“International meeting on Effectiveness of Corruption Prevention Measures”

May 18-19, 2015, Zagreb, Croatia

The RACVIAC – Centre for Security Cooperation, the Regional Anti-corruption Initiative (RAI), and the OECD Anti-Corruption Network for Eastern Europe and Central Asia (OECD ACN), in cooperation with the host of the event – the Ministry of Justice of the Republic of Croatia, organized an International Meeting on Effectiveness of Corruption Prevention Measures which took place on May 18-19, 2015, in Zagreb, Croatia.

The meeting was organized around four important anti-corruption topics:

- the effectiveness of measures to prevent corruption;
- monitoring and evaluation of national anti-corruption policies;
- corruption risk assessments and action plans in public institutions and sectors; and
- anti-corruption assessment of legislation.
Mr. Davor Dubravica, Chairperson of the Regional Anti-corruption Initiative (RAI), opened the meeting by stressing that the cooperation between RAI, OECD, and RACVIAC, proved to be fruitful and brought together in the same room more than 90 representatives coming from 25 countries, 8 International Organizations and 6 NGOs. Mr. Dubravica said that RAI would keep growing and keep promoting partnerships that will contribute towards the effective fight against corruption in the region of SEE and beyond, emphasizing that this international meeting is an example of successful cooperation in the field of corruption prevention.

Ms. Olga Savran, ACN Manager, OECD Anti-Corruption Division, stated that by carrying out its mission, the OECD Anti-Corruption Network for Eastern Europe and Central Asia (ACN) acts as a regional anti-corruption programme of the OECD Working Group on Bribery. Ms Savran said that this event was especially important due to collaboration with RAI and RACVIAC and thus bringing together countries that do not always have the opportunity to exchange views among each other.

Ambassador Branimir Mandic, Director of the RACVIAC – Centre for Security Cooperation, welcomed the participants to this event by stressing the opportunity for states from the region and all parties of OECD Anti-Corruption Network for Eastern Europe and Central Asia (ACN), to use this event for exchange of ideas on issues of mutual concern and to share the lessons learned so far. He pointed out that this meeting was a continuation of what was announced during the Conference held in Skopje on 25 November 2014. He reminded the participants that last year in Skopje the RACVIAC – Centre for Security Cooperation and the Regional Anti-corruption Initiative (RAI), in cooperation with the Ministry of Justice of the Former Yugoslav Republic of Macedonia* organized the Conference: “Trends and Challenges in Implementing Anti-corruption Strategies”. He said that the event had recognized the priorities and needs of the SEE countries in terms of efficient implementation of the Anti-corruption Strategies and Action Plans, with an emphasis on monitoring mechanisms.

In the context of the conclusions of last year’s Conference, the key ingredients of a monitoring and evaluation mechanism were determined and would be presented in the publication: “Monitoring and Evaluation of the Implementation of National Anti-Corruption Strategies and Action Plans – Methodology”, shown for the first time in public during this event.

* Turkey recognizes the Republic of Macedonia with its constitutional name
**High Level Session: Main Achievements and Challenges in Preventing Corruption**

Moderator: Ambassador Branimir Mandic, Director of Centre for Security Cooperation - RACVIAC

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**Mr. Ivan Crncec**, Assistant Minister, Ministry of Justice of Croatia, welcomed the participants on behalf of the host country and the Ministry of Justice of Croatia. Mr. Crncec praised the role of OECD, RAI and RACVIAC in organizing this international meeting expressing his satisfaction as a representative of the host country to welcome such a big number of relevant professionals dealing with anti-corruption. He presented the latest efforts of the Croatian government in terms of reforms aimed at improving the effectiveness of the anti-corruption measures. Assistant Minister Crncec finally expressed his gratitude to the participants and organizers and invited all to use this event to learn from each other.

