Annex 3

Presentations from Session 2

Specialised Anti-Corruption Institutions
Fighting Corruption - The Hong Kong Experience

Mr Thomas Chan Chi-sun, Director of Corruption Prevention, Independent Commission against Corruption, Hong Kong Special Administrative Region, China

Slide 1

Slide 2
Slide 3

The Bad Old Days...

Corruption
- A way of life in Hong Kong in the 60’s and 70’s
- Pervasive in both public and private sector

Slide 4

The Bad Old Days...

Slide 5

THE AWAKENING...

Fighting Corruption – The Hong Kong Experience
Slide 6

**Public Outcry**

- In 1973, a senior Police officer fled while under corruption investigation.
- Public resentment reached boiling point.

Slide 7

**Call for Action**

- Public protests and street demonstrations
- Slogan: “Fight Corruption, Arrest Godber”

Slide 8

**Answering the Call**

- ICAC: The Independent Commission Against Corruption
- February 1974
Slide 9

30 YEARS ON …

Slide 10

“Hong Kong has become the Anti-Corruption Capital of the World”

Mr. Ronald Noble, the Secretary General of Interpol, said at the ICAC-Interpol Conference 2003

Slide 11

Achievements
- Clean and efficient civil service
- Level playing field for business
- Cultural change
Slide 12

Clean Civil Service

- Substantial drop in the % of corruption complaints in the public sector

1974: 88%
2004: 34%

Slide 13

Clean Civil Service

- Substantial drop in the % of corruption complaints in the public sector

  - ranked HK the world’s freest economy
  - resting on four pillars: the rule of law, an independent judiciary, a low tax rate and a clean civil service

Slide 14

Level Playing Field

World Economic Forum: Global Competitiveness Report 2004

- The corruption-free environment of Hong Kong is the key factor contributing to Hong Kong’s superiority as the SECOND most competitive city in the world.
Slide 15

**Level Playing Field**

Political and Economic Risk Consultancy 2005 Survey
- perception of 900 expatriate businessmen
- Hong Kong: ranked as the **THIRD** cleanest place in 12 Asian regions

Slide 16

**Cultural Change**

- from tolerance to REJECTION
- willingness to divulge identity
  - 1970s: 33% non-anonymous complaints
  - 2004: >70% non-anonymous complaints

Slide 17

**QUIET REVOLUTION**
Mission

With the community, the ICAC is committed to fighting corruption through effective law enforcement, education and prevention to help keep Hong Kong fair, just, stable and prosperous.

Legal Basis

ICAC Ordinance (s.12)

- investigate all allegations of corruption and election offences
- educate the public against the evils of corruption and enlist public support
- improve practices and procedures in the public sector to reduce the opportunity for corruption

3-Pronged Strategy

- Strong deterrent
- Change of social values
- Enhancing Governance
3-Pronged Strategy

- Investigation
- Fight Corruption
- Change of social values
- Enhancing Governance

Slide 22

3-Pronged Strategy

- Investigation
- Fight Corruption
- Community Education
- Enhancing Governance

Slide 23

3-Pronged Strategy

- Investigation
- Fight Corruption
- Community Education
- Prevention

Slide 21
Slide 24

ICAC Organization

- Commissioner
- Community Relations Department
- Operations Department
- Corruption Prevention Department

Slide 25

Statistics 2004

- Corruption reports received: 3,746
- Pursuable corruption reports: 2,856
- Non-anonymous corruption reports: 70%
- Persons prosecuted: 417
- Conviction rate: 83%
- Civil servants disciplined: 161
- Corruption prevention reports: 96
- Private organisations received advice: 369
- Seminars and talks delivered: 4,680
- Non-anonymous corruption reports: 70%
- Conviction rate: 83%
Success Factors

- Independence
- Commitment
- Accountability
- Community Support

Slide 28

Independence

Basic Law

Article 57

- A Commission Against Corruption shall be established in the HK Special Administrative Region.
- It shall function independently and be accountable to the Chief Executive.

