

Specialised anti-corruption services - good practice in Europe



Alexander.seger@coe.int

Moscow, November 2005

1

European standards

20 Guiding Principles for the fight against corruption (Council of Europe 1997):

- Principles 3 and 7
- Evaluated during the first round of GRECO evaluations
- Inspired EU guidelines and principles
- Meetings of specialised anti-corruption services 1996 - 2001

2

European standards

Criminal Law Convention on Corruption (ETS 173)

"Article 20 – Specialised authorities

Each Party shall adopt such measures as may be necessary to ensure that persons or entities are specialised in the fight against corruption..."

- independence
- staff
- training
- financial resources

3

The purpose of anti-corruption services

What purpose?

- Investigation / law enforcement
- Internal control
- Prevention within public administration
- Ensure interagency cooperation / multi-disciplinary approaches
- Collect information / monitor corruption situation / receive complaints / monitor declaration of assets
- Improve cooperation between public institutions and private sector / support public awareness/education
- Elaborate anti-corruption strategies / coordinate & monitor implementation

4

Types of anti-corruption services

The purpose determines the type of service!

1. Law enforcement-type services
2. Services for the prevention of corruption
3. Services for public education and support
4. Services for managing anti-corruption strategies
5. Multi-purpose services

5

5

Anti-corruption services in Europe

Law enforcement-type services

Examples:

Italy, Belgium, Hungary,
Germany, Norway, Romania, UK

Strengths:

- Focus
- Specialisation, skills and resources
- Faster, more efficient
- Independence
- Visibility/credibility

Difficulties:

- Corruption not always separate
- Less action by others
- Isolation
- Pressure and undue influence

6

6

Prevention services

Examples:

France, Macedonia, Slovenia

Strengths:

- Focus on core issues
- Broad range of measures
- Focus on high-risk institutions
- Integrate anti-corruption measures in reform process

Difficulties:

- Measuring impact
- Limited control functions/stick
- Rely on cooperation by others
- Cover for lack of enforcement

7

7

Services for public education and support

Examples: None

- No information on specialised services of this type
- Non-governmental organisations
- Support by other anti-corruption services

8

8

Anti-corruption services in Europe

Services for policy, advice and managing anti-corruption strategies

Examples:

Albania, Bulgaria, Serbia

Strengths:

- Ensure implementation of strategies
- Mobilise large range of institutions
- Integration of enforcement, prevention and public education

Difficulties:

- Authority to coordinate vs independence
- Depends on political commitment
- No stick

9

9

Anti-corruption services in Europe

Multi-purpose services

Examples:

Croatia, Hamburg/Germany, Latvia, Lithuania

Strengths:

- Planning and implementation
- Integrated approach
- Concentration of skills and resources
- Visibility
- Independent

Difficulties:

- Limits involvement of others
- Dependence on one service
- Focus on quick results
- High expectations

10

10

Conclusions

- **Most countries in Europe have specialised anti-corruption services**
- **Many services combine several functions / no universal mode / purpose defines type**
- **One or several services? (Complex set up in some countries)**
- **Public education and support neglected**
- **Measuring performance**
- **Independence remains difficult issue**
- **Performance depends on resources and quality of staff and leadership**

11

United Nations standards

United Nations Convention against Corruption

Specialised bodies to be established:

- **Preventive body (Article 6)**
- **Specialised law enforcement body, bodies or persons (Art 36)**
- **Central competent authority for mutual legal assistance (Art 46 (13))**
- **Financial intelligence unit (Art 58) [optional]**

12

United Nations standards

Preventive body according to UNCAC Article 6:

- 1. Existence of a body or bodies that prevent corruption**
 - **capable of implementing preventive policies (art 5) or overseeing and coordinating implementation of those policies (if more than one body is responsible for prevention)**
 - **Increase and disseminate knowledge about the prevention of corruption**

- 2. Grant independence, provide material resources and specialised staff**

13

13

United Nations standards

Functions of the preventive body/bodies according to UNCAC Article 6:

- **Implement, oversee, coordinate, evaluate, promote preventive measures (Art 5)**

Such measures are to include:

- **Civil servants and public officials (Art 7)**
- **Codes of conduct (Art 8)**
- **Public procurement and finances (Art 9)**
- **Public reporting (Art 10)**
- **Judiciary and prosecution (Art 11)**
- **Private sector (Art 12)**
- **Participation of society (Art 13)**

14

14

Preventive body/bodies in the Russian Federation

Council of the President of the Russian Federation to Fight Corruption (Decree no. 1384 of 24 Nov 2003)

- **Anti-corruption Commission**
- **Commission on Resolution of Conflicts of Interest**

“7. The Council is composed of the Chair of the Government of the Russian Federation, Chair of the Federation Council of the Federal Assembly of the Russian Federation, Chair of the State Duma of the Federal Assembly of the Russian Federation, Chair of the Constitutional Court of the Russian Federation, Chair of the Supreme Court of the Russian Federation and the Chair of the Higher Arbitration Court of the Russian Federation.”

15

15

Preventive body/bodies in the Russian Federation

Council of the President of the Russian Federation to Fight Corruption (Decree no. 1384 of 24 Nov 2003)

13. Tasks of the Anti-corruption Commission:

- **Analyse state bodies in view of risks and causes of corruption**
- **Analyse laws in view of risks**
- **Prepare proposals and draft laws to improve functioning of state bodies**
- **Prepare proposals to improve law enforcement**
- **Develop measures to strengthen public and state control of observation of laws**
- **Prepare proposals for international cooperation**
- **Develop preventive measures against limitation of functioning of markets for goods and services**

16

16

Preventive body/bodies in the Russian Federation

Council of the President of the Russian Federation to
Fight Corruption (Decree no. 1384 of 24 Nov 2003)

14. the Anti-corruption Commission has the right to:

- Request and obtain under the established procedure necessary documentation and information from the federal bodies of state power, bodies of the state power of the subjects of the Russian Federation and bodies of local self-government as well as from organizations;
- Invite to their meetings officials from the federal bodies of state power, bodies of the state power of the subjects of the Russian Federation and bodies of local self-government, as well as representatives of the organisations;
- Form permanent and temporary working (expert) groups;
- Engage scientists and specialists under established procedure in order to perform specific tasks, including on the contractual basis.

17

17

Preventive body/bodies in the Russian Federation

Council of the President of the Russian Federation to
Fight Corruption (Decree no. 1384 of 24 Nov 2003)

The Anti-corruption Commission:

- Current composition? (sufficient resources and specialised personnel?)
- Effectiveness to date? (implementation of policies, evaluation of measures, coordination etc.)
- Does it meet the requirements of the UNCAC? (Independence? Known to the public? Public access to / reporting to Commission on corruption? Disseminating knowledge of prevention? Etc.)
- Proposals?

18

18

Preventive body/bodies in the Russian Federation

**Council of the President of the Russian Federation to Fight Corruption
(Decree no. 1384 of 24 Nov 2003)**

The Commission on Resolution of Conflicts of Interest:

- Effectiveness to date?
- Proposals?

19

19

Preventive body/bodies in the Russian Federation

Other bodies in the Russian Federation with preventive functions?

20

20

Other specialised bodies in the Russian Federation

Other bodies required under UNCAC:

- **Specialised law enforcement body, bodies or persons (Art 36) [?]**
- **Central competent authority for mutual legal assistance (Art 46 (13)) [Ministry of Justice or Office of the Prosecutor General?]**
- **Financial intelligence unit (Art 58) [Rosfinmonitoring]**