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**Minister Pawel Wojtunik**, Head of the Central Anti-corruption Bureau (CAB), Poland, presented the Polish experience by explaining the organizational structure of the Bureau as a special service which combats corruption in the public and private sector, especially in the state and local government agencies, as well as fights against any activity which might endanger the State’s economic interests. Mr. Wojtunik presented the organization, its structure and historical background. He focused on the links between crime and corruption as two correlated phenomena that cannot be tackled independently. Mr. Wojtunik explained that the CBA is a special service with pre-trial police powers, entitled to conduct: operational activities, investigational activities, control activities, analytical and informative activities (including corruption prevention and information on anti-corruption). In criminal investigation, the CBA officers are entitled to use police powers which may be supported by special measures, such as: operational control, e.g. wiretapping, undercover operations, and technical surveillance.

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**Ms. Elena A. Panfilova**, Chair of the Center for Anti-corruption Research and Initiative Transparency International – Russian Federation; and Vice-Chair of the Board of Directors, Transparency International, emphasized the importance of public – private cooperation, highlighting that events such as this international meeting, which are offering both governmental and civil society representatives to share their views, are very important for the future of the fight against corruption. Ms. Panfilova underlined that, unlike years ago, when all the measures against corruption used to be the same – from
country to country, from neighbor to neighbor, today we have specific programs built for the specific needs of a country, a city, or a sector. With this approach of tailor-made programs, the fight against corruption is taken to a new level and the effectiveness of the new anti-corruption strategies and action plans must prove to be much higher.

**Mr. Marin Mrceła**, GRECO President, gave a presentation about the Corruption Prevention measures through GRECO’s Experience. Mr. Mrceła started his presentation by stating the objectives of GRECO - to monitor compliance with the Council of Europe’s anti-corruption standards, identify deficiencies and prompt reforms and promote and share good practices.

He said that today there are 49 member States to GRECO (awaiting EU soon to join). Further in his presentation, Mr. Mrceła explained more on GRECO’s Four Evaluation Rounds done so far and provided some practical real-case examples from recommendations given to states during the different rounds of evaluation. The monitoring of anti-corruption strategies is essential for their implementation and improvement. But, the most important part to implement an anti-corruption strategy successfully is the political will. In his concluding remarks, GRECO’s President put a special focus on the role of the media stating that the fight against corruption without public is impossible.

Mr. Mrceła finished his presentation by raising the question of the importance of education in building new culture in the fight against corruption, asking the participants to think about the issue of when this new culture should start.

**Roundtable Discussion:**

This session was dedicated to countries’ high level representatives who gave their own national experiences on:

- The key measures taken to prevent corruption.
- The key priorities of anti-corruption policies for the coming years.
- How to better assess the outcomes and impact of anti-corruption strategies.

**Mr. Mevludin Dzindo**, Assistant Director of the Agency for the Prevention of Corruption and the Coordination of the Fight Against Corruption (APIK), Bosnia and Herzegovina (BiH), shared the BiH experience by presenting the novelties introduced by the Anti-corruption Strategy and accompanying Action plan of Bosnia and Herzegovina for the period of 2015-2019. He highlighted that the Agency faced challenges in the implementation of policies and measures of the 2009-2014 anti-corruption strategy (ACS) and Action Plan (AP).

New approach in preparing the 2015-2015 strategy aims to overcome the identified challenges by being deductive, meaning to go from the general to the specific. First, all obligations from the anticorruption conventions that BiH has ratified, EU standards and best practices in the region in this scope, were identified and enumerated. Second, situation analyses were prepared as a “snap-shot” of the current anti-corruption situation, with major issues that had to be addressed. On the basis of these findings, specific general policies that BiH needs to
implement in order to increase the efficiency in the fight against corruption were formulated and specific activities in the AP are created, with defined carriers of obligations and deadlines, indicators for success and financial indicators for their implementation.

