OECD Anti-Corruption Network for Eastern Europe and Central Asia

in co-operation with the OSCE and the UNDP

“PREVENTION OF CORRUPTION: EFFECTIVE MEASURES AND THEIR PRACTICAL IMPLEMENTATION. INSTITUTIONAL AND SECTORAL APPROACHES”

PROCEEDINGS OF THE REGIONAL SEMINAR

Held in Jūrmala, Latvia, 26 – 28 June 2013, and

Hosted by the Corruption Prevention and Combating Bureau, Latvia
ANTI-CORRUPTION NETWORK FOR EASTERN EUROPE AND CENTRAL ASIA

The Anti-Corruption Network for Eastern Europe and Central Asia (ACN) was established in 1998 to support its members in their fight against corruption by providing a regional forum for promotion of anti-corruption activities, exchange of information, elaboration of best practices and donor coordination.

ACN is open for countries in Central, Eastern and South Eastern Europe, Caucasus and Central Asia. The OECD and EU members, international organisations, multilateral development banks, civil society and business associations also participate in its activities.

The ACN Secretariat is based at the OECD Anti-Corruption Division. The Secretariat is guided by the ACN Steering Group and reports to the OECD Working Group on Bribery.
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INTRODUCTION


The event was hosted by the Corruption Prevention and Combating Bureau of Latvia and organised by the OECD Anti-Corruption Network for Eastern Europe and Central Asia (ACN) together with the Office of the Co-ordinator of OSCE Economic and Environmental Activities and the UNDP Bratislava Regional Centre.

The seminar and the back-to-back workshop brought together 65 participants representing 23 countries, including Albania, Azerbaijan, Bosnia and Herzegovina, Croatia, Estonia, former Yugoslav Republic of Macedonia, Netherlands, Georgia, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Mongolia, Montenegro, Romania, Russian Federation, Serbia, Slovenia, Tajikistan, Turkmenistan, Ukraine, the United States and Uzbekistan and OECD, OSCE and UNDP. The list of participants is attached.

This seminar focused on the following topics:

- Measures and tools to prevent corruption and their effective implementation;
- Corruption risk management and integrity plans at institutional and sector level;
- Preventing corruption and increasing transparency in managing and allocating public resources;
- Preventing corruption in education and health care.

The seminar provided a forum for mutual learning, sharing experiences and good practice on prevention of corruption among Eastern European and Central Asian and other countries. The seminar helped to identify common trends, challenges and solutions, in particular to enhance practical implementation and achieve concrete results on the ground. The seminar combined presentations, round-table discussions and working in groups.

These proceedings contain a summary of discussion, the presentations made during the seminar, a summary of the agenda and the list of participants.
26-28 June 2013

“Baltic Beach Hotel”, Jūrmala, Latvia
SUMMARY OF DISCUSSION

Mr. Jaroslavs Strelcenoks, Director, Corruption Prevention and Combating Bureau, Latvia together with Ms. Annie Demirjan, Democratic Governance Practice Leader, UNDP Bratislava Regional Centre, Dr. Halil Yurdakul Yigitguden, Co-ordinator of OSCE Economic and Environmental Activities, and Ms. Olga Savran, Manager of the OECD Anti-Corruption Network for Eastern Europe and Central Asia opened the seminar.

Session 1: Measures and tools to prevent corruption and their effective implementation

This first introductory session was dedicated to approaches and tools to prevent corruption and was chaired by Mr. Jaroslavs Strelcenoks and Ms. Olga Savran. The session included five presentations and a discussion.

Mr. Goran Klemenčič, Chairman of the Independent Commission for the Prevention of Corruption in Slovenia highlighted that many formally many requirements to prevent corruption are in place, but they lack effective enforcement. He outlined that an “anti-corruption bureaucracy” has been created and that various networks, conferences and action plans are regularly dedicated to this issue, but the time is now to ask what really works in a particular country. Mr. Klemenčič brought the example of how the legal framework for asset disclosure for public officials existed in Slovenia for 20 years and that only recently the Independent Commission for the Prevention of Corruption used this information and gathered evidence on suspicious acquisition of unexplained wealth by some influential public officials in Slovenia, for example, the Prime Minister and the major of the capital city. Since the Commission does not have powers to impose sanctions, the evidence gathered was submitted to the court and the Commission won the case. Following that, asset declarations are taken more seriously in Slovenia and many officials have submitted corrected asset declarations. Further, Mr. Klemenčič presented the “Supervizor”, an on-line daily updated data base of all financial flows at state, local and regional levels (all transactions registered by the authority of public payments). It was developed by the Independent Commission for the Prevention of Corruption. Today it is a widely used tool in Slovenia. In 2013, the “Supervizor” won the UN Public Service Award for this initiative. Mr. Klemenčič emphasised that this data base has empowered citizens, in particular at local level, where complaints of citizens have led to annulment of numerous contracts concluded by local councils.

Ms. Mari-Liis Sööt, Head of Analytical Division, Criminal Policy Department, Ministry of Justice in Estonia discussed the new anti-corruption action plan in Estonia, which focuses on “indirect” or preventive measures to fight corruption. The priorities of the strategy are healthcare, education and transparency in decision-making. Similar to Slovenia, Estonia also wants to disclose more public information, including on financial flows at the level of municipalities and between private and public sectors, public procurement, planning and various registers. Ms. Sööt outlined the “decentralised approach” to anti-corruption work in Estonia, based on a rather small central capacity and focusing on forming sectoral anti-corruption networks, for example, in healthcare, law enforcement, local governments or education and creation of anti-corruption co-ordinators in line ministries. They participate in developing anti-corruption measures and assess their implementation. Also, Ms. Sööt emphasised the need to work more with academics and practitioners and the lack of research on the application of corruption prevention tools, for example, the
asset declarations. Ms. Søöt noted that it would be useful to exchange experience with other countries on how to measure performance in the area of corruption prevention.

*Mr. Valery Korchagin,* Head of the Financial Policy Division, Ministry of Foreign Affairs, *Russian Federation,* highlighted the importance to develop a systematic approach to fighting corruption including preventing corruption, investigating and prosecuting corruption crimes and limiting corruption consequences. *Mr. Korchagin* presented the policy, legal and institutional framework for fighting corruption in the Russian Federation. He noted that institutional anti-corruption plans are developed in all federal level institutions, based on a template and they are all available on the Internet. *Mr. Korchagin* stressed that the anti-corruption policy is based on three priorities: developing an appropriate legal and institutional framework; creating a mechanism to enforce anti-corruption legislation and create such environment, in which corruption would be a risk; and ensuring application of anti-corruption rules by the citizens, including use of repressive means, if needed. *Mr. Korchagin* underlined that the mechanism to prevent corruption in the Russian Federation is mainly aimed to ensure that corruption becomes an inappropriate and disadvantageous behaviour. *Mr. Korchagin* listed means existing in the Russian Federation to prevent corruption: special corruption prevention units in public institutions; disclosure of income, expenditure and property by public officials at state and municipal levels, high level officials in state corporations, the national bank and their family members; regular control of application of different bans and restrictions for public officials; anti-corruption expertise of legal acts; creation of a mechanism to manage conflicts of interest; post-public employment restrictions; gifts policy; ban to public officials to travel abroad using funding of other persons, ban to hold accounts, securities and other financial instruments in foreign countries and other preventive means.

*Ms. Gianina Chirazi,* Counsellor at the Communication, Public Relations and Strategy Department, National Integrity Agency in *Romania,* presented the National Integrity Agency (ANI) and results of its work in the field of verification of assets, conflict of interest and incompatibilities of public officials in Romania. Ms. Chirazi highlighted the results of ANI’s work. For example, several Members of Parliament, a Deputy Secretary General of the Government, three Ministers to-be-appointed, mayors, Presidents and Vice-Presidents of county councils, but also police officers, judges, prosecutors had to resign or were not appointed following ANI’s findings. Ms. Chirazi explained that the cases are investigated by 33 integrity inspectors, and the work is organised using an integrated electronic data base for asset and interest declarations and an electronic document management system. Over 3,86 million disclosure forms submitted to ANI in 2008 – 2012 are publicly available on the portal [http://declaratii.integritate.eu](http://declaratii.integritate.eu).

*Mr. Vladan Joksimović,* Deputy Director of the Anti-Corruption Agency of Serbia discussed the experience in Serbia related to integrity plans in the public sector, analysis of corruption risks in the legislation, anti-corruption research and anti-corruption educational programs. Mr. Joksimović highlighted as a key development the introduction of the integrity plans in the Serbian public sector. The Anti-Corruption Agency played a key role in providing methodological support, in form of education, advice and various supporting documents, such as models of integrity plans, a guide in the process of its development and integrity plan development manuals. While that there are no sanctions foreseen for failing to do so, almost half of public institutions concerned had developed an integrity plan in Serbia by March 2013. In the future, the Anti-Corruption Agency intends to monitor the implementation of these plans.

During the *discussion* participants agreed that focusing on corruption in specific sectors could be an efficient way to prevent it. The importance to prioritise the work of anti-corruption authorities was emphasised. It is key to look more at what is really important and to better use the entrusted mandates in order to expose acute corruption problems and promote change. For example, the Independent
Commission for the Prevention of Corruption in Slovenia studied the causes and the functioning of corruption in the health sector and explained it in a report, which was made public and generated a debate, leading to some changes in the system. Academic research could give useful insights as to what works to prevent corruption, especially in a long run. Participants agreed that an anti-corruption bureaucracy has been created over the years. While anti-corruption action plans are useful to organise the anti-corruption work, they often remain a formality. Rather more accent should be put on responsibility of individual ministers and heads of public institutions, a network of contact persons and good co-ordination. Participants noted that informal networks can be more efficient than hierarchical structures. Also, participants noted the challenge how to monitor performance, measure results and assess impact of the efforts to prevent corruption. The importance of public trust was highlighted. It was also emphasised that it may be worthwhile to separate corruption prevention and enforcement programmes. Only a preventive body will be asked to provide advice without fear of being prosecuted. Viable, self-respected civil service and a good human resources policy in the civil service are key to prevent corruption. The importance of exposing irregularities was outlined, but also the need to “white-list” public officials who, after checking, appear not to be corrupt. In the area of asset declarations, the discussion focused on the importance of their verification and different approaches to it, varying from checking the declarations upon receipt of a complaint to checking only the declarations of risk groups.

Session 2: Corruption risk management and integrity plans at institutional and sector level

The second session was dedicated to risk management and integrity plans in public institutions and at sectoral level. It was chaired by Ms. Mari-Liis Sõöt and Ms. Nina Lindroos-Kopolo, Head of the Economic Governance Unit, Office of the Co-ordinator of OSCE Economic and Environmental Activities. The session included three presentations and a discussion.

Mr. Goran Klemenčič presented the experience in Slovenia in introducing integrity plans in the public sector. He explained that integrity plans contain an assessment of corruption risks and other risks of unlawful or unethical behaviour in the institution, as well as proposals to improve integrity and prevent corruption. In order to support their development, the Independent Commission for the Prevention of Corruption provided guidance and training, explaining what the risk assessment is. Approximately 1700 out of 1900 expected integrity plans were submitted. Mr. Klemenčič emphasised the key role of the internalisation of the integrity plan by employees and heads of each public institution rather than imposing them from outside. It is key that sector specialists identify the risks in their institutions themselves. Also, Mr. Klemenčič emphasised that integrity plans are a process and require constant monitoring and improvements. Integrity plans can be useful in different ways: investigating concrete cases; assessing corruption risks in the country, etc.

Mr. Vidmantas Mečkauskas, Head of the Corruption Risk Division, Corruption Prevention Department of the Special Investigation Service (STT) in Lithuania, described how corruption risks are assessed in Lithuania. Mr. Mečkauskas presented the legal and regulatory basis and the process of risk analysis in public and municipal institutions in Lithuania. Mr. Mečkauskas discussed different stages of this process. First, public and municipal institutions analyse corruption risk areas in their work and how they are addressed, and prepare a motivated conclusion, which is presented to the Minister or mayor and then sent to the STT. Then the STT analyse the corruption risks presented and prepare recommendations. These recommendations can be sent to the specific public institution and to the responsible ministry. Further, in 3 months’ time the responsible public or municipal institution present the STT an update on the implementation of the recommendations. Mr. Mečkauskas also presented a useful list of generic
criteria used in Lithuania to determine whether a certain institution, post or function can entail corruption risks.

Mr. Alain Hoekstra, Coordinating Policy advisor of the National Integrity Office in Netherlands presented the corruption risk self-assessment methodology (SAINT) in Netherlands. According to the Civil Servants Act, the risks assessments are mandatory in Netherlands. SAINT includes determination of the most vulnerable processes to corruption and the key integrity risks, the assessment of how strong the integrity framework is in the institution to deal with these risks and a gap analysis of what can be improved. Mr. Hoekstra presented several concrete examples of processes in public institutions, which are vulnerable to corruption, and examples of possible hard, soft and general control tools. As part of SAINT process, employees of concerned institutions complete questionnaire and participate in workshops, assessing how effectively integrity measures are put in place. Mr. Hoekstra emphasised that SAINT is a fast and cheap way to identify vulnerabilities, based on a bottom-up approach, but the managers remain responsible for the follow-up.

The discussion focused on the suitability of risk assessment methodologies to public organisation depending on their size and type of the work. The question of how cost effective this tool is was discussed. It was stressed that the actual implementation of the risk assessments is an important problem for public institutions. Even in countries where this measure is mandatory the implementation remains low. It was said that in such cases it may be worth returning to hard controls.

Session 3: Preventing corruption and increasing transparency in managing and allocating public resources

The third session focused on prevention of corruption and increasing transparency and integrity in the management and allocation of public resources. It was chaired by Ms. Olga Savran and Ms. Nina Lindroos-Kopolo. The session included four presentations and a discussion.

Ms. Barbara Fredericks, Assistant General Counsel for Administration, Office of the General Counsel from the Department of Commerce, discussed the traditions of openness of government in the United States and the benefits from it to both the public and the government. The openness helps the government to keep public support and build trust in democratic institutions, while citizens who know understand the ruling under which they live are more inclined to comply with it and it is a way for them to hold the government accountable. Ms. Fredericks discussed some of the laws and institutions relevant to the openness in government, for example, the Administrative Procedures Act, the Government in Sunshine Act, the Freedom of Information Act, as well as the role of the Federal Advisory Committees. Ms. Fredericks emphasised the role of the government in proactively releasing information. Citizens in the United States can find ample information about activities funded by the government and track public spending. Information of some administrations, for example, the US Food and Drugs Administration, is very popular and millions of citizens daily visit their website. The current Administration in the United States moves towards more transparency of information and continues to expand the number of documents released before any request is made. Ms. Fredericks emphasised that the more information is released the more confidence the public has in government decision making. It has also resulted in less individual requests to government agencies, savings resources in responding to individual request for documents. Also personal assets of high level officials are disclosed in the United States. Ms. Fredericks said that for transparency to be useful there should be demanding and vigilant citizens and media.
Ms. Đinita Fočo, Director of the Public Procurement Agency in Bosnia and Herzegovina, discussed the risks of corruption in public procurement. Ms. Fočo mentioned among key risks the link between political corruption and public procurement, bribery and extortion that occur at lower levels of decision-making, conflicts of interest of members of procurement commissions and misuse of emergency procedures. Ms. Fočo stressed that it remains difficult to prove the link between corruption and public procurement. Political corruption often occurs in relation to important investment projects. Officials at lower level are often offered not simply money, but rather receive gifts, trips, cars, etc. and ultimately improve their lifestyle, but it remains difficult to prove the link in-between. Also, Ms. Fočo emphasised that corruption frequently occurs in the beginning of the procurement cycle, namely already during the elaboration of the technical specification, as part of the tender documentation, and then also during the realization of the contract. Hence, introducing e-procurement is not enough to solve corruption problems in public procurement. Ms. Fočo stressed the important role of investigation and audit authorities, internal audit, promoting the “four-eye principle”, sanctions, education and professionalization.

