of the meeting.

Obviously, these representatives were to be in a position to contribute to the design and implementation of strategies and measures against corruption or of relevant training programmes in their respective country.

34 officials from ten countries, three experts from France and Germany and three staff of the Secretariat of the Council of Europe participated in the meeting.⁷

The seminar was opened by Mr. Jan Carnogursky, Minister of Justice of Slovakia.

Prior to the seminar, participants completed a questionnaire which served as basis for discussions during the meeting.

Following a plenary session in the morning of the first day, the ten countries were divided into two groups of five countries each. In the afternoon of the first day and on the second day, participants in these working groups had the opportunity to share experience on existing prevention measures, elaborate elements of future prevention measures and plans, and discuss training needs and capacities. In the morning of the third day, the delegations of each country elaborated country-specific recommendations and subsequently presented them in the plenary.

The present report documents the results of the seminar. Following an introduction to the issue of corruption prevention, the country reports summarise the replies to the questionnaire and the recommendations prepared during the seminar. The appendix contains the programme of the seminar, the list of participants, and – in order to encourage further work in this field – the Council of Europe's model code of conduct for public officials and the written contributions by the Council of Europe experts to the seminar, Mr. Bueb, Mr. Poerting and Mr. Rieger.

⁷ See the list of participants in the Appendix. A number of participants who had confirmed their participation in September were not available anymore in November.


2 THE PREVENTION OF CORRUPTION: THE ISSUE

The overall goal of corruption prevention can be formulated as **to prevent corrupt behaviour and corruption-related offences**, including active and passive bribery, trading in influence and related accounting offences, fraud, embezzlement, breach of trust, abuses of office or function, or other offences either in the private or public sector.

Corruption prevention thus comprises a wide range of actors and activities. Many of these are closely interrelated. Conceptually, however, the following types of prevention may be distinguished:

- Prevention A: integrity and cooperation
- Prevention B: transparency and accountability
- Prevention C: reducing risks and opportunities
- Prevention D: control.

The following table provides some ideas as to what this could involve:

General objective: To prevent corrupt behaviour and corruption-related offences				
Types of prevention:	Prevention A: Integrity and cooperation	Prevention B: Transparency and accountability	Prevention C: Risks and opportunities	Prevention D: Control
Specific objectives:	To promote integrity and cooperation against corruption within society as a whole	To strengthen transparency and accountability within public administration, the business sector and civil society institutions which could be vulnerable to corruption	To reduce risks and opportunities for corruption within institutions and procedures which are vulnerable to corruption	To control compliance with rules, in particular within institutions and procedures highly vulnerable to corruption
Continuum				
<p><u>From:</u> General measures Awareness Society as a whole</p>				<p><u>To:</u> Specific measures Control Highly vulnerable institutions</p>

2.1 Prevention of corruption within public institutions: General measures

The corruption prevention charter: codes of conduct⁸

A code of conduct or ethics is intended to address problems of corruption by promoting high standards of ethical behaviour.

An example is the Model Code of Conduct for Public Officials drafted by the Council of Europe in 2000.⁹ Accordingly:

“Codes of conduct should be clear and concise statements of the guiding principles of conduct by which an organisation expects its members to behave and the values for which it stands.”

The purpose of a code of conduct for public servants is threefold:

- it is a statement of the ethical climate that prevails in the public service;
- it spells out the standards of ethical conduct expected of public servants;
- it tells members of the public what to expect of public servants in conduct and attitude when dealing with them.¹⁰

In addition to general principles, the Council of Europe’s code of conduct contains provisions on:

- the reporting on improper, unlawful or unethical behaviour
- conflicts of interest, declaration of interests and incompatible outside interests
- acceptance or requesting of gifts
- reaction to improper offers
- susceptibility to influence of others
- information held by public authorities
- integrity checking
- supervisory accountability
- leaving the public service
- observance of the code and sanctions.

A code of conduct can be developed for the public administration in general or for a specific category of services or functions.¹¹ A prerequisite for the effectiveness of such codes is that they are known and accepted by those to whom they apply. This is best ensured if the officials and institutions concerned are involved in the elaboration of the code.¹²

⁸ The TI Source Book 2000 in its appendix (pages 310 to 318) lists different types of codes of conduct adopted in different countries and for different purposes. See also Part 2 of the United Nations/CICP Anti-corruption Tool Kit.

⁹ Council of Europe 2000: Recommendation No. R (2000) 10.

¹⁰ See the explanatory report appended to the Council of Europe’s model code of conduct (Recommendation no R (2000) 10).

¹¹ Codes of conduct or ethics are of course not limited to the public administration, but are also very valuable in the private sector. See, for example, the Rules of Conduct to Combat Extortion of the International Chamber of Commerce of 1977 (updated 1996 and 1999). See also TI Source Book 2000 (pages 148ff): do codes of conduct work in the private sector?

¹² Otherwise, the introduction of such codes may result in failure. See Findlay/Stewart (1992) on problems and opportunities related to the development of codes of conduct.

Codes of conduct can be useful tools for various types of prevention:

- the process of elaborating a code of conduct can be used to raise awareness and education
- the application of such a code enhances integrity, transparency and accountability, and reduces risks and opportunities for corruption
- the need to monitor compliance with the principles established will strengthen control functions and supervision.

Furthermore, as a well-drafted code of conduct describes in a coherent way the main elements of a corruption prevention strategy, it could be used as the 'charter' or the starting point for the elaboration of a prevention strategy or plan.

Supervisory accountability: risk analyses

While codes of conduct contribute to integrity, transparency and accountability, it is nevertheless necessary to identify more specifically the functions and procedures which are particularly at risk and which offer opportunities for corruption. In view of the principle of supervisory accountability it should therefore be the responsibility of the head of an institution or administration to carry out risk analyses and to take the necessary corrective measures resulting from such analyses.¹³

As a first step, those institutions, functions and procedures which are particularly vulnerable need to be identified. These are obviously those which involve, for example:

- direct contact with citizens or the private sector
- management of public funds
- public procurement
- issuing, approving, withdrawal or rejecting of licenses and permissions
- decisions and requests concerning fees, fines, taxes or other financial demands
- approval of grants, subsidies and other benefits
- management and use of internal and confidential information.

As a second step, the effectiveness of existing provisions regulating vulnerable areas and the effectiveness of control mechanisms need to be reviewed.

Finally, institutions, functions and procedures at risk should be systematically and regularly monitored on the basis of guidelines and indicators.

Risk analyses could be carried out by internal services (for example internal audit units) or specialised external services. The latter option would apply to institutions which are too small to have their own internal service, which do not have the necessary expertise, or where the circumstances do not allow for an objective analysis by an internal service.

¹³ See the report of the Koordinierungsgruppe Korruptionsbekämpfung 1999: Korruptionsbekämpfung in Baden-Württemberg.

Supervisory accountability: internal control mechanisms

A risk analysis is not a one-time event but a continuous process. The implementation and effectiveness of measures resulting from a risk analysis should be monitored on a continuous basis. Therefore the management of a service or administration may want to establish an internal control mechanism, for example, in the form of an internal audit unit:

“Internal auditing is an instrument of management. It supports the duties of administrative and work supervision and the monitoring of the organizational structure and the processing of operations in the form of implementation of auditing activities. Another focal task of internal auditing may be the internal prevention of corruption. Internal auditing conducts risk analyses, initiates general and specific anti-corruption measures within the agency and supports their implementation.”¹⁴

An internal audit mechanism will also help supervisors and managers meet the requirement of ‘supervisory accountability’.¹⁵

As mentioned above, the creation of internal services may not always be possible or offer the best results. Subject to the specific circumstances, external solutions may need to be taken into consideration.

Focal points: corruption commissioners

It is essential that the recommendations resulting from risk analyses and audits, and from the adoption of codes of conduct are managed in a coherent manner. Furthermore, officials confronted with corruption-related problems may need a unit or person to whom to address themselves. It may therefore be useful to establish within a given service or administration a focal point, for example, in the form of the position of a corruption commissioner:

“The corruption commissioner is the direct point of contact in all questions relating to the prevention and combating of corruption within the agency. He or she advises, receives information, assesses suspicious circumstances and recommends suitable solutions and counter measures. He or she is responsible for making the decision to inform the head of the department if the suspicions appear to be warranted.”¹⁶

Training

Officials need to be trained in the application of the codes of conduct and the prevention measures which are to be implemented in a given institution. Training events also serve the purpose of raising awareness and of promoting cooperation against corruption.

The elaboration of training concepts within institutions is recommended.¹⁷ Training to be provided should be target group-specific. Particular emphasis should be given to the training of senior managers to serve as an example and to exercise supervisory accountability. Corruption commissioners and members of internal audit units may also need specific training, for example in the implementation of risk analyses.

¹⁴ See Poerting/Vahlenkamp 1998: 238.

¹⁵ See Article 25 of the Council of Europe’s Model Code of Conduct.

¹⁶ See Poerting/Vahlenkamp 1998: 237.

¹⁷ See Koordinierungsgruppe Korruptionsbekämpfung 1999: 21.

It may also be useful to accompany training and awareness activities with the preparation of publications and prevention other materials.

Codes of conduct or guidelines and corruption prevention plans should be elaborated by those who are subsequently responsible for their implementation. This process, if carried out in a participatory manner, will also have a training effect.

Finally, training activities should be repeated regularly as a tool to maintain the momentum of the anti-corruption effort.

Interagency cooperation

Corruption is not a phenomenon limited to a particular administration or institution or sector. Successful approaches to the prevention of corruption thus require cooperation between agencies, services, institutions and administrations, in order to:

- exchange experience on the effectiveness of corruption prevention measures
- exchange information on emerging corruption problems and trends, as well as on specific cases
- reach agreement on concerted action against corruption
- share skills and resources required for example, for risk analyses, training, information materials and publications.

Cooperation could be institutionalised by establishing an interagency round table¹⁸ or working group.

2.2 Specific measures

The codes of conduct, the risk analyses and audits may help identify a range of specific measures such as:

- **Obligation to report corruption.** Public officials should be obliged to report if they believe they have been required to act in an unlawful or unethical way or if they become aware of a possible breach of duty by others. They should also be required to report to the head of service if they are not satisfied with the response to their reporting. Finally, officials reporting corruption may need to be protected. "The public administration should ensure that no prejudice is caused to a public official who reports any of the above on reasonable grounds and in good faith."¹⁹
- **Monitoring of outside employment.** The question of outside employment by public officials is a difficult and controversial issue. It can clearly be the gateway for corruption (for example, police officers working for a company providing security and protection services) or to disguise corruption ("consultant" contracts for public officials). On the other hand, in many countries official salaries are simply too low to make a living, thus requiring parallel jobs. In any

¹⁸ See proposal by Koordinierungsgruppe Korruptionsbekämpfung 1999: 16ff.

¹⁹ Article 12 of the Council of Europe's Model Code of Conduct. See also the Council of Europe's Civil Law Convention on the protection of private sector employees reporting corruption (Article 9) and the Criminal Law Convention (Article 22). Seagull (1995) points at ethnical problems, and Truelson (1987) on retaliation against "whistle blowers".

event, outside employment needs to be regulated and monitored. A related issue is that of politicians holding positions in the board of companies.

- **Acceptance of gifts.** Even the acceptance of small gifts not related to a specific action by a public official may prepare the ground for corrupt behaviour later on or for a corruptive relationship. In some countries or institutions the acceptance of gifts by public officials is therefore completely prohibited, in others it is closely monitored or regulated.
- **Selection of personnel.** Integrity checks should be carried out when recruiting or selecting persons for sensitive positions.²⁰
- **Declaration of assets.** The disclosure of assets by political representative and public officials is to ensure transparency of income and assets, and to serve as a deterrent to illicit enrichment. Such disclosures can also help in the investigation of corruption. Obviously, an obligation to declare assets requires that sensitive and private data need to be managed in a confidential and professional manner and that they are protected. Although the declaration of assets and liabilities could be part of an integrity pledge of an official or political representative, the institution responsible for monitoring may need to have the necessary investigative powers to verify the information.²¹
- **Job rotation.** Studies show that the risk of corruption in vulnerable institutions or functions increases, the longer an official remains in the same position and is able to establish firm links with clients. It may therefore be advisable to rotate staff after three to five years.²²
- **Separation of functions.** The concentration of responsibilities in the hands of one person creates opportunities for corruption. Functions should therefore be separated. In the case of particularly vulnerable functions or procedures, the four-eye principle should be applied.

These are just some examples of common measures to prevent corruption in public administrations. The needs of different institutions may warrant a range of other, more specific measures.²³ Some of these will certainly have to deal with the question of cooperation with the private sector in the prevention of corruption.

²⁰ See TI Sourcebook 2000: 190 ff.

²¹ See Part 3 of the United Nations/CICP Anti-corruption Tool Kit

²² See Koordinierungsgruppe Korruptionsbekämpfung 1999: 29.

²³ For additional and specific measures see, for example, United Nations/CICP anti-corruption tool kit, TI Source Book 2000, Vahlenkamp/Knauß 1997 and Poerting/Vahlenkamp 1998.

2.3 Conclusion: the challenge

The prevention of corruption requires a continuous and long-term effort. One-off activities and a patch work of activities will not produce the desired results. The challenge is to develop a coherent approach or strategy or plan. This could involve the following steps:

- a. Adoption of a general code of conduct (or anti-corruption guidelines) for public officials on the whole, or for specific categories of public officials, and the judiciary
- b. Elaboration or adaptation of specific codes or guidelines by an individual administration or institution
- c. Risk analysis within the institution or administrations
- d. Appointment of a corruption commissioner and establishment of an internal control mechanism (for example, an internal audit unit) or establishment of cooperation with a specialised external service
- e. Identification of specific measures to be undertaken on the basis of the code of conduct and the risk analysis
- f. Identification of training needs and other support
- g. Preparation and implementation of the prevention plan, and cooperation with other institutions.

The chances of success of such a plan are considerably enhanced the more those who have to implement it participate in its elaboration.

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3 PREVENTING CORRUPTION IN CENTRAL AND EASTERN EUROPE: COUNTRY REPORTS

The following country reports consist of a summary of the replies to the questionnaire received from participants prior to the seminar and the recommendations prepared by participants during the seminar.

The information shows that countries have made considerable anti-corruption efforts. Almost all governments have put in place specific anti-corruption policies which take the form of national anti-corruption plans, strategies or programmes, and have adopted a range of specific measures aimed at the prevention of corruption within public institutions. It would seem that there are probably very few anti-corruption measures which have not been foreseen or already tried in one country or the other.

The challenge therefore seems less to invent new strategies or measures but to:

- implement the plans and measures already adopted
- take stock of measures carried out in different institutions and countries in view of drawing lessons and completing existing plans
- ensure the application of successful measures on a broad basis (in particular through training programmes).

The recommendations prepared by participants in the course of the seminar take these challenges into account.

3.1 Bulgaria

3.1.1 SUMMARY OF REPLIES TO THE QUESTIONNAIRE

Anti-Corruption strategies and measures in general

On 1 October 2001, the Council of Ministers adopted a national Strategy for Combating Corruption. Bulgaria has ratified both Criminal Law Convention (in 2001) and Civil Law Convention (in 2000) on Corruption. Bulgaria has ratified the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.

There appears to have been only a limited focus on prevention of corruption, but a number of new measures were taken in the course of 2000/2001:

- a Code of Ethics for Civil Servants has been approved, setting up basic principles and rules for ethical conduct of civil servants in their relations with the public whilst on duty, and in their public and private life
- A new Political Parties Act came into force, introducing clear rules for financing political parties and an effective financial control over their revenues and expenditures
- The Law on Access to Public Information has come into force. This should increase transparency of public administration
- Public Register Law adopted in April imposes the declaration of property, income and expenses of high-ranking government officials
- Since 1 January 2001 all public procurement tenders have been published in the Public Procurement Register. The register is accessible to the public on Internet
- The Government submitted amendments of more than twenty legal acts to the National Assembly with the purpose of facilitating or eliminating various registrations and licences.

The Parliament adopted at the first reading a draft act amending administrative violations and penalties act, which provides for administrative liability of legal persons for corruption-related offences committed by them in their own interest.

In the Draft Common position of the Republic of Bulgaria and the European Commission, the Directorate General for Enlargement underlined, in relation to accession negotiations, the necessity for developing effective capacities to implement preventive anti-corruption measures in areas such as hiring and training of public officials, public procurement, accountability and auditing.

The strengthening of mechanisms to hold magistrates accountable for misconduct and corrupt behaviour is also considered an important issue.

Prevention strategies and plans within the public administration

According to the Draft Report of the Second assessment mission on the situation in the area of Justice and Internal Affairs in Bulgaria "the public opinion survey shows that police officials ... are listed among the most corrupted categories, the worse being only the customs authorities." Public opinion polls indicate also corruption among magistrates.

The Programme of the Fight against Economic Crime for 2000 – 2006 provides for anti-corruption measures in the areas of state management, structures of the local administration, health, social system, education, tax system, customs, system of national and regional health insurance funds etc. In this connection short-term plans to counter and prevent economic crime are under elaboration.

Pursuant to the Law on Civil Service, the Minister of State Administration has approved a Code of Conduct for civil servants. The law and the code contain provisions on ethical standards, rights and duties of public officials.

According to existing legislation all officials and institutions and their respective employees are obliged to report to the Prosecutor's Office and the law enforcement authorities cases of crimes including corruption-related crimes.

The Supreme Cassation Prosecutor's Office – where a department dealing with criminal breach of trust and corruption has recently been established – carries out inspections on information concerning offences committed by magistrates (judges, prosecutors, examining magistrates). Similar inspections are carried out within the Customs, the Ministry of Defence, and the Ministry of the Interior. There is a specialised unit in the National Security Service dealing with matters of corruption in the whole state administration. If there is evidence of committed crimes, the materials are sent to the Public Prosecutor's Office.

Various state authorities and non-government organizations monitor anti-corruption measures.

The elements of a corruption prevention plan could be the following:

- Analysis of the current situation in the country, including study of the conditions leading to corruption (economic, social etc.), risk groups vulnerable to corruption, the public awareness and the degree of intolerance to corruption
- Setting up of concrete objectives on the basis of analyses made and designing of concrete measures
- Set up a system for permanent control and assessment of results achieved.

On the basis of already completed studies and analyses it should be possible to work out a corruption prevention plan, making use of proposals formulated by the inter-ministerial group of experts. Wider public support must also be provided through the media and non-government organisations. The support of domestic and foreign experts can be useful. The European Union, governments and sponsors could provide the funding for studies and training.

3.1.2 RECOMMENDATIONS PREPARED AT THE SEMINAR

General measures

- Rec 1 To take measures with a view to implement the Government strategy of fight against corruption.
- Rec 2 To elaborate on multidisciplinary basis plans for implementation of the strategy for all public institutions and especially for the Judiciary.
- Rec 3 To appoint in each institution a unit responsible for co-ordinating the implementation of anti-corruption measures.
- Rec 4 To conduct risk analyses at all levels.

Specific measures

- Rec 5 To improve the system of recruitment by creating clear and transparent criteria for selection.
- Rec 6 To take measures to further develop a career-motivation system.
- Rec 7 To carry out information campaigns to raise public awareness.
- Rec 8 To appoint public relations contact points in all public institutions with the purpose of strengthening of public control.
- Rec 9 To take measures in each government agency to contribute to the implementation of the Code of Conduct for civil servants.
- Rec 10 To elaborate a Code of Ethics for the judiciary.
- Rec 11 To strengthen internal control system.
- Rec 12 To evaluate regularly the measures taken by respective co-ordinating bodies.

Training

- Rec 13 To develop the system of training for public officials and magistrates in the field of prevention and combating corruption (internally and externally).
- Rec 14 To involve actively foreign and local experts and trainers.
- Rec 15 To use actively the system of "training of trainers" and "learning by doing".

3.2 Czech Republic

3.2.1 SUMMARY OF REPLIES TO THE QUESTIONNAIRE

Anti-Corruption strategies and measures in general

The Minister of the Interior has elaborated – in cooperation with other members of the Government – the National Programme of Combating Corruption, which was approved by the Government in February 1999. The purpose of the National Programme of Combating Corruption can be described as follows:

- to study the phenomenon of corruption
- to set up objectives for the fight against corruption
- to identify basic methods and means of combating corruption
- to set, in line with the conclusions of the above, concrete measures for specific areas, defining responsibilities, timetables and control mechanisms.

The Programme therefore represents a long-term systematic project of legislative and organisational anti-corruption measures.

The Minister of the Interior was requested to inform regularly the Government on the implementation of the National Programme of Combating Corruption and on specific anti-corruption measures adopted both at national and international levels.

Prevention strategies and plans within the public administration

Every state institution (and individuals in every function) entitled to take decisions is (are) considered to be at risk, primarily: the police, other branches of public administration, the judicial system (judges, prosecutors), the military (in relation with contracts), the health care system.

No coherent anti-corruption plans have been developed within these institutions. However, individual anti-corruption measures have been adopted. For example:

The Ministry of the Interior has established an "Anti-corruption Commission" to monitor and identify corruption cases. With the purpose of preventing corruption, the Ministry of Finance has issued an instruction regulating the procedures and powers related to the decision-making process in tax matters. The inspection unit of the Control Department of the Ministry of Finance performs analytical and strategic tasks and formulates proposals for improvement, in particular regarding the prevention of corruption. By resolution n°411/1999, the Government established new principles related to the privatisation of health care facilities. The Ministry of Defence has adopted new standards of internal control. An initial analysis of the inspection and supervision process of the Ministry of Justice was performed in judicial and prison services in December 1999. The General Inspection Department was established in March 2000. One of its tasks is to handle issues of corruption including search, analysis and prevention of corruption. In the Ministry of Labour and Social Affairs, almost in all units, sources as well as forms of corruption were determined and analysed, and anti-corruption mechanisms were suggested.

No special risk analysis has been prepared for the public administration. The Minister of the Interior elaborated, in cooperation with other members of the Government, "The Code of Ethics of Public Administration Employees", approved by the Government in

March 2001. In the area of prevention, a code of ethics of customs administration was drawn up and is available to all customs staff since 2000.

According to Section 8 paragraph 1 of the Code on Criminal Procedure, all public authorities have an obligation to report without delay all facts regarding criminal offences to the public prosecutor or to the Police. As corruption offences are defined in Sections 160-162 of the Penal Code, this reporting duty concerns also these offences. The Code of Ethics of Public Administration Employees contains a requirement to report all kind of irregularities.