Ms. Tatjana Babic, Director of the Anti-Corruption Agency of Republic of Serbia gave an overview of the development of Serbian national strategic documents in the past period with the package of anti-corruption laws harmonized with the multilateral conventions ratified by Serbia. Ms. Babic noted that the new anti-corruption Strategy obligates state authorities and other institutions to take a "zero tolerance" approach, and formulates goals to halt corrupt activities in politics, public finance, privatization, the judiciary, police, spatial planning and construction, health care and media. The ACA was established as an institution with a strong preventive role that had been lacking in any authority which had theretofore dealt with corruption. Its main objective is improving the situation regarding this area, in cooperation with other public authorities, the civil sector, the media, and the public in general. Among other things, the ACA is authorized to work on development of integrity plans for, and in cooperation with, state authorities in preventive sense. These plans are aimed at reducing and eliminating risks of the emergence and development of corruption. While the Ministry of Justice is the coordinator in the implementation process, the Agency collects information on the experience and obstacles to the efficient implementation of the Strategy and Action Plan and submits a report on this to the Government of the RS. She emphasized that that the monitoring of implementation of the Strategy and Action Plan is under the competence of the Anti-Corruption Agency.

Mr. Idilir Peci, Deputy Minister of Justice of Albania, pictured the Albanian experience by emphasizing the need for comprehensive approach in the fight against corruption as an internationally accepted standard. He pointed out that corruption is a major obstacle to social development and state progress in general, and that corruption is marked as one of the key destabilizing factors for the process of European integration. Further, the new Albanian Anti-Corruption Strategy was explained highlighting the multi-dimensional interventions of the Government of Albania in the fight against corruption. New international cooperation projects are supporting the implementation of the comprehensive national Anti-corruption Strategy and the related Action Plan with a three-fold objective. Firstly, to improve the capacity of public administration, secondly, to increase private sector engagement, and thirdly, to contribute to changing perceptions of corruption, particularly among civil society with a special focus on youth. The monitoring of the ACS and its AP is done on quarterly basis, performed by the National Coordinator against Corruption - NCAC Secretariat based on the feedback from contact point’s network. Main goals of the new strategy are: ensuring transparency and accountability through public scrutiny; modernization of procedures, with special focus on improving the quality of service delivery; strengthening inter-agency cooperation by further enhancing proactive investigation; assessing the risks in most vulnerable sectors: health and education; and enhancing prevention of corruption in public administration.
Mr. Driton Lajci, Advisor to the Minister of Justice of Kosovo*, spoke about Kosovo*'s experience in monitoring the AC Strategies implementation. He explained the structure of the latest Strategy 2012-2016 which is composed of seven priority areas: Political Sector; Local Government; Central Administration; Law Enforcement, Prosecution and Judiciary; Public Finances and their management; Public Procurement; Private Sector and Business Environment; and Civil Society and Media. As far as monitoring goes, in accordance with the general and specific objectives established for each priority sector in the Strategy, including both horizontal and vertical priorities of the Strategy, the Action Plan was designed to implement these objectives through specific and concrete anticorruption measures. It consists of specific action-plan objectives and measures, together with tangible success indicators and clear and realistic timelines. When the timelines are indicated as „ongoing“, it implies that the progress in such measures is supposed to be reviewed annually, in co-operation with corresponding institutions. Besides the Agency, vital part of Kosovo*'s anti-corruption framework are the Office for good governance, each of the ministries with their own web sites, the public procurement agency, as well as media – press council of Kosovo*.

*This designation is without prejudice to position on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo Declaration of Independence. (In accordance with Arrangements regarding regional representation and cooperation.)