Mr. Alem Dzumabekov, Department for Detecting and Preventing Corruption Cases, Agency on Fighting Economic and Corruption Crime, Kazakhstan discussed the experience in preventing corruption in the use of public resources in Kazakhstan. Mr. Dzumabekov talked about the role of internal and external control, including the work of the Financial Police, stressing that its controls are based on reports received.

Ms. Marita Salgrāve, Council Member of the State Audit Office of the Republic of Latvia, stressed that supreme audit institutions (SAIs) are important players in prevention of corruption in public service. The independence of SAIs in defining audit themes and audit scope is key. The supreme audit institution supports the management of public resources in a manner that is proper, transparent, accountable and corresponding to the needs of the society. The regularity of audits is a very important feature, motivating public and municipal institutions to implement the recommendations. Also, an important role of SAIs is to raise public awareness of corruption and timely and public disclose audit findings. Increased public awareness of corruption helps to foster transparency and accountability. Ms. Salgrāve also said that the State Audit Office can detect such irregularities as, for example, unjustified technical specifications in the procurement process, favouritism towards relatives and other forms of conflict of interest or such signs of irregularities as untransparent decisions or undue benefits given to contracting parties, however, it is more difficult to uncover complex corruption schemes through these mainly documents-based audits. An important challenge is the nomination of public officials based upon political affiliation or “affiliation” of a certain ministry or state-owned enterprise to their political party. Overall, in order to prevent corruption it is important to create an environment, which is not favouring or permitting corrupt practices, since poor governance provides opportunities for corruption. Moreover, it is key to build a system of values in the society where bribery is not demanded and tolerated and such values as ethics and responsibility (accountability) are enforced.

The discussion focused on the role of creating an environment, which is not conductive to corruption and the importance of education and ethics role models. The question of internal control and reporting mechanisms within public institutions was raised. For example, the system of independent inspectors general in the United States seems to work well; the inspectors general deal with both specific reports by whistleblowers, but also systemic problems. The role of public opinion and the possibility to veto certain decisions was also highlighted.
Session 4: Preventing corruption in education and in the health sector

This session was dedicated to prevention of corruption in public education and in the health care sectors. It contained four presentations. The session was chaired by Dr. Liesma Ose, Deputy Director of the Policy Initiatives and Development Department, Ministry of Education and Science in Latvia and Mr. Francesco Checchi from the UNDP Bratislava Regional Centre.

Preventing corruption in public education

Mr. Aleksandre Abashidze, Head of the Department of Internal Audit in the Ministry of Education and Science in Georgia, outlined the experience of Georgia, which is known for its major reforms in the education sector leading to diminishing the levels of corruption in public schools and universities considerably, but also to increasing the quality of education. Mr. Abashidze presented the main areas and directions of reforms, such as introducing unified entrance exams, strengthening the accreditation process of the universities, centralising the procurement through the State Procurement Agency, Supervisory boards in public schools, transparent and centralized competition for school principals, establishing a central agency for infrastructural services for the public schools and other steps. Mr. Abashidze emphasised that most of the reforms in education sector in Georgia are related to technical innovations that can be implemented in other countries too. According to a Eurobarometer survey quoted by Mr. Abashidze, in 2002, 18 per cent of the Georgian citizens believed that teachers are involved in bribery compared to 1 per cent in 2012.

Ms. Jasmina Kostadinovic, Head of the Legal Affairs Unit in the Ministry of Education, Science and Technology Development in Serbia, the first country, which has asked for an assessment of its education system in terms of integrity. In 2012, the OECD released the report “Strengthening Integrity and Fighting Corruption in Education. Serbia”, which provides an overview of integrity risks in the education system in Serbia and recommendations how to strengthen integrity and prevent corruption in this sector. Ms. Kostadinovic said that the OECD report should be the basis for drafting the strategy for the fight against corruption in education, science and technology development, and it has been already used for the preparation of the National Strategy against corruption, at present considered by the Government of Serbia.

During the discussion it was mentioned that similar reforms take place in other countries, for example, introducing a centralised exams system, and it is encouraging if they could help to prevent corruption. The e-auctions for schools in Georgia attracted attention (see https://www.eauction.ge). It was explained that this project aims to promote renting of school premises in a centralised and transparent manner and this work is monitored by the Department of Internal Audit. Further, such issues as the quality of teaching and generally need to keep high standards for education were debated.

Preventing corruption in health care

Mr. Jaroslavs Streļčenoks, the Director of the Corruption Prevention and Combating Bureau of Latvia focused his presentation on the work undertaken in Latvia to prevent corruption in the health sector. Mr. Streļčenoks highlighted sociological surveys showing that corruption in the health sector is a problem and the situation is not improving, but also analysis of administrative and criminal cases investigated related

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to this sector. The Corruption Prevention and Combating Bureau provided recommendations to the Ministry of Health to improve internal control and prevent corruption risks and jointly an awareness raising campaign was conducted. As part of this campaign, the Corruption Prevention and Combating Bureau provided public advertisement on the radio and TV, as well as on the internet, lectures, brochures, and publishing opinions in mass media and other.

Mr. Cristian Adrian Petcu from the Integrity Department in the Ministry of Health in Romania discussed health sector reforms and prevention of corruption in Romania. Mr. Petcu underlined the importance of useful sociological surveys and independent research used in this work. Mr. Petcu presented major reforms in the health sector in recent decades, including in the area of health insurance and re-organisation of public hospitals. Mr. Petcu stressed that despite reforms corruption remains a problem. He mentioned a survey showing that 72% of citizens consider that corruption in public health sector is high. Mr. Petcu mentioned main corruption risks and potential remedies: bureaucratic system in the health sector could be remedied by e-services; decentralised procurement from pharmaceutical firms and medical equipment companies should be replaced by centralised procurement by the Ministry of Health; and others. As part of the National Anti-Corruption Strategy 2012 – 2015, good governance and integrity measures for Romanian health system were developed, the Integrity Department in the Ministry of Health and a national network associated to the Integrity Department put in place.

During the discussion participants stressed that in order to prevent corruption in the health sector it is important to improve the doctor–patient relationship, adding more clarity as to what an acceptable gratitude and what a bribe are. The importance of reforms in the health insurance system was also underlined. Experience in some countries shown that informal payments constitute an important part of doctor’s income and patients pay bribes to doctors voluntarily. Hence, an increase in salaries, if it is not considerable, may not be the solution. It was stressed that not only informal payments, but also misuse of public funds is a problem. The importance to first study the forms of corruption in the health sector to better fight it was highlighted.

Parallel Working Groups: Corruption Prevention Plan and Effective Implementation

Parallel working group sessions were organised twice during the seminar. These sessions were facilitated by Ms. Inese Gaika, OECD Anti-Corruption Network for Eastern Europe and Central Asia and Ms. Inese Voika, Chair of the Board, Delno-Transparency International Latvia.

Each working group had to choose a sector they wish to represent. The working groups have chosen police, customs and public hospitals. Then each group had to elaborate a convincing corruption prevention policy (Day 1) and a plan how to implement it (Day 2), and present it to the Prime Minister whose government wants to be re-elected in the country’s upcoming election. The facilitators then voted for the most convincing proposals.

To elaborate the corruption prevention policy, the groups had to answer the following questions: a) what sources of information to use and how to define main problems in the sector; b) what measures to take; and c) what will be the main internal and external challenges. To develop the plan, how to effectively implement it, the following questions needed to be answered: a) chose three priority areas; b) define most effective measures; and c) define indicators of success and to measure impact.
ACN Cross-Country Thematic Study on Prevention of Corruption

At the final session of the seminar, Ms. Inese Gaika, OECD Anti-Corruption Network for Eastern Europe and Central Asia, presented the ACN Cross-Country Thematic Study on Prevention of Corruption. The participants heard that this seminar is part of a regional review carried out by the OECD Anti-Corruption Network in 2013 – 2015 on effective initiatives to prevent corruption. A comparative cross-country report with case studies will be prepared and more regional seminars will be held in this framework by 2015.

Assessment of the seminar and future priorities

At the final session of the seminar, the participants were also invited to assess the seminar, identifying main positive outcomes and suggesting issues that could be further addressed in the future.

Presentation of country case studies about specific tools, such as asset disclosure or integrity plans was very much appreciated as a practical way of mutual learning and sharing of good practices. The working groups were also very useful as an opportunity to develop practical skills for planning and developing concrete preventive measures.

In particular, participants pointed out the following issues discussed during the seminar where they gained most of new and valuable knowledge and experience: integrity plans for sectors and institutions; transparency and proactive disclosure of information; examples of prevention of corruption in the health sector; mechanisms of co-operation with the civil society.

Moreover, the participants suggested the following issues for follow-up activities: sectoral and institutional integrity and corruption prevention plans (more in-depth analysis, a model integrity plan, case studies, etc.); measuring effectiveness of anti-corruption work; assessment of integrity of public officials; working in “pools of experts” or smaller, sub-groups focusing on specific prevention issues; whistleblowing; verification of asset declarations; and role of anti-corruption institutions in preventing corruption.
Back-to-back Workshop: Asset Declarations and Prevention of Conflict of Interest in Central Asia

Delegates from Kazakhstan, Kyrgyz Republic, Tajikistan, Turkmenistan and Uzbekistan participated in a special workshop held back-to-back with the seminar on 28 June 2013. The workshop was chaired by Mr. Valts Kalniņš from the Latvian public policy centre „Providus“ and Ms. Nina Lindroos-Kopolo from the OSCE Secretariat.

The workshop discussed efforts to develop and implement asset declaration systems and mechanisms to prevent conflict of interest, in particular in Central Asia. Trends and examples worldwide and in Eastern Europe and Central Asia were presented, showing how these systems and mechanisms can help to prevent corruption, but also what their limits are. Presentations were made by Mr. Valts Kalniņš, Ms. Gianina Chirazi (asset declarations), Ms. Olga Savran and Mr. Jaroslavs Strelčenoks (conflict of interest prevention).

Kazakhstan, Kyrgyz Republic, Tajikistan, Turkmenistan and Uzbekistan shared their national experiences and actively participated in the discussion.

The discussion showed that asset disclosure by public officials is an issue of interest and debate for Central Asian countries. Some countries in this region have introduced the legal obligation to disclose assets by public officials. In others it is being considered. However, practical experience, especially in terms of actual verification of assets declarations and public disclosure of this information, is very limited. Therefore, some Central Asia countries consider how to make their asset disclosure systems more effective. Many questions about methodology of collection and verification of asset declarations or how to collect evidence to prove that public officials have certain assets were raised. Some Central Asian countries also consider introducing a universal declaration of assets to all citizens.

Regarding prevention of conflicts of interest, it was pointed out that these efforts should contribute to increasing openness and trust in public institutions. The role of the head of institution in managing conflicts of interest was stressed. Finally, the role of publishing information on detected cases and sanctions imposed was highlighted too.
SESSION 1: MEASURES AND TOOLS TO PREVENT CORRUPTION AND THEIR EFFECTIVE IMPLEMENTATION

At this session presentations were made by the following speakers:

- Goran Klemenčič, Chairman, Independent Commission for the Prevention of Corruption, Slovenia
- Mari-Liis Sööt, Head of Analytical Division, Criminal Policy Department, Ministry of Justice, Estonia
- Valery Korchagin, Head of the Financial Policy Division, Ministry of Foreign Affairs, Russian Federation
- Gianina Chirazi, Counsellor, Communication, Public Relations and Strategy Department, National Integrity Agency, Romania
- Vladan Joksimović, Deputy Director, Anti-Corruption Agency, Serbia
Estonian Anti-Corruption Policy

Mari-Liis Sõöt
Ministry of Justice
Estonia

Framework

1. Approach
2. Tools and examples
3. Implementation
4. Challenges

Approach

Keywords of the Estonian anti-corruption policy (draft strategy 2014-2020):

1. Decentralisation
2. Prevention:
   - Increase transparency in decision making
   - Increase awareness of various groups
   - Increase capability of investigation
**Tools**

Increase transparency in decision making
- Decision making in health sector
- Better public access to information, incl. procurement related decision making and financial transactions of local governments and state institutions
- Internal infrastructure in local governments and state institutions, inc. law enforcement

Increase awareness
- Public funded posts: elected officials, public officials, educational posts
- Citizens
- Businesses

Some examples
- Enforcement of internal control system in local governments
- Public data system on tracking financial relations between state, local governments and private bodies
- 100% e-procurement with public documentation without logs
- Public electronic registers for planning, building, registering child to the kindergarten
- More public information and standards on those who are involved in law enforcement process (incl. lobby)
- Implementation of self-assessment methodology in state institutions
- Internal guidelines for prevention of conflict of interests (in law enforcement, in managing EU funds)
- Creation of system of reporting undue influence in law-enforcement (not to mix up with whistleblowing)
- Ad hoc declaration of conflict of interests by procurement commissions
- Creation of system of reporting undue influence in law-enforcement (not to mix up with whistleblowing)
Some examples

- More transparent promotion rules for government officials, including quality control
- Online ethics trainings for public officials
- Inclusion topic of conflicts of interest in trainings and standards of different vocations
- Establishment of ethics infrastructure in hospitals, etc.
- Risk management trainings on corruption for businesses
- Various quantitative and qualitative studies
- Development of user friendly digital registration in hospitals
- Measuring businesses' anti-corruption efforts through "responsibility index"
- Various online ethics trainings to public officials
- Measuring businesses' anti-corruption efforts through "responsibility index"
- Various online ethics trainings to public officials

Implementation

**Ministry of Justice:**
- Leads anti-corruption policy
- Coordinates implementation of the strategy
- Conducts respective research, surveys, analyses
  - Measures impact of the strategy
  - Reports to the Government

**Anti-corruption sectoral networks** (e.g., healthcare nw, law enforcement nw, local government nw, education nw, ...):
- Assess implementation of the strategy
- Analyse measures and activities of the strategy
- Propose additional measures and activities to the strategy

**Anti-corruption coordinator in each ministry:**
- Coordinates anti-corruption policy in respective ministry and its administration
- Ensures enforcement of the strategy
- Reports to the MoJ (on request)
- Belongs to the respective network
Challenges

• How to motivate to enforce?
  – Corruption as a side-topic (budget)
  – Hands tied in respect of elected members
  – Narrow definition of corruption
  – Belief in control and punishment

• How to measure performance?
  – „Hard“ data not suitable
  – „Soft“ data causes confusion
Development and Implementation of the Anti-Corruption Measures: Experience in the Russian Federation

Valery Korchagin
Head of the Financial Policy Division
Ministry of Foreign Affairs
Russian Federation

Anti-corruption activities as a system

Today corruption is regarded as one of the systemic threats not only to individual states, but to the global community as a whole. In this context, fighting corruption should also be carried out at the system level.