Contact points have been established to whom irregularities and in particular corruption-related problems can be reported. The Ministry of the Interior established a consultation and advisory unit, which receives complaints or suggestions from the public. A special telephone extension has been established, where people can call and inform about corruption among Ministry's staff. The 10 Departments of the General Customs Directorate as well as the similar units of the customs directorates established phone lines which are available 24 hours a day to the public. "The Public Relations Section" of the Ministry of Finance deals with complaints, information, motions and petitions of citizens that were singled out from the Control Department. The Control Department of the Ministry of Environment deals also with complaints, announcements, motions and petitions of citizens. A new mechanism has been set up within the organisation of the Ministry of Justice in order to enable the Ministry to handle corruption issues at the central level. The Ministry of Labour and Social Affairs established, within the scope of its responsibility, contact units. The Public Relations Department, which started to work in 1996 at the Ministry for Local Development, provides information to citizens, collects suggestions, notices and motions of citizens related to the state administration. All requests and notifications, which concern corruption are forwarded to the Control Department. The Control Department was set up at the Ministry of Transport and Communications to deal with citizens' complaints, suggestions and make consultations. In terms of prevention, the Ministry of Culture adopted efficient organisational measures concerning administrative procedures, public tenders, subsidies and grants. Control powers of specialised units of the Ministry have been strengthened. The Ministry of Foreign Affairs changed its organisational rules and established a special unit (the Public Information Section within the Press Departments), which directly deals with the public. The Inspection of the Ministry of Defence extended the capacities of the Open Army Line, where complaints and motions concerning corruption are gathered.

If a given public administration required a corruption prevention plan, guidance is provided by the National Programme of Combating Corruption, which was approved by the Government. It also includes corruption prevention measures for the public administration. However, the analysis of anti-corruption measures was not sufficiently detailed and systematic in this national plan. Therefore, Czech authorities are open to the elaboration of corruption prevention plans for specific branches of public administration.

3.2.2 RECOMMENDATIONS PREPARED AT THE SEMINAR

General Measures

- Rec 1 To conduct risk analyses at all levels
- Rec 2 To ensure the priority of education measures over repressive measures
- Rec 3 To simplify bureaucratism

Specific measures

- Rec 4 To improve transparency of procedures particularly at risk of corruption e.g. public procurements, through the automatisisation (digitalisation of administrative registers, unification and standardisation of decision-making procedures) and minimalisation of personal aspects / discretion of decision-making process (elimination of subjective decisions).
- Rec 5 To introduce criminal liability of legal entities in the Czech legal system (presumed by the factual intent of the Criminal Code)
- Rec 6 To develop career-motivation system
- Rec 7 To take measures to ensure the implementation of codes of conduct, in particular through the use of specific manuals and training
- Rec 8 To elaborate a Law on Civil Service
- Rec 9 To take measures to improve the motivation of civil servants: career promotion, adequate salaries, training, competition-based recruitment with clear and announced in advance requirements.
- Rec 10 To provide with the obligation to make declarations of assets or to develop the possibility to control assets of politicians public officials in case of a suspicion of commitment of a crime in relation with officials duties.
- Rec 11 To establish clear conditions for funding of political parties including control through an independent body – especially relating to clear identification of financial sources

Organisational Measures

- Rec 12 Within the scope of application of individual ministries to identify sources and forms of corruption, analyse them and suggest anti-corruption mechanisms. To suggest, implement and evaluate technical measures taken to fight corruption.
- Rec 13 To strengthen methods of internal and external control system
- Rec 14 To make regular internal controls focusing on corruption occurrence and to inform the public of their results. To try always to detect the reasons for negative social phenomena. To draw necessary personal conclusions if executives violate regulations.

- Rec 15 To support all forms of scientific research of corruption. To repeat the research regularly in order to be able to compare the collected data in terms of time. To publish the survey results. And to support independent publishing and documentary activities detecting corruption (e.g. to provide a grant).
- Rec 16 To support activities on non-governmental organisations focused on combating corruption (e.g. Transparency International). To negotiate co-operation patterns with those organisations i.e. to develop close co-operation between governmental and non-governmental institutions as well as between educational institutions , social workers and enforcement authorities.
- Rec 17 To support activities of Parliamentary investigation commissions which concentrate on the investigation of specially serious cases of corruption

Training and Media

- Rec 18 To develop and support a project of a republic-wide training for public administration body staff focused on the prevention of corruption. To prepare teaching materials
- Rec 19 To ensure training for officials, police officers, prosecutors and judges who deal with corruption and money laundering cases
- Rec 20 To support an inclusion of anticorruption education to educational programmes at all levels of schools.
- Rec 21 To support civic independent programmes through the media and to increase public awareness through the media campaigns

International Co-operation

- Rec 22 To continue monitoring results of international and multinational organisations (GMC within the Council of Europe, UCLAF with the European Commission, Interpol, UNO, Transparency International, the International Monetary Fund, the World Bank, the OECD) in the field of combating corruption, and to inform other ministries about them. To ensure mutual exchange of information on such activities among the involved domestic parties. To actively participate in events focused on fighting corruption held by these organisations.
- Rec 23 To continue monitoring activities related to combating corruption (and other major economic crime or organised crime respectively) abroad and to present a summary report on newly adopted measures and activities annually.

3.3 Estonia

3.3.1 SUMMARY OF REPLIES TO THE QUESTIONNAIRE

Anti-Corruption strategies and measures in general

Estonia has adopted overall governmental anti-corruption policies which aim at enhancing the transparency of the decision-making process and promoting public confidence in State authorities. The present Government coalition considers combating corruption and maintaining high ethical standards as priorities. A governmental decision of 25 July 2000 establishes the basic principles of crime control up to the year 2003, among which the necessity to ensure fast and efficient application of criminal procedure against corruption and other crimes.

In recent years, several important laws have been adopted in Estonia to make the fight against corruption in the public sector more effective (Anti-Corruption Act, Public Information Act, New Public Procurement Act, amendments of the Code of Criminal Procedure etc.). The new Penal Code, which is in line with the EU *acquis* in the anti-corruption field, was adopted in June 2000 and will enter into force in September 2002. The Penal Code establishes corporate criminal liability.

The responsibilities of the national law enforcement agencies (Police, Security Police Board, National Police Board, Customs) involved in fighting against corruption are regulated by the Police Act, Criminal Code, Code of Criminal Procedure, Surveillance Act etc. Since 1998, a division of labour between the Security Police and other investigation units regarding corruption has been established. The Security Police Board treats corruption and white-collar crimes committed mainly by high officials, who have been listed in the State Public Servants Official Titles and Salary Scale Act. The police investigate corruption offences committed by middle and lower level public officials.

There is a need to improve competencies in disclosing and investigating corruption offences. It is also important to use relevant IT tools, following the example of law enforcement bodies of the EU. Estonia has participated in the work of GMC and GRECO. In spring 2001 GRECO evaluation team visited Estonia. The evaluation report was adopted and published in September 2001.

It is important to improve national organisational anti-corruption structures. It means specifying function of various institutions involved in fighting against corruption in order to develop effective coordinating mechanism at national level. Exchanging experiences with other countries and studying possibilities to apply "good practices" in Estonia are also important. There are several projects going on in the field of combating and preventing corruption in Estonia (Phare Project Combating Corruption; Netherlands's pre-accession support programme PSO 200 "Fight against Economic and Financial Crime" etc). Since prevention of corruption is an issue for the entire society, cooperation between law enforcement authorities, public sector and civil society is needed.

Prevention strategies and plans within the public administration

The areas and functions, which are particularly at risk of being affected by corruption are: police, customs, border guard, court system, political financing, private sector, state or local government officials; elected representatives.

According to the Anti-corruption Act elected representatives and/or public officials are obliged to declare their assets or income every year. Public servants cannot be involved in private business, hold a second job or work in direct subordination of a close relative.

The Public Information Act extends the opportunities for the public to exercise control over the activities of public sector.

In December 1999, the Estonian Legal Centre (foundation) launched a 2-year project *To Set Measures Against Corruption in a Transition Community*. The project is directed towards analysis of legal aspects of limiting corruption. The main tasks of the project are to identify corruption risk areas and to propose a sound measurement of this.

Estonia adopted a Code of Conduct for public officials as an Annex to the Public Service Act in 1999. The Estonian Bar, internal auditors, customs and judges have their own code of conduct.

According to Art. 162² of the Anti-Corruption Act a failure to give notification of the relationship involving a risk of corruption is punishable by a fine or imprisonment for up to one year together with dismissal.

An official shall refrain from acts of corruption or entry into relationships involving the risk of corruption.

In May 2000, the Ministry of Finance started a project *Good Practice in Internal Audit*. This project helps to create and introduce the system of internal (financial and performance) audit in the Estonian public sector. Since March 2000 the introduction of the system of internal control in Government institutions has been ensured.

The Special Anti-corruption Commission of the Parliament has responsibility once a year to gather declaration of economic interests and to control the reliability of that information. The Security Police Board and the Police Board have the responsibility to monitor the effectiveness of anti-corruption measures on the side of investigation (criminal cases sent to the court, using investigation tactics etc).

The elements of an anti-corruption plan should be the following:

- formulating the acts of corruption
- setting the main objectives of the plan (eg strengthen the control over the acts of corruption), defining competent institutions / parties to be involved (ministries, agencies on national level, local authorities, NGOs)
- planning of specific activities to be carried out according to different objectives
- coming up with indicators which evaluate the real performance and compare them with the objectives.

Such a plan can be implemented in the following way:

- First of all a coordinating body at the national level should be determined who will guide the implementation of the plan
- Then the tasks of institutions / parties involved to the anti-corruption plan should be determined and cooperation between them improved.
- Finally methods should be developed to evaluate activities carried out to prevent corruption.

Participation in relevant projects of the EU, studies of best practices of other countries and expert assistance from EU member States can help the elaboration and implementation of corruption prevention plan(s).

3.3.2 RECOMMENDATIONS PREPARED AT THE SEMINAR

Specific prevention measures

- Rec 1 To adopt clear, applicable and controllable codes of conduct in different branches of public administration (police, judges, custom officials etc.)
- Rec 2 To review the motivation system, including salaries and career development.
- Rec 3 To promote teamwork and four-eyes principle.
- Rec 4 To promote public competitions in recruitment. The candidates should be informed of requirements / ethical standards for respective posts.
- Rec 5 To increase the integrity within public administration through training and information materials / manuals.
- Rec 6 To increase public awareness and law-obedience through mass media campaigns.
- Rec 7 To promote diligence by conducting regular control / evaluations of law-obedience.

Training

- Rec 8 The following procedure should be followed:
- The head of the institution determines training priorities
 - Official(s) responsible for training (training advisor(s)) determine(s) specific training needs and target groups
 - Training advisor(s) find(s) the best trainer(s) among the training centres. The capacity of the existing training centres (Public Defence Academy, Estonian Legal Centre, Institute of Public Administration) should be increased
 - The training centre elaborates a detailed programme
 - The head of the institution approves the training programme.
- Rec 9 Specific training areas should include:
- Risk analysis (target group: internal audit departments); legislation/regulation (target group: trainers)
 - managing risks in the organisation (target group: leaders, civil servants dealing with personnel)
 - detecting and reporting corruption (target group: every civil servant).

3.4 HUNGARY

3.4.1 SUMMARY OF REPLIES TO THE QUESTIONNAIRE

Anti-Corruption strategies and measures in general

The governmental strategy against corruption was adopted in mid-2001 on the basis of an in-depth survey conducted by the Gallup Institute on corruption in Hungary, sponsored by the UN Global Program against Corruption.

By resolution 1023/2001.(III.14.), the Government accepted a broad-scope anti-corruption strategy. The Government decision consists of four main parts:

- Tasks concerning the revision of the general legal environment:

Revision of the rules of incompatibility, revision of the rules on the management and financing of political parties, enlargement of the group of persons under obligation to declare property, preparation of an act on lobbying, examination of the possibilities for broadening scope of the data of public interest in the field of managing public property, revision of the Act on public procurement concerning data supply regarding fulfilment of the contracts obtained through public procurement.
- Tasks concerning the modification of criminal legislation:
 - To confiscate property obtained through connections with organised crime, if its legal origin cannot be proved.
 - To increase applicable punishments for bribery offences
 - To punish criminally public officials, who get knowledge of bribery in connection with their functions, but do not report it to competent authorities
 - In order to provide a co-ordinated action, investigation of corruption cases should be concentrated
 - To introduce corporate criminal liability according to last trends of international criminal law.
- Measures without the need for legislative actions:
 - elaboration of action plans against corruption
 - elaboration of educational programs
 - improving the conditions of receiving citizens' reports (ex.: via Internet)
 - establishing an anti-corruption body to assist in the implementation of the strategy.

Prevention strategies / plans within the public administration

Within the public administration, persons involved in decision-making processes (e.g. public procurement contracts, concessions, distribution of state funds) are particularly at risk to be affected by corruption. The governmental strategy against corruption provides for the preparation of anti-corruption strategies within governmental institutions. The Ministry of the Interior and the National Headquarter of the Customs and Financial Guard elaborated their own action plans against corruption, some time before the adoption of the governmental strategy.

According to the governmental strategy against corruption, the Governmental Control Office co-ordinates the elaboration of action plans, and organised a meeting for the responsible representatives of different ministries on how to elaborate such action plans, including risk analysis.

The Ministry of the Interior is currently working on the preparation of a general code of ethics for public officials. The Hungarian Customs and Financial Guard elaborated their own Code of Conduct. It contains general rules on ethics, ethics requirements to superiors, acceptance of gifts, incompatibility, procedure rules at working hours, procedure rules of the Ethics Commission.

According to Art. 122 of the Criminal Procedure Code, public officials are required to report any crime or the suspicion of the commission of a crime to the investigative authorities. Not reporting may lead to a disciplinary procedure. A present draft amendment to the Penal Code, as foreseen in the governmental strategy, contains a new provision which punishes the public official not reporting information on bribery to competent authorities.

Within each ministry there is an internal control department. The Governmental Control Office is working under the direct supervision of the Government and is an external control mechanism for all the ministries. Within the police and the customs there are special units established to prevent and detect internal corruption.

The anti-corruption plan of the Hungarian Customs and Finance Guard determines specific tasks for heads/directors of each level, that is, monitoring the effectiveness of anti corruption measures, permanent analysis and evaluation of risks, in case of observing any missing points making new proposals etc. The effectiveness of the anti-corruption strategy in general could be monitored through the organisation of regular public surveys.

If a given public administration required a corruption prevention plan, it should contain the following elements:

- analysis of current situation,
- review of existing measures,
- focusing on gaps,
- elaboration of amendments and, if necessary,
- developing a completely new strategy/action plan regarding both the setting of deadlines and determining responsible persons.

The following procedure can be used to develop such a plan:

- collection of information,
- filtering out typical risk factors for a given institution,
- exchange of experiences with superiors and drawing conclusions,
- brainstorming, elaborating new ideas and guidelines,
- summarising the above points,
- identifying fields of activity,
- setting up of deadlines, and
- determining responsible persons.

Assistance of foreign and domestic competent experts, in particular in the field of training can be useful. Studying international and domestic best practices and exchange of experience are necessary.

3.4.2 RECOMMENDATIONS PREPARED AT THE SEMINAR

- Rec 1 To establish a multidisciplinary body responsible for decision-making and co-ordination in fighting corruption.
- Rec 2 To introduce the training of trainers method in a way that national trainers are first trained by experts and professional trainers.
- Rec 3 To strengthen the basic training of all members of relevant institutions.

3.5 Latvia

3.5.1 SUMMARY OF REPLIES TO QUESTIONNAIRE

No information provided.

3.5.2 RECOMMENDATIONS PREPARED AT THE SEMINAR

To abolish the position of State proxies, thus avoiding direct influence of the political parties on the decision-making process.

- Rec 1 To formulate specific prevention measures.
- Rec 2 To elaborate recruitment and bonus systems for the employees of the law enforcement institutions.
- Rec 3 To establish as soon as possible an independent structure for both prevention and repression of corruption.
- Rec 4 To elaborate and adopt as soon as possible new criminal procedures with the purpose of improving the effectiveness of law enforcement and judicial authorities.
- Rec 5 To elaborate and adopt a new law on the conflict of interest of public officials ensuring proportional and adequate penalties.
- Rec 6 To elaborate and adopt a new law providing for annual budgetary allocations to political parties, thus avoiding dependence on private donors.

3.6 LITHUANIA

3.6.1 SUMMARY OF REPLIES TO QUESTIONNAIRE

Anti-Corruption strategies and measures in general

The Lithuanian National Anti-Corruption Strategy has been drafted since March 2001. The draft has been developed as a component of a PHARE national anti-corruption project. The Strategy was expected to be approved by the Seimas together with the Implementation Plan by the end of 2001.

The main objective of the (draft) National Anti-Corruption Strategy is to reduce the level of corruption in Lithuania to the point where it no longer undermines economic, democratic and social development. The key elements of the national Anti-Corruption Strategy are: prevention, investigation of corruption-related offences and raising the public's anti-corruption awareness and the public's support in disclosing corruption.

The Strategic Planning Committee on the Fight against Corruption is going to be set up in order to coordinate activities of law enforcement institutions.

The following entities are implementing the strategy: State institutions, municipal institutions, non-governmental organisations, educational institutions, audit and inspection organisations, other public and private entities.

Up to 1997, there was no specialised anti-corruption institution in Lithuania. The Special Investigations Service (SIS) was established in 1997 within the Ministry of the Interior as the main agency responsible for fighting corruption and civil service offences. In 2000, with a view to strengthening anti-corruption efforts, the Lithuanian Parliament adopted a law on the Special Investigations Service and thus reorganised the SIS, making it accountable to the President and the Seimas.

On implementing the provisions of the above strategy and executing the functions of operational activities, the Customs Department pays a lot of attention to revealing cases of misuse of office and violations by customs officers.

Prevention strategies / plans within the public administration

The most common forms of corruption included the following: abuse of office, bribery, exceeding of official powers and acceptance of unauthorised reward. Accordingly, the following categories of persons have been convicted: various categories of public officials including policemen, customs officials, municipal officials and also prosecutors and judges (1995-1998, data of the Public Prosecution Office). Public polls, in particular those conducted by Transparency International, show that the most corrupted are officials from the customs office, tax inspection, courts, police, public procurement area and prosecution. Other vulnerable areas indicated are education, armed forces, mass media, Parliament, Government and municipalities.

According to the National Anti-Corruption Strategy, training programmes on ethics and anti-corruption behaviour for public officials are going to be prepared and implemented. Sectorial anti-corruption programmes (strategies) are also foreseen.

In February 2000, the Lithuanian Free Market Institute conducted a survey into anti-corruption patterns in the public administration. The results of the survey were taken into account when drafting the National Anti-Corruption Strategy. The survey has

identified the areas that are most likely to be affected by corruption and the reasons of corruption. The survey has formulated recommendations concerning reforms that need to be implemented to reduce the level of corruption. These include: 1) deregulation; 2) reducing opportunities for public officials to make decisions and take actions; 3) simplifying decision-making procedures and making them transparent; 4) privatising the state property and transferring certain public administration services to the private sector; 5) reducing forcible re-distribution of public funds; 6) creating electronic data bases and ensuring integrated management of information. In the Lithuanian customs risk analyses have not been carried out.

The Code of Ethics of State Employees foreseen by the National Anti-Corruption Strategy is under preparation in the Parliament. Rights, duties and the main principles of the civil service are defined in the Law on Civil Service. The Law on Adjustment of Private and Public Interests in the Public Service ensures that all state officials declare conflicts of interests.

The following codes of ethics have been adopted: Judges' Code of Ethics (1998), State Control Code of Ethics (2000), Code of Ethics of Customs (1999), Statute of Service in the System of Internal Affairs, Code of Ethics of civil servants and public officials of the system of internal affairs (1993), State Tax Inspectorate Code of Ethics (1999), SIS Code of Ethics (2001), Lawyers' Code of Ethics (1999), Notaries' Code of Honour (1994), Auditors' Code of Professional Ethics (2000), Journalist and Publishers' Code of Ethics (1996), Property Assessors' Code of Professional Ethics (1997). Organised Crime and Corruption Prevention Programme, adopted by the Government in 1999, provides for the preparation of codes of ethics for prosecutors and policemen by 2005.

The Code of Criminal Procedure of the Republic of Lithuania provides that courts, prosecutor's offices and investigators must disclose and investigate corruption-related crimes. Employees of other public institutions are not required by law to report about detected corruption cases. However, the Law on Civil Service provides that a civil servant has the right to refuse a task which is illegal.

Citizens can call the SIS 'hot line', operating round clock, to report corruption. In 1999 the SIS Internet website was created. In addition, a "Public education unit" is going to be set up within the SIS to deal with citizens' applications and coordinate activities in implementing public education component of National Anti-Corruption Programme. An anonymous telephone is in place in the Customs Department of Lithuania to enable the public to report misconduct of customs officials.

The National Anti-Corruption Strategy provides for the establishment of a Strategic Planning Committee on the Fight against Corruption, which would monitor the effectiveness of anti-corruption measures. Civil monitoring, in particular public opinion polls and investigative journalism, play an important role in countering corruption.

If a public administration required a corruption prevention plan, the elements would be the following: development of a set of coherent measures, creation of an effective internal control system, strict monitoring of conflicts of interests, creation of an effective system of human resource management, including proper recruitment, training and management of staff.

3.6.2 RECOMMENDATIONS PREPARED AT THE SEMINAR

- Rec 1 The following steps should be taken to put in place the corruption prevention strategy:
- To make situation analysis and formulate a definition of corruption
 - To formulate main objectives and expected outputs
 - To prepare a corruption prevention strategy (by the Government).
Appoint supervising and co-ordinating institutions
 - To prepare action plans, formulate deadlines, appoint responsible institutions and financial resources.
- Rec 2 Specific prevention measures should be taken in the following areas:
- To take measures to reduce political corruption
 - To improve coordination in preparing anti-corruption legislation
 - To take measures to limit discretionary powers of civil servants
 - To improve the system of property and income declaration
 - To ensure transparency when recruiting civil servants
 - To enhance transparency
 - To create an integrated customs information system
 - To develop a national auditing system
 - To increase transparency in public procurement, healthcare, pharmaceutical field and privatisation.
- Rec 3 Training measures should include:
- To organise general training of high-level officials
 - To focus on training of trainers
 - To organise specialised training (risk analysis, code of conduct, design and implementation of anti-corruption action plan)
 - To enhance education and awareness-raising in the society
 - To conduct media campaigns to raise public awareness
 - The institution responsible in the area of training should be the Lithuanian Public Administration Institute.

3.7 POLAND

3.7.1 SUMMARY OF REPLIES TO QUESTIONNAIRE

Anti-Corruption strategies and measures in general

The National Programme against Corruption has been implemented since January 2000. The Programme aims essentially at developing capacities for the prevention of corruption, in particular through activities designed to raise public awareness.

In May 2000, the Economic Committee of the Council of Ministers appointed a Working Group with a view to analyse possibilities of countering corruption. In July 2000 a report entitled "Tasks in Combating the Sources of Corruption" was drafted. This report includes both organisational and legal aspects and contains three main aspects: prevention, social education and disclosing and eradicating corruption.