Mr. Yavor Siderov, Adviser to the Deputy Prime Minister for European Policy Coordination and Institutional Affairs, Bulgaria shared the Bulgarian experience by presenting the current situation in Bulgaria in the area of anti-corruption as overhaul in anti-corruption policies. The many changes introduced simultaneously are all aiming at improving the fight against corruption making it efficient and transparent process. The new five-year national Strategy contains 33 specific measures in six primary areas, with the fight against corruption at the highest governmental levels a top priority. The other five target areas include establishing an effective anti-corruption system; combating political corruption; preventing corruption in the judiciary, ministry of the interior and supervisory authorities; eliminating "petty" corruption in everyday life; and creating an environment of public intolerance to corruption. Setting up a special body that will look into assets acquired by senior state officials and possible conflict of interests in their decisions is also part of the Bulgarian Government anti-corruption programme. Legislation defining the powers of the new anti-corruption body, which should resemble the Romanian AC agency, should be approved by parliament by the middle of 2015 and It should start operating at the beginning of next year. According to the strategy, by 2020, Bulgaria hopes to be a country where petty corruption is at European Union average levels, high-level corruption...
does not remain unpunished, anti-corruption institutions work efficiently and have a real deterrent effect, and perceptions and experiences of individuals and companies regarding the level of corruption in Bulgaria are significantly reduced.

**Mr. Goran Milenkov**, President of the State Commission for Prevention of Corruption of The Former Yugoslav Republic of Macedonia*, highlighted that the Commission is autonomous and independent in performing the duties prescribed by law and it has a status of a legal person. Responsibilities of the State Commission in accordance with the provisions of the Law on Prevention of Corruption are: Adopting the National Programme for Prevention and Repression of Corruption and Action Plan for its implementation; Adoption of annual programs and plans for the work of the State Commission; giving opinions on draft laws of importance for the prevention of corruption; Presents proposals to the competent authorities to control the financial and material operations of political parties, unions and civic associations and foundations; On the other hand, responsibilities of the State Commission under the provisions of the Law on Prevention of Conflict of Interest are: Adoption of the State Program and Action Plan for the prevention and reduction of conflict of interest; give opinions on draft laws important to prevent conflicts of interest and checking declarations of interest; review of cases of conflict of public and private interests determined by law; Submitting a report on its work and on the measures and activities undertaken to fight corruption to the Assembly, and to the Government and the media, cooperation with other state bodies in the prevention of conflict of interests. Other responsibilities of the State Commission are: in accordance with the provisions of the Law on Lobbying and in accordance with the provisions of the Electoral Code. Having in mind the setup of the Macedonian legal system for fighting corruption the SCPC is the main body that implements and monitors the AC Strategy and its Action plans on both state and local level.

*Turkey recognizes the Republic of Macedonia with its constitutional name*

**Mr. Jaroslavs Strelcenoks**, Director of Corruption Prevention and Combating Bureau, Latvia, spoke about Latvia’s experience in Monitoring and evaluation of AC Strategies and Action plans. The Corruption Prevention and Combating Bureau of Republic of Latvia (KNAB) is the coordinating body for implementing the national programme. KNAB’s strategy for 2013-15 focuses on institutions in charge of significant assets and resources, healthcare, the judiciary, law enforcement, and political party finance. KNAB works in cooperation with the Finance Police, State Border Guard and other institutions. Appropriate standards for the accountability and integrity of elected officials set an example for others, and are a crucial element in preventing high-level corruption.
**Mr. Talgar Serikbayev**, deputy head of the Preliminary Investigation Department at the Civil Service and Anti-Corruption Agency of Kazakhstan shared Kazakhstan experience by explaining the role of the Agency in Fighting with Economic and Corruption Crimes as the key body responsible for preventing, detecting and investigating different types of economic, financial and corruption crimes. The emphasis is placed on eliminating corruption preconditions and not on fighting its consequences. The key goals of the strategy are: forming an anti-corruption culture; fighting corruption in the public, quasi-public and private sectors; introducing the institute of public control; preventing corruption in judiciary and law enforcement bodies; developing international cooperation in fighting corruption; and monitoring the progress of the programme.