Slide 29

Commitment

Powerful Legislation

- strict provisions
- wide investigative powers
- heavy sanctions
Slide 30

Commitment

Resources

• about 1,200 dedicated and professional staff

• annual budget: US$90M

Slide 31

Accountability

Slide 32

Accountability

Independent

Advisory

Committees

Fighting Corruption – The Hong Kong Experience
Slide 33

**Accountability**

- Independent Prosecution Authority
- Independent Judiciary
- Independent Committees
- Free Press

Note: The Hong Kong Experience

Slide 34

**Community Support**

- In the 2004 Public Opinion Survey:
  - Over 99% public support ICAC

Note: Fighting Corruption – The Hong Kong Experience

Slide 35

**Conclusion**

- Fighting Corruption – a Holistic Approach
- No single model suits all
- International Co-operation and Capacity Building
THE MISSION CONTINUES ...
Fighting Corruption in Croatia - Experience of USKOK
Mr Dražen Jelenić, Deputy Director, Office for Prevention of Corruption and Organised Crime, Croatia

My name is Dražen Jelenić, and I am public prosecutor working as Deputy Head of the Office for Prevention of Corruption and Organized Crime (USKOK) in Croatia. All of you have got the draft paper entitled "Specialized anti-corruption institutions: review of models" developed by the eminent expert Mr Klemenčič. Therefore, I do not want to alliterate what is already stated in it about USKOK.

Almost tree and half years has passed since USKOK was established. Nevertheless, what were the main reasons that led to this? Although the corruption was widely recognized as a problem, even before Croatian independency, and in Croatian criminal law system were included several corruption criminal offences since 1974, prosecution of corruption was sporadic and too often used as an instrument to reckon with political opponents. On the other hand, until 1999 even from the highest police officials, was very often repeated in public that there is not organized crime in a country. However, the facts and public opinion was completely different.

Conscious of that, and aware that corruption is closely connected to the organized crime, which both "endangers basic values of society and demands energetic and efficient reaction", the Government of the Republic of Croatia on the meeting held on 26th of the October 2000 brought conclusion and accepted the project of establishment the Office for Prevention of Corruption and Organized Crime. In addition, overtaken international obligations by the Republic Of Croatia, such as ratified the Council of Europe's Criminal law convention on corruption (ETS to the no. 173.), and signed UN Convention against the transnational organized crime with two additional protocols, requested introducing special body for combating corruption and organized crime. Since the opinion was that focus of that combat should be put on the repression, this special body was established within the Public prosecutor organization, as specialized public prosecutor office. That decision was in compliancy with already existing role of public prosecutor service in Croatian criminal procedure. The Law on USKOK passed the Parliament, and entered into the force on 13th of the October 2001. By this Law USKOK is introduced as a central Croatian body in charge of the suppression of corruption and organized crime, not only by the prosecution, but also by the prevention and education. Shortly after, in the beginning of the December 2001, USKOK started to perform its prosecutorial authorities. It means that there was an acting Head of USKOK, based in Zagreb, together with two public prosecutors assigned as acting Deputies. In the same time, acting Deputies were assigned into the USKOK's Sections, per one in Osijek, Rijeka and Split. Although other departments of USKOK, with the exception of Department of Public Prosecutors, have not been operational yet, it could be stated that USKOK become fully operational considering its repression competences at the very beginning of the 2004. Until that time USKOK moved in its own premises, some initial IT equipment was procured, all posts in Department of Public Prosecutors were fulfilled, IT expert was employed as well as the majority of support staff (secretaries, typists, etc.)

Obviously, too much time has been taken for USKOK to become operational, notwithstanding proclaimed anticorruption politics of Croatian Government. Several factors could be considered as the main obstacles that led to this situation. Firstly, it took almost two years to find appropriate space for USKOK's headquarter in Zagreb to settle down, as well as for its regional Sections. Then, public prosecutors, which met all legally prescribed requirements, seemed not to be interested in the work in USKOK, as well as all other kind of experts with relevant experience (in bookkeeping, finances, criminology, analytics, public relations, etc.). Regarding the experts, reason for their indifference could be in low salaries that USKOK offers. With public prosecutors situation is deferent. Salaries are not reason, because they are few hundred Euros higher for USKOK's prosecutors (circa 2000 Euros) then for the "ordinary" prosecutors (circa 1600 Euros). But the way in which USKOK's prosecutors deal with cases, what regularly means a lot of personal commitment, is not a way all the others prosecutors are used and will to work. Also, security checks and declaration of assets are not something that they desire to go through, if they are not obliged to. Finally,
USKOK is not equipped adequately with IT equipment. It goes to the hardware as well as to the software, and in basic means that Department for Research and Documentation, which should serve as logistics to the Department of Public Prosecutors, do not have tool to operate with. Hopefully, on going CARDS 2002 Project aimed to build capacities of USKOK will eliminate abovementioned obstacles and we expected that by its finalization USKOK will be able to perform all of its competences.