On the initiative of the World Bank, a High Level Group was set up to elaborate an anti-corruption strategy. This group consists of parliamentarians, public officials, researchers, church leaders, journalists etc.

Prevention strategies / plans within the public administration

Institutions which are particularly at risk to be affected by corruption are: Fiscal Administration, Revenue Office, Revenue Audit Office, Customs Office, Health Service, Traffic Police, Judiciary (especially company and land register and mortgage division).

So far risk analyses have not been carried out within institutions mentioned above, except Internal Investigation Division of the Police and its regional offices.

There are codes of ethics for members of Parliament and lawyers. Special training courses on ethics exist for fiscal, customs and health care administrations.

According to the Penal Procedure Code, each public official is required to report corruption-related acts to competent authorities. There are no specialised contact points to which corruption-related problems can be reported. They are reported to the Police, Prosecution, Supreme Audit Chamber or Central Bureau of Investigations.

There are no internal control bodies to prevent or control corruption. In each institution particularly vulnerable to corruption – those mentioned above – disciplinary advocates have been appointed to monitor corruption cases.

If a given public administration required a corruption prevention plan, its elements should be the following:

1. Identification
 - To define the areas particularly vulnerable to corruption
 - To define how and when corruption occurs.
2. Education
 - To promote ethical standards
 - To implement a code of ethics
3. Eradication
 - To establish rotation of the staff between offices or posts

Internal control bodies should be established. The use of special investigative techniques can facilitate the fight against corruption. The salaries of public officials should be increased.

The support of Government, the will and appropriate expertise of the Police, Border Guard, State Security Board, Ministry of Finance, Central Bureau of Investigation and Ministry of Labour and Welfare are necessary to develop such plans.

After adoption by the Parliament of the Anti-corruption act, a specialised anti-corruption office will be created. This body can also provide support for the development of (an) anti-corruption plan(s) and training. The Government should provide bodies dealing with corruption with the necessary material support.

3.7.2 RECOMMENDATIONS PREPARED AT THE SEMINAR

Rec 1 Identification of corruption

- To define which groups are the most vulnerable to corruption
- To define the area of risk / risk analysis (internal and external evaluation).

Rec 2 Education against corruption

- To encourage non-corrupt officials through career promotion
- To increase knowledge on ethical standards through training.

Rec 3 Elimination, organisation / management

- To organise internal and external rotation of the staff
- To set up procedures for recruitment of new staff: check-up of convictions, financial status and potential connections with criminal world, organise competitions when possible.

Rec 4 Training of customs officers

- To define dilemma situations and establish a conduct manual
- To explain how to reveal corruption and report it to the superiors or external control body.

3.8 ROMANIA

3.8.1 SUMMARY OF REPLIES TO THE QUESTIONNAIRE

Anti-Corruption strategies and measures in general

The National Anti-corruption strategy contains both preventive and repressive aspects.

A number of laws and regulations contain provisions related to the prevention of corruption, in particular the following:

Law n° 78/2000 on preventing, combating and punishing corruption offences (Chapter 2 "Special rules of behaviour for certain categories of persons with the purpose of preventing corruption"); Law n° 115/1996 providing for declaration of assets of public officials and magistrates; Law n° 87/1994 on combating tax evasion; Law NR.115/1999 on ministerial liability; Law n° 27/2000 on political parties; Law n° 31 / 1990 on commercial companies; Governmental Ordinance n°36/2000 on associations and foundations; Emergency Governmental Ordinance n° 60/2001 on public orders.

As a member State of the Council of Europe and as a candidate for accession to the European Union, Romania is making efforts to harmonise its legislation and practices with European standards, in particular in the field of prevention and control of crime.

Recently, the Romanian government adopted a National Programme on Prevention of Corruption and a National Anti-Corruption Plan. According to these two documents, the prevention methods will be based on investigation results and focused on four major points:

- defining reasons for corruption, risk factors and opportunities for commitment of corruption offences
- examining the dynamic of corruption offences, with a focus on control, identification of vulnerable points in economic, social and political spheres
- evaluation of prevention techniques and instruments provided by law to competent institutions in this field, their efficiency and applicability
- conduct periodic evaluation of corruption phenomenon dimensions and complexity, through the elaboration of a so-called "corruption index" instrument (interpretation of statistic data of victimisation surveys and results of public poll).

Within the framework of Stability Pact (Table III), Romania has been participating actively in the following initiatives: Anti-Corruption Initiative – SPAI; Initiative against organised crime – SPOC; Initiative asylum and migration; Initiative regarding the trafficking in human beings.

The national institutions involved in the fight against corruption and organised crime are:

Ministry of Justice (Independent Department for Prevention and Anti-corruption, Department for the Relations with the Prosecution Office and Prevention of Crime and Corruption); Ministry of the Interior (General Division for Combating Organised Crime and Drug trafficking); General Prosecutor's Office at the Supreme Court of Justice; Department for prevention and combating corruption and organised crime; National Anti Money Laundering Department; Interministerial Anti-drugs Committee; Ministry of Public Finance; Financial Guard; National Committee for Prevention of Organised Crime.

Collection, analysis and interagency exchange of information related to corruption cases are regulated by law.

Prevention strategies / plans within the public administration

The Law n°188 of 8 December 1999 regarding the Status of Public Officials, establishes the principles of public service.

The institutions which are considered to be particularly at risk to be affected by corruption are: central public administration and local public authorities; institutions in charge of privatisation; customs control bodies; tax administration.

The National Institute of Statistics and media have carried out several risk analyses. The guidelines for risk analyses are available on request.

The Statute of Public Officials was adopted by Law n° 188/1999. The Police Statute is currently under examination in the Parliament. The Code of Conduct for prosecutors was adopted in 1996. Codes of ethics for other branches of public administration are going to be elaborated.

On the basis of provisions of the Criminal Procedure Code, competent anti-corruption authorities (Public Prosecution Office, Ministry of Justice, Ministry of the Interior, Financial Guard), are informed by complaint or denunciation, or ex officio of corruption facts.

Pursuant to Article 4(1) of Law n°78/2000 on preventing, combating and punishing corruption offences, the persons which hold public functions have the obligation to declare, within 30 days the receipt any direct or indirect donation or gift in connection with public, excepting those having a symbolic value. The persons empowered with tasks in the field of control have obligation to inform the competent authorities about corruption facts (Art.23 of Law 78/2000).

There are internal control bodies to prevent and control corruption within the Government, Public Prosecution Office, Ministry of the Interior and Ministry of Justice.

The anti-corruption measures are monitored by: media, public polls, civil society, National Institute of Statistics, international structures (Council of Europe/GRECO, Transparency International, World Bank etc.). Other mechanisms of monitoring of anti-corruption measures are technical cooperation activities. A Tripartite Evaluation of anti-corruption legislation was carried out in cooperation with Poland and Lithuania. A public poll on corruption was organised in 2000 by the World Bank in cooperation with Management Systems International (MSI). Its results were made public.

If a public administration body required a corruption prevention plan its elements should be the following: objectives, measures, bodies in charge of implementation, partners, state of implementation and terms. The objectives part should contain a research study and evaluation of risks. The preventive measures should include the reform of public administration body, the reform of financial system, interaction with civil society, monitoring. Public administration, management of public finances and privatisation are particularly vulnerable to corruption and corruption prevention plans can be recommended for these areas. Their elaboration requires technical and financial assistance as well as training. Such support can be provided by the Council of Europe, European Union, World Bank, Pact of Stability, OECD, OSCE, UN / CICP.

3.8.2 RECOMMENDATIONS PREPARED AT THE SEMINAR

Rec 1 To create an independent and efficient judiciary system.

This should include:

- Increasing the role of the Superior Council of Magistrates in the procedure of recruitment, promotion and dismissal of magistrates and in the implementation of the Code of Conduct for magistrates
- Amendments of the current legal framework so to allow the use of undercover agents, provocation and informers in the course of investigation of corruption cases
- Setting up, at the level of the division of the fight against corruption and organised crime within the Prosecutor's Office attached to the Supreme Court of Justice and its territorial structures, of multidisciplinary teams consisting of prosecutors, police officers, customs officials and financial experts specialised in the prevention and control of corruption.

Rec 2 To set up and use an online communication system in order to enhance co-operation between competent anti-corruption authorities.

Rec 3 To strengthen the capacity of the Public Procurement Department of the Ministry of Finance.

Rec 4 To restructure the public administration

This should include:

- Acceleration of the public service decentralisation process
- Elaboration and implementation of anti-corruption action plans within different branches of public administration and determining structures competent for their implementation
- Setting up an objective system of recruitment, promotion and evaluation of public officials
- Setting up of a new remuneration system for public officials the budgetary system of personnel, taking into consideration professional training, liability level and duties complexity
- Amendment of Law n° 188/1999 on the status of public officials to establish simple and clear provisions on rights and obligations.

Rec 5 To reform the system of management of public financial resources.

This should include:

- Limitation of extra-budgetary funds and transactions;
- Ensuring of an efficient internal audit system that should submit to the Government and Parliament reports on public funds administration and management.

Rec 6 To introduce legislative amendments regarding fiscal and customs administrations, with the purpose of:

- Reduction of taxes
- Development and implementation of a Code of Conduct for customs officials
- Development of systems of reporting and evaluation of performances and misconduct of customs staff

- Standardisation of procedures regarding collection of customs duties and the use of control computerised systems at border crossings.
- Rec 7 To introduce necessary legislative amendments regarding the prevention and control of corruption in order to harmonise domestic legislation with the Community *acquis*, in particular the following:
- amendments of Criminal Code and Criminal Procedure Code in the light of the decisions of the Constitutional Court
 - adoption of a Law on Audit and Financial Control
 - completing the work on implementation of the new Public Procurement Law and adoption of secondary legislation
 - adoption of Financial Code.
- Rec 8 To accelerate the process of ratification of Criminal and Civil Law Conventions on Corruption. The ratification should be followed by the harmonisation of domestic legislation with the provisions of the above conventions.
- Rec 9 To develop and implement a national anti-corruption training programme for judges, prosecutors, police officers and customs experts.
- Rec 10 To strengthen the National Institute of Magistrates and other authorities involved in training. The National Institute of Magistrates should adopt training programmes providing for detailed study of phenomena of corruption, organised crime and money laundering and their forms of manifestation.
- Rec 11 To organise seminars on a regular basis for multidisciplinary teams involved in investigation and prevention of corruption (not only for prosecutors, judges or police officers), with participation of external experts (banking specialists, foreign experts etc...)
- Rec 12 To establish a specific budget for training at the national level.
- Rec 13 To develop public awareness campaigns through:
- special courses in school programmes
 - increased co-operation with NGOs and media
 - campaigns within specialised training centres.

3.9 Slovakia

3.9.1 SUMMARY OF REPLIES TO THE QUESTIONNAIRE

Anti-Corruption strategies and measures in general

The objective of the Programme of against Corruption is to reduce corruption in Slovakia, especially in public life and in the use of public funds and resources, including by the Fund of National Property. Anti-corruption efforts must be based on a clearly stated political will and on a society-wide consensus about the importance of anti-corruption measures.

Government activities:

- Setting up of expert groups composed from all parties concerned: Government, Parliament, judges, prosecutors, police, control bodies, chambers of commerce, business associations, non-governmental organisations, media
- Co-ordinating individual anti-corruption activities
- Organising seminars and workshops with participation of competent experts
- Formulating an Action plan comprising specific time-table of steps to be taken in the field of anti-corruption legislation and its implementation
- Making a public pledge to take action against corruption
- Providing information to the public on implementation of the Programme.

Non-governmental sectors activities:

- Monitoring of Government anti-corruption measures
- Organisation of workshops to discuss anti-corruption strategies
- Launching media campaigns in order to increase public awareness on corruption issues
- Preparing recommendations and independent expert assessments.

The main elements of the strategy are:

- Encouraging lawfulness and increasing public awareness on corruption
- Ensuring that the rules be enforceable (police, courts...). This is a condition for building a state governed by the rule of law
- Transparency of public administration activities and definition of clear rules for its decision making
- Administrative simplification
- Transparency in the political field, mainly as regards the funding of political parties and conflict of interest
- Improved effectiveness of control mechanisms
- Elimination of corruption in the judiciary and participation of the judiciary in countering corruption in the society as a whole.

Prevention strategies / plans within the public administration

The institutions most affected by corruption are Police, National property Fund, Labour offices, Notaries, Customs Offices, Certification authorities, Cadastre offices, Office of environmental protection, Labour security authorities, tax offices, etc...Generally speaking public officials who exert public influence because of their economic and political status or who administer public funds or assets are vulnerable

to corruption. The existence of any monopoly opens up space for corruption. This is particularly true where the monopoly is also associated with discretionary decision-making and the prevalence of demand over supply.

A successful implementation of the Programme of Fight against Corruption is directly linked with the adoption of the law on free access to information, which enables citizens to control public officials and the use and redistribution of public funds. The act on the conflict of interest was passed and its objective is to eliminate subjective decision-making by public officials and servants, but at different levels. The recent Public Procurement Act adopted in September 1999 aims at increasing the transparency of procurement processes.

High-ranking state officials are bound to submit property declarations.

The corruption report in the Slovak Republic was elaborated following the request of the Slovak Government by the World Bank and the United States Agency for International Development.

A draft of the code of ethics for civil servants was elaborated and can be consulted on the following web-site: www.government.gov.sk/bojprotikorupcii/eticky_kodex-en.doc

In Slovakia there is no obligation for public officials to report corruption-related problems. Corruption can be reported to the police and prosecution office. The Ministry of the Interior, the Police Corps and the Office of Prosecutor General have already established specialised anti-corruption units. The Draft of Law on Specialised Prosecutors is under elaboration.

The umbrella office for state control bodies is the Supreme Audit Office. The legislative framework will have to be created following the National programme of the Fight Against Corruption, to enable the Office to publish its audit reports to be used as an effective means for fighting corruption.

The National programme and its implementation are monitored by governmental and non-governmental entities. Monitoring prevents the Programme to be reduced to a formal exercise that would fail to address key sensitive areas. It identifies new issues that will emerge in the course of implementation of the Programme and that will require solutions. The central co-ordinating unit at the Government level is responsible for the evaluation of implementation of the National Programme of Fight against Corruption. The unit directly reports to the Steering Committee on countering corruption set up within the Government Office. The Steering Committee is composed of competent officials from government ministries and other public administration bodies, courts, representatives of the third sector and of international organisations.

A corruption prevention plan should contain specific commitments, assign responsibilities to individual state administration authorities and outline the timetable for the implementation of specific measures regarding legislation and its implementation. Each public administration body has to define its own vulnerable areas as well as formulate counter measures.

Setting-up expert groups, organising seminars and workshops, providing relevant information would be necessary to develop a corruption prevention plan. Very

important is assistance provided at international level, in particular by the UN, OECD, Council of Europe, EU.

3.9.2 RECOMMENDATIONS PREPARED AT THE SEMINAR

General recommendations regarding legislation

- Rec 1 To increase salaries in all areas
- Rec 2 To create the conditions for public control in areas with public procurement, civil service
- Rec 3 To ratify the Civil Law Convention on Corruption
- Rec 4 To continue training of prosecutors and judges
- Rec 5 To start education at schools focused on the fight against corruption
- Rec 6 To establish a special independent prosecutor in charge of corruption cases
- Rec 7 To introduce criminal liability of legal entities in the Criminal Code
- Rec 8 To create conditions for transparent funding of political parties
- Rec 9 To create conditions for a large media campaign designed to increase public awareness on corruption and its danger
- Rec 10 To implement the PHARE assistance project on implementation of the National Programme for the fight against corruption
- Rec 11 To create "hotlines" for reporting corruption in all areas
- Rec 12 To create a "black list" database of legal and natural persons who have been convicted for corruption and impose and interdiction for them to take part in public tenders
- Rec 13 To simplify procedural rules in civil, commercial and criminal law
- Rec 14 To publish judicial decisions on corruption cases on Internet.

Customs service

- Rec 15 To impose an obligation to declare property
- Rec 16 To increase salaries
- Rec 17 To adopt a manual for controlled deliveries
- Rec 18 To establish training activities on regular basis
- Rec 19 Further eliminate administrative barriers
- Rec 20 To develop methods of internal control

Rec 21 To establish the right for inspection within the Ministry of Finance (Tax and Customs)

Rec 22 To strengthen public monitoring

Public administration

Rec 23 To create conditions for an effective control

Rec 24 To create conditions for the declaration of assets of civil servants

Rec 25 To adopt a Code of Ethics

Rec 26 To create conditions for receiving gifts

Rec 27 To adopt basic principles for issuing licenses/permits and concessions

Rec 28 To adopt a Law on Lobbyism

Rec 29 To organise seminars on the fight against corruption

Rec 30 To monitor the steps taken by control authorities in "risky areas"

Rec 31 To simplify and eliminate administrative barriers

Rec 32 To introduce any transfers for the early processing in the areas of coordinate procedures and company registration.

3.10 SLOVENIA

3.10.1 SUMMARY OF REPLIES TO THE QUESTIONNAIRE

Anti-Corruption strategies and measures in general

Slovenia does not have any strategy to prevent or to combat corruption. This will be the priority task of the newly established governmental office for the prevention of corruption.

Prevention strategies / plans within the public administration

The institutions and areas, which are always very exposed to the risk of corruption are: the police (mainly road traffic police), the whole public procurement system (individuals who decide on public tenders), the health care system, building and construction procedures.

No steps have been taken to develop anti-corruption plans for such institutions. No risk analyses has been carried out within such institutions. No guidelines for risk analysis are available.

Police officers, prosecutors and judges, lawyers, officials in the service for the execution of penal sanctions, tax officials, accountants all have their codes of conduct. Military personnel and politicians do not have any codes of conduct. Codes of ethical conduct ensure the application of the following principles: loyalty, efficiency, effectiveness, integrity, fairness, impartiality, prohibition of discrimination, prohibition of undue preferential treatment for any group of individuals, prohibition of abuse of position, prohibition of receiving of gifts and advantages.

Most codes envisage sanctions in case of violations. Professional associations are usually competent for pronouncing of sanctions, although such cases rarely occur.

In January 2001, the Slovenian government adopted Recommendation No. R (2000) 10 of the Committee of Ministers of the Council of Europe to Member States on codes of conduct for public officials.

There is an obligation for a police officer to inform his superior (or the Unit for Complaints and Internal Investigations) of each fact of corruption that comes to his/her knowledge while performing his/her functions. This obligation is provided for in a special regulation. Due to the fact that on 1 April 2000, the Slovenian police was re-organised (with less strong ties to the Ministry of the Interior) the regulation now only applies to police officers and not to other public officials working for the Ministry of the Interior or for any other state body. It will possibly change in the near future.

According to Article 148 of the Criminal Procedure Act all state bodies (that means also their employees) have to report all criminal offences. All corruption offences fall under this Article.

There are no specific contact points within public institutions to whom corruption-related problems could be reported. As mentioned in the previous above, the police use their Unit for Complaints and Internal Investigations for this purpose. Beside this in all institutions the superiors serve as "contact points". If they require from their

subordinates to act in a corrupt manner, these last can report to the Office for Prevention of Corruption.

In some other institutions there are internal inspection bodies.

Since Slovenia has no strategy or plan to prevent or to suppress corruption yet, there is no specific monitoring of the effectiveness of anti-corruption measures in any institution. The Police with its Unit for Complaints and Internal Investigations follow the behaviour of police officers and try to establish clear rules and measures for limiting the possibilities of corruption. In this sense it also follows the effectiveness of these rules and measures.

The elements of an anti-corruption plan should be:

- limitations concerning additional occupations of public officials
- regularly reporting of incomes and property
- clear rules for acceptance of gifts
- anti-corruption awareness programmes and programmes for developing integrity and professionalism
- obligation to report suspicious behaviour and the ways of doing so
- internal procedures for evaluation of the behaviour in accordance with codes of conduct
- consequences for corrupt behaviour
- appointing authorities responsible for drafting and implementing the plan.

The basic elements of such a plan (a draft model) can be drafted within the circle of the representatives of all state institutions and – in some cases – of interested NGOs (including trade unions and chambers of commerce). There should be a small group of experts appointed to take care of the drafting and should involve all necessary experts in the country or even abroad. After compiling the draft, each institution should finalise the plan with specific elements and send it back to the small group for the last comparison and approval.

Slovenia will only have to gather some examples from the countries which have proved that their anti-corruption plans or strategies are among the most effective in Europe or in the world. It might happen that there will be a need for some foreign or international experts, too.

Slovenia has already established contacts with the Dutch authorities, which will (in the framework of their MATRA programmes) help the country to finally establish the Office for Prevention of Corruption and to draft the national anti-corruption strategy. Of course, Slovenia will also need the support of the Council of Europe in providing best practices studies and expertise or experts assistance.

3.10.2 RECOMMENDATIONS PREPARED AT THE SEMINAR

- Rec 1 To perform risk analyses within vulnerable areas
- Rec 2 To point to the most vulnerable branches of public administration and private sector.
- Rec 3 To find the common elements of risk
- Rec 4 To ensure that limitations concerning additional jobs of public officials be respected (with the exception of research and teaching).
- Rec 5 To ensure regular (annual) reporting of income and property for all public officials (not only for senior staff).
- Rec 6 To determine clear rules of acceptance of gifts.
- Rec 7 To develop anti-corruption awareness programmes to increase integrity and professionalism of all civil servants.
- Rec 8 To determine internal procedures for the evaluation of behaviour in accordance with respective codes of conduct.
- Rec 9 To determine the consequences for corrupt behaviour (not only criminal responsibility, but also financial, administrative and disciplinary).