**Session 2: Trends and Challenges in Monitoring and Evaluation of National Anti-Corruption Strategies**

Moderator: Mr. Davor Dubravica, Chairperson of Regional Anti-corruption Initiative


Hoppe’s presentation focused around three main questions/messages: Message 1: Forget about fancy indicators. Where he explained why there is no perfect indicator and the whole issue over measuring complex social phenomena such as corruption. Message 2: The methodology of monitoring is very easy. And here Mr. Hoppe explained that everything that states should do is easily explained in the ten principles of effective monitoring and evaluation. Yet the human factor and political will are much more complex phenomena that cannot be summarized in a set of principles. And the third message comes as a consequence of what is already said - Message 3: “In monitoring, the methodology is not the main problem, but how it is implemented”. With this Mr. Hoppe sent a clear statement for the states in the region and beyond, that the regional platform can do only that much as showing the best comparative approach, but it remains to the will of the individual states to bring any methodology to life by strictly following its principles.
Mr. Ronan O’Laoire, Associate Crime Prevention and Criminal Justice Officer, UNODC, explained the monitoring impact of anti-corruption strategies. He started his presentation by presenting the status of UNCAC in terms of number of parties to the Convention, which is currently raised to 173 states. Also, chapters of the Convention were explained: Chapter II Preventive measures; Chapter III Criminalization & Law Enforcement; Chapter IV International Cooperation; and Chapter V Asset Recovery.

Further on, Mr. O’Laoire gave the key elements of an Anti-Corruption Strategy: Starting with the drafting process, through preliminary analysis and diagnosis to actual anticorruption policy plan, and then focusing on effective implementation in order to finish with monitoring, evaluating and reporting. He finished his presentation by putting emphasis on the education, promotion of the implementation and increase in public support.

Ms. Anneli Sihver, Advisor at the Public Administration and Civil Service Department of the Ministry of Finance of Republic of Estonia spoke about design of integrity measures based on indicators.

Ms. Sihver explained the system of Coordination of Civil Service Ethics and the Coordination role of the Ministry of Finance which consists of: organizing work of Council of Ethics for Officials; developing civil service ethics infrastructure; organizing horizontal and organization-specific training courses; elaboration of central guidelines on ethical issues; advising organizations and officials on individual cases; and monitoring state of affairs of ethics via surveys.

Ms. Kätlin-Chris Kruusmaa, Advisor at the Ministry of Justice of Estonia gave a presentation on Estonia experience in monitoring anti-corruption strategy and its impact. She explained that the Ministry of Justice is responsible for development and implementation of the AC Strategy, guided by the Anti-Corruption Act. The AC strategy for 2013-2020 has three broader objectives: promotion of corruption awareness; improvement of transparency of decisions and actions; and development of investigative capabilities of investigative bodies and prevention of corruption that could jeopardize national security. Speaking of assessment of the Strategy effectiveness, Ms. Kruusmaa explained that the Strategy results will be assessed on the basis of surveys - primarily the questionnaire survey “Corruption in Estonia: A survey of three target groups”; and international assessments and recommendations to Estonia - GRECO, OECD, UN, Transparency International.

Mr. Ruslan Stefanov, director of the Center for the Study of Democracy from Bulgaria, gave a presentation titled: Monitoring Anti-corruption Reforms: experience from Bulgaria and the EU Anti-Corruption Report. Speaking of EU AC Report, he stated that while some states have Strategy and AC agency, others do not. Also, he pointed that
some European states see themselves as above the corruption problems that others are facing. On the other hand, when the SEE Regional Anticorruption Report on AC Strategies is in question, groups of sample indicators for particular objectives of the anticorruption strategy/programme are emerging. Group 1 includes indicators for assessment of the implementation progress of specific measures, included in the anticorruption Strategy/Programme. Group 2 focuses on monitoring and assessing anticorruption effects of strategies/programmes; and Group 3 pays particular attention on monitoring and assessing the ultimate impact of the Strategy/Programme on public service delivery. Finally, Mr. Stefanov gave examples of proposed indicators, including measures in the public sphere: prevention and counteraction of corruption in the high ranks of power; measures in the economic sphere: public procurement and concessions; civic control and cooperation with civil society: assessment of the spread of corruption and the effectiveness of anticorruption policies.