Anti-corruption activities at the system level involves a set of measures:

- on prevention (prophylaxis) of corruption;
- on criminal prosecution for corruption crimes;
- on minimization and (or) liquidation of consequences of corruption.

The system of anti-corruption measures should take into account:

- the actual levels of corruption in the society as a whole, in different social groups and regions;
- human, financial and other capabilities of a particular society;
- culture and mentality of the socium members;
- peculiarities of the legal system, the law is only one element of the system;
- it should be aimed primarily at the elimination of the causes of corruption.

Public policies have to express the rejection of corruption.

Legal and institutional anti-corruption measures

The basic principles of anti-corruption (the state policy in the field of anti-corruption) in the Russian Federation are enshrined in:

- the Federal Law "On Combating Corruption";
- other Federal Laws;
- Decrees of the President of the Russian Federation;
- National Anti-Corruption Strategy;
- National Anti-Corruption Plan which is updated every two years;
- industry-specific Anti-Corruption Plans;
- other normative acts.

Institution-specific anti-corruption plans are developed on the basis of a model Anti-Corruption Plan of a federal body of executive power which was approved at the meeting of the Government Commission on Implementation of Administrative Reform on 15 September 2010 (for example, the Anti-Corruption Plan of the Federal Archival Agency for 2012 – 2013 was approved by the Rosarkhiv’s Order No. 37 of 29.06.2012). These plans are available on the Internet.
In accordance with the National Anti-Corruption Strategy, the following **three tasks** are **consistently** addressed in the Russian Federation:

- development of the corresponding to the needs of time the legislative and institutional anti-corruption framework;
- supporting the enforcement of legislation and administrative decisions in the field of combating corruption, creation of conditions that put to inconvenience the possibility of corrupt behavior and ensuring the reduction of the level of corruption;
- ensuring performance by members of the society of the anti-corruption norms of conduct, including, where necessary, the use of coercive measures in accordance with the legislative acts of the Russian Federation.

**The system of measures to prevent corruption**

The mechanism of prevention of corruption is based on the use of, first of all, measures aimed at creating in the society of the **atmosphere of "indecency" and "disadvantageousness" of corrupt behavior.**

**Measures to prevent corruption**

The preventive measures aimed at narrowing down the possibilities of corrupt behaviour include:

- creation of departments specialised in prevention of corruption and other offences;
- reporting income, expenses, assets and financial obligations by the state, municipal officials, persons who hold senior positions in the public corporations, employees of the Bank of Russia and members of their families;
- audits of compliance with prohibitions and restrictions and performance of duties;
- anti-corruption expertise of legal acts;
- putting in place a mechanism aimed at resolving the conflict of interest and the revitalization of the work of Commissions on compliance with the requirements of the official rules of conduct to the public, municipal officials, employees of the Bank of Russia;
- obligation of state and municipal employees to notify about attempts to induce them for committing corruption offenses;
- limitations for two years after termination of employment for the former state, municipal officials and employees of the Bank of Russia to occupy positions in commercial and non-profit organizations, if certain functions of state management of these organizations were included in the official (service) duties of the person concerned;
- restrictions on receiving gifts from individuals and legal entities (gifts, cash payments, loans, services, payment for entertainment, recreation, transportation costs and other gifts) in connection with the performance of official duties (3000 rubles; tax as of 4000 rubles);
- travel ban in connection with the performance of official duties outside the territory of the Russian Federation at the expense of natural and legal persons;
- ban on the execution of illegal orders;
- significant limitations to the possibility of carrying out controls of legal entities and individual entrepreneurs;
- obligation to submit information about sources of funds in case of large transactions (information on expenses);
• ban for high level political decisions-makers to have accounts (deposits) in foreign banks outside the territory of the Russian Federation, as well as the prohibition to possess foreign securities and other foreign financial instruments.

Repressive measures

In May 2011, the criminal legislation in Russia was considerably reformed in relation to the liability for bribery.

There are four kinds of bribes, differing on their size, in the Criminal Code of Russia:

- a small bribe – up to 25 thousand rubles;
- bribe in a significant amount – from 25 to 150 thousand rubles;
- bribe in a large scale – from 150 thousand to 1 million rubles;
- especially large size bribe – more than 1 million rubles.

Sanctions in the criminal law were amended in such a way so that as the first penalty appears a fine of up to one hundred times of the amount of the bribe, which is not less than 25 thousand rubles and not more than 500 million rubles. However, the court may also order imprisonment of up to 12 years with a fine.

The grounds for exemption from criminal liability were adjusted too.

Intermediation in bribery was made as a separate offence (Article 290.1 of the Criminal Code of Russia). It is understood as an actual transfer of the bribe on behalf of the bribe-giver or taker or contribution to the achieving or implementing of the agreement between the briber and the bribe-taker. A person who had given a bribe shall be exempt from criminal liability if he/she actively contributed to the disclosure and (or) investigation of the crime, and either a bribe was extorted by a public official, or a person after the crime voluntarily reported bribery to a body entitled to initiate a criminal case.

After receiving a 25 thousand rubles (approximately 800 USD) bribe, a public official may be fined in the amount from 625 thousand rubles (about 22 thousand USD) to 1.25 million rubles (about 400 thousand USD), and the person who has given this bribe – in the amount from 375 000 to 750 thousand rubles.

Prior to May 17, 2011 the fines for the same offenses were as follows:

- For a bribe-taker – from 100 to 500 thousand rubles;
- For a briber – not more than 200 thousand rubles;

At present for an especially large bribe (e.g., 1.5 million rubles) the fines are as follows:

- For bribe-taker – from 120 to 150 million rubles;
- For briber-giver – from 105 to 135 million rubles.

Prior to the amendment, the maximum fine for accepting a bribe was 1 million rubles, for giving a bribe – 500 thousand rubles.

In 2011, 1992 people were convicted for accepting a bribe, 2279 people – for giving a bribe.

Example. The former Head of the Police Department Y.G. was sentenced to a fine of 45 times the amount
of the bribe received by him from the owner of a cafe with illegally installed slot machines. The amount of the fine is 2.26 million rubles (about 900 thousand USD).

According to the Supreme Court of Russia in 2010:

For accepting a bribe:
- penalty was prescribed for 11% of the convicts;
- real imprisonment was imposed on 26% of the convicts, with one in eight of them receiving less than the lower limit of duration of imprisonment;
- conditional imprisonment was assigned to 62% of convicted persons, of which one in five of them receiving the duration of imprisonment longer than 3 years.

For giving a bribe:
- a fine was assigned to 38% of the convicted persons;
- imprisonment for a certain period of time was assigned to about 9% of the convicted persons;
- conditional imprisonment – to 52% of the convicted persons.

In 2011:
- 55% of the bribe-takers were sentenced to multiple fines;
- the proportion of conditionally imprisoned was reduced to 36% compared to 62% in 2010.

Actual or suspended prison sentence for taking bribes now does not exempt from a fine, as an additional punishment. Multiple penalties in the first place began to replace the suspended imprisonment.

Fines now apply more often to bribe-givers as well.

As a basic penalty, the fine was applied to 80% of those convicted of bribery. Under the old legislation, fines were prescribed to less than half of the convicts.

The share of convicted bribe-givers sentenced to suspended imprisonment was reduced from 50 to 15%.

Preventative function of the criminal law

The total amount of fines ordered by the courts as punishment was:

In 2011 - 124 550 000 rubles;
In 2012 - 1 725 239 000 rubles;

It represents an annual increase of more than 13 times.

Liability of legal persons

The responsibility of an organisation for illegal transfer and unlawful offer or promise on its behalf or in its interest to an official a "bribe", for the commission of acts in the interest of the organization related to the official position of an official is enshrined in Article 19.28 of the Administrative Code of Russia.

An organization is assigned to a penalty, the amount of which is differentiated in accordance of the size of
the bribe and can be up to one hundred times the amount of the subject of the "bribe", but not less than one million rubles, with confiscation of the "bribe".

Due to the fact that corruption and other offenses are transnational in nature and it is possible to bring them to justice is only in the interaction of law enforcement and other bodies of a number of states, an institution of legal assistance was introduced for the cases of administrative offences. The period of limitation of administrative liability for violation of anti-corruption legislation was increased from 1 to 6 years from the day of committing an administrative offence.

Various provisions of the Administrative Code of Russia, established in order to counter corruption, are applied in practice. Over the last three years, the courts have examined 52 cases. 39 legal entities have been administratively punished; the administrative proceedings in relation to 13 legal entities have been discontinued.

Indeed, only a consistent and active work on formation in the society of an intolerant attitude towards corruption can lead to the change in public attitudes towards corruption. Of course, it will require great efforts from all of us, but there is no other way.

Thank you for your attention!
PART I

THE EVOLUTION IN TIME. RESULTS

SITUATION BEFORE ESTABLISHING THE NATIONAL INTEGRITY AGENCY (1996 - 2007)

- In Romania, in the last 60 years, no politician or official of the state submitted information about their financial situations.

- In 1996, a hesitating beginning took place towards the adoption of certain reforms to fight corruption, such as the introduction of mandatory filling assets and interests disclosures by certain state officials, but the measure wasn’t effective in practice - the declarations were not publicly available and there was no systematic monitoring of declarations’ content.

- With an increasing vulnerability to corruption, Romania had to adopt new anticorruption measures, the reform adopted in 2003 making the assets and interests disclosure available to the public and introducing a more detailed template.

- Almost 11 years after introducing the assets and interests disclosures, the idea of establishing a control mechanism in this way began to take shape. Generating vivid political debates, the Romanian Parliament found, however, the wisdom to adopt the law empowering the National Integrity Agency to fill the gap of integrity and transparency in exercising public function.
THE AGENCY’s GENERAL OBJECTIVES

- Assuring a transparency climate with assets and interests disclosure available to everybody
- Control of unjustified assets
- Evaluation of conflict of interests and incompatibilities

The “weapons” the Agency was provided with are not similar to those of the judiciary entities. Any administrative act issued by the Agency is subject to judicial censorship.

The Agency’s findings may have as ultimate effects the sanctioning of the person committing an integrity incident, confiscation of unjustified assets, dismissal from the mandate, administrative fine etc.

THE SITUATION TODAY (2008 – 2013)

Quality of the person where A.N.I. identified unjustified assets, conflicts of interests, incompatibilities:

- 3 Members of the Parliament lost their mandates following A.N.I.’s findings
- 1 Deputy Secretary General of the Government dismissed after A.N.I.’s findings
- 3 Ministers of the Government were not appointed into the new Cabinet because of the A.N.I.’s findings
- 9 Members of the Parliament or important mayors resigned after A.N.I.’s evaluation

Quality of the persons where A.N.I. identified unjustified assets, conflicts of interests, incompatibilities:

- 51 Members of the Parliament (including members of the European Parliament)
- 12 Presidents and Vice-presidents of county councils
- 10 Members of the Government (ministers, secretaries of state)
- 700 Police officers, public servants, judges, prosecutors, local elected officials, heads of public authorities etc.
THE SITUATION TODAY (2008 – 2013)

- Finalized investigation: 5200 cases
- Incompatibility cases: 420 cases
- Cases referred to Prosecutor’s Offices for breaching criminal legislation: 340 cases
- Conflict of interests cases (administrative and criminal nature): 165 cases
- Unjustified assets cases: 50 cases

Total approx. amount of unjustified differences between assets and incomes ascertained by A.N.I. in 50 cases: 13,000,000 €

Administrative fines for non-compliance with legal provisions regarding assets and interests disclosures submission: 5000 €

THE TRANSPARENCY OF THE ASSETS AND INTERESTS DISCLOSURES

The Portal of assets and interests disclosures (http://declaratii.integritate.eu) contains over 3,860,000 disclosures submitted to A.N.I. These disclosures are submitted in the period 2008 - 2012.
A poll conducted in March 2013 revealed that the Agency has a rate of 40% more and a lot of confidence among the Romanian citizens. Externally, the results of the Agency have caught the attention of foreign media agencies (Le Monde, Reuters, France Press, Le Figaro, El Pais) – portrayed the Agency as a good practice model.

PART II

HOW DOES THE AGENCY WORK?
PERFORMING ITS ATTRIBUTIONS

The Agency has exclusive competence in preventing and combating incompatibilities and conflicts of interests, controlling the process of submitting assets and interests disclosures, identifying significant differences between assets incomes, performance of the prevention and awareness.

- Access to all documents / records from public authorities or any other public or private persons (tax registers, personal ID databases, motor vehicle register, real estate register, F.I.U. databases, land register etc.).
- Evaluation activities started ex officio or upon notification by any individual or legal entity.
- The entire activity of the Agency is run through informatica systems. The operative activity is conducted by the integrity inspectors through an informatics system of integrated management for assets and interests declarations (S.I.M.I.D.A.I). At administrative level – the support personnel – the activity is run through an electronic Document Management System (DMS-SAP) with the purpose of streamlining the activity and reducing costs generated by the use of paper.
- An evaluation file is randomly assigned to the integrity inspector through an informatic distribution module. The evaluation activity is performed according to the systematic operational procedures, implemented to insure a more standardized and effective process of investigation.

WHO HAS THE OBLIGATION TO DECLARE INTERESTS AND ASSETS?

PERSONS HOLDING HIGH AND OFFICIAL POSITIONS
(MP’s, Ministers etc.)

CIVIL SERVANTS

POLITICAL APPOINTEES

ELECTED OFFICIALS

CANDIDATES RUNNING FOR:

PRESIDENT OF ROMANIA

EUROPEAN PARLIAMENT

ROMANIAN PARLIAMENT

COUNTY AND LOCAL COUNSELOR

MAYOR
NUMBER OF COVERED OFFICIALS AND STAFF RESPONSIBLE
(according to an OECD study - 2010)

<table>
<thead>
<tr>
<th>Country</th>
<th>No. of public officials who should file statements (approx.)</th>
<th>No. of persons responsible for disclosure verification (approx.)</th>
<th>No. of responsible persons per 1,000 covered officials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Albania</td>
<td>4,200</td>
<td>20</td>
<td>2,4</td>
</tr>
<tr>
<td>Bosnia and Herzegovina</td>
<td>6,000</td>
<td>3</td>
<td>0,5</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>7,073</td>
<td>9</td>
<td>1,2</td>
</tr>
<tr>
<td>Croatia</td>
<td>1,850</td>
<td>5</td>
<td>2,7</td>
</tr>
<tr>
<td>Latvia</td>
<td>70,800</td>
<td>66</td>
<td>1,07</td>
</tr>
<tr>
<td>Romania</td>
<td>300,000</td>
<td>33</td>
<td>0,11</td>
</tr>
<tr>
<td>Slovenia</td>
<td>5,264</td>
<td>2</td>
<td>0,4</td>
</tr>
</tbody>
</table>

STAFF AND INDEPENDENCE

President (1)
- 4 years mandate -

Vicepresident (1)
- 4 years mandate -

Integrity inspectors (33 persons)

Support personnel (16)
- Legal, I.T., Communication, Registry Departments -

Administrative personnel (36)

Specialized staff
- Management selected through public examination;
- Integrity inspectors with economic or law studies;
- Administrative support for the operational activity.