4 APPENDIX

4.1 Programme of the seminar

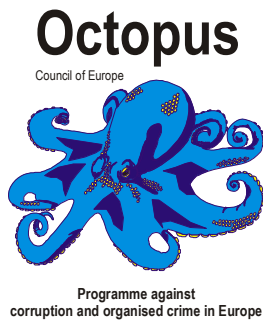


**Regional seminar
on the strengthening of capacities
for the prevention of corruption**

**Organised in Cooperation with
the Ministry of Justice of the Slovak Republic**

**BRATISLAVA, Slovakia
19 – 21 November 2001**

Programme



Monday 19 November 2001

09h00 - 13h00: Plenary Session

09h00: Opening session

- Opening speech of Mr Jan CARNOGURSKY, Minister of Justice of Slovakia
- Opening speech of Mr Alexander SEGER, Council of Europe

09h30: Presentations by rapporteurs and debates on the following themes:

- Codes of conduct / Council of Europe Recommendation (2000)10, Mr Jean-Pierre BUEB, Central Service of Prevention of Corruption (SCPC), France
- Prevention strategies within the Police, Dr Peter POERTING, *Bundeskriminalamt*, Germany

10h45 - 11h00: Coffee break

- Training for the prevention of corruption in France, Mr Jean-Pierre BUEB, Central Service of Prevention of Corruption (SCPC), France
- Training for the prevention of corruption, practical examples, Mr Hans RIEGER, *DBB Akademie*, Germany

13h00 - 14h30: Lunch break

14h30 - 17h00: Working groups

- Review of prevention measures and strategies pursued in each country
- Review of institutions at risk

Tuesday 20 November 2001

09h00 - 17h00: Working groups

- Sharing of experience with anti-corruption plans, risk analyses, codes of conduct, control bodies in public administrations
- Elaboration of elements of corruption prevention measures and plans for public administrations
- Review of training needs and capacities for the prevention of corruption

Wednesday 21 November 2001

08h30 - 10h30: Work within each delegation to formulate country-specific recommendations

11h00 - 13h00: Plenary sessions

- Presentation of recommendations by each country
- Closing of the seminar

4.2 List of participants

COUNTRY	NAME	INSTITUTION
BULGARIA	Mr Yuri ANDREYCHEV	Senior Expert NSCOC Ministry of Interior National Service "Combating Organised Crime" 127A Cherny Vrah blvd. BG-1407 SOFIA Tel +359 2 6860613 Fax +359 2 988 52 88 / 359 2 986 11 39 nsbop@mvr.bg
BULGARIA	Ms Rostislava BOGDANOVA	Expert International Relations Department Supreme Cassation Public Prosecutor's Office 2 Vitosha blvd BG-1040 SOFIA Tel +359 2 987 65 06 Fax +359 2 988 52 13 international@prb.bg
BULGARIA	Ms Lyubomira DIMITROVA	Senior Expert International Legal Co-operation and Legal Assistance Department Ministry of Justice 1 Slavianska str. BG-1040 SOFIA Tel +359 2 933 2294 Fax +3592 981 10 96 lubomira@mjeli.government.bg
BULGARIA	Ms Vessislava IVANOVA	Judge District Court 6 Dragan Tzankov blvd BG-SOFIA Tel +359 2 66 11 62 vladimirov_g@yahoo.com
BULGARIA	Mr Petko ZAHARIEV	State Inspector National Custom Agency Inspectorate 1 Aksakov str. BG-1040 SOFIA Tel +359 2 980 76 70 / 985 94569 Fax +359 2 981 25 25
CZECH REPUBLIC	Mr Vladimir BALOUN	Research worker Institute of Criminology and Social Prevention Nam. 14 rijna 12 15021 PRAHA 5 Tel +42 02 57104613 Fax +42 02 57104403 vbaloun@iksp.justice.cz
CZECH REP	Mr Jan CIHAK	Member of General Directorate of Customs Division of Internal Affairs General Directorate of Customs Budejovicka 4 14096 PRAHA 4 Tel +420 2 414 805 745 Fax +420 2 414 805 77 canecky@cs.mfcr.cz
CZECH REPUBLIC	Ms Katerina CIZLOVA	Legal Counsellor Ministry of Justice Vysehradska 16 12810 PRAHA 2 Tel +420 2 21 997 154 Fax +420 2 249 11 365 KCizlova@msp.justice.cz

CZECH REPUBLIC	Mr Oldrich KRULIK	Analyst Ministry of Interior Nad Stolou 3 17034 Praha 7 Tel +42 02 61 43 2812 Fax +42 02 61 43 3507 passenger@seznam.cz
CZECH REPUBLIC	Mr Petr POSPISIL	Legal Counsellor Ministry of Interior Nad Stolou 3/936 17034 Praha 7 Tel +42 02 61 43 23 73 Fax +42 02 61 43 35 07 oro@mvcz.cz
ESTONIA	Mr Mait KASELO	Leading Police Inspectorate Internal Control Division Estonian Police Board Pagari 1 EE-15060 TALLINN Tel +372 612 3118 Fax +372 612 3089 Mait.kaselo@pol.ee
ESTONIA	Mr Raido KIRSISTE	Internal Auditor Ministry of Finance Suur-Ammerika 1 EE-15006 TALLINN Tel +372 611 3426 Fax +372 696 6810 Raido.kirsiste@fin.ee
ESTONIA	Mr Valdo KRAAM	Chief Assistant Security Police Board Toompuiestee 3 EE-10142 TALLINN Tel +372 612 1400 Fax +373 612 1401 kapo@kapo.ee
ESTONIA	Mrs Ingrid TIISLÄR	Counsellor European Integration, Training of Judges and Prosecutors Ministry of Justice Tõnismägi 5a EE-15191 TALLINN Tel +372 6127 887 Fax +372 6127 811 ingrid.tiislar@just.ee
ESTONIA	Ms Merli VAHAR	Adviser of the Public Law Department Ministry of Justice Tonismagi 5a EE-15191 TALLINN Tel +372 6208 206 Fax +372 6208 109 Merli.vahar@just.ee
HUNGARY	Mr Sandor DUSIK	Principal Counsellor Ministry of Interior Nador 4 H-1051 BUDAPEST Tel +36 1 44 11 015 Fax +36 1 441 15 97 dusik@bm.gov.hu
HUNGARY	Mr János JUHÁSZ	Head of Department for Special Affairs Hungarian Customs and Finance Guard Vaskapu utca 9 H-1099 BUDAPEST Tel +36 14568 110 Fax +36 14568 152 juhasz.janos@mail.vpop.hu

HUNGARY	Dr Eszter Mária KÖPF	Public prosecutor Office of the Prosecutor General Secretariat for International and European Affairs Markó u. 16. H-1372 BUDAPEST Tel +36 1 301 05 08 Fax +36 1 301 05 07 Ester.kopf@lugy.x400gw.itb.hu
LATVIA	Mr Maris KALINKA	Chief of Anti-Corruption Squai Security Police Barona street 99a LV-1012 RIGA Tel +371 72 08 801 Fax +371 72 08 888 marisk@iem.gov.lv
LATVIA	Mr Rudolfs KALNINS	Chief Officer Crime and Corruption Prevention Council Brivibas blvd. 36 LV-1536 RIGA Tel +371 70 367 64 Fax +371 72 205 27 Rudolfs.kalnins@tm.gov.lv
LATVIA	Mr Kristpas KALNINS	Chief Inspector State Police 61 Brivibas str. LV-1010 RIGA Tel +371 707 5468 Fax +371 707 5467
LITHUANIA	Mrs Egle VILEIKIENE	Chief Specialist Public Safety Department Ministry of Internal Affairs Sventaragio str. 2 LT-VILNIUS Tel +370 271 8379 Fax +370 271 8794 egle@vrm.lt
LITHUANIA	Mr Andrius JANKAUSKAS	<i>Chief Inspector</i> Jurisconosul of Personal Dir. Customs Department Jaksto 1/25 LT-2600 VILNIUS Tel +370 2 22 73 38 Fax +370 2 22 49 48 ander@cust.lt
LITHUANIA	Mr Kæstutis ZABORSKAS	Head of Division Special Investigations Service A.Jakšto st. 6 LT-2600 VILNIUS Tel +370 2 66 33 31 Fax +370 2 62 26 08 kestutis@stt.lt
POLAND	Mr Jakub FARINADE	Head of Unit Regional Customs Inspectorate Uuca Kotobrzaska 28 PL-80394 GDANSK Tel +48 58 769 99 24 Fax +48 58 769 99 60 jafari@wp.pl
POLAND	Mr Mariusz PIECZEK	Prosecutor Regional Prosecutor Office in Warsaw Section Organised Crime Ul. Krakowskie Przedmiescie 25 PL-00951 WARSZANA Tel +482 2 826 24 41 Fax +482 2 826 19 26

ROMANIA	Mr Alexandru CHICIU	Prosecutor Prosecutor's General Office attached to the Supreme Court of Justice 12 Libertaty Blvd. RO-BUCHAREST Tel +401 410 29 22 Fax +401 410 29 22 Andru629@hotmail.com
ROMANIA	Ms Alina SAVIN	Legal Advisor Ministry of Finance Apolodor street nr 17 RO-Sector 5 BUCHAREST Tel +401 333 05 23 Fax +401 335 95 43 Alina.savin@mail.mfimate.gv.ro
SLOVENIA	Mrs Bojana PODGORELEC	District State Prosecutor District State Prosecutor of Maribor Ulica Talcev 24 SI-2000 MARIBOR Tel +386 2 25 27 841 Fax +386 2 25 25 620 Bojana.podgorelec@dt-rs.si
SLOVENIA	Mr Roman PRAH	Assistant Director Office for the Prevention of Corruption Slovenska ul. 54 SI-1000 LJUBLJANA Tel +386 1 43 40 540 Fax +386 1 4340 550 Roman.prah@gov.si
SLOVAK REPUBLIC	Mr Alexander KUNOSIK	Advisor Ministry of Justice Criminal Law Department Zupne nam. 13 SK-81311 BRATISLAVA Tel +421 2 59 35 34 50 Fax +421 2 54 43 03 88 kunosik@justice.gov.sk
SLOVAKIA	Mr Branislav BOHACIK	Civil Servant Ministry of Justice International Law and European Integration Department Zupne Namestie 13 SK-81311 BRATISLAVA Tel +421 2 59 35 32 40 Fax +421 2 54 41 60 35 / 54 41 53 62 bohacik@justice.gov.sk
SLOVAKIA	Mr Miroslav KUCERA	Head of Division of Internal Control Customs Ministry of Finance Colna sprava SR Colny urad Nitra Priemyselna 5 95050 NITRA Tel +421 7 37 65 74 290 Fax +421 7 37 65 74 209 – 421 2 43 29 43 26 mkucera.cssr@mfsr.sk
SLOVAKIA	Mr Martin PRUCUCH	Assistant Transparency International Baskalska 25 SK-82718 BRATISLAVA Tel +421 2 5341 10 20 prcuch@transparency.sk

EXPERTS

FRANCE	M Jean-Pierre BUEB	Conseiller Service Central de Prévention de la Corruption Service interministériel placé auprès du Ministère de la Justice 129, rue de l'Université F-75007 PARIS Tel +33 1 43 19 81 83 Fax +33 1 43 19 81 72 scpc@justice.gouv.fr
GERMANY	Mr Hans-Johachim RIEGER	Head of Department "Training" DBB Akademie Dreizehnmorgenweg 36 D-53175 BONN Tel +49 228 81 93 110 Fax +49 228 81 93 106 h.rieger@bn.dbbakademie.de
GERMANY	Dr Peter POERTING	Head of Internal Audit Unit Corruption Commissioner Bundeskriminalamt Thaer Str. 11 D-65173 WIESBADEN Tel +49 611 551 37 82 Fax +49 611 551 3515 peter.poerting@bka.bund.de

SECRETARIAT

Council of Europe	Mr Roman CHLAPAK	DG I – Legal Affairs Economic Crime Division Department of Crime Problems F-67075 STRASBOURG Tel +33 3 90 21 43 61 Fax +33 3 88 41 39 55 roman.chlapak@coe.int
Council of Europe	Mr Alexander SEGER	DG I – Legal Affairs Economic Crime Division Department of Crime Problems F-67075 STRASBOURG Tel +33 3 90 21 45 06 Fax +33 3 88 41 39 55 alexander.seger@coe.int
Council of Europe	Ms. Carole STEINMETZ	DG I – Legal Affairs Economic Crime Division Department of Crime Problems F-67075 STRASBOURG Tel +33 3 88 41 28 78 Fax +33 3 88 41 20 52 carole.steinmetz@coe.int

4.3 Council of Europe: Model code of conduct

Recommendation No. R (2000) 10 of the Committee of Ministers to Member states on codes of conduct for public officials

(adopted by the Committee of Ministers at its 106th Session on 11 May 2000)

Interpretation and application

Article 1

1. This Code applies to all public officials.
2. For the purpose of this Code "public official" means a person employed by a public authority.
3. The provisions of this Code may also be applied to persons employed by private organisations performing public services.
4. The provisions of this Code do not apply to publicly elected representatives, members of the government and holders of judicial office.

Article 2

1. On the coming into effect of this Code, the public administration has a duty to inform public officials about its provisions.
2. This Code shall form part of the provisions governing the employment of public officials from the moment they certify that they have been informed about it.
3. Every public official has the duty to take all necessary action to comply with the provisions of this Code.

Article 3 – Object of the Code

The purpose of this Code is to specify the standards of integrity and conduct to be observed by public officials, to help them meet those standards and to inform the public of the conduct it is entitled to expect of public officials.

General principles

Article 4

1. The public official should carry out his or her duties in accordance with the law, and with those lawful instructions and ethical standards which relate to his or her functions.
2. The public official should act in a politically neutral manner and should not attempt to frustrate the lawful policies, decisions or actions of the public authorities.

Article 5

1. The public official has the duty to serve loyally the lawfully constituted national, local or regional authority.
2. The public official is expected to be honest, impartial and efficient and to perform his or her duties to the best of his or her ability with skill, fairness and understanding, having regard only for the public interest and the relevant circumstances of the case.
3. The public official should be courteous both in his or her relations with the citizens he or she serves, as well as in his or her relations with his or her superiors, colleagues and subordinate staff.

Article 6

In the performance of his or her duties, the public official should not act arbitrarily to the detriment of any person, group or body and should have due regard for the rights, duties and proper interests of all others.

Article 7

In decision making the public official should act lawfully and exercise his or her discretionary powers impartially, taking into account only relevant matters.

Article 8

1. The public official should not allow his or her private interest to conflict with his or her public position. It is his or her responsibility to avoid such conflicts of interest, whether real, potential or apparent.
2. The public official should never take undue advantage of his or her position for his or her private interest.

Article 9

The public official has a duty always to conduct himself or herself in a way that the public's confidence and trust in the integrity, impartiality and effectiveness of the public service are preserved and enhanced.

Article 10

The public official is accountable to his or her immediate hierarchical superior unless otherwise prescribed by law.

Article 11

Having due regard for the right of access to official information, the public official has a duty to treat appropriately, with all necessary confidentiality, all information and documents acquired by him or her in the course of, or as a result of, his or her employment.

Article 12 – Reporting

1. The public official who believes he or she is being required to act in a way which is unlawful, improper or unethical, which involves maladministration, or which is otherwise inconsistent with this Code, should report the matter in accordance with the law.
2. The public official should, in accordance with the law, report to the competent authorities if he or she becomes aware of breaches of this Code by other public officials.
3. The public official who has reported any of the above in accordance with the law and believes that the response does not meet his or her concern may report the matter in writing to the relevant head of the public service.
4. Where a matter cannot be resolved by the procedures and appeals set out in the legislation on the public service on a basis acceptable to the public official concerned, the public official should carry out the lawful instructions he or she has been given.
5. The public official should report to the competent authorities any evidence, allegation or suspicion of unlawful or criminal activity relating to the public service coming to his or her knowledge in the course of, or arising from, his or her employment. The investigation of the reported facts shall be carried out by the competent authorities.
6. The public administration should ensure that no prejudice is caused to a public official who reports any of the above on reasonable grounds and in good faith.

Article 13 – Conflict of interest

1. Conflict of interest arises from a situation in which the public official has a private interest which is such as to influence, or appear to influence, the impartial and objective performance of his or her official duties.
2. The public official's private interest includes any advantage to himself or herself, to his or her family, close relatives, friends and persons or organisations with whom he or

she has or has had business or political relations. It includes also any liability, whether financial or civil, relating thereto.

3. Since the public official is usually the only person who knows whether he or she is in that situation, the public official has a personal responsibility to:

- be alert to any actual or potential conflict of interest;
- take steps to avoid such conflict;
- disclose to his or her supervisor any such conflict as soon as he or she becomes aware of it;
- comply with any final decision to withdraw from the situation or to divest himself or herself of the advantage causing the conflict.

4. Whenever required to do so, the public official should declare whether or not he or she has a conflict of interest.

5. Any conflict of interest declared by a candidate to the public service or to a new post in the public service should be resolved before appointment.

Article 14 – Declaration of interests

The public official who occupies a position in which his or her personal or private interests are likely to be affected by his or her official duties should, as lawfully required, declare upon appointment, at regular intervals thereafter and whenever any changes occur the nature and extent of those interests.

Article 15 – Incompatible outside interests

1. The public official should not engage in any activity or transaction or acquire any position or function, whether paid or unpaid, that is incompatible with or detracts from the proper performance of his or her duties as a public official. Where it is not clear whether an activity is compatible, he or she should seek advice from his or her superior.

2. Subject to the provisions of the law, the public official should be required to notify and seek the approval of his or her public service employer to carry out certain activities, whether paid or unpaid, or to accept certain positions or functions outside his or her public service employment.

3. The public official should comply with any lawful requirement to declare membership of, or association with, organisations that could detract from his or her position or proper performance of his or her duties as a public official.

Article 16 – Political or public activity

1. Subject to respect for fundamental and constitutional rights, the public official should take care that none of his or her political activities or involvement on political or public debates impairs the confidence of the public and his or her employers in his or her ability to perform his or her duties impartially and loyally.

2. In the exercise of his or her duties, the public official should not allow himself or herself to be used for partisan political purposes.

3. The public official should comply with any restrictions on political activity lawfully imposed on certain categories of public officials by reason of their position or the nature of their duties.

Article 17 – Protection of the public official's privacy

All necessary steps should be taken to ensure that the public official's privacy is appropriately respected; accordingly, declarations provided for in this Code are to be kept confidential unless otherwise provided for by law.

Article 18 – Gifts

1. The public official should not demand or accept gifts, favours, hospitality or any other benefit for himself or his or her family, close relatives and friends, or persons or

organisations with whom he or she has or has had business or political relations which may influence or appear to influence the impartiality with which he or she carries out his or her duties or may be or appear to be a reward relating to his or her duties. This does not include conventional hospitality or minor gifts.

2. Where the public official is in doubt whether he or she can accept a gift or hospitality, he or she should seek the advice of his or her superior.

Article 19 – Reaction to improper offers

If the public official is offered an undue advantage he or she should take the following steps to protect himself or herself:

- refuse the undue advantage; there is no need to accept it for use as evidence;
- try to identify the person who made the offer;
- avoid lengthy contacts, but knowing the reason for the offer could be useful in evidence;
- if the gift cannot be refused or returned to the sender, it should be preserved, but handled as little as possible;
- obtain witnesses if possible, such as colleagues working nearby;
- prepare as soon as possible a written record of the attempt, preferably in an official notebook;
- report the attempt as soon as possible to his or her supervisor or directly to the appropriate law enforcement authority;
- continue to work normally, particularly on the matter in relation to which the undue advantage was offered.

Article 20 – Susceptibility to influence by others

The public official should not allow himself or herself to be put, or appear to be put, in a position of obligation to return a favour to any person or body. Nor should his or her conduct in his or her official capacity or in his or her private life make him or her susceptible to the improper influence of others.

Article 21 – Misuse of official position

1. The public official should not offer or give any advantage in any way connected with his or her position as a public official, unless lawfully authorised to do so.
2. The public official should not seek to influence for private purposes any person or body, including other public officials, by using his or her official position or by offering them personal advantages.

Article 22 – Information held by public authorities

1. Having regard to the framework provided by domestic law for access to information held by public authorities, a public official should only disclose information in accordance with the rules and requirements applying to the authority by which he or she is employed.
2. The public official should take appropriate steps to protect the security and confidentiality of information for which he or she is responsible or of which he or she becomes aware.
3. The public official should not seek access to information which it is inappropriate for him or her to have. The public official should not make improper use of information which he or she may acquire in the course of, or arising from, his or her employment.
4. Equally the public official has a duty not to withhold official information that should properly be released and a duty not to provide information which he or she knows or has reasonable ground to believe is false or misleading.

Article 23 – Public and official resources

In the exercise of his or her discretionary powers, the public official should ensure that on the one hand the staff, and on the other hand the public property, facilities, services and financial resources with which he or she is entrusted are managed and used effectively, efficiently and economically. They should not be used for private purposes except when permission is lawfully given.

Article 24 – Integrity checking

1. The public official who has responsibilities for recruitment, promotion or posting should ensure that appropriate checks on the integrity of the candidate are carried out as lawfully required.
2. If the result of any such check makes him or her uncertain as to how to proceed, he or she should seek appropriate advice.

Article 25 – Supervisory accountability

1. The public official who supervises or manages other public officials should do so in accordance with the policies and purposes of the public authority for which he or she works. He or she should be answerable for acts or omissions by his or her staff which are not consistent with those policies and purposes if he or she has not taken those reasonable steps required from a person in his or her position to prevent such acts or omissions.
2. The public official who supervises or manages other public officials should take reasonable steps to prevent corruption by his or her staff in relation to his or her office. These steps may include emphasising and enforcing rules and regulations, providing appropriate education or training, being alert to signs of financial or other difficulties of his or her staff, and providing by his or her personal conduct an example of propriety and integrity.

Article 26 – Leaving the public service

1. The public official should not take improper advantage of his or her public office to obtain the opportunity of employment outside the public service.
2. The public official should not allow the prospect of other employment to create for him or her an actual, potential or apparent conflict of interest. He or she should immediately disclose to his or her supervisor any concrete offer of employment that could create a conflict of interest. He or she should also disclose to his or her superior his or her acceptance of any offer of employment.
3. In accordance with the law, for an appropriate period of time, the former public official should not act for any person or body in respect of any matter on which he or she acted for, or advised, the public service and which would result in a particular benefit to that person or body.
4. The former public official should not use or disclose confidential information acquired by him or her as a public official unless lawfully authorised to do so.
5. The public official should comply with any lawful rules that apply to him or her regarding the acceptance of appointments on leaving the public service.

Article 27 – Dealing with former public officials

The public official should not give preferential treatment or privileged access to the public service to former public officials.

Article 28 – Observance of this Code and sanctions

1. This Code is issued under the authority of the minister or of the head of the public service. The public official has a duty to conduct himself or herself in accordance with this Code and therefore to keep himself or herself informed of its provisions and any amendments. He or she should seek advice from an appropriate source when he or she is unsure of how to proceed.

2. Subject to Article 2, paragraph 2, the provisions of this Code form part of the terms of employment of the public official. Breach of them may result in disciplinary action.
3. The public official who negotiates terms of employment should include in them a provision to the effect that this Code is to be observed and forms part of such terms.
4. The public official who supervises or manages other public officials has the responsibility to see that they observe this Code and to take or propose appropriate disciplinary action for breaches of it.
5. The public administration will regularly review the provisions of this Code.