Mr. Zurab Sanikidze, Director of Analytical Department at the Ministry of Justice of Georgia and Secretary of the Anti-Corruption Council of Georgia presented the monitoring and evaluation Methodology of anticorruption strategic documents through the Georgian experience. Mr. Sanikidze gave an overview of the institutions for preventing and combating corruption in the Georgian legal system. He also presented the structure of the new Anti-Corruption Strategy & Action Plan 2015-2016 and gave overview of their strategic priorities. Speaking of the monitoring process and the monitoring Methodology, Mr. Sanikidze explained it is accomplished in three stages: 1st stage: progress report and monitoring tool; 2nd stage: focused around the monitoring report; and 3rd stage: the evaluation report, aimed at assessing achieved results and their effectiveness/efficiency as well as analysis of existing situation, identification of gaps and challenges in the Action Plan implementation process.

Mr. Tilek Saiakbaev, Chief of the Corruption prevention policy department at the Ministry of Economy in Kyrgyzstan gave a presentation on measuring effectiveness of anti-corruption measures in Kyrgyzstan. He presented the role of monitoring and evaluation (M&E) as a component of the anti-corruption policy, and a key analytical tool. Mr. Saiakbaev noted that M&E allows the government to specifically measure the success in achieving the ultimate goals in the field of combating corruption and it strengthens the credibility of the state in front of the public by a clear awareness of the results of the implementation of anti-corruption measures. Mr. Saiakbaev also explained the procedure for assessment of the ACS and its stages.

Second day of the event started with the Presentation of Mr. Valts Kalniņš, researcher at the Centre for Public Policy “Providus”, Latvia, presented Commentaries from countries, representatives of partner organizations on the OECD ACN Thematic Study “Prevention of Corruption in the Public Sector in Eastern Europe and Central Asia”. Mr. Kalniņš presented the objectives of the Study and the questionnaires received from governmental and non-governmental parties from 20 different countries. Many common
measures and practices can be derived as commonalities and trends, and among them Mr. Kalniņš mentioned: Mandatory or optional screening of (draft) laws; some new sophisticated risk assessment methodologies; usually what is monitored is the output, but not the outcome/impact. Also, institutionalized NGO involvement and monitoring of ACS by NGOs, a lot of training and awareness-raising campaigns whose impact is often unclear, as well as fragmented and limited whistleblowers protection, are commonly found as characteristics of the fight against corruption across countries. Mr. Kalniņš also gave few examples of innovative measures, such as Verification of the implementation of integrity plans with the help of client surveys, and web-based platforms for the elaboration of AC plans in Serbia, as well as thematic evaluation missions on the ACS measures by expert teams which are conducted in Romania. Mr. Kalniņš finished his presentation by presenting examples of well-designed measures such as Single “space” to render public services in Azerbaijan and Georgia, and also by providing a list of selected policy recommendations, which among others included the recommendation to publish budget data online in such detail and form that is relevant and useful for the citizens.

Session 3: Corruption risk assessments and institutional and sectorial action plans.

Moderator: Mr. Roel Janssens, Office of the Co-ordinator of OSCE Economic and Environmental Activities/ OSCE Secretariat

Ms. Nadja Kammerzell, Customs Attaché, Permanent Representation of the Federal Republic of Germany to the European Union, presented the share of revenues collected by Customs as a percentage of total revenues across countries, implicating why customs administrations are therefore particularly exposed to corruption. Ms. Kammerzell presented Legal framework for preventing and combating corruption, as well as the criteria for establishing the corruption risk. Ms. Kammerzell showed example from the so called „Risk atlas“ in Germany, as well as the main elements of the internal and external audit. In the end, she concluded that risk mapping is a valuable tool in the fight against
corruption. It helps already by preventing corruption instead of being limited to the prosecution of cases. The purpose of risk assessment is to analyze the different working areas with regard to their abstract and concrete risk for corruption, which safeguards are already in place, if these are sufficient or further safeguards need to be installed. Also, often it led to the successful defense and prosecution of attempts of bribery through economic operators.