Guaranty of independence
- Independence is guaranteed by the National Integrity Council – a representative body which has the task to supervise A.N.I.’s activity and to act as an interface against any external pressures which might be exercised by any public or private entities;
- The Council is appointed by the Senate.

External independent assessment
- Performed on annual basis, through an independent external audit;
- Assesses quality of A.N.I.’s management;
The Agency represents only a part from a wider and complex process of enforcing the legislative provisions referring to the submission and control of wealth and interests statements:

- Persons within public institutions appointed with the implementation of the legal provisions on wealth/interests statements submission
- Natural or legal persons submitting notifications
- Mass-media and the civil society identifying, in their own profession activities, possible cases which may become ex officio notifications of the Agency
- Institutions which have the liability according to the law to provide acts and documents in order to perform the evaluation activity
- Extrajudicial expertise, points of view of the person subject to evaluation etc.

**Process of collecting, storage and publication of assets and interests disclosures**

- **Public official**
  - Fills in due time assets and interests disclosures;
  - Has the possibility to consult guidelines available on Agency’s Website.

- **National Integrity Agency**
  - Receives, records the documents and issues a proof of receipt;
  - Advice the public official on the correct filling in and submission in due time of disclosure;
  - Highlights the disclosures in particular records (registers) which are public;
  - Displays assets and interests disclosure on their own institution Website;
  - Prepares, after the submission deadline, a list of persons who have not submitted the disclosures in time, along with person’s point of view on this matter.

- **Designated person**
  - Receives in certified copies assets and interests disclosures from the designated persons;
  - Displays them on the Web Public Portal of the Agency, not later than 30 days after receiving them;
  - Disclosures are maintained on the website of the Agency for the duration of the term in office and three years after its termination and archive them according to the law.
FOLLOWING THE EVALUATION / ASSESSMENT ACTIVITY, THE AGENCY’s FINDINGS MAY BE:

- **unjustified significant difference** between the assets acquired and obtained incomes during exercising the public position (in this case, the Agency sends the file to the Wealth Investigation Commission – formed by two judges and one prosecutor. If the Commission finds A.N.I.’s referral as grounded sends the file to the competent Court with the proposal of confiscating this unjustified difference in assets);

- **incompatibility** (the evaluation report of the Agency can be challenged in Court; if A.N.I.’s report remain definitive – through Court decision or by not challenging the file - the person is subject to administrative sanctions which varies from removal from the office to suspension of the right of promotion or reducing the salary);

- **conflict of interests – administrative nature** (the evaluation report of the Agency can be challenged in Court; if A.N.I.’s report remain definitive – through Court decision or by not challenging the file - the person is subject to administrative sanctions which varies from removal from the office to suspension of the right of promotion or reducing the salary);

- **false statements** (the action of the persons who intentionally submits assets and interests disclosure which do not correspond to the truth);

- **breaching tax, money laundering etc., legislation** (the evaluation report is also referred to the competent fiscal authorities or FIUs).

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PART III

OBSTACLES, CHALLENGES AND IMPACT

EXPERIENCED PROBLEMS / OBSTACLES

**Weak Points:**

- lack of unitary practices and procedures of handling cases referred by the integrity inspectors to Courts;
- three years prescription period, stipulated by Law, regarding the time in which the Agency may run the evaluation activity on assets and interests disclosure;
- absence of guidelines at the level of the Wealth Investigation Commissions.

**Threats:**

- budgetary restrictions;
- legislative instability;
- long period of judicial procedures;
- unjustified delays in handling the cases;
- internal and external interference in order to limit the Agency's operational independence.
• Responding external factors requirements (European Commission, GRECO, UNCAC);
• Solving problems of assets and interests disclosures transparency;
• Enhancing the integrity in public functions and dignities;
• Raising awareness;
• Important European and international partnerships.

Agency’s mission for the future will continue its policies of significantly contributing to the establishment of integrity standards, good practices at the level of public administration, as well as to discourage the behaviors generating corruption on the administrative side.
Measures and Tools to Prevent Corruption and their Effective Implementation

Vladan Joksimović
Deputy Director
Anti-Corruption Agency
Serbia

Brief introduction

The competences entrusted to the Anti-Corruption Agency of Serbia (ACA) by the Law are aimed at the following goals:

- **Public Spending Oversight**, on account of which the Agency is responsible for:
  - resolving incompatibility of public offices and conflicts of interest;
  - monitoring of public officials’ assets, keeping the register of public officials, assets and gifts;
  - monitoring the financing of political entities;

- **Disclosure of irregularities** committed by individuals and/or groups, regardless of status, on account of which the Agency is to act on complaints and charges by legal and natural persons;

- **Education** of public sector representatives and other target groups, including the general public, regarding issues significant to anti-corruption action;

- **Providing mechanisms for the establishment and improvement of integrity in the institutional and regulatory framework**, on account of which the Agency is responsible for:
  - coordinating the process of introduction and overseeing the implementation of integrity plans in the public sector;
  - overseeing and reporting on the implementation of the national anti-corruption strategy;
  - corruption risk analyses of regulations, and launching initiatives for amending and adopting regulations so as to eliminate corruption risks;
  - conducting research and analysis in order to provide empirical knowledge needed to develop anti-corruption public policies;

- **Establishing and strengthening connections with the environment it operates in**, on account of which the Agency is responsible for:
  - cooperating with international community representatives and international authorities;
  - cooperating and coordinating its operations with other independent public and regulatory bodies;
  - cooperating with civil society organizations;
  - conducting anti-corruption campaigns;
Drawing on its three years experience and lessons learned, the ACA in Serbia initiated changes of the Law on Anti-Corruption Agency in view of significantly improving its efficiency. ACA forwarded extensive proposal with detailed explanation to the Government and to the National Assembly. Majority of the proposed changes relates to the stricter provisions regarding the conflict of interest’s area and asset declaration control.

**Key Anti-Corruption Prevention Mechanisms of the Agency**

**Introduction of Integrity Plans into the Serbian public sector**

In the process of integrity plan adoption and implementation, the Law entrusted the Agency with a consultative and supervisory role. The consultative role consists of the coordination and direction of the process of creating conditions for introducing integrity plans to public authorities that are under the obligation to do so. This role also involves the education of parties in charge of the development and implementation of integrity plans in their institutions. The supervisory role involves monitoring and supervising integrity plan development and implementation in public authorities, quality and objectivity checks of developed plans, as well as of the degree of implementation of the measures adopted for improving institutional integrity. Considering the fact that integrity plans are a completely new concept for the absolute majority of public sector entities, providing support to persons who are going to be working on integrity plan development in public authorities was a primary goal in 2012. At the beginning of the year public authorities under this obligation were sent user-names and passwords for accessing the draft integrity plan, so they could begin developing their own plans. Persons to be directly in charge of working on integrity plans for their public authorities, were given support in the form of standard educational form but also providing advice and other necessary information via telephone, email, and correspondence. Apart from direct work with parties to be in charge of integrity plan development and with an aim to put stronger focus on the integrity plans as the important preventive anti-corruption mechanism and motivate relevant institutions to draft objective and quality risk assessments/IP reports, a special package of documents to help working groups throughout this process has been arranged and published. Thus, models of decisions being made in the process of integrity plan development have been worked out; questions required by the working group for interviewing staff, which constitutes a separate step in the process of integrity plan development in public authorities, have been formulated. In addition, the Guide through the Procedure of Integrity Plan Development, and the Integrity Plan Sample have been prepared and published, and 2000 Integrity Plan Development Manuals have been distributed in print.

With the purpose of assisting institutions in the adoption of integrity plans, *the Agency drew up 69 draft integrity plans (models) adapted to different types of institutions. According to this typology, institutions are classified in a total of 14 systems.*

Draft integrity plans were made in the form of an electronic application available on the Agency’s server and accessible to all institutions with a user-name and password. By responding to the questions from the draft integrity plan, intended for the system it belongs to, the institution in fact automatically generates its own integrity plan.

Out of 4576 public institutions that were obliged to adopt integrity plan, 2163 submitted the plans within the deadline, which is 47.26%.

Although expected, due to ACA’ proactive IP promotion, such result is quite encouraging having in mind that public authorities display a certain degree of reservation in supplying answers to external
inquiries/performance evaluation regarding their work, plus IP could indicate numerous measures for improvement of internal processes of one institution. In addition, according to the current law, no sanction is foreseen for not submitting the integrity plan. Because of this reason, one of the important (proposed) amendments relates to the misdemeanour accountability for the head of the institution who failed to submit the integrity plan.

The main task for the ACA in the forthcoming period is to review and analyse IPs and if IP recommendations and related action plans are properly implemented.

**Analysis of Corruption Risks in Draft Laws**

In the framework of corruption risk analysis of draft legislation and especially in order to strengthen regulatory integrity and eliminate potential corruption risks ACA developed the *Methodology for corruption risk assessment in legislation*. In the opinion of the Agency, recognizing and eliminating risk of corruption in regulations is an important prevention measure. Namely, if legislative provisions are clear and precise, there is less room for interpreting and implementing regulations in such a way as to use public competences for private interests of civil servants or public officials implementing the regulation. The methodology for estimating risk of corruption in regulations should be applied by law proposers, so as to pay closer attention to eliminating from the text the elements which could generate incentives to corruption in real life, during the regulation drafting process itself. The Agency’s part in this process would be that of a “quality supervisor”, i.e. checking whether the nominators correctly implemented the methodology when writing the regulations. That is why one of the important law change (initiated by the Agency) relates to this issue.

In 2012 ACA analysed ten draft laws and one by-law issuing comments/ opinions with concrete findings, specific conclusions and recommendations for their improvement. The ACA sent comments to competent state authorities, besides presenting them to the public on its web page and through public appearance of its representatives and at various expert meetings.


Along with the draft laws, the Agency has drafted reports which analyzed corruption risks contained in regulations in force. The Agency submitted reports in the area of health and education to the competent ministries, the Government, and the National Assembly. Both reports contain recommendations by the Agency on ways to improve the regulations regulating certain areas in the health care system, as well as certification procedures and textbook selection in primary schools and high schools, in order to limit or eliminate corruption possibilities in the course of these processes. Some recommendations were accepted.
1. *Report on the Forms, Causes, and Risks of Corruption in the Health Care System.* – submitted to the Ministry of Health, and presented to the public in September 2012. In producing the report, the Agency used its own data base, as well as the data base of public authorities in the health care area compiled by the Agency for the adoption of integrity plans. Apart from the ones already mentioned, the Agency used questionnaire responses submitted by the Serbian Medical Chamber, and the Ministry of Health. In addition to the cases which had been reported to the Agency, the report also indicated cases of health care corruption covered by the media, some of which were processed by other authorities (public prosecutor’s office, court).

The report consists of several units (parts), with a brief overview of the health care system, competent authorities and legal system, an outline of corruption types which amount to criminal offences; subsequently, cases of corruption in the health care system which had been reported to the Agency by way of complaints, and those covered by the media, are reported. Causes and risks of corruption are identified, and recommendations and measures defined, leading to a reduction of corruption risks, and improvement of the health care system.

2. *Report on the Analysis of the School Textbook Selection and Approval Procedure.* – presented to the public in December 2012, and submitted to the Government, the National Assembly, and the Ministry of Education, Science, and Technological Development. In addition to the analysis of regulations in this area, the Agency conducted interviews with the relevant institutions and establishments participating in the textbook approval procedure. For the needs of the analysis, the Agency used data from the documentation of the “Free Textbooks” Project, submitted by the Ministry of Education, Science, and Technological Development.

*Corruption Research*

In order to ensure empirical knowledge for formulation of anti-corruption policy/recommendations the ACA organised researches and analysed statistical and other data on the state of corruption in health and local self-government. The third research on the state of corruption in judiciary is to be issued in the forthcoming period.

In 2012 a total of 1,732 representatives from four different target groups were surveyed as to the outlook and perception of public interest regarding prevention and fight against corruption, and the place and role of the Anti-Corruption Agency.

The research of the perception of public interest regarding prevention and fight against corruption, and the place and role of the Anti-Corruption Agency was carried out from March to June 2012. Since the Law gives the Agency a mandate to conduct a wide range of different anti-corruption policies and mechanisms for their implementation, the aim of the research was to provide an empirical foundation for focused action of the Agency, considering the assessed attitudes, opinions, expectations and experiences of different public target groups concerning corruption, as well as the place and the role of the Agency in preventing and combating corruption. The focus of the research was determining the place and the role of each of the covered target groups in the process of preventing and fighting corruption, and the cooperation with the Agency in that area.

The research covered a sample of 1,000 public authorities, 386 of which had filled out questionnaires; 103 non-governmental organizations from all over Serbia; 51 media companies and 1,210 citizens. For sampling requirements, the Agency relied on its own resources, i.e. on data bases developed in the
process of integrity plan adoption, and on data bases of non-governmental organizations and the media. During the research of the citizen target group for the requirements of field data collection, the organization Center for Free Elections and Democracy was engaged.

In the opinion of 77% of public officials, 97% of media representatives, 82% of respondents from the NGO sector, and 77% of citizens, corruption is the biggest social problem.

91% of citizens considers that prevention and fight against corruption are matters of general social interest; 51% of them believe that preventing and combating corruption are of a fundamental value to public interest, while for 36% it has a significant, although not crucial importance.

Judging by the responses, corruption constitutes the main problem in the Serbian society. The number of respondents identifying this phenomenon as endemic is quite uniform across all examined target groups. Although all target groups regard civil servants (in the more general sense of the term, encompassing public officials and public authority employees in executive positions) and citizens as more or less equally responsible for the emergence of corruption, it may be more noteworthy to point to the fact that a considerable number of all target group representatives identified civil servants as primarily responsible for the emergence of corruption, and that the proportion of those who “carry more responsibility for corruption” is almost equally distributed across the target groups.

Unlike almost every dogmatic conclusion in the Serbian public discourse regarding the pervasiveness of corruption as a consequence of the citizens’ “weak character”, the representatives of the surveyed target groups consider the causes of corruption are “built into the system”, that is to say that the “system” was made in such a way as to favour corrupt acts, i.e. to enable non-detection and impunity of corrupt practice. Supporting the view that the pervasiveness of corruption is most likely on the side of the system, is the fact that 74% of Serbian citizens believe institutions are incapable of defining, protecting and promoting public (general) interest.

**Anti-Corruption Education**

**Key results in 2012**

Educational programs have included 3,679 participants, of which 3,546 (96%) public authority representatives, compared to 1,883 participants, of which 1,244 public authority representatives (approximately 66%) in 2011, doubling the number of participants, and seeing a threefold increase in public authority representatives;

The duration of educational events in 2012 was a total of 91 days, compared to 75 days in 2011

Main topics: integrity plan development process, individual and institutional integrity and ethics, rights and obligations deriving from the Law on the ACA, concerning registers and conflicts of interest, trainings on the Agency’s role and mandate in monitoring election activities of political entities, as well as journalist ethics and integrity, code of ethic, trainings for journalists working in electronic and print media, etc

In 2011 and 2012, internship program was developed and 42 interns completed for month detailed internship programs.
Assessment of the situation

With regard to the educational programs organized by the Agency, a growing trend in the number of public authority representatives responding to its invitations can be observed every year. On the one hand, this can be seen as an indicator of a certain change of awareness among public sector representatives concerning the significance of education as such, and the familiarization with new trends, both in the public sector and in the environment in which it operates, exercises its competences, and in which it ought to solve particular problems. On the other hand, the present system regulating civil servant status is apparently still not managing to efficiently introduce the obligation of education for public authority representatives into the mechanism for their evaluation, performance assessment, and in this respect, their career progress.