EXPLANATORY MEMORANDUM TO THE RECOMMENDATION

Introduction

1. The Council of Europe became strongly interested in the international fight against corruption because of the obvious threat corruption poses to the basic principles this organisation stands for: the rule of law, the stability of democratic institutions, human rights and social and economic progress. Corruption is also a subject well-suited for international co-operation: it is a problem shared by most, if not all, member States and it often contains trans-national elements. However, the specificity of the Council of Europe lies in its multidisciplinary approach, meaning that it deals with corruption from a criminal, civil and administrative law point of view.
2. At the 1994 Malta Conference of the European Ministers of Justice, the Council of Europe launched its initiative against corruption. The Ministers considered that corruption was a serious threat to democracy, the rule of law and human rights and that the Council of Europe, being the pre-eminent European institution defending these fundamental values, should respond to that threat.
3. The Resolution adopted at this Conference endorsed the need for a multidisciplinary approach, and recommended the setting up of a Multidisciplinary Group on Corruption with the task of examining what measures could be included in a programme of action at international level, and the possibility of drafting model laws or codes of conduct, including international conventions, on this subject. The importance of elaborating a follow-up mechanism to implement the undertakings contained in such instruments was also underlined.
4. In the light of these recommendations, the Committee of Ministers agreed, in September 1994, to set up the Multidisciplinary Group on Corruption (GMC) under the joint responsibility of the European Committee on Crime Problems (CDPC) and the European Committee on Legal Co-operation (CDCJ) and invited it to examine what measures would be suitable for a programme of action at international level against corruption, to make proposals on priorities and working structures, taking due account of the work of other international organisations and to examine the possibility of drafting model laws or codes of conduct in selected areas, including the elaboration of an international convention on this subject and a follow-up mechanism to implement undertakings contained in such instruments. The GMC started operating in March 1995.
5. The Programme of Action against Corruption (PAC), prepared by the GMC in the course of 1995 and adopted by the Committee of Ministers at the end of 1996, is an ambitious document, which attempts to cover all aspects of the international fight against this phenomenon. It defines the areas in which action is necessary and provides for a number of measures to be followed in order to realise a global, multidisciplinary and comprehensive approach to tackling corruption. The Committee of Ministers instructed the GMC to implement this programme before the end of the year 2000.
6. At their 21st Conference (Prague 1997), the European Ministers of Justice adopted Resolution No 1 on the links between corruption and organised crime. The Ministers emphasised that corruption represents a major threat to the rule of law, democracy and human rights, fairness and social justice, hinders economic development and

endangers the stability of democratic institutions and the moral foundations of society. They further underlined that a successful strategy to combat corruption and organised crime requires a firm commitment by States to join their efforts, share their experience and take common actions. The European Ministers of Justice specifically recommended speeding up the implementation of the Programme of Action against corruption and to pursue the work concerning the elaboration of a model code of conduct for public officials.

7. On 10 and 11 October 1997, the 2nd Summit of the Heads of State and Government of the member States of the Council of Europe took place in Strasbourg. The Heads of State and Government, in order to seek common responses to the challenges posed by corruption throughout Europe and to promote co-operation among Council of Europe member States in the fight against corruption, instructed, inter alia, the Committee of Ministers to secure the rapid completion of international legal instruments pursuant to the Council of Europe's Programme of Action against Corruption.

8. The Committee of Ministers, at its 101st Session on 6 November 1997, adopted Resolution (97) 24 on the 20 Guiding Principles for the fight against Corruption. Principle 10 specifically indicates that States should "ensure that the rules relating to the rights and duties of public officials take into account the requirements of the fight against corruption and provide for appropriate and effective disciplinary measures; and to promote further specification of the behaviour expected from public officials by appropriate means, such as codes of conduct".

9. Consequently, following the adoption of the Criminal Law Convention on Corruption (European Treaty Series No 173), of Resolutions (98) 7 and (99) 5, authorising and establishing, respectively, the "Group of States against Corruption (GRECO)" and of the Civil Law Convention on Corruption (European Treaty Series No 174), the Council of Europe adopted a recommendation inviting the Governments of member States to promote, subject to national law and principles of public administration, the adoption of national codes of conduct for public officials based on the Model Code of Conduct for Public Officials annexed to the recommendation.

Preparatory work

10. In January 1996 the Committee of Ministers at the 554th meeting of the Ministers' Deputies required the GMC to elaborate a draft [European] Code of Conduct for Public Officials.

11. However, in the course of the preparation of this text, the GMC agreed to delete the term "European" in the title of the Model Code in order to acknowledge the contribution of non-member States to the implementation of the Programme of action against corruption and to take into account the fact that some non-European States may wish to draw inspiration from this code.

12. The GMC's Working Group on Administrative and Constitutional Law (GMCA) met 6 times from 1997 to 1999 to consider and finalise a draft recommendation of the Committee of Ministers including in appendix a model code of conduct. The GMC examined this text at its 18th meeting (Strasbourg, 8-10 September 1999), approved it in second reading at its 19th meeting (Strasbourg, 8-10 December 1999) and submitted it to the European Committee on Legal Co-operation (CDCJ) for its opinion. The GMC considered the CDCJ opinion and approved the draft recommendation at its 20th plenary meeting (Strasbourg, 11-13 April 2000). The Committee of Ministers of the Council of Europe adopted the Recommendation at its 106 session (Strasbourg, 11 May 2000) and authorised the publication of the explanatory report.

Public service codes of conduct in general

Context

13. A successful strategy for fighting corruption should be global and supported by all parties concerned, especially by those with the highest responsibilities. It should be based on prevention, education and enforcement. Each of these elements is essential, equally important and complementary. In this context codes of conduct play a part in all three elements of the strategy. Their main contribution is educational and preventive, but they also have enforcement aspects. They can be effective in changing the ethical climate in both the public and private sectors.

Common considerations

14. In the discussion concerning corruption over the past years, the adoption and implementation of codes of conduct has been considered to be of crucial importance. However, voluntary regulation of behaviour by codes of conduct cannot replace legal norms and external control (by authorities or business auditors). Corruption can in fact occur despite subscription to a code of conduct. Accordingly, the public sometimes suspects that companies use much publicised codes of conduct mainly as a means for marketing. An effective implementation of the codes is therefore of utmost importance.

15. Codes of conduct have many names and purposes. They may, for instance, be called "codes of ethics" or "codes of business practice" or they may take the form of administrative regulations. Usually, codes of conduct describe guidelines binding employees to act in a certain manner whereas codes of practice are often addressed to clients rather than to members of the institution for whom the code is drafted. Codes of practice lay down standards that clients have a right to expect, rather than standards that members of the profession are instructed to uphold.

16. Here the generic term "code of conduct" is used although it should be emphasised that certain distinctions sometimes need to be made, depending on the purpose of the code. For instance, a code of good practice may be drafted for the purpose of giving detailed guidelines to employees on how to act in certain situations related to the work. Such a code may be of a totally different character from a normal code of conduct.

17. Codes may be adopted for various reasons and for various categories of public persons, such as public officials, judges, prosecutors, business people, auditors, members of other professions as well as elected representatives and members of government, both at the national and local level.

18. Codes of conduct dealing with issues of corruption may be very detailed. For instance, in one member State examples may be found where the codes deal with such issues as acceptance of flowers or boxes of chocolate and the exact value of gifts which may be accepted.

19. The legal basis for the adoption of codes may vary. Some are adopted on the basis of legislation whereas others are adopted on a voluntary basis. Some codes of conduct have the status of a semi-public instrument, although drawn up by private entities. An example may be found in the banking field where a due diligence code has been elaborated. Other such codes have been drafted for accountants and lawyers. Most codes are drafted to protect the interests of the company or the profession but some may be elaborated with a view to introducing clean practices in entire sectors of the industry. Examples may be found where entire employer's associations or larger companies in a specific sector undertake to abstain from corrupt practices.

20. As regards both public officials and the business community, the code may be seen as part of the employment contract and may in such cases be signed by the employee. A subsequent breach of the code can be a breach of the contract of employment. On the other hand, codes for independent professions and codes for elected representatives or members of government may be of a different character: breach would not amount to a breach of contract but may nevertheless result in disciplinary proceedings.

21. The codes may be applicable only to active service and form part of the employment contract as such, but some codes may contain provisions that apply when the employed person or the elected representative has left his work or his post. Such codes may, for instance contain provisions restricting a person from taking a post in a

company with which he has had dealings in his previous position ("pantouflage"). Such provisions may be found both in codes for public officials and for politicians.

22. The sanctions for disobedience of the codes vary as well, ranging from administrative sanctions such as reprimands to dismissal and other disciplinary measures. Some codes may not provide for any sanctions but may simply make reference to corruption offences in existing criminal codes. To a great extent the effectiveness of a code may depend on the sanctions which are provided. The scope for taking disciplinary measures is of course wider than the scope for criminal law measures. For certain categories of persons, for instance members of Parliament or the government, special types of sanctions apply. The codes may be used in administrative, civil and criminal decision-making as a reference document, in particular in assessment of what may be fair or appropriate in a given situation.

23. For a code of conduct to be widely accepted and complied with by those who are to be bound by it, it is advisable that they should be consulted during its preparation.

24. A model code of conduct for public officials could be of great benefit in the fight against corruption, in particular in the emerging democracies of Central and Eastern Europe. Codes of conduct for other categories of persons, such as members of government or elected representatives, can be of importance in setting minimum standards in ethics.

Public officials

25. Given the variety of tasks undertaken by a modern public administration, with staff from different backgrounds and from non-homogenous social groups, the need to codify rules of conduct is now greater than in the past, when a more homogenous staff carried out similar activities and shared similar values.

26. The specific statutes of the civil service need to be taken into account when codes of conduct are considered, in particular when the codes are to be used, inter alia, as a means of combating corruption. Public service requires integrity from public officials. They are not only in the service of the government, taken in a narrow sense, but should also carry out their duties as a service to society at large. The responsibilities of the public official are therefore to a certain extent different from those of an employee in the private sector.

27. Special consideration needs to be given to the senior civil service and to members of the government who may be at the same time elected representatives. These categories may require special rules.

28. It should be noted, however, that a code of conduct cannot replace a statutory law on the status of public officials.

Elected representatives

29. Elected representatives are usually responsible to their electorate and/or to their party. At the same time, the public interest requires from them accountability, transparency and integrity. Tradition plays a great role in the evolution of the situation in member States. In the context of combating corruption, special attention needs to be given to questions of immunity, relations with the party, sanctions and conflicts of interest, and changes to the current situation require careful consideration.

Other persons

30. Codes of conduct differ depending on which category of persons is addressed. The aims of codes for judges or prosecutors necessarily differ from those drafted for auditors or private business. As the aims and legal situation differ, so do the sanctions which may apply in a particular case.

Purpose

31. Codes of conduct should be clear and concise statements of the guiding principles of conduct by which an organisation expects its members to behave and the values for which it stands.

32. The purpose of a code of conduct for public servants is threefold:

- it is a statement of the ethical climate that prevails in the public service;

- it spells out the standards of ethical conduct expected of public servants;
- it tells members of the public what to expect of public servants in conduct and attitude when dealing with them.

33. It is both a public document and a message addressed to every individual public servant. It cannot be assumed that a public servant knows what standards of conduct are expected of him if he has never been told what they are. Reliance on some unwritten process of absorption of standards in the working environment is haphazard and insufficient. If the public servant is to be called to account for his conduct, it is essential that he should have been informed of what was expected of him and that he should know in what respects his conduct has fallen short of those expectations. A clear, concise and accessible written statement of the standards by which his working life is to be conducted is a basic requirement.

Features

34. A model code should be capable of being adopted, with or without modification, for the generality of public officials. Its provisions should state the guiding principles and, at the same time, provide advice sufficiently specific to be of use in any given situation. As a model of general application, it might not provide detailed guidance necessary to certain categories of officials or employees whose functions or professions require specific rules.

Content

35. Codes of conduct should not be limited to addressing corruption. They should go further and promote high standards of ethical behaviour. They should state general principles covering lawfulness, diligence, efficiency and thrift, transparency, confidentiality and the handling of classified information, personal responsibility and independent judgement, fair dealing and integrity, and professional training.

36. Their guidance can also be broadly divided into provisions dealing with personal integrity and those dealing with managerial responsibilities for upholding the integrity of the public service or the company, such as devising and putting in place appropriate systems of operation, ensuring that subordinates are informed and aware of their duties, applying systems of supervision and accountability, applying proper selection procedures, enforcing the code of conduct and maintaining discipline.

Application

37. To whom should a code apply? Should a code designed for the general public service apply to government ministers, to judges or to elected representatives? Should that code apply also to short term employees (perhaps seconded from the private sector), or to agents or independent consultants? To what extent can and should the code continue to apply to those who have left the organisation? These are questions that should be addressed when proposing a code for any organisation.

38. A general code may be insufficient for those doing certain kinds of work or in certain professions. Additional provisions or additional emphasis or even separate, special codes may be necessary. The "Leadership Code" adopted in some countries is an example of a special code applying to a limited number of people in public service.

Preparation and promulgation

39. Consulting those to whom the code will apply is essential in its preparation since it must be accepted by those who are to lead their working lives in accordance with its guidance. It must be pragmatic and practical so as to foster compliance and to allow those to whom it applies to exercise their responsibility. The code must address the ethical issues people have to face every day.

40. Not only must every member of staff receive his or her own copy, everyone must be given practical instruction about its provisions and how to comply with them. Everyone must understand the importance of compliance and the consequences of not complying.

Implementation

41. It is the responsibility of management to ensure that the practices of the organisation are consistent with the code, that there is no contradiction between the standards required of staff and the goals or targets they are expected to meet.

42. It must also be the responsibility of every manager and supervisor to make sure that those for whom they are responsible are constantly aware of the standards set by the code and in practice carry out their work in conformity with them.

Enforcement

43. Deliberate failure to comply with the standards required must be met by appropriate disciplinary action. In deciding on appropriate disciplinary sanction, management should consider whether the breach results from ignorance or from deliberate self-serving wrongdoing of which the management would disapprove or from wrongdoing done in the mistaken belief that the organisation would benefit.

Relationship to law

44. The law shapes the code and provides a strong reason for putting a code in place, and the code in turn articulates the rules of conduct which govern the working lives of those to whom it is addressed. Codes of conduct should reflect at a minimum the standards of the criminal law relating to dishonesty and corruption. Moreover, there should always be a relationship between codes of conduct and the laws and regulations concerned with disciplinary action.

The Recommendation of the Committee of Ministers on Codes of Conduct for Public Officials

The Recommendation

45. The Recommendation of the Committee of Ministers makes clear that the recommended adoption of codes of conduct for public officials should be subject to national law and to national principles of public administration. In recommending that such codes should be based on the annexed Model Code of Conduct, the recommendation also makes clear that the model should be adapted to meet the circumstances of the particular public service.

46. The Recommendation instructs GRECO to follow up on the implementation of the recommendation.

The Model Code of Conduct for Public Officials

Structure

47. The Model Code is so structured that it states a number of general principles before setting out more specific guidance. It starts with application and interpretation provisions, states the object of the code and sets out the general principles. It then deals with the following specific matters: reporting breaches of the code, conflict of interest, declaration of interests, incompatible outside interests, political or public activity, protection of the public official's privacy, gifts, reaction to improper offers, susceptibility to influence by others, misuse of official position, information held by public authorities, public and official resources, integrity checking, supervisory accountability, leaving the public service, dealing with former public officials and, finally, observance of the code and sanctions.

Style

48. The code offers guidance. It addresses public officials and members of the public. It is intended to be frequently referred to and read. It is therefore not drafted in the style of a law or regulation. Rather it offers practical advice and explanations to readers who are not necessarily learned nor legally trained. It nevertheless tries to be reasonably precise since breach of its provision could result in disciplinary proceedings.

Provisions

49. In adopting the provisions of the code, a State may need to adapt its provisions to meet the particular requirements of the State's public service.

Interpretation and application

Article 1

50. This article says the code applies to all public officials and defines "public official" as a person employed by a public authority.

51. The term "public official" is drawn widely. However the provisions of this article and the code as a whole do not cover the exercise of private functions or services, whether done by public officials or not. Thus, private contractors remunerated from public revenues would not be covered, but the code is intended to cover the exercise of public functions on a private basis, such as, in some countries: notaries, public registers, etc. States themselves will have to decide the extent of the term "public authority".

52. In accordance with paragraph 4, the provisions of the Model Code do not apply to publicly elected representatives, members of governments and holders of judicial office given the particular nature of the functions they perform.

53. The GMC considered that it was necessary to draw a clear distinction between public officials who exercise functions within public administration or a public sector entity on the one hand, and ministers and elected representatives who are political figures responsible before parliament and ultimately to the voters. Thus, for instance, the principle of political neutrality recognised in paragraph 2 of Article 4 could not be applied to the latter.

54. Similarly, holders of judicial office are also excluded from the scope of this code. In certain countries prosecutors, on account of the nature of the functions that they perform may also be considered as holders of judicial office. Indeed the principle of judicial independence is incompatible with some of the principles stated in this code such as for instance the principle of accountability to the immediate hierarchical superior enshrined in Article 10.

55. Notwithstanding the exclusion of these categories of persons from the application of this code, it would be desirable for States to adopt ethical standards appropriate for the functions performed by these persons. With this in mind, States can decide to draw inspiration from the present code.

56. Moreover, States may decide to apply or adapt the provisions of this Code, totally or in part, to other categories of persons not included in Article 1.

Article 2

57. The code applies to a public official from the time he or she is informed of its provisions and certifies he has been so informed.

58. The application of this provision shall be adapted in the case of civil services based on the career system where conditions of service are governed by a civil service statute, where the code is enacted by the competent authority (responsible for public officials), for example the Minister for Public Administration or the Minister of the Interior, and the code would thus be an integral part of the regulations that apply to public officials.

Object of the Code

Article 3

59. The article states the aims of the code, i.e.: to specify standards of integrity and conduct, help public officials meet those standards and tell the public what it is entitled to expect from its public officials.

60. Given that public administrations play an essential role in democratic societies, that public officials are the key element thereof and since corruption undermines the citizens' trust in their administration, the code aims at eliminating any ambiguity about

the general attitude of the administration towards corruption and clearly expresses what is expected from every employee in that respect.

61. The Code of conduct fills the gap between on the one hand often abstract legal regulations as to the principles of behaviour and, on the other hand the requirement of guidance in numerous difficult situations of an employed person's day-to-day life. It seeks to eliminate areas of uncertainty by offering either directly applicable instructions on how to cope with a given situation, or indications on where and how to receive such instructions. The Code can offer specific guidance in situations where the employed person may feel that he has to deal with a conflict of interest.

62. In addition, the Code contributes to greater transparency in the functioning of public administration by clearly informing citizens of what they are entitled to expect from public officials.

General Principles

Articles 4 – 11

63. These articles set out the public official's general obligations to act lawfully, obediently, ethically and loyally. He or she is expected to be honest, impartial, conscientious, fair and just, and to act politically neutral, only in the public interest and with courtesy to all with whom he or she has contact.

64. He or she must not allow his or her private interests to affect, or appear to affect, his or her public position nor take undue advantage of that position. The term "private interest" is explained in Article 13. It is for States to define the expression "undue advantage". However, it should be understood in a broad sense, as including not only advantages offered or given to the public official but also the avoidance of any disadvantages or burdens imposed upon him or her. Undue advantages are usually of an economic nature but may also be of a non-material nature.

65. What is important for the purposes of Article 8 is that a public official or a third person, for example a relative, should not be placed in a better position or acquire that benefit. Examples of undue advantage are money, holidays, loans, food and drink, a case handled more quickly than others or better career prospects.

66. The public official's behavior should enhance the public's regard for the public service and he or she should be accountable for his or her conduct. Thus, Article 6 forbids him to act arbitrarily to the detriment of any person, group of person or body. In the course of the discussions, the GMC examined whether this Article should also forbid acting for the benefit of a person, group or body without any advantage for the public official or ensuing prejudice for a third party. However, in the light of the principles of impartiality and lawfulness stated respectively in Articles 5 and 7, the GMC did not consider it necessary to include expressly such a prohibition.

67. His or her handling of information must respect both the right to official information and the need for appropriate confidentiality. The expression "necessary confidentiality" should be understood in a flexible manner, as allowing adaptation to the context of each member State, and in the light of the legal rules concerning the use of confidential information. Transparency is a key element in the fight against corruption. The principle contained in Article 11 does not aim at restricting unnecessarily the access of the public to official documents.

Reporting

Article 12

68. This article requires the public official to report, in accordance with the law, whenever he or she believes he or she is being required to act inconsistently with the code.

69. If, having reported the matter in accordance with the law, he or she is not satisfied with the response, he or she may take the matter up in writing with the relevant head of the public service, namely the person ultimately responsible for the public service. This will obviously vary from country to country, for example the Minister for Public Administration or the Minister of the Interior. When the matter has been taken as far as procedures allow, the article makes clear that the public official must then comply with lawful instructions.

70. Moreover, paragraph 2 requires public officials to report to the competent authorities in accordance with the law any breach of the code by another public official of which he or she becomes aware. The GMC was aware of the practical difficulties that the application of this provision in public administration could entail in certain cases since it could create tensions among public officials. However, it considered that the passive or tolerant attitude of public officials regarding those breaches would be more harmful for public administration and society as a whole.

71. Unlawful or criminal activities are to be reported to the appropriate authorities. Once reported, the investigation will be the responsibility of the competent authorities and not of the public official.

72. For its part the public administration must ensure that no prejudice is caused to a public official who makes such a report on reasonable grounds and in good faith.

Conflict of interest

Article 13

73. This article explains what is a private interest and how a conflict can arise between a public official's public duties and his or her private interest. He or she must be aware of the possibility of a conflict arising, take steps to avoid it, disclose it to his supervisor at the earliest opportunity and comply with any proper instruction to resolve it. Whenever required to do so, he or she should state whether or not a conflict arises.

Declaration of interests

Article 14

74. The article explains that certain public officials may be lawfully required periodically to declare their personal or private interests. This obligation has a preventive character. It is generally imposed upon officials holding high level posts. However, the main criterion should be the nature of the functions performed and the responsibilities relating thereto. This may lead States to impose such obligations upon certain officials even if they hold posts of a modest hierarchical level.

75. Periodic declarations of interest are essential for the effectiveness of this measure. Keeping this in mind, the code provides that the declaration will be made not only upon appointment but also at regular intervals thereafter determined by national legislation. Any change in the situation affecting the public official's interests will imply the obligation for him or her to submit a new declaration.

76. Since this obligation represents an interference on private life it needs to be always justified. It is the duty of public administration to ensure the confidentiality of such declarations which in turn is guaranteed by Article 17.

Incompatible outside interests

Article 15

77. The article states that public officials are not to engage in any activities incompatible with the proper performance of official functions. If unsure, they should seek the advice of their superiors.

78. Subject to the law, the public official should seek his or her employer's approval to undertake certain activities, positions or functions outside the public service. This requirement is made subject to law because some countries have regulations governing the taking of outside or second jobs. It should be noted that this principle does not prohibit a public official from having a second job outside the public service.