At the moment, exclusively Department of Public Prosecutors materialize the purpose for which USKOK was established, as it is already stated. Since it is about classical public prosecutor job in conducting criminal proceeding, in its work this Department has been orientated primarily on crime-detection police and investigating judges, as well as on the tax administration, customs, FIU, State audit, State inspectorate and similar law enforcement agencies. However, consistent to the Law on USKOK, to the Criminal Procedure Act and to the Law on The State Attorney Office, USKOK is authorized to investigate criminal offences by its own. Therefore, in practice there are frequently cases when USKOK demands for data and information directly from different ministries, other state bodies, and local governments, especially from their internal control departments. As a rule, the communication with them is in written, with exception of crime-detection police and tax administrations. Usually working on concrete cases with them means carrying out coordination meetings on regular basis, which aim to distribute tasks and roles in the executing USKOK's requests for crime-detection proceedings. While acting along the USKOK's requirements, all those bodies are responsible for its execution directly to the USKOK's prosecutors. Namely, the Criminal Procedure Act, and especially the Law on USKOK, prescribes obligation of all aforementioned institutions, with the exception of investigating judges, for extended assistance to USKOK by delivering required files and data. Not acting in that way or acting with a delay shall be considered as the heavier violation of official or working duties. No disciplinary proceeding due to such breaching of duties has been initiated.

The Head of USKOK and his Deputies actively participate in the work of all sorts of Governmental working groups founded with the purposes of making new or amending existing laws which deal with anti-corruption issues. Furthermore, they contribute to carrying out new Croatian national anticorruption strategy paper, as well as they participate in different international forums dealing with the problems of corruption.

Unfortunately, communication with NGOs have been reduced almost only on receiving criminal reports they provide by citizens who are, for any reasons, unwilling to submit them directly to USKOK or police. So far, USKOK have not participated in public awareness campaigns, organized and carried out by NGOs, in any way.

As it is case in almost every country, the Public prosecutor service in Croatia is monocratic, hierarchical organization. This fundamentally means that its head, the State Attorney General, is empowered and obliged to manage it. As USKOK is a part of the Public prosecutor organization, the Head of USKOK is responsible to the State Attorney General for his work as well as for the work of his Deputies. On the other hand, the State Attorney General is entitled to supervise the work of USKOK, and he does it on the regular bases. For this purpose, by Annual schedule of work of the State Attorney Office of the Republic of Croatia, one of his Deputies is responsible for supervising USKOK's workflow in the organizational matters, and the other one for the follow up USKOK's work in concrete cases for criminal offences under its jurisdictions. In practice, that is realizing either by briefings with these Deputies as well as with the State Attorney General in personal, or by submitting them written reports. Moreover, the Head of USKOK submits to the State Attorney General monthly reports. These include information regarding the completed proceedings, pending proceedings and the actions that have been taken or will be taken, but for any type of criminal cases, report could be prepared separately. At the end of the every year, the annual report that includes an overview of the received, resolved or pending cases, an overview of the indictments issued and an overview of legal remedies filed and the achievement thereof shall be submitted.
The external control mechanisms are ensured by means of submitting reports to the Ministry of Justice and to the Parliament.

The State Attorney General have to report to the Ministry of Justice matters relating to the cases of general nature as well as the criminal reports against the judges of the Constitutional Court, members of the Croatian Parliament, members of the Croatian Government, judges and state attorneys. In addition, the State Attorney General is bound to submit the report relating to certain types of criminal proceedings or a special report relating to specific cases, upon the request of the Ministry of Justice. Before reporting to the Ministry of Justice, if USKOK's cases are in question, the State Attorney General shall demand such report by the Head of USKOK.