The training system for public sector representatives is such as to keep taking up the issue of their motivation, interest, and the practical value of knowledge and information obtained in this way. For the most part, the obligation of civil servants to pursue professional specialization has remained at the level of a legal formality, seeing as a considerable number of public sector representatives undergo training reluctantly, for “instrumental” reasons. In other words, this makes it easier to comply with the rules determined by the regulation, which might prove useful later on, if an advancement opportunity comes along, which in fact would not be the result of performance, but of a mere passing of the official number of years required by law in order to obtain a higher rank or salary category. At the same time, there are a number of civil servants who understand the importance of professional specialization, and who constantly pursue it through training. The current system does not favour such individuals, nor does it reward them for being prepared to apply the newly acquired knowledge and skills in their working environment.

In the best case scenario, the fact that certain public officials attend some trainings may be considered a sign of their opportunism, that is to say, of the awareness that this might be a shortcut to get information on what needs to be done so as to formally implement certain legislative provisions, but not to understand the essence of the phenomenon which that legislative provision seeks to regulate.
SESSION 2: CORRUPTION RISK MANAGEMENT AND INTEGRITY PLANS AT INSTITUTIONAL AND SECTOR LEVEL

At this session presentations were made by the following speakers:

- **Goran Klemenčič**, Chairman, Independent Commission for the Prevention of Corruption, Slovenia
- **Vidmantas Mečkauskas**, Head of Corruption Risk Division, Corruption Prevention Department, Special Investigation Service, Lithuania
- **Alain Hoekstra**, Coordinating Policy advisor, National Integrity Office, Netherlands
Integrity plans: a comprehensive tool for corruption prevention, strengthening the rule of law and integrity of public sector

Goran Klemenčič
Chief Commissioner
Commission for the Prevention of Corruption
Slovenia

What is an integrity plan?

- Integrity plan is a documented risk assessment process and selection of measures to prevent corruption.
- It contains assessment of exposure to corruption risks in an institution and proposals to improve integrity and prevent corruption.
- There are approx. 1900 entities obliged to adopt and implement integrity plan from the public sector in Slovenia: all the state bodies, self-governing local communities, public agencies, public institutes, public utility institutes and public funds.

The beginnings

- Integrity plan has been foreseen by the legislator as one of the main instruments for strengthening integrity and transparency of the public sector, to prevent corruption and eliminate conflict of interests.
- Entities are obliged to draw up and implement integrity plan by the law (Integrity and Prevention of Corruption Act).
- Institutions and their employees were rather reserved at the beginning.
- For better acceptance of the integrity plans commission provided: “open days”, hotline, guidelines, model, glossary of the terms, manual for drawing up integrity plan, Q and As, unified notice, etc.
### NAME OF THE RISK: UNLAWFUL RECEIPT OF GIFTS

<table>
<thead>
<tr>
<th>No.</th>
<th>RISK FACTORS</th>
<th>SOURCE OF RISK FACTORS</th>
<th>EXISTING MEASURE</th>
<th>RISK ANALYSIS OF THE RISK FACTORS</th>
<th>OVERALL RISK ASSESSMENT</th>
<th>SUGGESTED RISK MEASURES</th>
<th>SOURCE OF RISK FACTORS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Gift register does not exist</td>
<td></td>
<td></td>
<td>managed partially managed not managed</td>
<td></td>
<td>Establishment of gift register</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Employees are not acquainted with appropriate action in order to deal with gifts</td>
<td></td>
<td></td>
<td>managed partially managed not managed</td>
<td></td>
<td>Appointment of employee responsible for gift register</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Acceptance of request for gifts in order to perform promissory duty conduct</td>
<td></td>
<td></td>
<td>managed partially managed not managed</td>
<td></td>
<td>Training on appropriate behavior</td>
<td></td>
</tr>
</tbody>
</table>

#### NAME OF THE RISK: (evaluation based on a heat map)

**Likelihood of Risk Occurring**

**Consequence of Risk**

**Overall Risk Assessment**

---

### REGISTER OF CORRUPTION RISKS, OTHER ILLEGAL OR UNETHICAL BEHAVIOUR

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Unlawful receipt of gifts</td>
<td>Establishment of gift register</td>
<td></td>
<td>1 – Implemented within three months</td>
<td>Head of the legal department</td>
<td>YES FULLY  NO</td>
<td>Head of the legal department</td>
</tr>
</tbody>
</table>
Where are we now?

- We have received approx. 1700 out of 1900 expected integrity plans.
- A fine may be imposed on a responsible person of the entity if integrity plan have not been implemented in time.
- Evaluation of the quality of the received integrity plans (ministries, municipalities, hospitals, pharmacies, inspectorates, institutes, public agencies, ...)
- Feedback to individual institutions
- **Integrity plan is a process not just a document**
- Use of integrity plans when investigating concrete cases
- Integrity plan as a basis for an ad hoc supervision of the institution
- Recommendations to amend and upgrade integrity plans according to the findings in concrete cases
- Pros and cons

Future plans

- Internalisation of the process and of the integrity plan by the employees, officials and heads of each entity is paramount.
- Based on the data collected and processed from integrity plans in informatised form, the Commission will be able to obtain information on the criticality of individual risks for the entire country.
- Regular meetings and interaction with tutors/guardians of integrity plans in order to exchange good practices, find solutions and promote integrity.
- Creating an open portal which allows general public to propose risk factors in different areas of the public sector.
- Active cooperation between Commission and internal auditors of public sector in order to identify corruption risks.
- Promoting integrity plan to the private sector as successful tool to strengthen integrity which enhances reputation, provides better working environment and confers competitive advantage.
Managing corruption risks in Lithuania

Vidmantas Mečkauskas
Head of Corruption Risk Division
Corruption Prevention Department
Special Investigation Service
Lithuania

18 февраля 1997 г. была учреждена Служба специальных расследований при МВД, основной задачей которой было выявление и расследование преступлений коррупционного характера.

- 2 мая 2000 года Парламент (Сейм) Литвы принял Закон о Службе специальных расследований.
- Согласно закону Служба это - подотчетное Президенту Республики и Сейму, действующее на уставных началах государственное правоохранительное учреждение, которое координирует осуществление море по пресечению коррупции, раскрывает и расследует коррупционные преступления.
- Настоящий Закон устанавливает правовые основы деятельности, задачи, функции, организацию и финансирование службы, способы осуществления контроля за деятельностью, а также права и обязанности должностных лиц ССР.
ОСНОВНЫЕ РИСКИ

ЧЕЛОВЕК

ПРАВОВАЯ НОРМА

ПРИМЕНЕНИЕ ПРАВА

Меры по превенции коррупции

Основными мерами по превенции коррупции являются:
- Анализ риска коррупции;
- Антикорупционная оценка правовых актов или их проектов;
- Программы борьбы с коррупцией;
- Представление информации о лице, преследующем цель занять должность в государственном учреждении и др.
Процесс определения вероятности проявления коррупции регламентирует:

- Закон Литовской Республики «О превенции коррупции» (žin., 2002, № 57-2297)


- Указ № 2-170 директора Службы специальных расследований Литовской Республики «Об утверждении рекомендации для определения вероятность возникновения коррупции в сферах деятельности государственных или муниципальных учреждении» от 13-05-2011 (žin., 2011, № 60-2377)

Анализ риска коррупции

Анализ риска коррупции – анализ деятельности государственного или муниципального учреждения с антикоррупционной точки зрения.

Он состоит из:
- определения вероятности проявления коррупции
- выполнение анализа риска коррупции
Определение вероятности проявления коррупции

Цель – государственное или муниципальное учреждение выявляет сферы, где большая вероятность проявления коррупции.

1. Определение областей деятельности государственного или муниципального учреждения, где есть большая вероятность проявления коррупции
2. Оценка областей деятельности, где есть большая вероятность проявления коррупции
3. Предоставление обобщённой информации министру или мэру
4. Составление мотивированное заключение
5. Предоставление мотивированное заключение и документов ССП

Субъекты оценивают соответствует ли области деятельности учреждения одному или нескольким из критериев установленных в законе Литовской Республики «О превенции коррупции»:

1. Совершено проступок деяние коррупционного характера;
2. Основными функциями является выполнение контроля или надзора;
3. Функции, задачи, порядок работы и принятия решений, а также ответственность отдельных государственных служащих детально не регламентированы;
4. Деятельность связана с предоставлением или ограничением разрешений, скидок, льгот и иных дополнительных прав;
5. В основном принимаются решения, для которых не требуется утверждение другого государственного или муниципального учреждения;
6. Используется информация, являющаяся государственной или служебной тайной;
7. После выполнения анализа риска коррупции были выявлены недостатки деятельности.
Оценка областей деятельности, где есть большая вероятность проявления коррупции позволяет:

1. Проверить как контролируются коррупционные риски;

2. Оперативно реагировать на проблемы, решая их своими силами;

3. Решать проблемы привлекая других компетентных органов.

Заключения о вероятности проявления коррупции, полученные за 2010 – 2012 гг.
Роль Службы специальных расследований

1. Оценка информации (мотивированное заключение и документы)

2. Принятие решение о выполнении анализа риска

3. Выполнение анализа риска коррупции

Результаты анализа риска коррупции:

1. Рекомендации об антикоррупционной деятельности (выполнение мероприятий предусмотренных в законе об профилактике коррупции)

2. Рекомендации как уменьшить или устранить условия для проявления коррупции в отдельных отраслях деятельности или для прозрачности отдельных процедур.

*Представление программы борьбы с коррупцией соответствующего учреждения и (или) предложения относительно содержания программы, рекомендации какие меры должны быть осуществлены по предотвращению коррупции в областях деятельности государственного или муниципального учреждения
Закон Литовской Республики О превенции коррупции (ст. 7) предусматривает, что программы по борьбе с коррупцией могут быть:

- национальная
- отраслевая
- институциональная
Программы по борьбе с коррупцией центральных органов Министерства имеют утвержденные программы по борьбе с коррупцией

ПРИНЦИП СУБСИДИАРНОСТИ

Отдельные институции имеют свои программы по борьбе с коррупцией

ПРИМЕР 1:

АНАЛИЗ РИСКА КОРРУПЦИИ В ВИЛЬНЮССКОМ РЕГИОНАЛЬНОМ ДЕПАРТАМЕНТЕ ПО ОХРАНЕ ОКРУЖАЮЩЕЙ СРЕДЫ:

➢ 18 РЕКОМЕНДАЦИЙ МИНИСТЕРСТВУ ОКРУЖАЮЩЕЙ СРЕДЫ;

➢ 3 РЕКОМЕНДАЦИИ ВИЛЬНЮССКОМУ РЕГИОНАЛЬНОМУ ДЕПАРТАМЕНТУ ПО ОХРАНЕ ОКРУЖАЮЩЕЙ СРЕДЫ.
ПРИМЕР 2:

АНАЛИЗ РИСКА КОРРУПЦИИ В ЭЛЕКТРИЧЕСКОМ САМОУПРАВЛЕНИИ В СФЕРЕ СТРОИТЕЛЬСТВА И ПЛАНИРОВАНИЯ ТЕРИТОРИЙ:

➢ 25 РЕКОМЕНДАЦИЙ ЭЛЕКТРИЧЕСКОМУ САМОУПРАВЛЕНИЮ;
➢ ГОТОВЯТСЯ РЕКОМЕНДАЦИИ МИНИСТЕРСТВУ ОКРУЖАЮЩЕЙ СРЕДЫ.

Институциональные программы по борьбе с коррупцией

31 декабря 2008 года указом директора ССР № 2 360 была утверждена методика по подготовке программ местными самоуправлениями.

Структура методики:

• Общие положения
• Содержание программы
• План мероприятий
• Заключительные положения
План мероприятий по борьбе с коррупцией

<table>
<thead>
<tr>
<th>Название Мероприяти</th>
<th>Исполнитель</th>
<th>Объем Исполнения</th>
<th>Ожидаемый Результат</th>
<th>Критерии Оценки</th>
<th>Финансирование</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. ЗАДАЧА</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. ЗАДАЧА</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
После получения мотивированного заключения с конкретными рекомендациями, государственное или муниципальное учреждение в течение 3 месяцев со дня получения заключения и предложений представляет Службе специальных расследований информацию о выполнении указанных в заключении мер по превенции коррупции.

Служба специальных расследований оценивает полученную информацию, ведет мониторинг за антикоррупционными программами и другими мероприятиями.
SAINT: Risk Assessment Methodology in Netherlands

Alain Hoekstra
Coordinating Policy advisor
National Integrity Office
Netherlands

SAINT: Self Assessment INTEGRITY

- Not focused on detecting wrongdoing of individual employees
- Not about investigating misconduct
- Not aimed at removing, firing, prosecuting 'bad apples'

Instead

- Focused on detecting vulnerable processes and integrity risks
- Organizational system failures (structure, culture, context)
- Aimed at 'bad barrels' that can spoil the apples

Why?

"Discarding bad apples generally won't solve an organization's problem with unethical behavior. The organization must scrutinize itself to determine if there's something rotten inside the organization that's spoiling the apples."