79. The article also requires the public official to comply with any lawful requirement to declare his or her affiliation to organisations that could detract from his or her position or the proper performance as a public official.

Political or public activity

Article 16

80. This article enjoins the public official to be careful firstly not to allow his or her political activities to impair his or her impartiality or loyalty and secondly not to let himself or herself be used for partisan political purposes. He or she should comply with any restriction on political activity lawfully imposed by reason of his or her duties as a public official.

Protection of the public official's privacy

Article 17

81. Like other citizens, public officials have a right to privacy and have a duty to respect the privacy of other public officials. This article makes that clear and specifically requires declarations made in accordance with the code to be kept confidential unless otherwise required by law.

82. The right to respect for private life is not an absolute one. It might be necessary to interfere or restrict the exercise of this right in order to attain certain legitimate objectives such as the prevention of crime and the protection of the rights of others. Consequently, the general principle of confidentiality of declarations recognised in this Article could be lifted for instance in the framework of criminal investigations or disciplinary procedures affecting the public official.

Gifts

Article 18

83. This article makes clear that the public official should not seek or accept any gift or benefit for himself or anyone else that could influence, or appear to influence, the carrying out of his or her duties. The public official should never accept either gifts that constitute a real or apparent reward for actions or omissions in the exercise of his or her functions. It is essential to preserve the citizens' trust in the impartiality of public administration. Such trust would be undermined if the citizen observes or is under the impression that the public official, whose salary should be paid in principle out of the public budget, receives compensation from private individuals in exchange for the performance of his or her duties.

84. The Code allows for some exceptions to the general prohibition of gifts, in respect of conventional hospitality or minor gifts. This expression comprises for instance, modest invitations to food and drinks, calendars, low price pens, advertising materials, small stationary... It is for each country to establish the criteria to differentiate between what is acceptable and the gifts which fall within the general prohibition rule. Often the value of the gift or invitation is used as a criterion, it being understood that whenever the value is lower than the threshold, the gift or invitation could be acceptable. However, low value may not always be a proper criterion. He or she should be alert however to the possibility of even a generally permitted advantage giving rise to a conflict of interest in particular circumstances. Thus, gifts or invitations offered

repeatedly, even if low value could affect the public official's impartiality in the exercise of his or her functions.

85. During discussions, the GMC considered the possibility of introducing a general obligation of declaring all gifts, even those of low value. Once the gifts are declared, the hierarchical superior or other competent authority would decide which gifts the public official was authorised to accept. The GMC preferred however, not to include such a general system in a model code, it being understood that each country is free to adopt more restrictive provisions than those contained in the code.

86. When social circumstances prevent him or her refusing an advantage, the public official should promptly report the fact and circumstances of his acceptance to his immediate superior and comply with any direction for disposal.

87. When in doubt, the public official should seek advice from his or her superior.

88. Elementary prudence would require that the request and the advice should be made in writing.

Reaction to improper offers

Article 19

89. Public officials need to know how to react appropriately when improperly offered a gift or benefit. This article gives specific guidance on what he or she should do in such circumstances.

Susceptibility to influence by others

Article 20

90. Public officials can become the targets of attempts to compromise them. The purpose of this article is to alert them to the danger by advising them that they should not put themselves in a position of obligation to return a favour, nor conduct themselves in their official or private lives in such a way that they become susceptible to the improper influence of others.

Misuse of official position

Article 21

91. The public official is enjoined firstly not to offer any advantage connected with his position as an official unless lawfully authorised to do so, and secondly not to try to influence anyone for his or her own private benefit by using his or her official position or by offering a personal advantages. These advantages can be offered directly or indirectly.

Information held by public authorities

Article 22

92. In the course of serving the common good, the public service creates, acquires and holds a great deal of information, the value or significance of which may not always be obvious. The handling of information held by public authorities is a frequent cause of difficulty. This article provides guidance in four distinct aspects.

93. First, the public official should disclose information only in accordance with applicable rules and requirements.

94. Second, he or she must protect the security and confidentiality of information, not only for which he or she is responsible but also of which he or she becomes aware.

95. Third, the public official should not seek official information to which he or she should not have access, nor should he or she make improper use of information come by in his or her employment.

96. Fourth, he or she has an equally strong duty not to withhold official information that may or should be released nor to provide false or misleading information.

Public and official resources

Article 23

97. This article requires the public official to manage and make use of personnel resources on one hand and of public property, facilities, services and financial resources on the other effectively, efficiently and economically. Unauthorised use for private purposes is forbidden, when authorisation is given according to the law. Thus, for instance, the public official should not, without proper authorisation, use the official car for private travel, or the office telephone for private calls, or ask his or her secretary to do work unrelated to his or her official duties.

98. In this connection, the GMC considered the use by public officials of fidelity programmes organised by airlines, hotel chains, and by other service providers. Thus, for instance, whenever the public official enjoys a margin of discretion in the choice of the airline for an official journey, this article requires the public official to be careful to choose without being influenced by personal considerations to the detriment of the economic interest of the public administration as defined above.

Integrity checking

Article 24

99. Experience shows the importance of carrying out integrity checks or acting on them in order to avoid long-term integrity problems in the public service. This article therefore requires the public official responsible for recruitment, promotion or posting to make sure that appropriate integrity checks are carried out as lawfully required.

100. Again, he or she is enjoined to seek appropriate advice if the results of the checks make it unclear how to proceed.

Supervisory accountability

Article 25

101. The notion that every person in a supervisory position should be responsible and accountable for the conduct of those he or she supervises has a significant effect on the integrity of the public service.

102. This article lays a dual responsibility on the supervisor or manager. He or she should manage or supervise in accordance with the policies and purposes of the public service and he or she should be answerable for the failings of his staff if he or she has not taken reasonable steps to prevent them.

103. The article goes on to give specific guidance. The supervisor or manager should take steps to prevent corruption by enforcing the rules, providing education or training, being alert to signs of financial or other difficulties and setting a personal example.

Leaving the public service

Article 26

104. If it is in the public interest that people with experience of public administration should be able to take up appointment outside the public service, it is equally important that the taking up of appointment elsewhere should not cause suspicion of impropriety. The guidance provided in this article therefore aims to allay suspicion:

- that the advice, decisions or actions of the public official could be influenced by the hope or expectation of future employment with a particular employer; or
- that the employer might be gaining an unfair advantage over competitors by employing a public official who had access to information that competitors regard as their own commercial secrets or that relates to proposed developments in government policy affecting them.

105. Accordingly, the public official should not take improper advantage of his official position to obtain a job outside the public service. He or she should be careful to avoid the possibility of conflict of interest arising from the prospect of future employment. For an appropriate period he or she should avoid acting or advising in matters in which he or she was involved as a public official. Nor should he use or disclose confidential information acquired as an official. Finally he or she should comply with any rules that apply to accepting appointments after leaving the public service.

Dealing with former public officials

Article 27

106. This Article forbids public officials to grant former public officials preferential treatment or privileged access to the public service as this would be contrary to the principles stated in this code such as, for instance, those in Article 5, paragraphs 2, 7 and 9.

107. This provision does not concern the cases where national legislation grants former public officials certain advantages such as, for instance, the use of public facilities like holiday camps, preferential or free fares awarded to public administration, etc.

Observance of the Code and sanctions

Article 28

108. This article first states the authority under which it is issued, a matter that will vary from country to country. It then reminds the official of the duty to conduct himself or herself in accordance with the code and therefore to become and remain familiar with its provisions. He or she is urged to seek advice when unsure of how to proceed.

109. The article then points out that subject to Article 2, paragraph 2, the code forms part of the official's terms of employment and that failure to comply with it may lead to disciplinary action.

110. The official who has responsibilities for negotiating terms of employment is reminded of his or her duty to include in them a provision that the code forms part of those terms.

111. The supervisor or manager is made responsible for ensuring that those under him or her observe the code and for initiating disciplinary action for failure to comply with it.

112. The public administration is under the obligation to review at regular intervals the provisions of this code so as to ensure that they are still appropriate.

4.4 Expert reports presented during the seminar

4.4.1 CODES OF CONDUCT (JEAN-PIERRE BUEB)²⁵

In the majority of countries, documents exist listing the rights and duties of citizens, civil servant and agents public. They are not necessarily the same documents but they are complementary. All types of problems should be regulated by these documents. However, it is not the case. More precise documents, Codes, are therefore prepared to take into account particular situations related to trade or activity and to avoid private interests entering in conflict with public interest or general interest.

1. The Code of Conduct is an element of the fight against corruption

When one tackles corruption, it is necessary to set up an effective strategy to fight it. The first element of this strategy consists in working out a law to punish the breaches. The second element consists in applying the law. The third, undoubtedly the most important one, is to train agents so that they do not get into a situation where they are faced with the law. Codes of Conduct are among the means used for such training. The Code of Conduct is thus one tool among others to fight corruption.

It is about a reminder of the general principles stated in the law but which here are clarified and adapted to the various specific situations, trades and responsibilities. The Code makes it possible for each one to know his/her behaviour in a given situation encountered within the framework of his/her work or functions. The Code is thus useful even when it is not a question of fighting corruption: it contains Codes of Conduct based on principles such as behaviour, ownership, the respect of others, courtesy.

The fight against corruption cannot be without a Code of Conduct or a similar document (in France, the Statute of the Public office includes elements which one finds in all Codes of Conduct).

2. Codes of conduct, Codes of ethics and Codes of ethics

Deontology is the whole of the rules governing a profession and the supervision of those exercising it. It is a set of principles of action for the professional practices of a group of people involved in an identified trade. These Codes of Ethics especially relate to liberal professions (health, auditors, architects, lawyers). It is a way of organising and making it possible to implement a real collective self-check on the profession itself and on the interactions between its members or with their customers. The respect of the Code of Ethics is obligatory: disciplinary actions imposed by other members of the group or profession are envisaged in case of non-respect.

Ethics is all the moral principles forming the basis of a person's behaviour. One could define it as the personal search for wisdom of action. It is a personal reflection vis-à-vis action, seeking to distinguish between good and evil. It is a personal standpoint. It includes two aspects: the ethics of conviction which is founded on intangible principles, on the moral values specific to the individual, and ethics of responsibility which take into account the possible consequences of the acts or decisions to be taken and which thus leaves room for compromise and negotiation. Ethics is always optional, it leads the individual to reflect on his/her personal behaviour.

²⁵ Central Service of Prevention of Corruption (SCPC), France.

The Code of Conduct as conceived by the Council of Europe is very close to a Code of Ethics. It specifies the rules which govern the behaviour of civil servant and government officials. Sanctions are planned for those who would not observe these rules. The ethical aspect is mentioned only in the explanatory report, for it is only in this document that one invites the individual to ponder over his/her own behaviour by showing him/her, with the help of examples, that he/she always must, before making a decision, take account of the possible consequences of his/her decision.

3. Private Codes

The first Codes in the public sector were worked out for civil servants, in order to protect them from unjust attacks. The Codes of Ethics of the liberal professions had the same purpose. Moreover, these Codes fixed the rules to be respected by public agents or professionals deprived, at the time, of contact with their customers or users of public utilities.

More recently, Ethics or Codes of Ethics have increased in the private sector: each company must have a Code. The great effort of communication around the Code has several purposes:

- to improve the relationship between customers by specifying the rights and duties of everyone,
- to guarantee the customers that goods or the services of quality will be supplied,
- to obtain the trust of the public,
- to improve the relations with suppliers by guaranteeing honesty of transactions,
- to support the honest suppliers,
- to demonstrate a certain transparency of management of the company,
- to give to the employees a feeling of pride because they work in an honest company,

All this is implemented so that the company gains market shares by demonstrating honesty without fault.

But these demonstrated objectives are not the only ones. One of the reasons which led the deprived companies to have a Code of Ethics and a Codes of Conduct is of a criminal nature. In the event of corruption, the judges used to heavily punish the Chairperson as heavily as the one who had committed the offence. Some of them were imprisoned and this was intolerable. The Code of Conduct was instituted to prevent the director being found guilty of acts committed by his staff. It thus specifies that corruption is prohibited and that any failure to fight it will be punished. Each agent is thus personally responsible for his/her acts, which excludes any complicity, and thus any judgment on the part of the director of the company.

The responsibility for the act of corruption becomes an individual fault which one cannot accuse the general manager or the company itself of any longer. Severe sanctions are taken against those who are guilty, and they are applied. So one cannot register the company or his/her director any more on a "black list", even if they are the "partners in crime" of the offence of corruption.

4. Codes of the public sector

In certain countries, the development of Codes of Ethics, deontology or control was certainly dictated by the same will to reduce the risks run by directors in the event of a

corruption offence. The existence of the Code must prove to the judge that somebody had taken measures to indirectly avoid corruption, that he had shown "normal diligence" and that he neither directly or indirectly responsible for the fault committed by his employee.

However, the Code has another purpose: it must make it possible to avoid conflicts of interest and make it possible that staff be protected from unjustified charges. It is easily understood that the Code must help the staff to respect a certain deontology and to avoid them being in a situation of conflict of interest. It is often forgotten that the Code protects them. This aspect is however fundamental if one wants to have this document accepted by all public agents. One can accept strong constraints only insofar as an advantage derives from them.

5. Characteristics of the Codes of Conduct

Experience shows us that Codes of Conduct can be very different from one another. There are public Codes and private Codes, long Codes and short Codes, repressive Codes and tolerant Codes. Each type of Code has its advantages and disadvantages.

The Codes must be clear, complete and comprehensible to all agents. In any case, they must be adapted to the trades of the people who will have to apply them. There should not only be one Code, but several Codes. Lastly, in order to implement such an instrument, it is necessary to have a specific goal to reach. When one's goal is not known, then it is not possible to produce a satisfactory and effective instrument.

Conclusion

In conclusion, Codes are not necessarily essential. Other tools can be created such as "the guide of reference for the heads of department and their staff", which I have collaborated in. The point of this document is not to state what is necessary in such or such a situation, but to provide the director with all the elements he/she needs to make a decision. It is an aid to be aware of one's responsibilities, applicable to not all the agents, but only to the principal leaders. This type of guide for the framing and the Codes of Conduct for other agents are necessary so that the civil servant can, in any circumstance, exert their responsibilities only in the interest of public utility and the State.

4.4.2 INTERNAL STRATEGIES AGAINST CORRUPTION (PETER POERTING AND WERNER VAHLENKAMP)²⁶

GUIDELINE FOR PREVENTING AND COMBATING CORRUPTION IN POLICE AUTHORITIES

A. Introductory remarks

1. Corruption

Corruption is not really a new criminal phenomenon in Germany; it has always been around. The rising number of registered cases of corruption offenses in recent years allows the assumption that - in contrast to the past - light is being cast on a larger percentage of undetected crimes, either through intensified activities on the part of the law enforcement authorities or as a consequence of an increased sensitivity on the part of the public and the media. On the other hand serious experts assume that the number of corruption cases is continuously increasing.

Table 1 shows the number of registered corruption offences in the Federal Republic of Germany for the last four years²⁷.

Table 1: Reported Cases (Police Crime Statistics)

Offense	Year	1994	1995	1996	1997
Taking Bribes in the public sector					
* <i>Vorteilsannahme</i>	Sect. 331 Penal Code	291	241	621	1068
* <i>Bestechlichkeit</i>	Sect. 333 Penal Code	851	818	1281	1239
Offering Bribes in the Public Sector					
* <i>Vorteilsgewährung</i>	Sect. 333 Penal Code	194	150	474	406
* <i>Bestechung</i>	Sect. 334 Penal Code	1906	1666	1917	1493
Corruption in the Private Sector					
* <i>Angestelltenbestechung</i>		not available	161	149	198

2. Preventing Corruption

All branches of public administration are susceptible to corruption - as the cases that have become known illustrate. Police officers and judicial authorities must accept the fact that they are going to be measured against particularly strict criteria, because as the keepers of law and order, an above-average degree of integrity and resistance to corruption are demanded of them. Therefore, a successful fight against corruption must begin internally. Instead of waiting for individual cases to become known, systematic preventive measures are required.

The continuous implementation of measures that have already been discussed and recommended in the federal, state and local administrations clearly suffer from the lack of coordination and the preference for insular solutions, in the form of the realization of only a few measures. One of the causes for this is the lack of model solutions.

²⁶ Bundeskriminalamt Wiesbaden, Germany. The authors thank Dieter Steinbach for his contributions and support. Translation by Barbara M. Müller-Grant.

²⁷ Source is the Police Crime Statistics for the Federal Republic of Germany: Polizeiliche Kriminalstatistik für die Bundesrepublik Deutschland, Wiesbaden 199

However, corruption is a system and corruption has a system. Therefore, it can only be combated with a system. Anti-corruption measures on the government-agency level must, therefore, be bundled together into a systematic concept of prevention. In view of the large number of requisite measures that need to be harmonized, centralized coordination of these should be undertaken by an authorized (anti-) corruption commissioner, who also acts as an internal and external point of contact and performs corruption-risk analyses. Under certain circumstances, this function can be linked with the establishment of an internal auditing system.

The aforementioned framework concept, which can be described as being "state of the art", is to be understood as an aid to orientation and as an aid to formulate tailor-made anti-corruption strategies in police authorities. It is a way to prevent and combat corruption in government agencies and namely police authorities in a systematic way.

3. Defining Corruption

Bundeskriminalamt's criminological research unit has already intensively dealt with the phenomenon of "corruption" and with adequate means of prevention²⁸. The following definition of the term was assumed:

Corruption is

- *the misuse of any public office, a political mandate or function in trade and industry*
- *to the advantage of another person*
- *committed upon the inducement of such other person or at the officials own initiative*
- *with the intent to procure some benefit for himself or for another person*
- *resulting in or expected to result in (pecuniary) damage or other detriment to the public (in the case of a public or political function) or for a company (in the case of an bussiness function)*

This definition of the term is the basis for the following anti-corruption concept. It also comprises cases of so-called "step-by-step corruption", namely preparatory acts or acts aimed at creating a climate in which corruption is acceptable, aimed at the later misuse of office (e.g. the mere granting of benefits with the goal of "cultivating a good working climate").

B. Identifying Corruption: Indicators of Corruption

Indicators are not evidence. Therefore, they mostly do not have any or only very little meaning, when considered alone. Only if they occur repeatedly, frequently or in certain constellations they are suitable for contributing towards the growth of a suspicion.

The handling of corruption-indicator grids assumes a particular sensitivity on the part of the user. If used excessively or thoughtlessly, they can lead to unjustified suspicions and inadmissible conclusions, instead of making a positive contribution towards the fight against corruption. Under no circumstances should such a grid of indicators be used with the goal of initiating a "witch-hunt".

1. Neutral Indicators

²⁸ Werner Vahlenkamp, Ina Knauß: Korruption - hinnehmen oder handeln, Wiesbaden 1995, 2nd ed. Wiesbaden 1997; English summary: Werner Vahlenkamp, Ina Knauß: Korruption: ein unscharfes Phänomen als Gegenstand zielgerichteter Prävention (Corruption: Taking Precise Aim at an Amorphous Phenomenon), in: Trends in Organized Crime, Vol. 2, No. 4 (1997), p. 21 - 25.

Neutral indicators are to be seen, as a rule, in connection with personal manners and behavior. Not infrequently, they are socially accepted or even favorably interpreted by the viewer. Nevertheless, these are indicators which are found relatively frequently in corruption structures.

Examples:

- Lavish lifestyle that can not be explained by a person's income; presentation of status symbols
- Suddenly changing lifestyle
- Social and personal problems (dependency, addiction, indebtedness, bragging, etc.)
- Outside employment that is critically close to one's official duties
- Acceptance of invitations (e.g. on the occasion of visits to trade shows or companies or local inspections); paying for food and beverages for others in restaurants, bars, etc.
- Frequent private meetings with public contractors or bidders; participation in private or business events
- Granting unusual special terms for purchases (e.g. purchase price / discounts/ financing / reduction in the usual waiting periods)
- Delivery of lavish "advertising" gifts (incl. to one's home address); unusual generosity on the part of contractors; offers to sponsor activities
- Presuming oneself to be indispensable; giving up one's free time, coming to work despite being ill (to avoid insight by others into one's work)
- Additional work assumed on one's own initiative (e.g. going to allegedly important meetings outside the office on days off)
- Taking work (cases) home
- Inexplicable isolation; taciturnity towards colleagues and superiors
- Sudden, inexplicable changes of opinion (e.g. advocating a project which was previously rejected)
- Inexplicable refusal to accept reassignments or promotions (in particular, if this means an improvement)
- Unusually casual tone between employees and contractors or applicants
- Absence of complaints or conflicts where they are customary or to be expected; impeccable processing of difficult cases where the employee does not have sufficient specialized knowledge / or expertise.

2. Specific Indicators

In contrast to the indicators that are neutral with respect to corruption, corruption-specific indicators are to be assessed as warning signals or signs, which - in particular in cases of repeated or simultaneous occurrence - should lead to the suspicion of existing irregularities.