Every year the State Attorney General is bound to submit to the Ministry of Justice an annual report. It is relating to the received, resolved and pending cases, including a statement of reasons, and also relating to the proceedings instituted for the commission of a serious disciplinary offence committed by an official and the disciplinary proceedings against public servants and employees employed in the State Attorney Offices. This annual report may contain a warning as to the state of affairs and operation of the legal system, deficiencies in legislation, internal operation of a state attorney offices or courts, and where necessary, appropriate proposals for amendments. Integral part of this annual report is USKOK's annual report. The same annual report the State Attorney General presents in the Parliament, also. The Parliament discusses it in an open session to the public.

By functioning in such institutional and legislative surroundings, USKOK have succeeded to achieve some good results in combating corruption with its prosecutorial means. Firstly, it is visible from the numbers. During the period 2002 – 2004 USKOK prosecuted 228 perpetrators of the criminal offences of corruptive nature, as the result of sound cooperation with crime-detection police in the pre-investigative phase of criminal proceedings and won trust of citizens willing to report corruptive criminal offences to USKOK prosecutors. Then, for the first time USKOK prosecuted case in which has been established sufficient level of suspicions for link between corruption of the high level police officials and the top of organized crime in Croatia, as well as two cases of corruption of bankruptcy administrators. And finally, USKOK have succeeded to achieve severe penal politics for corruptive criminal offences. The most often pronounced sentences of the competent courts nowadays for the criminal offence accepting a bribe are unconditional imprisonments.

However, we are aware of a fact that there is still no necessary level of citizens' consciences that the corruption is harmful and that its perpetuators should be reported and prosecuted. The reason for it lays in the fact that in Croatia, namely by the governmental institutions, have not been organized comprehensive public awareness campaign on the dangerous impacts of corruption. In spite of the fact that USKOK have prosecuted five judges, two state attorneys, five high level police officers, director of state prison, ex-minister, some eminent businessmen, and bulk of its cases still are the so-called "street corruption". To penetrate into the world of high level corruption is USKOK's task for the future. Especially given that connections between organized crime and corruption seems to be the strongest in those spheres. To achieve that, additional trainings of USKOK prosecutors, specialized police, tax administration and FIU officers are a necessity, in particular on issues of criminal liability of legal persons, tracking and forfeiture of assets gained by committing criminal offences, money laundering and use of special investigative means. In addition, their multidisciplinary team working as well as strengthening international cooperation through the joint investigations will contribute to that goal.

Only and even then, USKOK’s motto AQUILA NON CAPIT MUSCAS will get the true sense.
Experience of anti-corruption services in Albania
Mr Edmond Dunga, Head of the Anti-Corruption Unit, Albania

Slide 1

Establishment of anticorruption services (1)

Main steps:
- September 1997 – first launch of a governmental anticorruption initiative
- Government decision (8/1998) – 1st anti-corruption action plan
- External advice and support in order to establish monitoring instruments
- 1999 – Anti-corruption technical commission and sectorial groups
- 10/1999 – establishment of the Governmental Commission on the Fight against Corruption (GCFAC)

Reasons for the establishment of relevant services
- Necessity to strengthen public institutions (last crisis, constitution adopted in 1998)
- Necessity to curb the phenomenon (frequent administrative corruption)
- International presence and developments
- International engagements of Albania in this area:
  - Signing of the Council of Europe Criminal Law and Civil Law Conventions on Corruption in 1999 and 2000
  - Accession in SPAI (Stability Pact Anti-Corruption Initiative) in February 2000
  - Accession in GRECO in April 2001 etc.