Travino & Nelson (2004), Managing Business ethics: Straight talk about how to do it right (p.10)
SAINT: some pre-assumptions

- all public organizations are vulnerable
- aware of vulnerabilities/risks
- eliminating vulnerabilities/risks/temptations
- responsibility of employer
- employees have the right to be protected
- risks assessments obligation Civil Servants Act

SAINT: the system

1. which department/unit?
2. what are the most vulnerable processes/integrity risks?
3. how effective is integrity framework/measures?
4. is integrity framework complete/strong enough considering risks?
5. what do we miss/can we do better?
Vulnerable processes: some examples

<table>
<thead>
<tr>
<th>Areas dealing with the public or with the private sector</th>
<th>Collecting</th>
<th>Taxes, fees, charges, etc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purchasing/Contracting</td>
<td></td>
<td>Procurement, tenders, orders, etc.</td>
</tr>
<tr>
<td>Grafting</td>
<td></td>
<td>Social benefit, subsidies, allowances, etc.</td>
</tr>
<tr>
<td>Issuing</td>
<td></td>
<td>Permits, passports, driving licenses, identity cards, etc.</td>
</tr>
<tr>
<td>Public services</td>
<td></td>
<td>Health care, education, garbage collection, etc.</td>
</tr>
<tr>
<td>Inspection/enforcement</td>
<td></td>
<td>Inspections, investigation, prosecution, detention</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Areas dealing with government property</th>
<th>Information</th>
<th>Confidential secret information, documents, etc.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Money</td>
<td>Cash, budgets, expenses, bonuses, allowances, etc.</td>
</tr>
<tr>
<td></td>
<td>Goods</td>
<td>Buying selling government material</td>
</tr>
<tr>
<td></td>
<td>Real estate</td>
<td>Buying selling buildings/land</td>
</tr>
</tbody>
</table>

SAINT: the system

1. Which organisation/department/unit?
2. What are the most vulnerable processes/integrity risks?
3. How effective is integrity framework/measures?
4. Is integrity framework complete/strong enough considering risks?
5. What do we miss/can we do better?
### Integrity control systems: some examples

<table>
<thead>
<tr>
<th>Hard Controls</th>
<th>Soft Controls</th>
<th>General Controls</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislation/ regulation</td>
<td>Values/ code of ethics</td>
<td>Commitment/ vision</td>
</tr>
<tr>
<td>Reporting systems/ whistleblowing procedures</td>
<td>Exemplary behaviour/ role modelling</td>
<td>Integrity policy/ documents/</td>
</tr>
<tr>
<td>Segregation of functions</td>
<td>Integrity awareness/ education/ training</td>
<td>Integrity officer/ entity</td>
</tr>
<tr>
<td>disclosure of side jobs acceptance of gift declaring expenses purchasing/ contracting</td>
<td>Culture openness/ Trust safe/ fairness Rewarded/</td>
<td>Monitoring/evaluating Policies/ Risk analysis</td>
</tr>
</tbody>
</table>

### SAINT: the system

1. which organisation/ department/ unit?
2. what are the most vulnerable processes/ integrity risks?
3. how effective is integrity framework measures (hard/ soft/general)?
4. is integrity framework complete/ strong enough considering risks?
5. what do we miss/ can we do better?
**Gap analysis**

- Level of vulnerabilities compared with level of integrity controls determines what remains to be done in order to achieve...
- Balance: reducing vulnerability or enhancing controls

**SAINT: the process**

- The questionnaire
  - **significant part** of the employees fills in a questionnaire
  - registers which integrity measures in place = score effectiveness

- The workshop
  - **selection** of employees invited to participate
  - jointly detect/ rank/ describe vulnerable processes and risks
  - evaluate if vulnerabilities and measures relate
  - recommend how measures should be improved to counter/ balance the risks

- The Results
  - output of workshop and survey constitutes report
SAINT: some advantages

- Fast
- Time efficient
- Cheap
- Periodic repetition
- Bottom-up
  - inspiring
  - involvement
  - support implementation

SAINT: some limitations

- Suitable for smaller units
- Partial Analysis
  - most vulnerable processes
  - biggest risks
- Quality workshop depends on quality/ honesty participants
- Management is responsible for/ has to decide on follow-up
SESSION 3: PREVENTING CORRUPTION AND INCREASING TRANSPARENCY IN MANAGING AND ALLOCATING PUBLIC RESOURCES

At this session presentations were made by the following speakers:

- **Barbara Fredericks**, Assistant General Counsel for Administration, Office of the General Counsel, Department of Commerce, the United States
- **Đinita Fočo**, Director, Public Procurement Agency, Bosnia and Herzegovina
- **Alem Dzumabekov**, Department for Detecting and Preventing Corruption Cases, Agency on Fighting Economic and Corruption Crime, Kazakhstan
- **Marita Salgrāve**, Council Member, State Audit Office of the Republic of Latvia
Thank you for inviting me to participate in this important meeting. I personally appreciate the opportunity to participate in a conference focused on prevention as opposed to prosecution.

Of course vigilant prosecutors are part a successful anti-corruption strategy, but I believe that in addition to the substantial cost of prosecutions there is an erosion of public confidence that comes even after a series of successful prosecutions. I know there is one school of thought that says that such successful enforcement gives the public confidence that the “system works”. But I believe there is another side to the story. That is the public perception of even successful prosecutions is to believe that for everyone caught and convicted there are four more corrupt officials acting who do not get caught. I believe the public cynicism and lack of trust in governmental institutions is a major barrier to constructing a society living under an open democratic government that practices the rule of law. That is why transparency is such an important topic.

U.S. law enforces the importance of transparency in gaining and keeping public support for our democratic institutions and I am going to discuss a number of these laws and how they create a platform to support a transparent Government.

A transparent government benefits both government and the public. Obviously, the more open government activity is, the more the public can understand the decisions that ultimately are reached. Even if certain members of the public disagree with the ultimate decision if they see it has been reached through a careful, rational and open process there is less opposition to the ultimate decision. Open decision making means the public can theoretically supervise government and hold officials accountable. Also citizens can protect themselves by making more informed choices about products and transactions.
From the beginning of the establishment of the United States there has been an emphasis on government conducting business openly. Legislatures meet in open sessions. Courts have open trials and hearings. All kinds of records are open to the public like marriage licenses, real estate fillings, permits granted. Here is a slide showing some of the laws that mandate openness in government proceedings. But openness is also mandated by executive policy.
The Administrative Procedures Act is the “roadmap” for admin agencies to conduct operations. That law outlines how government administrative action should be conducted by the various administrative agencies in the U.S. Government. The law incorporated many requirements of citizen involvement and oversight. It governs two kinds of government action, regulatory and adjudicatory. There are many agencies that are tasked with regulating various sections of the economy by passing rules which dictate how business should be conducted. Adjudications are the resolution of disputes under the rules these administrative agencies establish.

An important part of the APA is the requirement that both regulatory and adjudicatory action be conducted openly. Agencies must inform the public of their organization, rules and orders issued. It requires public participation in rulemaking. Decisions reached, including initial and recommended decisions, are part of the “public record” of the proceeding. We believe that the more the government educates the public about the process and reasoning behind decisions, the more likely these will be voluntary compliance by the public with the action. Open government also ensures consistent interpretation of rules among agencies and public trust of that interpretation.
To bolster the APA there is another law called the Government in Sunshine Act. This requires government commissions and boards to have open meetings when they are conducting government business. Not only do they have to have open meetings but they have to have advance notice of those meetings and have public minutes available for those meetings.

One of the ways the Government obtains information from the public is through the work of various Federal Advisory Committees. These committees consist of members of the public, experts or representatives of various interest groups who meet to make recommendations on a variety of government actions. Anyone can apply to be on a committee, the nomination process is open to all. The Federal Advisory Committee Act dictates how these Committees will be established and how it also embraces transparency. Members of these communities have to meet openly. They cannot, for example, have secret meetings before their scheduled public meetings but have to debate their issues openly at scheduled meetings. Their deliberations are open to any member of the public who chooses to be present. Again, the public has notice of their meetings, the agenda and sometimes there are
opportunities for citizens to present their individual views on proposals. Essentially the existence of this system means officials on the Executive Branch cannot invite non-government officials into the secret meetings to reach a consensus to develop and decide or even recommend government policy.

There are two ways the public can gain access to the information held in government records. First, much of the kind of information government collects or generates is already publically accessible. All agencies must maintain both electronic and hard copy versions of these government records, in reading rooms in which the public can access these records.

There is a strong emphasis in our current Administration to continue to expand the number of documents released before any request is made. The Administration has directed that agencies post proactively and an Agency anticipate records that will be of interest to the public. They are also directed to post frequently requested records. (This has been defined as three or more requests). One of our more
prominent regulatory agencies, the Federal Drug Administration averages eight million hits a month on its public website. It has 369,000 documents online and 66 data sites.

- **TRANSPARENCY & U.S. GOVERNMENT**

  PROACTIVE RELEASE OF GOVERNMENT INFORMATION

- **TRANSPARENCY & U.S. GOVERNMENT**

  PUBLIC AVAILABILITY
  - Government moving to more transparency
  - American Recovery and Reinvestment Act

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An example of the U.S. Government moving toward more pro-active transparency in contracting was the requirements under the American Recovery and Reinvestment Act. Under that statute billions of U.S. dollars were invested in projects to put people to work and stimulate a sluggish economy. Under this Act – each government entity administering this program made all potential funding opportunities available online and gave the public an opportunity to actually track expenditures for each project as these expenditures were made. There have been many pluses to all these proactive disclosures. As we discussed, the more information out to the public the more confidence the public has in government decision making. It has also resulted in fewer FOIA’s among many agencies, thus savings precious resources in responding to individual request for documents.
Second, if the information is not already available it can be obtained through the Freedom of Information Act the law provides that upon a specific written request U.S. government officials must provide copies of all government records responsive to that request unless that information is protected from release by exemption. Many Governments have similar transparency laws. In 2010, 97 federal agencies received 260,000 requests for information and in 93% of these requests at least some documents were released.

This Administration has issued several memoranda related to FOIA and open government. It specifically prohibited non-disclosure because of embarrassment of public officials, revelation of errors and failures or speculative fears. It has ordered agencies to make discretionary disclosure, use partial disclosure when possible and apply “foreseeable harm” standard to disclosures not prohibited. This has meant if we want to withhold a document (for which there is discretion) we have to be able to identify the actual harm to the government before telling a requester no.
This next slide shows just some of the categories of information that is available either because it is released without request or routinely given upon request.

If the government refuses to release information and the requester feels the government is wrong there is an appeal procedure available including appeal in the courts. The next slide summarizes the exemptions that allow or require the government to withhold documents or portions of documents. Some of the exemptions protect the government’s ability to do its job – obviously some government secrets are protected as is information given by outside entities like businesses to the government which still needs to be protected like, trade secrets. There is also one exception that protects personal information from disclosure if there would be an unwarranted invasion of privacy.
Let’s take an example of how it works – The President’s proposed budget. At the start of the budget process an agency and the Office of Management and Budget go back and forth with proposals for how much to spend on each program and counter-proposals. This process is generally protected by an exemption for the deliberative process. Releasing the information would show internal Government deliberations and chill employees willingness to speak frankly. However, the final budget proposal from the President to the Congress, showing the Administration’s decisions on how it wishes to spend taxpayer money is published both online and in a hard copy.

Finally, I want to mention yet another important tool to transparency – the Public Asset Disclosure System. In the U.S. the financial disclosure form is another tool used to assure the public that
the officials at the highest level of government have no personal financial interest in the decisions they initiate.

In the U.S. we also make the highest level officials coming into government file the Financial Disclosure form before they come into government so we can review and there can be steps taken to assure officials are not placed in a position to make decisions that will affect their personal finances. They must report their investments and outside sources of income as well as gifts and liabilities for themselves and their immediate family. The theory is that I might not understand the complicated decisions made by government officials but if I know they are independent when they make decisions I will respect their decisions.

These forms are available to the public – Those requesting the form must identify themselves and have to certify they will not use the information for an unlawful purpose. Such a system enables greater scrutiny of officials to prevent corruption. The public can see for itself that conflicts are being avoided.

In closing, I want to emphasize that we do not have “it” perfect in the U.S. However, there is an expectation and commitment to all forms of transparency. But transparency alone is not effective unless it is utilized in a constructive way. That is why transparency is only useful if there is a vigilant press and citizens who have the intelligence to ask hard questions and use information or material gained through transparency to actually hold those in power accountable for the government actions.
Corruption in Public Procurement

- Linkages with political corruption, and a direct link with high political circles;
- Conflict of interest as one of the potential risks;
- Bribery and extortion forms that occur at lower levels of decision-making;
- The impact of the legal framework on corruption;

What is political corruption?

- When political influence is used in order to achieve tangible benefits through public procurement;
- Available to the highest political levels in all countries;
- Related to the "big" investment projects (big deal)
Conflict of interest as a form of corruption in public procurement

- When there is a possibility that the civil servant puts his private interests over the public interest;
- Members of the supervisory and management boards, which can have a direct financial benefit from the contracts awarded to the company which holds shares or is one of the owners, or any of the immediate family members of the owner or co-owner of the company.

Bribery and Extortion

- As the potential for lower forms of "control" structures within the contracting authority;
- Advance is given or asking the "gift" in order to set up a contract;
- Establishing contacts with companies in order to create a "good" relationship.
Where is the corruption in public procurement

- Technical specifications, as part of the tender documentation;
- Failure to comply with the basic principles of public procurement (transparency, equal treatment of all bidders, non-discrimination);
- Application of exemptions when there are no assumptions for the same;
- The realization of the contract

The technical specification

- One of the most critical points of corruption in public procurement;
- Technical specifications that "favors" a single supplier;
- Eliminating those bidders who offer equivalent, although equivalent corresponds in all essential requirements for the purchased item
Failure to comply with the basic principles

- Transparency - implement the negotiated procedure without publication although the conditions are not fulfilled;
- Not advertised procurement notice or notice contract award;
- Relyed on a lot of reasons not to implement a transparent procurement procedure

Equal treatment of all bidders

- Leaking information from the contracting authority to one bidder;
- Setting the qualifying conditions adapted to one bidder;
- Not enough time to prepare for all potential bidders bid on a competitive basis;
Nondiscrimination of bidder

- Favoritism that goes at the expense of the most efficient use of public funds;
- The problem is more pronounced in countries in transition;
- Ignorance of the market as a result of a discriminatory attitude to potential bidders;

The application of exemption

- Bad practice to avoid the procedure and the contract awarded to a favorite;
- Buying a building that has not even begun to build;
- State secret for something that is not a state secret;
- Special security measures as such are not required by any applicable law or regulation, etc.
The realization of the contract

- The second most critical point for corruption;
- PPL is not defined but is directly related to the elements of the best offer;
- The bid price increased during the first delivery;
- Payment period 1000 days, and the contract paid the day after the signing;
- Unrealistically short period of performance because the technological process of execution of the contract requires much longer periods.

How to detect that it was a corruption

- The question for one million Euros;
- The most difficult crime to prove;
- Use a lot of circumstantial evidence-testing of rich overnight, money flows between the participants in the public procurement procedure, to a detailed analysis of all the processes that preceded the procurement and implementation of the contract
What to do?

- Education of all the institutions that are in the chain of investigation and proof of the offense;
- More stringent and precise definition of conflict of interest in public procurement;
- Minimizing political influence in the award of contracts;
- At work of public procurement place persons of high moral and professional qualities.

How to reach the goal

- Sanctioning of perpetrators;
- Education of all segments that are directly or indirectly involved in the procurement;
- Professionalization of the profession and inclusion of the professionals in research and evidence of corruption offenses;
- The introduction Public Procurement Officer-its role and importance
How to the goal

- Monitoring and application of the basic principles of public procurement;
- The introduction of electronic procurement, either integrated process, it segment by segment (e-auction);
- Strengthening internal audit and principles "4 eyes";
- Professional preparation of technical specifications;
- Awareness and morale of individuals can not be defined by the AI;
- It’s cheaper for the company prevent corruption than to take costly litigation.
Dear colleagues and partners!

As a representative of a Supreme Audit Institution, I sincerely believe that I may say so. Although, I feel a bit like “a white sparrow” in this audience, because You mostly represent organizations entrusted with so called “investigative” task and your methods for preventing and combating corruption are more pro-active than those applied by Supreme Audit Institutions (SAI).

However, I believe that we are good partners, having the same goals, and you may count on us as a good corruption prevention tool for the reasons I shall try to explain today.

Who we are?

I shall illustrate in a couple of sentences – what is the mandate of the Latvian Supreme Audit Institution, the State Audit Office (SAO), and why do we believe that SAIs are one of the main players in prevention of corruption in public service. I shall use abbreviation – SAI.