Examples:

- Inexplicable decisions which should not have been made in this fashion
- Different assessment or processing of cases having the same or very similar facts
- Abuse, unilateral interpretation or overuse of one's discretionary powers
- Waiver of controls or audits, even though there is reasonable cause
- Manipulating the handling of a case by other departments or employees within an agency or police authority
- Deliberately bypassing decision-makers or superiors in critical cases
- Repeated exercise of outside appointments without any plausible explanation of their relation to work
- Inadmissible expansion of the powers delegated

- Entering into an agreement with unfavorable terms which bind an agency for a long time
- Repeated preference for or support of certain bidders or contractors during the procedure for awarding contracts ("purveyors to the court")
- Noticeable indulgence during contract negotiations
- Missing receipt or clock stamp on correspondence with bidders and contractors
- Guideline made by a superior that a critical case be processed "favorably" without any additional reviews
- Inexplicable acceleration of a case
- Neglecting doubts as to the lawfulness of an act, bypassing regulations (e.g. waiving the imposition of special conditions or duties, ignoring the principle of thrift)
- Sealing off individual departments or employees or allowing them to become independent, supposed uncontrollability
- Bypassing public tenders; lack of variety in offers
- Splitting/reducing the volume of an order in order to enable a discretionary award
- Procurement of unnecessary or technologically obsolete logistics systems
- Purchases at excessive prices that are not in line with market conditions
- Splitting or duplicating remittances of invoice amounts
- Frequent subsequent amendments to and supposed arithmetic errors in bidding documents
- Noticeable discrepancy between invoice and offer amounts
- Missing or superficial records of decisions, meetings, local inspections, etc.
- Disappearance of important bidding or contract documents
- Superficial processing of work; missing or deficient records
- Playing out of assumed positions of power by contractors
- Constant visits by contractors to certain employees or visits only when certain employees are present
- Repeated official trips to certain companies without any plausible work reason (in particular, when not really necessary overnight stays occur)
- Complaints by contractors or administrative customers who were bypassed in competitions or disadvantaged when their applications were reviewed
- Unambiguous statements / references by employees to incorrect procedures, rumors within a certain environment

Moreover, there are certain indicators which occur, preferably in conjunction with the performance of jurisdictional police duties in the operative sector or environment, such as

- Media publications about internal police or investigatory matters
- Disappearance of criminal files or parts thereof
- Private possession of internal police documents by unauthorized parties
- Prior knowledge of crime-fighting procedural measures (i.e. searches, arrests)
- Inexplicable revelation of the identity of undercover agents or confidential informants
- Supposed "investigatory successes" on the part of a (law) enforcement official or any "investigatory successes" which can not be explained
- Preferential treatment of / aiding perpetrators (e.g. taking detainees out of prison without a plausible reason)
- Being unable to locate a definitely expected piece of evidence during a search
- Contacts made with the press or representatives of certain branches of business (e.g. security firms, detective agencies) while on duty and intensified off-duty
- Noticeable close, and even private contacts between an investigator and criminals or with the criminal milieu (scene)

- Offer made by a victim to take goods from a scene of crime
- Outside employment, in particular, in detective agencies, (credit) information bureaus or security firms, in the criminal scene or in other critical branches /departments (e.g. with a view to exploiting police knowledge)
- Offer of services by suspects provided for free or at favorable rates (e.g. expensive rental cars at special rates, offers with a sexual background)
- Inexplicable waiver of the taking of evidence
- Explicit waiver of accompaniment by another official or bypassing the four-eyes principle when going out to work
- Attempts to protract the investigation
- Playing down or ignoring possibly important indications or suspicious circumstances during pending criminal cases
- Absence of official reactions to events that might be relevant to the prosecution of crime

C. Preventing and Combating Corruption: Guideline for Police Authorities

1. Conceptual Basis

This guideline to prevent and combat corruption consists of

- a general part with recommendations aimed at abstract corruption-related threats and risks arising from police tasks and its personnel
- a special part oriented to a particular department or task, which is aimed primarily at certain target groups or areas within a police authority (organizational units, functions and tasks) facing a concrete risk of corruptibility

The recommendations of the general part may be adopted by any police or other government agency in this or in a similar form. The recommendations of the special part correspond to a "set of building blocks", from which every department can compile a suitable bundle of measures. Due to the dynamics of official and task structures within a police authority, the concept needs to be constantly reviewed and updated.

When implementing recommended anti-corruption measures there can be target conflicts with other guidelines or attempts to reform administrations ("lean state"). Such target conflicts require a thorough consideration of the diverging interests and a corresponding prioritization.

The structure and wording of these conceptual ideas are characterized by the following guidelines:

- Preventing corruption is an urgent matter in politics and in public administrations. The willingness to act should not depend on the question of whether the act of corruption has already become public knowledge or not.
- Preventing corruption does not mean a distrust of individuals, but corresponds to the requirement to keep the organizational structures clean. This is both a legal and an ethical standard.
- Corruption has a broad range. Not all practices are basically illegal. Prevention considerations must also incorporate legally unobjectionable, but ethically or morally reprehensible acts (i.e. "cultivating good relationships", "services rendered out of friendship").
- The requisite acceptance for effective counter-measures begins with the widespread ostracism of this form of crime. Preventing corruption thus begins

with sensitization and clarification measures. This is most effective in the form of personal discussions.

- Preventing corruption should not lead to the stigmatization of certain organizational units or employees, even if the degree of susceptibility to corruption is seen as being high.

Preventing corruption basically requires the acceptance and the understanding of all of the members of the organization. To this extent, the existence of a comprehensible model, to which employees can orient themselves, will essentially support the efforts to successfully prevent corruption within an agency. Such a model should contribute towards allowing every employee to identify with his or her agency and employer and to develop a high degree of loyalty. It also serves to reinforce the feeling of community among employees.

2. General Anti-Corruption Measures

General measures and recommendations to prevent corruption are independent of any particular task or department. They are directed towards the abstract threats and risks to which the entire organization or the staff in general are exposed. They are aimed at the heads of the government agency, or the organization as a whole, and at employees. During their implementation, managers have a special responsibility, due to their duties of administrative and work supervision as well as to their function as a role model.

2.1 Formulation of a Code of Conduct

The code of conduct or code of ethics for public servants recommended by the United Nations essentially comprises standards which police employees should also adopt.

Police employees . . .

. . . must recognize without any reservations that their official function is a position of trust which obliges them to act in the interests of the general public

. . . must exercise their office with integrity and loyalty to their employer and perform the tasks assigned to them lawfully and conscientiously.

. . . must perform their tasks with fairness and impartiality. They may not unjustly favor or prejudice anyone or misuse the official powers transferred to them in any way.

. . . may not use their public office or official powers to promote their own interests. They may not undertake actions, or aim for positions or offices or pursue financial, economic or other comparable interests, which are or could be incompatible with their official functions

. . . must ensure that they lead settled lives whose economic and social circumstances are orderly and they must ensure that their private lives do not give rise to any impairment of their official duties

. . . may not directly or indirectly demand, accept promises for or accept any gifts or other benefits related to their official function or to the fulfillment of their official duties or which could affect their judgments.

. . . must report all (part time) employment outside the agency to their employers. Such outside employment may not adversely affect the public's trust in the impartial performance of their official duties.

. . . are obliged to preserve official secrets and to treat all of the information acquired in connection with their duties confidentially, unless they are explicitly released from this obligation.

Police employees must also comply with this code of conduct even after quitting the service.

Action:

- *The code of conduct will be issued to all employees, who will acknowledge receipt in writing, and will be explained by superiors.*

2.2 Communication of Recommendations for Conduct

Every police employee can make a personal contribution towards combating corruption. In addition to accepting and supporting the measures taken to prevent corruption, this contribution lies especially in the critical review of one's own official and private conduct as well as in a certain alertness at work. To this extent, individual recommendations of conduct are based on the code of conduct.

The following is recommended for all police employees:

- Ostracize corruption and make a contribution towards increasing the willingness to ostracize corruption in your environment
- Help to develop and promote a positive community spirit. A sense of community contributes towards preventing corruption.
- Accept anti-corruption measures, even if the freedom to act or make decisions is thus restricted.
- Perform your duties correctly and conscientiously. You do not need any rewards or presents for this.
- Send clear signals during your contacts with people outside the agency that you can not be bribed and that your power to make decisions can not be influenced by gifts or promises.
- Take a particularly critical view of official files and decisions which affect individual interests and bring favors or disadvantages to individuals.
- Keep your official and private interests and projects strictly apart and do not use your official function or position to pursue private interests.
- Speak with your superior or with the (anti-)corruption commissioner if an attempt has been made to bribe you. Do not get involved in attempts to cover such acts up!
- Do not pass on any official internal data or information not intended for the recipient or the public at work or privately, not even if good friends or acquaintances ask you to do so.
- Do not carry your private problems over to your duties and do not offer third parties any opportunity to use their knowledge of such problems to influence official acts or your official judgment.
- Promote the reputation of your agency through your own exemplary conduct both inwardly and outwardly. Your exemplary resistance to corruption will communicate itself to others.

Action:

- *The recommendations of conduct will be conveyed to all employees as part of other educational measures (e.g. training and advanced training, official meetings, personnel discussions, leaflet).*

2.3 Sensitization of Police Employees

The prevention of corruption demands a careful procedure and assumes a high degree of trust among the (potentially) affected parties. Corruption prevention measures that are systematically enforced and have a long-term orientation begin, therefore, with the sensitization and education of all police employees. This is the constant task of the

corruption commissioner, who kicks off and maintains the awareness process as both the initiator and the driving force behind the process. Managers are required to support this project.

During the initial phase, managers will be the focus of the sensitization activities, in terms of 'training the trainers', as they will subsequently train their employees. Over the course of the successive development, there can be a focus on especially susceptible areas of work (e.g. activities with outside contacts). However, a stigmatization of the respective organizational units is to be avoided at all costs.

The corruption commissioner can be consulted by individual organizational units or other target groups for educational or advisory discussions.

Action:

- *Offering internal training events (the phenomenology of corruption, recognizing manipulations, approaches to prevention, etc.)*
- *Publishing an educational brochure with the most important information on the subject of corruption*
- *Publications in internal bulletins on certain subjects and problems related to corruption*
- *Providing occurrence-related, individual education, advice and assistance through the corruption commissioner*

2.4 Establishment of an Internal Auditing Unit

Internal auditing is an instrument of management. It supports the duties of administrative and work supervision and the monitoring of the organizational structure and the processing of operations in the form of the implementation of auditing activities. Another focal task of internal auditing is the internal prevention of corruption. Internal auditing conducts risks analyses, initiates general and specific anti-corruption measures within the agency and supports their implementation.

Action:

- *Every (larger) police authority will establish an Internal Auditing Unit. In addition to the actual auditing assignment the task of preventing corruption within the police force will be transferred to the Internal Auditing Unit.*

2.5 Appointment of a Corruption Commissioner

The corruption commissioner is the direct point of contact in all questions relating to the prevention and combating of corruption within the agency. He advises, receives information, assesses suspicious circumstances and recommends suitable solutions and counter-measures. He is responsible for making the decision to inform the head of the department if the suspicions appear to be warranted.

The corruption commissioner is given the opportunity to receive further training in the areas of "corruption and preventing corruption" and to exchange experiences with the corruption commissioners in other agencies.

Depending on the need, "ombudsmen"²⁹ can be designated in staff councils, who will be directly accessible to all employees as additional points of contact for persons seeking advice and for providers of information. The ombudsmen will be advised by the corruption commissioner and if involved, will maintain a constant dialogue with the corruption commissioner. Ombudsmen have a purely advisory and care-taking function. If necessary, they will act as intermediaries between petitioners and the corruption commissioner, his direct superiors and other control instances, but do not make any decisions on reactions or counter-measures.

The corruption commissioner will have an indicator grid at his disposal to assess information received and possibly corrupted behavior.

Action:

- *The head of the agency will appoint a corruption commissioner.*
- *If necessary, the staff council will designate one or more ombudsmen.*

2.6 Performance of Risk Analyses

As a constant task, the Internal Auditing Unit (or the Corruption Commissioner) will examine the organizational structure and the operating processes of the police authority for areas of risk as well as susceptibilities and weak spots, which can induce or favor corruption.

Increased susceptibility can exist, in particular, wherever there are outside contacts (e.g. police presence in the public, conduct of investigations, exercise of local inspections) and/or decisions are made or prepared, which could favor or disadvantage third parties (e.g. awards of public orders). Even dealings with sensitive data (e.g. search data) are to be designated as such an area of risk.

On the basis of the risk analysis, target-group-oriented concepts to prevent corruption can be developed and adequate counter-measures or other preventive measures and control mechanisms can be installed as needed.

Action:

- *The Internal Auditing Unit (or the Corruption Commissioner) will perform risk analyses for the police organizational structure and operating processes as a regular task. This task can also be linked to specific monitoring activities.*

²⁹ Ombudsmen, as members of the Staff Council, are frequently persons whom the employees know personally and trust. As an additional point of contact, they can be suitable for reducing the inhibitions point of contact for corruption issues and internal auditing are one and the same person or organizational unit.

2.7 Monitoring Outside Employment

Outside employment can not only have a negative impact on the deployability and motivation of police employees, but also can represent possible "docking areas" and gateways to corruption. In police work, this applies particularly to such sidelines which could be closely related to police work or police interests (e.g. security services, detective agencies or public contractors of all kinds). Here the need for information by businesses or by the media (e.g. prospects for access to data) can play a significant role.

Due to their basic importance in the prevention of corruption, taking stock of and auditing sidelines is a major prerequisite for a realistic assessment of the potential for risk. This measure is thus an important component of risk analysis.

Actions:

- *All officers are required to provide a statement about any sidelines that they might have. A statement of the effect that they do not have any such outside employment is required.*
- *At the order of the Human Resources Department, Internal Auditing Unit, the Corruption Commissioner will review applications for the approval of sidelines and will indicate any possible risks (compatibility with duties, possible conflicts of interest, susceptibility to corruption). This also applies to already approved and reported outside employment.*

Examples of possible questions:

- *Could the employer of this outside employment see an advantage in the applicant being a member of the police force (e.g. access to data, police know-how on security issues)?*
- *Could the employer derive a benefit from knowledge about the planning and activities of the police?*
- *Does the applicant have to rely on up-to-date work know-how to perform this job?*
- *Is the pay for this job comparatively generous?*
- *Inclusion of a recommendation on the exercise of outside employment in the code of conduct*
- *Treatment of the problems as part of the sensitization process*

2.8 Accepting Rewards and Gifts

Regulations pertaining to the acceptance of rewards and gifts - as provided in Germany for all public employees - are a major orientation aid with respect to preventing corruption when delineating the permitted scope of action for actions with a criminal intent. These regulations must be emphatically communicated to all employees.

Actions:

- *The corruption commissioner will handle this subject as part of educational measures to prevent corruption*
- *Annual reference to the regulation in the internal bulletin or in another form*
- *Inclusion of a recommendation in the code of conduct*
- *Managers, especially superiors in areas that have a higher susceptibility to corruption, will ensure that these regulations are complied with.*

2.9 Regulating Sponsorship

Strict regulation is also necessary when third parties are prepared to support the task of the government agency. In the public security sector private initiative to contribute to the accomplishment of public functions by the means of financial, factual or personal support has to be valued in another way as for instance in the field of arts. Any appearance has to be avoided, that the independence and impartiality of police authorities could be influenced. Financial or material support to the police should be generally refused. The sponsorship policy should be clearly regulated.

Action:

- *A regulation is put into operation which generally prohibits the acceptance of sponsorship and provides strict conditions for any exception.*

2.10 Reviewing Service Regulations

Service regulations frequently contain regulations which collide with the interests of preventing corruption, or even counteract them in specific cases (e.g. recommendations on the subject of "lean government", standards on simplifying and accelerating procedures, expansion discretionary powers for individual judgments, delegation of decision-making powers, etc.)

Action:

- *Reviewing new and already existing service regulations for possible conflicts of interest; assessment of their "compatibility" with the prevention of corruption, setting priorities.*

3. Task-Specific or Department-Specific Anti-Corruption Measures

Special anti-corruption measures are to be individually tailored to different departments, units, areas of tasks and functions for which increased susceptibility may be supposed due to their respective jurisdiction or the description of the tasks to be performed and related contacts with outsiders. With reference to a police authority, there can be an increased risk in approximately the following areas:

- The award of public contracts of all kinds (incl. the determination of the need for such contracts)
- Issuance of licenses, permits or concessions and checks on the compliance with the conditions imposed by the agency
- Implementation of cost-intensive individual projects (e.g. research and development projects)
- Preparation of expert opinions and other technical reports or provision of consultancy services
- Performance of sovereign or national duties (e.g. prosecution of offenses/misdemeanors, measures to avert risks, conduct of investigatory proceedings, searches)
- Performance of service duties (e.g. inputting and maintaining data, logistics administration)
- Staff billing procedures for ancillary costs (e.g. travel expenses, moving expenses) and other use of budgeted funds (e.g. search costs)
- Lecture activities and entertainment expenses in business

Special anti-corruption measures do not stand alone but are always understood to be in combination with or as a supplement to general measures (see C.2). Thus there are

recommendations which are equally implementable in several target areas and also those which are very specific and thus can only be applied in restricted areas.

In all areas which have proved to be particularly at risk as a result of a risk analysis, special measures suitable for reducing the risk of corruption are to be reviewed and implemented.

For reasons of practicality and the diversity of police fields of action, only a few sample approaches can be indicated in the following. The wording of fine-tuned, task-specific recommendations requiring a detailed knowledge of the respective procedures and tasks should be undertaken, as a matter of principle, by means of a dialogue with the respective departments. This is an important creative task of the person or persons responsible for prevention in police authorities.

Actions:

- *Regular sensitization of the employees assigned to areas susceptible to corruption*
- *Strict selection of personnel (technical, social and moral suitability of candidates)*
- *Deployment of selected executives (raising the issue of susceptibility to corruption as part of the selection discussions; high standards for the performance of monitoring and welfare obligations)*
- *Standards to intensify duties of administration and work supervision, e.g.*
- *Checks on the files, reports at fixed "milestone" intervals (up-to-date follow-up of cases)*
- *Express obligation to perform a minimum number of selective checks in particular problem areas, including keeping records*
- *Staff rotations; roll over of susceptible employees at intervals suitable for the tasks to be performed; if necessary repeated changes (shuttles) between two organizational units*
Alternatives: Avoidance of single rooms for employees with contacts with outsiders; fluctuations while performing the same tasks (e.g. changing rooms and responsibilities of the employees in charge)
- *Separation of functions: Splitting complex task areas and process or decision making processes; avoidance of the concentration of competencies in one person*
- *Standardization of recurring work or case processes (e.g. checklists, use of EDP)*
- *Maintenance of the four- or more-eye-principle in contacts with outsiders (justification for waiving this principle must be provided), formation of teams*
- *Explicit prohibition against the acceptance of gifts, which exceed what would be considered "low-value items" (e.g. simple calendar or pen); in cases of doubt: reference to a conversation with a superior (principle of transparency)*
- *Exploration of the problems related to certain categories of outside employment with the parties concerned/applicants*
- *Thorough examination of all information and suspicious circumstances as they occur*
- *Duty to document all work contacts with businesses, which go beyond the usual police activities (work at a scene of crime, interrogations, etc.); monthly report; input into a database*
- *Internal and external checks of files and invoices (superiors, Internal Auditing, General Accounting Office)*
- *Assisting in the recognition of corruption; elaboration of a grid, which provides information about function-specific indicators*

It must be kept in mind that not all of the recommendations listed can actually be implemented in all of the organizational units and work areas susceptible to corruption. Some proposals, such as staff rotation, can not be implemented at all or only with great difficulty in some areas, due to the special circumstances and possible consequences (risk of the loss of expert knowledge). Waivers of the implementation of important recommendations make increased alertness during the performance of the

duties of administrative and work supervision, and in some instances, special control mechanisms, necessary.

To this extent, the necessity and feasibility of specific actions must be checked ahead of time, as a matter of principle, by the person responsible for preventing corruption and by the respective managers.

3.1 Additional Measures with respect to the Awarding of Public Orders

Public orders are issued by police authorities, for example, with respect to

- Procurements
- Construction and services
- Research and development projects and the
- Preparation of expert opinions,

but also in the form of smaller orders in connection with police assignments (e.g. the removal of a disturbance, the use of interpreters) as well as part of long-term contracts in individual cases (e.g. the operation of canteens) or as open-ended service agreements.

Basically it must be kept in mind that larger orders requiring a public tender should not be split up, in order to enable the discretionary award of such orders due to the reduction of the order amount.

Attributes given contractors such as "reliable" or "reasonably priced" should not lead to competitors being ruled out or for preferring individual contractors over a long period of time without any plausible reason. This applies in particular to open-ended service agreements.

When awarding public orders of all kinds, the following preventive measures are to be considered, in addition to the previously cited recommendations:

- *Instructing employees about bidding regulations and procedures, in particular, compliance with the requirement to make a public bid (if waived, written record of the reasons); strict check if award is not fully open to the public or made without a bidding process*
- *Review of contracts with manufacturers, suppliers or service providers (e.g. inadmissible oral agreements, unfavorable contract terms with a long-term commitment, unusual clauses which unduly favor the contractor)*
- *Listing the consequences for the contractor for corruptly attempts to influence decisions (e.g. claim to damages, exclusion from bidding processes, etc.), adoption of an anticorruption clause in the contracts*
- *Comparison of the planning and the implementation of cost intensive projects and plans (deviations from the planning, expansions of the order, etc.)*
- *Consistent refusal of possible offers by potential contractors, which could influence objectivity (e.g. invitations to dinner, assumption of hotel bills or other measures of "looking after one's customers")*
- *Requirement to strictly separate official and private interests (e.g. no linking of public order with a private interest)*
- *Restrictive standards for visits to firms and trade shows or product demonstrations, e.g.*
 - *Visits to firms according to the principle of "as seldom as possible, as often as necessary"*
 - *Preserving the four-eye-principle (e.g. never working alone)*
 - *Discussions with suppliers or bidders at work, if at all possible*

- *Prohibition against leaving home addresses with (potential) bidders or contractors*
- *Assessment of the bidder or the contractor prior to awarding the order (reliability, technical competency, economy)*
- *Preparation of an overview of all public awards of orders and contractors (e.g. determination of the relative frequency of awards to certain contractors)*

Additional specific measures can be listed for the areas of procurement, services or construction orders, as well as research and development.

3.2 Additional Measures with respect to the Preparation of Expert Opinions

Police authorities may be involved in the preparation of expert opinions and expert reports in different ways, e.g.

- *Crime lab expertises of all kinds (technology, chemistry, physics, biology, etc.)*
- *Security expertises and reports (protection of persons and property)*
- *Expert opinions on real estate to be procured and on the use of new technologies; taking samples*
- *Other expert opinions (e.g. scene of crime reports, psychological and dactyloscopic expertises, etc.)*

Due to the economic goals (profit interests of potential contractors), expert opinions related to security issues (e.g. pertaining to the protection of buildings or other property) and procurement opinions (e.g. technology to be deployed) are highly susceptible to corruption. However, crime lab reports and other expert opinions can be exposed to increased risks (e.g. preparation of "accommodating expert opinions" after being promised a lucrative job preparing expert opinions as a secondary occupation; a client's interest in influencing criminal or civil proceedings).

In addition to the general recommendations made above, the following specific actions can be considered:

- *Treatment of the problem of the attempts made to influence experts as part of staff discussions*
- *Assessment of the client, the purpose and the effects or consequences, respectively, of an expert opinion (e.g. unilateral interests of the beneficiary)*
- *Increased control with regard to the preparation of "accommodating expert opinions" (i.e. those prepared as a favor to one party)*
- *Rejection of possible offers or promises by clients or lobbyists, which could influence the objectivity and neutrality of the expert witness (e.g. promise of lucrative expert opinions prepared in a non-official capacity, functions, publications or lectures)*
- *Restrictive practice regarding the approval of sidelines with respect to the preparation of private expert opinions, in particular in cases where official knowledge or official machinery and equipment is (to be) used*

3.3 Additional Measures with respect to the Issuance of Licenses or Permits and Checking Compliance

Police authorities which deal directly or indirectly with the issuance of government permits and licenses have to cope with applications having different interests and nationalities. Risky situations can also arise whenever the applicant is willing to push his interests and goals through with all of the means, even illegal means, at his disposal (e.g. while building up "legal facades" by Organized Crime), or when foreign nationals, who due to their experience in dealing with public administrations in their native countries, show a certain familiarity with regard offering rewards and gifts, and who consciously or unconsciously transfer their behavioral patterns to Germany (or other countries).