Slide 2

Establishment of anticorruption services (2)

Time to become operational:
- GCFAC – 10/1999 was operational immediately
- ACMG – established in November 2000
- ACU – part of ACMG became operational during February-April 2001

Main obstacles:
- Initial known obstacles (provision with staff, work conditions/offices, equipments)
- These obstacles were common to other services and not typically for our service
- Technological communication means of other institutions
- Skepticism and lack of initial knowledge from other counterparts
- Specialization in general
Slide 4

**Network of Anti-corruption Services**

- Office of Minister of State for Coordination
- Prime Minister's Office
- Governmental Commission of the Fight Against Corruption (GCFAC) (13 Members)
- Anti-Corruption Unit (ACU) (6 Members)
- Anti-Corruption Monitoring Group (ACMG) (17 Members)
- Institutional Contact Points (25 ICP's)
- Albanian Coalition Against Corruption (ACAC)
- Public Institutions/Counterparts
- Ministries
- Business Community
- Independent Institutions
- International Counterparts
- Media

---

Slide 5

**Political level: The Government Commission for the Fight Against Corruption (GCFAC)**

- established in October 1999
- composed of 13 representatives of the Government (ministers) and main independent institutions (Supreme Court, Supreme State Audit, General Prosecutor’s office, Intelligence service)
- headed by the Prime Minister

**DUTIES:**

- To lead and supervise the process of revision and implementation of the Anti-Corruption Plan
- To approve the structure and the composition of the experts groups for the revision of the Anti-Corruption Plan
- To define the composition and the structure of the anti-corruption monitoring group and present it for approval to the Council of Ministers
- To approve the revised Anti-Corruption Plan and present it for approval to the Council of Ministers

---

Slide 6

**Technical level: Anticorruption Services**

- Anti-Corruption Monitoring Group (ACMG)
- Monitoring Board
- Anti-Corruption Unit (ACU)
- Legal issues
- Public Administration
- Economy/Finance
- Public Order
- Civil society/Media
Slide 7

ACMG/Anti-Corruption Monitoring Board (not permanent service)

The Anti-Corruption Monitoring Group (ACMG)
- established in 2000
- extension and improvement of representation in 2001
- reorganisation in 2002
- It is composed of a Monitoring Board and an Anti-Corruption Unit

a) The Monitoring Board:
- ad hoc decision taking body
- composed of 17 senior civil servants representing the institutions involved and representatives of civil society and the business community
- does not have investigative power; it only monitors the institutional fight against corruption
- Meetings every two months, opened to any interested person

Main Duties:
- Monitoring, coordination and advise
- Analysis and approval of reports/studies...
- Recommendations to the GCFAC or to the Council of Ministers, through the Minister of State, strategic changes in the preventive measures and initiatives.

Slide 8

ACMG/Anti-Corruption Unit – ACU (permanent service)

- Established in 2001, full staff in the beginning of 2003
- Operates as an office to the Prime Minister in the Council of Ministers
- Attached to the Minister of State for the Coordination
- Permanent structure with a staff of 6 civil servants
- Its role was increased during last years
- Its real functioning is extended over the strict boundaries of its legal framework

Slide 9

ACU/Legal and practical missions:

LEGAL MISSIONS:
- EXECUTION: Gathers and classifies the steps of the implementation of the Action Plan on Prevention and Fight Against Corruption;
- ANALYSIS: Analyses the data, defines the priorities of the corruptive cases in the state administration;
- PREVENTION: Proposes changes in the anti-corruption systems and mechanisms, in the different structures of the public administration;
- CO-ORDINATION: Co-ordinates the process of the implementation, monitoring and reporting of the Action Plan on Prevention and Fight Against Corruption with the institutions of the central institutions, independent institutions, civil society and media;
- PROMOTION: Promotes the increase of transparency of the public administration activity in co-operation with independent institutions and the civil society.

OTHER PRACTICAL MISSIONS:
- TECHNICAL ADVISE: Provides technical expertise and opinions with respect to relevant legislative reforms in the fight against corruption (Criminal Code, Criminal Procedure Code etc.)
- LEGAL INITIATIVES: Revision of the legal framework and finalizing the draft law “On prevention of conflict of interests in the exercise of public functions” adopted very recently by the Parliament;
- REPRESENTATION: Represents the ACMG and the Government at specialized anti-corruption institutions at regional, European and international level;
- CO-ORDINATION: Co-ordinates the implementation, monitoring and reporting of the Action Plan on Prevention and Fight Against Corruption with the institutions of the central institutions, independent institutions, civil society and media;
- PROMOTION: Promotes the increase of transparency of the public administration activity in co-operation with independent institutions and the civil society.
Slide 10

**Inter-institutional checks and balances**

- All central institutions of the public administration must present to the ACU:
  - Periodical reports and analysis on the implementation of the Anti-corruption Action Plan
  - Reports and specific data/informations on activities undertaken by each institution
- The activity of the ACMG is regulated by the relevant legal act (Prime Minister’s order, 2002) as well as by the Manual of Operations, adopted by the Monitoring Board.