**Ms. Inese Rīta**, Senior Investigator at the Financial Police department of State Revenues Service in Latvia gave a presentation about the Latvian experience in Corruption prevention measures in tax service and the results achieved. She explained the main tasks of the State Revenue Service, principles of good governance in the State Revenue Service, and the process of managing corruption risks from Identification of the risk of corruption, through risk analysis and assessment of corruption risk and prioritization, to specific actions and assessment. She also listed the nine different Measures to address the opportunities for corruption, and finished her presentation by listing the Internal rules for the prevention of conflict of interest, such as the "Guidelines for the heads of structural units to prevent opportunities for corruption" and the "Guidelines on the Application of staff rotation in the structural units of the State Customs Revenue Service".

**Mr. Valentin Topoloiu**, Preventing corruption officer at the Anti-corruption General Directorate of Ministry of Internal Affairs of Romania, had a presentation on Corruption risk assessment in the Ministry of Interior of Romania. He explained the role of the Anticorruption General Directorate and systematically elaborated the scheme of the organizational structure of the Ministry of Internal Affairs. Mr. Topoloiu further explained the role of the Anti-corruption Studies and Prognosis Unit, and noted the difference between Risk – The probability of a crime being committed and the harm it may cause; and Vulnerability – weakness in the regulatory and control system of specific activities and the intention to commit a corruption crime. The Identification and description of risks as well as estimating the probability of risks materializing, assessing the impact, evaluating the efficiency of the measures in place for preventing / controlling corruption risks, assessment of risk exposure and classification and ranking of the risks according to the priority of intervention, were part of Mr. Topoloiu’s presentation. He finished the presentation by explaining the types of control measures they employ.

**Mr. Audrius Bereišis**, Head of Anti-Corruption Assessment Division, Special Investigation Service, Lithuania, presented to the audience the Corruption risk assessment system and achievements in Lithuania by focusing the presentation on aspects of: the corruption risk assessment system, suggestions for eliminating corruption, results of corruption prevention, and as conclusion: what Lithuania has done and what must be done in the future.
Session 4: Anti-Corruption Assessment of Draft Laws and Legal Acts

Moderator: Mr. Radu Cotici, Head of RAI Secretariat

Dr. Tilman Hoppe, Anti-Corruption Expert presented the RAI/RCC Methodology on anti-corruption assessment of laws. He started by showing the map of countries that have corruption proofing in their anti-corruption systems. Next, Mr. Hoppe showcased the cycle of anti-corruption assessment of legislation explaining the key elements of the process of proofing, such as the scope of the legislation that is/will be proofed for corruption risks, prioritizing laws, timing i.e. when or at which moment of the legislative process the proofing is done, entity in charge or which governmental body to undertake the assessment, the structure of the report produced, how to ensure compliance with the report findings, and finally online publicity – which is giving additional power of the report. In continuation of his presentation Mr. Hoppe provided examples of corruption risks including: regulatory gaps, lack of or unclear administrative procedures, or lack of procurement procedures. Additionally he discussed the risk categories such as ambiguity – which can be ambiguity in language or ambiguity in legal coherence. He finished by explaining the “Ten Principles of Effective Corruption Proofing”.