In my eyes this explanation would be helpful, because the mandate of SAIs in different countries differ considerably.

The Latvian SAO is a fully independent institution, reporting only to the Parliament. However, even the Parliament has no mandate to intervene into defining audit themes and audit scope. This is solely the mandate of the Council of the SAO. And the Council of the SAO comprises non-political members, being suggested for their positions by a non-political Auditor General, and afterwards approved by the Parliament.

Therefore I shall take a liberty to say that the Latvian SAO can be really graded as an independent institution, which is important when we come to the task of preventing and combating corruption.

The SAO has the mandate to audit public institutions, municipalities, state owned enterprises (SoE), municipal enterprises, and also private companies, having state and municipal capital.

What do we do and how do we see our partnership with corruption prevention and combating bodies?

And now I would like to come back to the partnership issue – partnership between the SAI and the organizations entrusted with the task of “investigation” and applying operative measures in their work.

The mission of our SAI is to “help the nation to spend wisely”. Wise spending goes together with “good governance”. This means management of public resources in a manner that is proper, transparent, accountable and responsive to the needs of society. And good public governance is what our SAI aims at.

Corruption is a somehow narrower concept - it is often defined as the abuse of public authority or trust for private benefit. However, there is a clear link between two concepts - where there is poor governance, there are greater incentives and more scope for corruption.
There is also a reverse link: corruption undermines governance to the extent that it distorts policy decisions and their implementation.

If the fight against corruption is to be successful, as the first step, it is essential to establish an environment that neither favours nor permits these practices.

The SAI contributes to establishing and improving this environment, and thus — to combating corruption by means of the audit work.

The SAO analyses the corruption phenomena (occurrence, causes, areas and mechanisms) during each audit. By means of audit work, the SAIs attempt to identify ways to reduce non-compliance with regulations and rules, simplify administrative procedures, and to eliminate unequal access to information.

The SAO also attaches great importance to its communication function and raise public awareness of corruption and other irregularities through timely and public disclosure of its audit findings. Increased public awareness of corruption helps to foster transparency and accountability.

**How do we perform our audit work?**

The Latvian SAO performs *annual audits on consolidated financial statements* of ministries and other central state institutions. Although we provide a reasonable assurance that financial statements reveal the actual situation, those audits include not only sample checks of accounting for expenditure, but also regularity and legality of transactions. Here I would emphasize the word “annual audits”. Why? Because this is the key, characterizing our “preventive” role.

Heads of public institutions are well aware that we shall visit them next year again, and look at their decisions. And in case those decisions are questionable, non-transparent or illegal, we shall report on them and make them public. Believe me, this has proved to be quite a good motivation for public officials to think twice.

The number of irregularities in central state institutions and their agencies has significantly decreased during last, say, 5 years. However, it must be admitted that these are “easily identifiable” irregularities, which the SAO is able to detect, using the SAO’s methods (mostly – checking of documents). Complex and smart “corruptive schemes” involving well performed falsification of evidences could still “slip” through the SAO’s filter.

So, as we said, that the number of irregularities in central state institutions has decreased. How about municipalities, SoEs and other bodies which the SAO has the mandate to audit?

On the top of financial audits, each and every year we perform so called “regularity or legality” and “performance audit” in selected audited bodies.

However, we should admit that the number of bodies, even those assessed by us as being highly risky, considerably exceed our capacity. For example, there are 69 SoEs, 75 private companies having state capital and 114 their daughter companies in Latvia. On the top of this there are 119 municipalities and around 650 companies having municipal capital.

Quite “unbalanced” situation, if we look at the capacity of the SAO.

However, and since we believe that regular visits to bodies is an excellent preventive measure, we have approached our Parliament to consider strengthening of the SAO’s capacity to ensure that at least once per 3 years each and every municipality is visited. All other bodies shall still be visited based on results of our annual risk assessment exercise.

And the last thing about the SAI, being worth mentioning, - historically we were established and still are an “Audit institution” rather than a “Court”.

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What does that mean?

There are some SAIs in other countries, which follows the Court model. In this situation the audit is followed by a second phase, - the judging procedure, which completes the audit process. The result of this process is a judgment, representing the decision based on deliberations of judges. The judgments therefore represent the actual output of such SAIs, whereas the audit reports are considered to be the document of the first phase only.

However, most of the SAIs, including ours, are responsible just for this first phase – namely, audit.

So, we are a conventional “Audit institution” working in accordance with International Auditing Standards.

Why I wanted to emphasize this aspect? Because this imposes using comparatively “soft” methods. In accordance with IAS, the role of the SAI is therefore to act as a consultant to the Parliament and Government, supporting them in improving good governance and accountability. This means we do not apply operative search and similar measures. Our audit reports comprise findings, conclusions and recommendations for audited bodies.

Let’s leave for a while the prevention function of the SAO and focus a bit on combating corruption.

As we said, the Latvian SAO has no executive powers, do not act as a court and thus - do not pass sentences.

In situations where violation of law are detected during audits, we submit the case to the Prosecutor’s General Office, which delegates further investigation either to the State Police or Corruption Prevention and Combating Bureau, according to the type of committed offence.

**SAO’s statistics related to detected corruption cases**

Shortly about statistics.

On could distinguish between two types of checks performed by the SAO during audits.

Firstly, during planning phase of each and every audit, irrespectively of the type of audit, the SAO assesses internal control system established in the audited body. This also includes existence of anti-corruption action plans and evidences of their implementation, existence of internal regulations minimizing possibility to abuse public authority for private benefit. This results in identifying risks, including the corruption risks. And this assessment is one of criteria for defining the audit approach and audit sample.

Secondly, and during the audit execution phase, the SAI can detect corruption cases when checking separate transactions.

During the last 7 years, the SAO has submitted 146 cases to the Prosecutor’s General Office. Out of said 146 cases, 45 cases were classified as those involving “conflict of interest” of public officials.

The main types of irregularities, detected by the SAO, were the following:

- Violation of restrictions imposed on a state official;
- Officials had taken decisions benefiting themselves or their relatives, for example, on granting bonuses to themselves or their relatives;
- Officials used the information, being accessible to them, for purposes not being related to their professional obligations, resulting in decisions affecting public expenditure.
There were a number of other cases, where the SAO can identify signs of possible corruption cases, detecting possibly targeted violation of law or untransparent decisions by officials, where no logical explanation could be given. For example, undue benefits given to contracting parties (airport, which serves certain airline company for the price, a number of times lower than that for other airlines, or unjustified requirements in technical specification for procurement of digital TV broadcasting, resulting in eligibility of just one tenderer, etc.).

As we said before, all those cases – belonging either to the first or the second group, are transmitted to the Prosecutor’s General Office for further investigation and assessment of the type and level of liability of the officials concerned, be that of administrative or criminal nature.

*It should be admitted that the processing of the 1st group of cases seems much easier for the Prosecutor’s General Office, while those of the 2nd group sometimes take years.*

As we can see, there are a number of institutions with different type and level of authority to prevent and combat corruption.

Nevertheless, preventing and combating corruption is a never-ending story and the topic where an enormous amount of information, guidelines and methodologies are widely available. But at the same time – fighting corruption is still one of the biggest challenges in all countries, but in particular – those having no long-lasting, stable and uninterrupted democracy traditions.

One could ask – why? And the next question could be – what else should be done? Improving legal framework? Strengthening of capacity of controlling institutions? Etc.?

Yes, all of this, but something else is much more important.

Deteriorating values of the society.

And here we come to the environment, in which our public service operates, and the values of the society.

*I know you touched this issue yesterday, I would just like to give a short opinion of the SAI.*

Bribes would not have existed, if there had been no demand and social approval of them.

This is the reason, why the intensity of corruption differs in different countries, and the corruption mostly dominates in those countries, where adherence to such a moral value as “working only for interests of the society” seems not to be so important for the society itself.

We can continue with analysing problems with corruption; we can continue with development of advanced methodologies for combating corruption; we can proceed with development of anti-corruption strategies, plans; we can proceed with improving the legal framework and make it perfect; we can increase fines and sanctions for breaching laws, allocate more and more resources to control bodies.

Yes, we might move towards those directions, however, we must always remember a risk of creating a complex and unjustifiably expensive control system, which could also fail to fight the main reason of corruption.

And therefore we should probably also try to direct our efforts to another direction, namely think, how to enforce such moral values as ethics and responsibility (accountability) in our society.

This is what we shortly call – the Value Education. This means teaching to children a feeling of commitment to values that would build this country and bring back to the people pride in work that brings order, security and assured progress.
What should be the first step? At the national level – this concept must be built in the system of education, while at the level of each and every member of the society – we must start with ourselves. In each and every step of our daily lives.

And last but not least.

And I believe this could be a case for all the countries represented in this conference.

We are well aware of different types of bribery – political corruption, administrative corruption, active bribery, passive bribery, influence peddling etc.

However, there is another type of “hidden” corruption, so far not being widely studied and even defined as a type of corruption.

But to us, having good public governance as the main goal, this is one of the most dangerous ones. The one with long-lasting and destroying effect.

And here I mean, - nomination and placement of high level officials in their positions, not based on their knowledge and experience, but based on their links with political party “governing” certain ministry or company.

Thus we facilitate creation of public service and country, which is just “ill”.

Such an approach is a “fertile soil” not only for corruption, but for fully incompetent economic decisions, the financial consequences of which is even difficult to imagine.

But this is another topic, most probably – for another conference.

Therefore and to summarize – our current duty is to honestly and efficiently work in the framework of the mandate each of us has, help our governments to identify “grey areas”, publish findings to enable the society to ask further questions to decision-makers, and improve our co-operation and partnership.

Thank you very much for your kind attention!
SESSION 4: PREVENTING CORRUPTION IN EDUCATION AND IN THE HEALTH SECTOR

At this session presentations were made by the following speakers:

- **Aleksandre Abashidze**, Head of Department of Internal Audit, Ministry of Education and Science, Georgia
- **Jasmina Kostadinovic**, Head of the Legal Affairs Unit, Ministry of Education, Science and Technology Development, Serbia
- **Jaroslavs Streļčenoks**, Director, Corruption Prevention and Combating Bureau, Latvia
- **Cristian Adrian Petcu**, Coordinator, Integrity Department, Ministry of Health, Romania
In our presentation we want to talk about the major reforms carried out in Georgia to prevent corruption in education sector.
The new government started its work, adopting a simple strategy to eliminate corruption. Here are simple steps that helped to prevent corruption in Education sector:

- Unified Entrance Exams;
- Electronic Procurement by Competition and State Procurement Agency;
- Implementation of Supervisory boards in public schools;
- Transparent and centralized competition for school principals;
- Accreditation process to eliminate low quality universities;
- New approach of grants to Universities that is “Grant follows students, rather than financing university before head”
- Foundation of LEPL “Educational and Scientific Infrastructure Development Agency” with its own budget to ensure the high standard educational level in the schools by developing the school infrastructure and introducing the modern technologies in the study process.
- Elimination of evening schools.

Higher education - Unified Entrance exams

- Unified Entrance exams eliminates risk of corruption during passing in higher education institutions;
- The new model, developed and established by the National Examination Center of Georgia, ensures selection of the best students for higher education and is based on the fair, transparent, standardized and meritocracy principles:
  - Standardized selection;
  - Comprehensive evaluation of the skills and knowledge of the Students;
  - State Grants (scholarships) to the best students;
  - Wide choice of possibility to choose desired Universities and faculties;

Regarding to reforms that took place in education in 2005 one of the major reform is Centralized Entrance Examinations for universities. This method avoided risky exams that were held by universities themselves.
University professors were not included in the preparation of exam tests, but it was designed based on Western standards, using the Baltic countries, Israel, Sweden, United Kingdom, and the U.S. as models. The tests were identified by bar codes rather than names to avoid bias during grading. The whole process was monitored by foreign and local observers.

Another important part in preventing corruption was improvement of quality of universities. In 2005, Ministry of Education and Science carried out an ambitious institutional accreditation process to
eliminate low-quality institutions of higher education (from 237 to 43). Second change was that grants were followed to students rather than higher educational institutions and accreditation was required for the grant. This method increased competition in field of quality among universities.

Regarding schools several new approaches was implemented:

- all principals are appointed by transparent
- night schools were
- All the entrance registrations in public schools became electronic to avoid risk of using connections to get in better school.
- Entrance registrations in schools became electronic;
- School property selling or renting should be carried out on e-auction
- Supervisory board decides how to spend budget rather than principal
In 2009, our ministry changed school budgeting. Due to new approach, L.E.P.L. “Educational and Scientific Infrastructure Development Agency” was formed. LEPL mission is to provide infrastructure with its own budget to ensure the high standard educational level in the schools by developing the school infrastructure and introducing the modern technologies in the study process. LEPL is responsible for categorizing and prioritizing which works and where it needs to be done, thus eliminating corruption and personal benefits from school members. All the purchases are carried out through centralized e-procurement system by Electronic Procurement by Competition and State Procurement Agency. Procurement system is preventing action to use government funds for personal benefits. The system became transparent and enhances competition that avoids risks of corruption.
As results of implementing above mentioned methods for preventing corruption, Georgian ranking and indicators in most areas are improved: Georgia achieved remarkable results in reducing corruption in a short period of time. Transparency International’s Global Corruption Barometer ranked Georgia first in the world in 2010 in terms of the relative reduction in the level of corruption and second in the world in terms of the public’s perception of the government’s effectiveness in fighting corruption.
In 2010, only 2 per cent of Georgia’s population reported paying a bribe over the previous 2 months. Crime rates fell sharply, to among the lowest in Europe, according to an international survey conducted by the Georgia Opinion Research Bureau International (GORBI) in 2011.
In the 2012 Doing Business rankings, Georgia rose to 16th place—in the same group as many advanced OECD countries. In the 2010 edition of the Corruption Perception Index, Georgia Ranked 68th (out of 178 countries surveyed), with a score of 3.8 out of ten and 52nd place in 2012. Georgia ranked the 4th cleanest country in terms of corruption in Eastern Europe and Central Asia (behind Turkey, Croatia and the FYR of Macedonia). In 2009, Georgia dropped from Global Integrity’s Grand Corruption Watch List.
According to a World Bank report in 2012, Georgian reforms and actions preventing corruption are most likely replicable in other countries. Most of the reforms of the public and civil registries relied on technical innovations that can be implemented in any country.

To highlight how corruption in education sector was prevented with those reforms, EUROBAROMETER research has surveyed Georgian citizens about their involvement in bribery. As we can
see, in 2012, comparing to 2002, education sector is perceived as one of the cleanest sectors with regard to corruption.
The Republic of Serbia is the first country, which has asked the assessment of the education system in terms of integrity. Education was not considered to be among the most corrupted sectors, but corruption within the sector was perceived as very prevalent.

The OECD publication “Strengthening Integrity and Fighting Corruption in Education: Serbia”, which provided the assessment of the integrity of the educational system and gave recommendations for next steps in strengthening the capacity to prevent and detect corruption, was developed and published at the request of the Ministry of Education and Science of Serbia.

This report, among other things, should be the basis for drafting the strategy for the fight against corruption in education, science and technology development, and has been used for the preparation of the National Strategy against corruption, which is nowadays considered by the Government of Serbia.