Slide 11

**3 main achievements:**

- Study undertaken, drafting and coordination of the process with other state institutions, civil society, international organizations (OECD, SIGMA, Council of Europe, USAID, World Bank) in order to achieve the adoption of the law “On the prevention of conflicts of interest in the exercise of public functions” (4/2005)
  - New offences were added (corruption in the private sector, trading on influence, expanding of the scope of the Albanian criminal legislation on the active and passive corruption for the foreign citizens outside the Republic of Albania territory, the liability of the legal persons, active and passive corruption of the members of parliament or local elected persons etc.)
  - Sanctions on corruption criminal offences are strengthened by imprisonment and at the same time by imposing fines as well
- The complex and very broad study “On the public services offered by the central administration institutions” (licenses, authorizations, permissions, certificates, etc.) undertaken by the Anti-Corruption Unit in 2002 which was followed by the initiation of an institutional reform to simplify the institutions, procedures and licensing criteria (broad interministerial working group and intensive coordination during 2004).

Slide 12

**3 main obstacles:**

- Ensuring supporting means and mechanisms through a database system, as a model to consolidate the inter-institutional exchange of information
- Specialization and enhancing the professional capacities of those actors who are involved directly in the prevention and fight against corruption;
- Public and youth people awareness
  
  *Current situation*: yet a bad perception of corruption, frequent politisation of the phenomenon
Experience of Anti-Corruption Commission in Slovenia
Ms Barbara Lavtar, Member of the Anti-Corruption Commission, Slovenia

Slide 1

Commission for the Prevention of Corruption

Slide 2

For conducting tasks under this Act, a Commission for the Prevention of Corruption was established as an independent authority (October, 2004).

RESOLUTION on the Prevention of Corruption in the Republic of Slovenia, the National Assembly of the Republic of Slovenia adopted on its session on 16 June 2004.

Slide 3

Commission
- The chairman and deputy chairman proposed the President of the RS
- 1 member ...... by the Judicial Council
- 1 member ...... by the Comm. of the National Assembly
- 1 member ...... by the Government
(+5 public officials started at October 1st 2004)
3 main areas

- Supervision of the financial situation
- Restrictions of operation
- Incompatibility

Role of MEDIA

- The Commission shall supervise the financial situation of the functionary on the basis of data he/she submits in a special form, which shall be laid down by the Commission upon a prior consent of the Commission of the National Assembly and published in the Functionary Gazette of the Republic of Slovenia.

DATA

Information on the financial situation of the functionary shall contain data on his/her entire property and income, i.e.:

- real estate,
- movable property of high value,
- business stakes and shares in companies and other securities,
- funds deposited in banks, savings banks and credit and savings institutions,
- debts, assumed guarantees and other liabilities, and
- annual income which is the basis for the personal income tax.

Movable property whose value exceeds EUR 9,000 shall be regarded as movable property of higher value referred to in the second indent of the preceding paragraph.
Slide 7

Functionaries

- State level: 461
- Local level: 3,447
- Prosecutors, judges: 1,054

- State level: 9%
- Local level: 70%
- Prosecutors, judges: 21%

Slide 8

Results on reported application forms

<table>
<thead>
<tr>
<th>Level</th>
<th># all functionaries</th>
<th># report YES</th>
<th>Share of reported</th>
</tr>
</thead>
<tbody>
<tr>
<td>State level</td>
<td>461</td>
<td>454</td>
<td>98.48%</td>
</tr>
<tr>
<td>Local level</td>
<td>3,447</td>
<td>3,207</td>
<td>93.04%</td>
</tr>
<tr>
<td>Prosecutors, judges</td>
<td>1,054</td>
<td>1,052</td>
<td>99.81%</td>
</tr>
<tr>
<td>Total</td>
<td>4,962</td>
<td>4,713</td>
<td>94.98%</td>
</tr>
</tbody>
</table>