Ms. Yeongmi Kim, Assistant Director of Corruption Impact Assessment Division at Anti-Corruption and Civil Rights Commission, Korea, had a presentation on the Corruption impact assessment system of Korea. Ms. Kim focused her presentation on the meanings and functions of the corruption impact assessment – CIA in Korea, explained the background of the CIA Division, and how to work with CIA, provided examples on the process of selection of the laws to be assessed, listed the corruption-causing factors and finally presented the achievements of the Corruption impact assessment system of Korea. Ms. Kim explained that the intent behind the legal analysis is to find out and remove corruption-causing factors (CCFs) starting from the beginning of the legislation process. She also highlighted that the adequacy of the burden of compliance is related to the level of costs/efforts which comply with the legal obligations and should be appropriate or else, people would bribe officials. Also, the same applies to the adequacy of the level of sanctions. The level of sanctions should be appropriate, as if it is too lenient, then people do not stop violating, while if it is too severe, people are prone to buying off officials. Ms. Kim closed her presentation by stating the achievements of the Anti-Corruption and Civil Rights Commission of Korea that can proudly state
Ms. Maria Popescu, Head of the Legislation and Anti-corruption Expertise Division at National Anti-corruption Center of the Republic of Moldova presented the effects of anti-corruption assessment of laws on legislative process in Moldova. She started by stating that the National Anti-corruption Centre is a specialized body of the Republic of Moldova on prevention and combating corruption. Talking about the success rate of the Centre, Ms. Popescu stated that within four months of 2015, 203 files were transferred to the Centre for processing representing 76% of all legislation. In these 203 cases, 448 corruption factors have been found, of which 290 were excluded by the authors which is 65% efficiency. Ms. Popescu concluded by stating that to a certain extent, the success of the National

Anti-corruption Centre is much influenced by the fact that the division for anti-corruption assessment of legislation is working with the Office of the prosecution, on operational and investigative activities, with the Service for Combating Money Laundering and Financing of Terrorism and the Intelligence Unit. An important factor is that one institution is involved in the prevention of and the fight against corruption. This cooperation gives positive results.

Prof. Mykola Khavroniuk, Centre for Political and Legal Reforms, Ukraine, addressed the attendees explaining the anti-corruption assessment of legislation done by the civil society in Ukraine. Prof. Khavroniuk stated that the purpose of the examinations of the normative-legal acts and draft legal acts is the identification of the factors that contribute to corruption offenses. Examination under the Act may be mandatory or public. Mandatory anti-corruption examination in Ukraine is carried out by the Ministry of Justice, and by the relevant committee of the Supreme Office of Ukraine, as well as by the National Agency for prevention of corruption. Public anti-corruption expertise on the other hand needs the initiative of individuals, associations, legal entities and is carried out by any means other than the budget. The results are subject to mandatory review by the originator of the relevant act. Talking on the results achieved, Prof. Khavroniuk noted that from November 2014 to date total 102 trained expert opinions were given. In 87% of the bills corruption risks were detected, a total of 670 found. The most common corruption-factors are collisions, latitude of discretionary powers, and Gaps in the rules of substantive law.
Ms. Munira Shoinbekova, from OSCE’s Office in Tajikistan, gave a speech focused on the issue how to integrate anti-corruption assessment of legislation into the deeper policy of the state. She also presented a Methodology on anti-corruption assessment of laws produced for OSCE by TI experts joint with governmental representatives and independent researchers. Questioners were used for the creation of the Methodology which is making it to be grass-roots material but still remains a challenge how to implement the Methodology and to actually integrate the anti-corruption assessment in the curriculum of the government institutions. Ms. Shoinbekova noted that supporting the integration of anti-corruption assessments into the legal policy of Tajikistan through methodologies for public servants, and through the creation of an inter-institutional working group, will remain one of the priorities of the Office over the next two years in its efforts to assist Tajikistan in fighting corruption.

Wrap-up session

Moderators: Ms. Olga Savran, Manager, OECD Anti-Corruption Network for Eastern Europe and Central Asia; Mr. Davor Dubravica, Chairman, Regional Anti-corruption Initiative

During the wrap-up session, all countries and NGOs representatives, speaking in one voice for one entity, answered two main questions asked by the moderators:

1. What is the one thing that they learned, or what left most impressions on them from the conference; and
2. What is the one thing that they think should be in focus for next year’s event on anti-corruption.

The International Meeting on Effectiveness of Corruption Prevention Measures ended with the moderators of the final session listing the outcomes of the event and possible next steps, accompanied by big thanks for the host country for the great welcoming and gratitude to the participants for their active involvement in the fruitful discussions during the two days fulfilled with questions, discussions, speeches and presentations.

Complied by:
-RACVIAC – Centre for Security Cooperation
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