Moreover, it must be kept in mind that police authorities or employees can exert considerable influence on the issuance or withdrawal of licenses and permits within the areas of public administration (e.g. withdrawal of a driver's license, reliability check pertaining to the issuance of arms possession cards and withdrawal of such after the commission of a crime, revocation of a trade concession for noncompliance with duties or obligations).

The frequently strong position that a potential "exerter of influence" thinks that he has makes police employees especially interesting as possible allies in the preservation of their interests for certain "administrative customers" and criminals. To this extent, such employees are exposed to a relatively large risk of becoming the target of corruption measures.

In addition to the general recommendations, the following specific actions can be considered:

- *Clear definition and delineation of discretionary limits and decision-making powers*
- *Enactment and posting of house rules (in several languages) which refer to the problem and consequences of corruption, in particular to the prohibition of the acceptance of rewards and/or gifts.*
- *Staff rotation at shorter intervals; flexibility in the processing of cases (avoidance of processing according to the letters of the alphabet)*
- *Consistent maintenance of the multiple-eye principle (no visitors to rooms with only one employee; team work)*
- *Intensive supervision of work in reports on the reliability of an applicant or when checking compliance with duties or obligations imposed by the authority (e.g. checks of reporting requirements while on probation)*
- *Increased alertness on the part of superiors with regard to possible opportunities for the acceptance of benefits/advantages (even in private life), in particular, performance of their obligation to look after the welfare of their employees*

3.4 Additional Measures with respect to Police Work

There are groups of interested parties who have a particular need for information about the planning, activities and knowledge of the police authorities. This applies to suspects (e.g. averting disadvantages), media representatives (interest in reporting on topics of an explosive nature) or certain businessmen (e.g. early offer of interpreting services for upcoming interrogations). Susceptibility to corruption can also result from the aims of organized criminals to exert influence on pending investigations in the form of promises or gifts in general or on crime-prosecution measures in particular (goals: e.g. suppression of evidence, influencing witnesses).

Taking the topicality and significance of police work into account, the powers to intervene and make decisions that law enforcement officials have, and the existence of numerous sensitive data, susceptibility to corruption is to be expected in the following areas in particular:

- Outside contacts (e.g. with the media, criminals, lawyers or citizens) while performing police tasks (e.g. supervising traffic, prosecuting misdemeanors, public and undercover investigations, implementing measures to prosecute crimes)
- Handling of sensitive data (e.g. input and maintenance of personal data and up-to-date search data)
- Award of (smaller) public orders, for example, to avert risks (e.g. removal of an obstacle to traffic), the prosecution of misdemeanors (e.g. towing services), or the conduct of measures to prosecute crimes (e.g. using locksmiths, interpretation assignments)

Basically all employees who perform police-jurisdiction tasks and/or directly or indirectly have access to police EDP systems must be sensitized, in particular with regard to their possible susceptibility to corruption.

Moreover, other actions are to be reviewed and introduced, if necessary.

Actions:

- *Strict selection of staff for sensitive investigations or duties; limitation of the circle of those "in the know"*
- *Sampling checks of investigation and search activities, exploration of omissions and superficialities*
- *Monitoring of sealed-off organizational units; regular review of the necessity for internal sealin-off measures*
- *Basic review of information and suspicious circumstances with regard to possible erroneous conduct (e.g. accusations made during trials, complaints by criminal lawyers, anonymous information, rumors from within the organization)*
- *Keeping records of inquiries into police databases (sampling); plausibility checks*
- *Consistent reaction to the suspicion of aiding perpetrators after the fact (by preventing their prosecution), disclosure of official secrets or other service-related offenses (e.g. media reports about internal information from criminal proceedings, see Point A.3.2 - indicators in activities related to police-work)*
- *Signs of possible risks or influences via private-life contacts*

D. Concluding Remarks

The task of the corruption commissioners, i.e. the persons in charge of combating corruption in police authorities, consists of reviewing the recommended measures - in dialogue with the respective organizational units, if possible - and then deciding on their implementation. Moreover, they must consider whether additional task-specific actions are to be implemented, which due to their specific uses were unable to be discussed as part of this concept. The recommended list of actions to be taken has a dynamic character in this respect. Creativity is possible and necessary, both during the planning and during the implementation phases.

I am well aware of the fact that some of the measures cited here have already been implemented in certain areas, or that they are being complied with, or that they are

considered to be matter of course, even if this is not always primarily done with a view to preventing corruption.

Preventive measures should not be introduced only after concrete situations making their introduction necessary have occurred. The prevention of corruption is comparable to preventing fires, in terms of approach. Just as fire prevention regulations and alarm systems or fire-extinguishing equipment exist for public buildings, so regulations to prevent corruption, preventive measures and monitoring facilities must be matter of course in public offices and police authorities.

About the authors

Peter Poerting

Born 1952, Doctorate in Business Administration and Economics, 1979 - 1989 Research Officer at Bundeskriminalamt's Criminological Research Unit, specialized in Economic Crime, 1989 - 1996 Head of a Staff Unit, since 1997 Head of the Internal Auditing Unit and Corruption Commissioner.

Werner Vahlenkamp

Born 1947, Police Officer at Bundeskriminalamt since 1970, 1973 - 1983 investigator in the Weapons and Explosives Offences Section, 1983 - 1996 at Bundeskriminalamt's Criminological Research Unit, specialized in General Crime Forecast, Organized Crime and Corruption Prevention, since 1997 at the Internal Auditing Unit.

4.4.3 PREVENTION AND TRAINING (JEAN-PIERRE BUEB)³⁰

Prevention and training are terms which one readily associates. However, the link between these two terms is not always as clear as it seems, especially when one is interested in the phenomenon of corruption. We will thus tackle the subject by successively treating "the concept of prevention", which will be somewhat philosophical, and "training" which is more practical because based primarily on personal experience.

1. The concept of prevention

Prevention is only one of the aspects of the strategy for fighting corruption, which includes at least two others: punishing and sensitising the general public.

Prevention is an apparently simple issue but which relates to many concepts and which appears, when one looks at it a little more closely, as difficult to define because it can be dealt with in many different ways. However, it is talked about more and more, whatever the field in which one works. One could therefore talk about the prevention of corruption (since in theory we have come for that!), of the prevention of alcoholism, disease, unemployment, accidents. These examples show that one always associates prevention with risk. There is no need for prevention if there is no risk.

Risk is thus very closely related to prevention. But the risk is, in itself, a concept difficult to define. Primarily because risk is difficult to measure: if a dam is not built tall enough, a town could be flooded as the highest water level of the last ten years is reached. This kind of flood is not one that will occur in ten years, it will occur, on average, once every ten years. Which means that it could occur next year, like it could in ten years, in a hundred years, or never, or twice in the same year. One is not sure about anything any more, one has gone beyond the realm of reality and entered probability.

To prevent a risk, it is thus necessary to initially measure the importance of the risk. One does this with what one has. Following this, one takes two possible steps: either one does not want to run a risk and one takes the adequate measures (to stop smoking or drinking, for example), or one decides to take the risk and one does not do anything about the potential dangers, as they are worked out on an average. The danger also comes from the fact that we always measure the risk with the possible consequences to us. We do not think of the others. Example of the stretcher-bearer "if you had fallen, I would have been sacked!"

However, the instinct for self-preservation is very strong. It is to protect ourselves from the consequences of the risks taken (voluntarily or not), that we developed a system of insurances. One insures oneself against theft, fire, floods, road or sporting accidents ... insurances allow us to blame others for our own risk-taking: it refunds the amount for the goods stolen, the price of the door broken by the criminals, the expenses for hospital care as a result of an illness or a road traffic accident, ...an insurance replaces a person to take charge of the consequences of his/her acts. But it removes neither the risk nor the responsibility. To take out an insurance is not really an act of prevention.

One thus naturally arrives at the concept of responsibility. When faced with a risk, it is necessary to take one's responsibilities, i.e. to take into account the foreseeable effects of one's decisions and acts, thus managing the consequences of one's decisions. This way,

³⁰ Central Service of Prevention of Corruption (SCPC), France

responsibility become synonymous to freedom, as a free person takes responsibility for his/her acts. To assume one's responsibilities is thus to act in terms of duty: duty to act duty to not be careless. It is also to see one's responsibilities as a professional obligation, as part of a professional moral. To be responsible is thus "to be able to", but it is also "to do, to anticipate, imagine", then "to see". For a civil servant, responsibility is a major part of the pride of his/her profession.

This image of responsibility taken is essential nowadays as to be responsible primarily means to be guilty. When one reads in the press that a culprit is being searched for ...one can be sure that it will be difficult for them. For example, when a football team does not achieve good results, one wants to know who is responsible for this ...generally, one decides that the trainer did not do his job well and he is sacked. In other situations, one turns to the person who carried out the work, to see what mistake he/she has made and what his/her "criminal responsibility" is. To be responsible in the eyes of the public opinion today is to be guilty and deserve a criminal sanction. One is thus very far from the concept of responsibility which we have just mentioned. Nevertheless, responsibility is not only criminal, it can also be disciplinary, civil, administrative or financial.

To prevent is thus to seek to diminish risks, therefore to know them; although not in the way in which the insurer who is satisfied with statistics on the occurrence of cases, but in a precise way to know how the risk situation came about, which leads to analysing the situations to find out which ones present a risk, analysing individual responsibilities to identify the persons at risk, to analysing the supervision to identify those which are failing, to analysing the results to see whether they deviate from those expected. One must thus examine, not only the results of the audit, but also the management methods. Contrary to what one supposed, prevention is a complex activity which requires great knowledge. Fortunately, the tools at our disposal can be simple (elementary statistics), at least on the level of suspicion. On the other hand, proof is always much more difficult to find and requires the use of more complex techniques (audit) or more implication (control, hierarchy, codes.).

The total of this knowledge is never to be found with one individual only. Prevention is teamwork. Prevention requires learning, which must be supplemented by various trainings. A suitable training is a pledge of success.

2. Training

In the work of the SCPC, training takes on each day a more important place. It also diversifies a great deal.

But before being a teacher, one has to learn. One learns through personal experience. One also learns thanks to the experience of others. In an interdepartmental service like the Central Service of Prevention of Corruption, the confrontation of personal experiences of the specialists working there makes it possible to learn more and better. Indeed, each one can, in concrete cases, bring his/her perception of fraud, depending on initial training and the techniques learned professionally. Then, fraud becomes more complicated and branches out, giving rise to a mechanism very difficult to understand as a whole. These complementarities make it possible to "dismantle" the fraudulent mechanisms used to dissimulate corruption. Not only the small corruption offences which can be seen everyday in the street, but big corruption offences, as used on internet, electronic money transfers, tax havens, companies screens.

These are the various analyses stemming from the same phenomenon which make it possible to discover the processes used by the actors of the corruption pact. The analysis deals with the means used to put the money gained into hiding illicitly, to launder it in order to use it without risks, to transfer it to one's family tax-free, to let one's political friends benefit from it ... the analysis also relates to the means and the techniques used which make it possible to justify or dissimulate the fact that funds are being brought out of businesses, to feed a fictional account, to make fraudulent invoices ... This practical knowledge of fraudulent mechanisms used by the various actors of the pact of corruption is essential if one wants to effectively fight this phenomenon. Knowledge of fraudulent mechanisms is a precondition. The trainer must be a "fraud expert" if he wants to teach the techniques in researching and effectively uncovering fraud and corruption offences.

Training does not stop at this stage. There remains an additional stage: the cartography of risks. It is sufficient to know the procedure, it is also necessary to know in which cases it is used. There exists a multitude of processes making it possible to divert money, but these are not used. One process may be used more readily than another in a given situation: fraudulent invoices, for example are not systematically used by companies, but correspond to certain services difficult to evaluate (intellectual services) or to control (foundation or earthworks). To centralise information concerning fraud and corruption, to analyse these data which would lead to a cartography of risks, economic branch of industry by economic branch of industry is therefore fundamental. This cartography makes a note of all the risks, whether due to the type of services, to the person concerned, to the control methods implemented in a company. the final document makes it possible to immediately locate the sectors or situations which involve the most risks in order to examine them in priority instead of seeking out the fraud randomly. It is an essential tool for investigators.

At this stage in the study, the trainer can consider at least three types of training: sensitising, assistance with detection and prevention.

- **sensitising**

It is a question of reminding people who should know them and apply them, about great moral principles and some elementary rules of organisation, administration and management, as well as their responsibilities. One can also give them some advice on better exerting their responsibilities and, in particular, on not forgetting that their hierarchical capacity must enable them to control the work of their subordinates and forces them to take adequate measures to do so;

Sensitising can, sometimes, being more precise, when one deals with a more homogeneous population. Thus, interventions were made by the SCPC before magistrates to remind them of the applicable rules regarding public order and the most frequent drifts.

- **assistance in detection**

This training is addressed to investigators (police force, gendarmerie, customs, competition). It is very technical for it aims to help them to find, in the documents which they examine, the evidence of fraud (which can be used for corruption). It consists of a very fine analysis of the accountancy of companies seeking to dissimulate these frauds and uses, to achieve this, the audit techniques.

It is this type of training which is generally requested from the SCPC. In the field of public markets, for example, trainings intended for police officers and with the gendarmes of the financial brigades evoke the following topics: the offences mentioned in the Criminal Code, the rules of public order, techniques used by companies to divert money, investigations to be carried out in the accountancy of administrations and companies to find traces of these offences.

- **prevention**

This training is undoubtedly the most important one, but it is still under-developed in administrations. It is, indeed, easier for a manager to say that its agents do not carry out their work in all honesty and that it can nothing about it, than to admit that certain duties are risk duties and that he did nothing to minimise these risks.

The objective of this training is thus to make managers and those working for them become aware of their responsibilities, so that they take measures to reduce the risks and temptations to which the agents are subjected to while under their orders. They are requested to themselves take the adequate measures which seem essential, to publish these measures and, later, to check that they have been implemented and that they bring a solution to the noted dysfunction.

If the administrations feel relatively unconcerned by this type of training, public companies, on the other hand, as well as town halls, associations of elected officials or civil servants have begun taking these steps with obvious successes.

These examples show that it is not sufficient to know the law in order to respect it and to point out that the law is not enough to fight, detect or prevent corruption. One can effectively fight this plague only if the risks are reduced. The training of people in charge of the fight against or the prevention of corruption is obligatory, but it will remain useless if one does not take a minimum of precautions in order to decrease the possibilities of corruption of all those in vulnerable sectors or who are themselves vulnerable.

4.4.4 COMBATING CORRUPTION - A TRAINING CONCEPT IN PRACTISE (HANS-JOACHIM RIEGER)³¹

GENERAL INTRODUCTION FOR HORIZONTAL AND VERTICAL TRAINING

The "Horizontal and Vertical Training" is one of the three components of a Phare project "Anti-Corruption Training, Legislation and Information Programme".

This decision was made in order to ensure that all the institutions involved in the training and education of officials providing public services develop an understanding of the nature and sources of corruption as well as the competence to deal with them effectively.

HORIZONTAL TRAINING

After an intensive needs analyses the "Horizontal Training" is offered as a separate compact course. It was decided to develop four specific modules for the "Horizontal Training", covering a three-day seminar.

These four modules were elaborated for all target groups in order to convey basic information on corruption as well as to build an appropriate attitude, i.e. a personal readiness to participate in the fight against corruption. Therefore, the "Horizontal Training" contains both cognitive and affective elements.

On a cognitive level, it is important for members of all target groups to become aware of the causes and phenomenology of corruption as well as of the harmful effects of corruption on the State and society as a whole, on social status and the credibility of the administration, and on the economy.

Therefore, the first module entitled "**Definitions, causes and effects of corruption**" includes such aspects as various definitions and types of corruption, causes of corruption as well as the effects and consequences for society and politics. The emphasis lies on the active dialogue with participants.

Furthermore, the potential of legal measures in the fight against corruption needed to be presented and discussed. Thus, in the second module called "**Legal aspects of fighting corruption**", members of all target groups need to be made aware of the relevant legal norms and of procedures to be followed in cases of corruption. This training module covers the applicable substantive law, in particular the Anti-Corruption Law, relevant norms on disciplinary violations and sanctions as well as relevant portions of the Criminal Code.

The third module, "**Organisational aspects of fighting corruption**", covers forms of detecting corruption, e.g. defining risk areas in public administrations and recognising "alarm signals", which indicate a high probability that a particular civil servant or a group of civil servants are corrupt, and generally applicable methods of preventing corruption through organisational, intra-administrative measures like job rotation in sensitive areas and the introduction of the "four-eye principle" in all sensitive transactions.

On an affective level, it is important for members of all target groups to put into practice the overall accepted ethics and standards for civil servants in their daily work.

³¹ DBB Akademie, Bonn, Germany

Therefore, the fourth module concentrates on how to deal with the possible "**Conflicts of Interest**" and the development and implementation of "**Codes of Conduct**" in public administrations. A particular emphasis of this module is placed on developing problem-solving skills, especially on the basis of a game entitled "Dilemma Situations".

PEDAGOGICAL INTRODUCTION

The paedagogical approach of all the training activities follow the idea that learning can only happen, when the participants have an active role in the seminar. The idea is, that someone will only learn if she or he can use the information for transfer in to day to day work. The participant should be involved in the training. For this the method of inductive learning is as important as deductive teaching. All the activities in the horizontal and vertical training follow this concept.

PEDAGOGICAL APPROACH OF HORIZONTAL TRAINING

The three-day compact course for all employees of the public administration (Horizontal Training "Fighting Corruption") is set up as follows:

For each module corresponding **objectives** were formulated, which indicate clearly whether or not they deal with cognitive or affective objectives and the level of achievement at which they are aimed. (e.g. **to become acquainted** with different definitions of corruption = the lowest level; **to be able to formulate** a definition applicable to one's own area of work = highest level).

In addition, **questions/discussion points** were formulated for each module, which should aid the trainers in initiating a discussion. Possible results and analyses were also anticipated.

Each of the four modules contains an in-depth **basic text**, which serves as a participant script as well as background information for the trainers. Since the basic texts were elaborated by different EU experts, they vary somewhat in set-up and style. They present the EU standard and can be adapted at any time by trainers (e.g. when the legal situation changes in Latvia, the basic text for the module "Legal aspects" needs to be adapted.)

Moreover, **exercises** have been prepared for each module that range from simple multiple-choice tests on analysis and problem-solving tasks for group work to more ambitious role plays. A key activity was the development of a practicable game, which covers actual situations of the participants and shows how conflicting situations have to be solved.

A complete set of **transparencies** is provided for each module, which facilitate the structuring of the trainer's information and presentation style as well as the visualisation of content. The selection of transparencies is quite varied: cartoons, tables, graphical presentations and texts. The transparencies or a selection thereof also make suitable participant materials.

The amount of exercises and transparencies generally exceeds the need, i.e. the trainers therefore need to make a selection on the basis of the framework conditions (e.g. time restrictions) and the target group (e.g. with or without prior knowledge).

HORIZONTAL TRAINING OBJECTIVES

MODULE 1: DEFINITIONS, CAUSES AND EFFECTS OF CORRUPTION

Objectives

The participants should:

- become familiar with the various definitions of corruption from the political, economic and legal points of view;
- become familiar with and be able to discuss the current EU/international standard definition of corruption;
- be in a position to formulate their own definitions of corruption;
- be able to indicate causes and effects of corruption on the State and society as well as be able to analyse them on the basis of materials;
- be able to name the particular causes of corruption for Latvia and be able to debate them using specific materials (e.g. Delna study);
- be able to name, analyse and debate the current effects of corruption for Latvia on the basis of specific materials.

MODULE 2: LEGAL ASPECTS OF FIGHTING CORRUPTION

Objectives

The participants should:

- be made aware of the role of law in everyday life and its meaning for the fight against corruption;
- be able to obtain an overview of the applicable legal norms in Latvia (prevention norms, i.e. administrative law and guidelines, Anti-Corruption Law, sanctioning norms – criminal law and procedural issues) and their areas of application;
- be able to recognise that the occurrence of corruption is related to the risk of being caught and punished;
- become acquainted with the problems of different methods of investigation (e.g. hidden cameras, undercover agents);
- be able to describe the legal situation on the basis of various case study descriptions with the corresponding formulation of questions and (in individual cases) be able to apply the valid legal norms.

MODULE 3: ORGANISATIONAL ASPECTS OF FIGHTING CORRUPTION

Objectives

The participants should:

- be able to indicate and analyse the weak points and the risk areas in the public administration, which favour corruption;
- be able to describe the various kinds of indicators ("alarm signals"), that point to corruption in different areas of the public administration;
- be encouraged to develop guidelines for corruption risk assessment and risk management;
- become familiar with international examples of corruption prevention;

- be able to develop regulations and measures of corruption prevention for their own areas of work;
- become familiar with the organisational, intra-administrative measures of corruption prevention;
- be able to develop suggestions for the implementation of corruption prevention plans and measures for their own areas of work.

MODULE 4: CONFLICT OF INTERESTS/CODE OF CONDUCT

Objectives

The participants should:

- become familiar with examples of conflicts of interest in the area of public administration;
- be encouraged to identify and explain possible conflicts of interest from their own areas of work;
- be in a position to recognise the relationship between conflicts of interest and (possible) corruption;
- be able to develop different ways/measures to deal with conflicts of interest;
- become familiar with international rules for the development and implementation of codes of conduct;
- be able to name the most important aspects, that need to be included in a Code of Conduct;
- be able to develop suggestions for promotion strategies for Codes of Conduct;
- practice ethical behaviour in the role-play entitled "Dilemma Situations".

VERTICAL TRAINING

The needs analyses at the outset of the project made clear that there was a need to provide more detailed information to special target groups where the danger of corruption is especially high, i.e. organisations which face corruption in their day-to-day work:

- Police
- Customs
- Furthermore, we also find the need to do a more in-depth training for:
 - prosecutors and
 - journalists

who play a pivotal role in combating corruption.

For the first group mentioned the project produced additional material for training and manuals for information. The training material follows the concept of the four modules of horizontal training. Specific examples for the police and customs were also added. Of course the examples were modified and focussed on the day-to-day work for police (i.e. traffic police) and customs.

The modules, which are produced, can be used as individual stand-alone modules within a normal seminar or they can be used together for a special seminar on "combating corruption" for the target group in question.

For the second group mentioned the material and information focuses on methods of combating corruption.

Pedagogical Approach of Vertical Training

As in the case of the horizontal training, the material consists of objectives, basic texts, exercises, set of transparencies as well as discussion and question points.

Once again the modules are stand-alone and parts of the different modules may be integrated into various seminars and presentations as needed.

For further information please contact:

Economic Crime Division
Directorate General I – Legal Affairs
Council of Europe, F-67075 Strasbourg, France
Tel: 0033-3-9021-4506
Fax: 0033-3-8841-3955
Email: alexander.seger@coe.int
www.coe.int