Slide 9

Results on NO reported application forms

<table>
<thead>
<tr>
<th>Level</th>
<th># all functionaries</th>
<th># reported NO</th>
<th>Share of NO report</th>
</tr>
</thead>
<tbody>
<tr>
<td>State level</td>
<td>461</td>
<td>7</td>
<td>1.52%</td>
</tr>
<tr>
<td>Local level</td>
<td>3,447</td>
<td>240</td>
<td>6.96%</td>
</tr>
<tr>
<td>Prosecutors, judges</td>
<td>1,054</td>
<td>2</td>
<td>0.19%</td>
</tr>
<tr>
<td>Total</td>
<td>4,962</td>
<td>249</td>
<td>5.02%</td>
</tr>
</tbody>
</table>
Sanctions

- If, after the expiry of the deadline, the functionary still fails to submit the requested data, the Commission shall notify the body where the functionary holds office. In the case referred to in the preceding paragraph, the wage or wage compensation shall be reduced by one-tenth per month.

- If the functionary fails to submit the requested data within three months after the expiry of the deadline referred to in the law, the Commission shall notify the body responsible for the initiation of procedure for termination of office.

Prevention

Restrictions as regards profitable activity, receiving of gifts and operations:

- Gifts not exceeding the value of EUR 65 or gifts whose total value in a year does not exceed SIT 130 if they are received from the same person shall be regarded as occasional gifts of low value.

- Contracting authorities operating under the public procurement regulations must not operate with business entities in which the functionary or his/her family member, indirecly or directly holds a business stake, shares or other rights on the basis of which he/she participates in the management or the capital of the business entity in an amount exceeding 20%.

Cooperation

Memorandum was signed among:

- Commission for the Prevention of Corruption
- Court of Audit
- State Revision Commission
- Commissioner of Access to Public Information
Slide 13

**Obstacles**

- New institutions may wish to tackle corruption, *education* is the problem
- Absence of *commitment at the top*
- Ambitious promises lead to loss of public confidence
- Uncoordinated reforms means no one is committed to implement and kept up to date
- Reforms that rely too much on law and enforcement leads to *repression*, which stimulate corruption

Slide 14

**Obstacles**

- Budget of Commission 375,000 euro
- Proposal Budget 1,000,000 euro
- Budget of RS 7,000,000,000 euro
  - Share of Proposal Budget 0.00014
- No additional employment
- No possibility for required HW
- Finaly New Act is put to trial
- Result - not to have a commission
Experience of Central Agency for Prevention of Corruption in France
Mr Pierre Christian Soccoja, Executive Secretary, the Central Service of Corruption Prevention (SCPC), France

Slide 1

Central Agency for the Prevention of Corruption in France

Slide 2

FINANCING of electoral campaigns and political parties
TRANSPARENCY in the economic activities
CONTROL of decision-makers of local authorities

Slide 3

Law 93-122 of 29 January 1993 on preventing corruption and transparency in business and government
Decree 93-232 of 22 February 1993
Slide 4

The Central Central Agency for the Prevention of the Corruption, attached to the Minister of Justice, is in charge of centralizing the necessary information for detection and prevention.

Slide 5

LEGAL MEANS

Decision of the Constitutionnal Council of 29 January 1993

- NO administrative investigation powers
- NO authority to send notifications and to conduct cross-examinations
- NO authority to be given documents by the other departments

Slide 6

RESPONSIBILITIES OF THE DEPARTMENT

PROFESSIONAL ADVICES
CENTRALISATION OF DATA
RECOMMENDATIONS
### Slide 7

**ADVICES**

Judicial authorities

Ministers and prefects

Financial courts

Elected officials exercising executive powers

Public Control Bodies

Administrative commissions

Local officials of the Treasury

### Slide 8

**OFFENCES**

Active and passive bribery

Trading in influence

Illegal taking of interest

Inequality in public procurement procedures

Misappropriation of public funds by public officials

Active Bribery of Foreign Public Officials in International Business Transactions (OECD)

### Slide 9

- Misappropriation of a company's property for personal advantages
- Breach of trust
- Swindle
- Blackmail
- Embezzlement
- Forgery
- Insider dealing
- Anti-competition practices
- Handling/Receiving/Concealing stolen goods
- Money laundering
- Breach of confidentiality in deliberations

- Magistrate or similar
- Director or employee of a private company
- Escape
- Subornation of witnesses, interpreters or experts
- Election
- Customs
- Delivering a certificate
- Pharmaceutical firms
- Undertaker’s
Slide 10

Misappropriation of a company's property for personal advantages
Breach of trust
Swindle
Blackmail
Embezzlement
Fraud
Anti-competition practices
Handling/Receiving/concealing stolen goods
Money laundering
Breach of confidentiality in deliberations
Magistrate
Director or employee of a company
Subornation of witnesses, interpreters or experts
Election
Customs
Delivering a certificate
Pharmaceutical firms
Undertaker

Slide 11

There are abuses of integrity

Slide 12

Centralization of data

- Research of systems and NOT of cases
- Problems concerning cases reported by individuals
RECOMMENDATIONS

- Occasionally
- But usually in the annual report
- www.justice.gouv.fr/minister/inscpc.htm

"The SCPC prepares annually an activity report which formulates in particular draft measures aiming at preventing the same type of irregularities that have been drawn attention to it. This report is addressed to the Prime Minister as well as to the Minister of Justice."

SERVICE CENTRAL DE PRÉVENTION DE LA CORRUPTION

EXAMINED SECTORS OF ACTIVITIES

- Lobbying and trading in influence
- Sport
- International business
- Decentralisation
- Control of legality
- Public procurements
- Health
- Advertising companies
- Derivatives and merchandising
- Sects
- Data processing contracts
- Domestic retail trade, craft industry and commercial services
- Consultancy and intermediary
- Mass marketing
- Professional training
- Publicity
- Internal auditing
- Pantouflage (Revolving doors)
- Adoption and populations in distress
- Exclusion
- Globalisation and nebulous charities
- Private safety
- Cleaning companies
- OECD convention
- Correctness of accounts
- Illegal interest taking
- Favouirism
- Associations
EXAMINED SECTORS OF ACTIVITIES

MONEY LAUNDERING (report 2003)
- Black economy
- Sport
- Raw materials

EXAMINED SECTORS OF ACTIVITIES

Report 2004

Conflict of interests :
- Public sector, judicial professionals
- Literary prize, gastronomic guides
- Economic intelligence and corruption
- Shell companies
- Various sectors of money laundering :
- Companies accounts, insurance, lawyers, solicitors
- The international fight against corruption
- Lawful commissions

COOPERATION CONVENTIONS

SIGNING CONVENTIONS
- With public companies (SNCF – EDF)
- With private companies
  (VEOLIA ENVIRONNEMENT - EADS - THALES - DASSAULT - HYPERMARKETS...)

IN WHICH PURPOSE ?
- Exchange of information
- Codes of Ethics, Codes of conduct...
- Training
Slide 19

**MEANS**

- Interministerial
- 10 ADVISORS: 3 magistrates, 3 senior civil servants (customs, « equipement »)
  3 (police, gendarmerie) officers, 1 tax officer
- 370 000 euros
- Independant public authority

Slide 20

**OTHER RESPONSIBILITIES**

- TRAINING
- INTERNATIONAL ACTION

Slide 21

**TRAINING**

- National School of Administration
- National School of Magistrates
- HEC
- Universities
- School of Police, « Gendarmerie » and Customs
- Competition and Consumption Dept.
- Training Centre for Public Territorial Agents
- [www.justice.gouv.fr/minister/formscpc.htm](http://www.justice.gouv.fr/minister/formscpc.htm)
INTERNATIONAL ACTION

- Hosting foreign delegations (2003: 43)
- Negotiating and applying international conventions
  - UN
  - OECD
  - Council of Europe (GRECO)
  - European Union (OLAF...)
- Expertise missions in various countries