The OECD has developed a methodology and a framework for assessing the integrity of the education system in four general categories, such as: access to education, quality of education, human resources management and resources, and the capacity to detect and prosecute corruption.

**Access to education**

As the pre-primary and primary education is free and compulsory, and secondary education is also free and regulated by previously standardized final exams taken at the end of primary school, there is not a problem of access to education at this level. Problems appear when it comes to tertiary education.

Concerning enrolment, universities rank their candidates according to success in high schools and in the entrance exam. Items that are evaluated in the entrance exam are those which are relevant to the program of study for which the student chooses, and are determined and implemented by each university. The concern rises here because of the lack of uniformed regulations regarding the content of the entrance examination, which limits the credibility of the admission process. The solution lies in the organization of a standardized faculty entrance exam or standardized final exam between secondary and tertiary education. The latter is the plan for the next school year.

Problems continue after enrolment to universities. For example, some of the examination in Serbian universities, even after the changes triggered by the Bologna Process is taken orally, and it is difficult to evaluate according to objective criteria, especially if the interviewer is only one professor.

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The OECD assessment recommends: increasing the transparency and accountability of assessment procedures; standardizing admission to tertiary education; diversifying sources of private investment in the tertiary system; attaching more weight to the socio-economic background of students in the criteria for accessing public support; and improving the academic standards against plagiarism and cheating.

Better Quality of Education - the Quality of Teaching and Learning in Schools

According to OECD document the primary curriculum in Serbia is too large, inter-disciplinary or cross-curricular connections is insufficient, the participation of teachers in the process of drafting is minimal and syllabi consists mostly of lists of content items without reference to the learning process in the classroom. The curriculum contains only compulsory subjects that must be completely covered in the classroom, although it is not really possible to teach and/or learn all the information covered due to insufficient teaching time. This creates need for private tutoring and stimulates reliance on out-of-school remedial work. On the other hand is the fact that the number of hours of the mother tongue and mathematics are lower than in OECD countries.

As for the teachers, their preparation and initial training is different depending on whether they teach 1-4 grade or middle school. OECD document has no objections to the education of teachers of grades 1-4. But, Teachers from Grade 5 upward and teachers in secondary schools (subject teachers) are taught in their respective subject area faculties, and have received very little, if any, initial preparation in the foundations of education (psychology, sociology and didactics) or in teaching practice. This can be partially compensated by the state licensing exam.

Once appointed, teachers are obliged to engage in relevant professional development programs in order to improve their pedagogical competences. The Ministry, through the Institute for the Promotion of Education publishes a catalogue of approved programs annually. Schools are also given a modest grant for professional development purposes but this is regarded as quite inadequate to meet the needs specified, and some questions were raised about the distribution of these funds among the teaching staff in the schools.

Parental involvement and representation in Serbia is limited mostly to school activities such as deciding about school safety and excursions. When it comes to grades, parents are trying to obtain and pay for private lessons, and the need for private lessons creates lack of confidence in the system.

Evaluating the quality of education is carried out by in - school evaluation and external evaluation by the Institute for Quality Education and through the two branches of the inspection, administrative and educational. The separation of the inspection responsibilities leads to artificial distinction between administrative and pedagogical functions of the school. The adoption of the Law on Inspection is in the Government plan for 2013th year.

The OECD assessment recommends: further investigating of the tutoring practices and directing the attention to questions that really matter: how to motivate students to learn, how to modernize teaching and the curriculum, and how to better connect what is taught in schools with what is required by universities for access to tertiary education.

Management of Staff and Resources – Management Schools, Their Work and Income
Public funding of primary and secondary schools is inadequate and limited, and maintenance are financed by local governments that cannot meet demands for resources. Network of schools is determined by the local government which is why schools are rarely closed even though the number of children is decreased each year. On the other hand, local governments are not owned property, which is now changed since the adoption of the Law on public property, late 2011.

Schools may gain revenue by issuing school premises, mostly sports facilities, with the consent of the Republic agency of property or local government. In accordance with the amendments to the Law on the Budget System, adopted at end of 2012, this belongs to the national budget, but the application of this law was postponed until the end of the 2013th. Until then, the funds are allocated by the school boards or by the principal's proposal. There is a need to strengthen controls.

When it comes to teachers' salaries they are around the national average and account for about 85% of the total education budget, and the remaining funds obviously are insufficient for any other purposes. Limited opportunities for advancement and salary increase certainly have an impact on teacher motivation.

Procedures for the selection of teachers are set down by the law. But selection among multiple candidates is not set down. School principal is the person who makes the selection and then seeks the approval of the school board. Abuses are possible, but there is judicial protection. Unfortunately, the courts are overdriven by work.

As a result of decreasing pupil\student population, teachers are having their teaching hours reduced and some of them are being made redundant and entered on a redundancy list. Schools with vacancies are required to select candidates from the list. It is possible to circumvent the rules, but the school administration deals with this.

Principal is selected on the basis of specified requirements for the selection, at the proposal of the teachers' council and school board. At the end of the process, the department may refuse to give consent to the election, if the community and the school board is too divided upon the candidates. Where relevant, the opinion of the minority National Council is requested. From 2013, the Principal must undergo the process of training and testing for the acquired knowledge to acquire a license for the principal.

The OECD assessment recommends that the authorities clarify the procedures and criteria for selection of staff and increase the transparency of the recruitment process; mitigate the current mutual dependency circle between principals and school staff by delegating hiring and firing to selection committees; introduce clearer criteria for short-listing jobs; offer redundant teachers a possibility to obtain qualifications in a second teaching subject.

**Capacity for Prevention and Detection of Corruption**

Capacity to fight corruption depends on the data and available information. The Ministry has taken measures to establish a system of data in education, for schools to enter data into the information system, but it still did not provide sufficient results. The problem is the Law on the Protection of Personal Data, which contains limitations in this regard.
The subject to criticism by the OECD document is the lack of transparency in the employment of teachers in primary and secondary schools, then in the management of revenue that the school itself provides, and the lack of information about academic programs and their prospects in the labour market and imprecise criteria of evaluation in tertiary education.

Public procurement is carried out in central and local investments for building and renovation of facilities. Parents pay for excursions, but they are conducted according to the procedure similar to the procedure of public procurement, according to the instructions of the ministry.

When it comes to textbooks, since 2004 Serbia has private publishers who pass the licensing process. All textbooks publishers (public or private) prepare their textbook proposals for approval or rejection, according to the opinion of responsible authorities. OECD report states that the limitation of this procedure is the lack of detail in the proposal of a textbook. Meanwhile, with the quality standards handbook being adopted, this shortcoming should be addressed.

At the university level there are reported cases of teachers who use only a textbook that they wrote themselves, colleges are taking measures and the problem decreased. Thanks to Bologna Process the students are motivated and strive to complete their studies on time. That is good news.

Accreditation of higher education institutions is carried out as accreditation of institutions as well as accreditation of study programs according to the standards prescribed by the independent parliamentary body and its commission.

The participation of students in the education system is achieved through the pupil and student parliaments and student conferences at universities. Moreover, last year schools have begun to form and educate teams to fight corruption. It is too early to have the results, but it is a step in the right direction.

At national level, there is the Anti-Corruption Agency and Government council responsible for fighting corruption, which Mr. Joksimovic was discussing yesterday.
Preventing Corruption in Health Sector in Latvia
Jaroslavs Streļčenoks
Director
Corruption Prevention and Combating Bureau
Latvia
From comments in social networks

...without shyness asked for a «gratitude» before doing anything...

... Without a «gratitude» a referral to a specialist cannot be obtained...

...brought grand-father to the hospital...I was asked, will I need him after...

...I had surgery...was asked __lats...
I said: no...Good, the doctor was sober, they said...

...I was asked, if I am not by any chance a businessman...looked at my clothes...said, the doctor is busy...but for __lats he can be available...

Visible part

Invisible part

Corruption
Question: Are there unofficial payments in medical institutions?

<table>
<thead>
<tr>
<th>Year</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>28.0%</td>
</tr>
<tr>
<td>2011</td>
<td>33.3%</td>
</tr>
<tr>
<td>2007</td>
<td>33.7%</td>
</tr>
<tr>
<td>2005</td>
<td>41.3%</td>
</tr>
<tr>
<td>1999</td>
<td>38.3%</td>
</tr>
</tbody>
</table>

Each third person (28%) had to make unofficial payments.
Corruption Prevention and Combating Bureau (KNAB)

- Established in 2002
- Functions
  - Corruption Prevention
  - Fight against Corruption
  - Control of financing of political parties
- Staff - 137

«KNAB» Internal resources

- Investigation Division
- Conflict of Interest Prevention Division
- Co-operation
- Operational Activities Division
From materials of criminal cases

1. The doctor solicited a bribe for his intervention
   - Payment for an intervention to be performed by the doctor himself, not a medical student

2. Doctor misled the patient to obtain money from him

3. Doctor misled family members of a patient, saying that he and the personnel need to be paid directly by them for his intervention

4. Doctor put pressure on patients, solicited and received payments for his interventions

From materials of criminal cases

- Accepted leisure travel paid by pharmacological companies in exchange of promotion of their products and helped to win public procurement tenders for delivering drugs to state institutions

- Illegal activities in a health care building tender; artificially increasing purchase price and receiving a bribe for winning the contract

- Bribes accepted – disguised leisure travel in exchange of more favourable criteria in the terms of reference

- Bribes taken in relation to purchase of medical equipment
Asset declarations of public officials – publicly accessible information


From materials of administrative cases
*(medical personnel – patient)*

17 public procurement contracts signed, in concluding which her/him or members of his/her family were personally interested

Illegal payment of bonuses and allowances to oneself
Prevention of Corruption (main areas of work)

- Development and analysis of normative acts
- Monitoring of activities of public officials
- Analytical work
- Education

Corruption risk areas

- Health care professionals
  - Patient
  - Manufacturers and distributors of medications
  - Service providers (procurement)
KNAB work on raising public awareness

Awareness-raising

Target groups:
- public in general,
- selected groups.

Groups:
- age groups (adults, students, pupils),
- professional groups (by profession).

Methods of awareness-raising:
- seminars,
- brochures leaflets,
- electronic circulars,
- tests.
Public awareness-raising methods

- Social publicity on Radio, TV and Internet
- Provision of information to mass media, interviews
- Publicity in printed media
- Plays, Lectures, Competitions
- Explanation of some issues to the society, publication of opinions in the press

"Не рискуй"
Коррупция?! Информируй KNAB!
Video interventions by citizens

- Pupils
- Students
- Adults

- Saying "no" to corruption in health sector

- Participation of at least 3 persons

- Working with the whole country
Preventing corruption in the Romanian health system

Cristian Adrian Petcu
Coordinator
Integrity Department
Ministry of Health
Romania

Perception of corruption in public health system by Romanian citizens

Public system:
Highest+High 72%
Perception of corruption in public health system by Romanian citizens

The profile of the persons:
• younger;
• with high education;
• from urban areas

HIGHER EXPECTATION
Brief presentation of the Romanian health system

- 1949 to 1989 Semashko tax-based health system
- major reforms began in 1989 by 1998
- now Bismark system

- Following the implementation of mandatory social health insurance in 1998, the roles of the main actors in the health system have changed.
- Changes introduced during the first decade after the revolution were consolidated and deepened by the Health Insurance Law of 1997 and by the Health Reform Law of 2006.

Brief presentation of the Romanian health system

Main actors:
- the insured persons
- the health care providers (doctors, hospitals, pharmacies etc.)
- NHIIH and 42 DHIIHs
- MoH and 42 APHs
- professional organizations
- MF

[Diagram showing flow of health insurance contributions between insured persons, employees, NHIIH, MoH, and MF]
**Brief presentation of the Romanian health system**

**Other actors involved in the Romanian health sector:**

- Other ministries which have their own health insurance funds: Ministry of Transport, and the Ministry of Interior and Administrative Reform, and the Ministry of Defence.

- Ministry of Labour, the Family and Equality of Chances: pays health contributions in the name of ‘unemployed’ and other persons on social benefits.

**Accountability Relationships in the Romanian Health System – The Health Functional Review**

*World Bank 2011*

[Diagram showing accountability relationships in the Romanian health system]
Hospital Rationalization
Strategy

- 416 hospitals in 1980
- 422 hospitals in 2003
- 457 hospitals (public and private) in 2008

Issues:
- financial debts – hospital arrears
- poor management systems
- weak fiscal discipline
- perverse incentives
- low efficiency of hospitals

Solution: Hospital rationalization

Decentralization

Decentralization of public services
transfer of responsibilities
decentralization of health services
new actors in health policy process
local authorities
other ministries
MIA and MRDPA
but still ... GAPS and ISSUES

due to radical changes

to excessive of auditing and reporting

or

serious accountability gaps

due to:
> the assignment of accountability to local authorities is not very structured or integrated at the moment
> different financing sources

Main corruption areas in health system

<table>
<thead>
<tr>
<th>Issue</th>
<th>Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>bureaucratic system to use health services</td>
<td>electronic prescription and the electronic health card of the insured persons</td>
</tr>
<tr>
<td>the deficiencies in the system on the drug market</td>
<td>HTA procedures</td>
</tr>
<tr>
<td>procurements of goods on an hospital individual basis</td>
<td>centralized procurement of certain medicines</td>
</tr>
<tr>
<td>informal payment</td>
<td>reasonable system of salaries and copayment</td>
</tr>
</tbody>
</table>
Main corruption risks in health care

<table>
<thead>
<tr>
<th>Issue</th>
<th>Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health Care Bureaucracy</td>
<td>• electronic prescription,</td>
</tr>
<tr>
<td></td>
<td>• electronic health card,</td>
</tr>
<tr>
<td></td>
<td>• electronic file of the insured person.</td>
</tr>
<tr>
<td>allegations of various fraudulent practices</td>
<td>Between EUR 150 milion and EUR 200 milion were lost because of fraud.</td>
</tr>
<tr>
<td>prescriptions for fictive patients</td>
<td>false prescriptions for actual patients</td>
</tr>
<tr>
<td>over the counter pharmacy sales prescription</td>
<td></td>
</tr>
</tbody>
</table>

Main corruption risks in health care

Decentralized procurement process – procurements on hospitals individual basis

The Romania Public Policy Institute (NGO) analyzed in its study: "Transparency, fairness and competitiveness in public procurement process in Romania" - Case study: "Central contracting authorities’ behaviors" the behaviors of the public procurement made through the National Electronic System of Public Procurement (SEAP)
PPI Case Study on Decentralized Procurement Process

- It is over 60,000 annual procedures.
- Over 10 billion lei in value.
- The drug companies and medical equipment companies dominate the top places in the ranking.
- The top 50 companies, by number of contracts obtained in the National Electronic System.

All these are suggesting:
- A big fragmentation of procurement of goods and services for health care facilities.
- Improper prioritization of the procurement needs.
- Using small amounts at acquisition does not significantly reduce the price of the product purchased.
- Risk of agreements between purchasers and bidders.
- The existing decentralized procurement process keeps quantities small and prices high.

- Of the top of the first 50 companies winning contracts within the SEAP system, 39 of companies delivering drugs or medical devices.
- The first 12 places in the top 50 top companies winning contracts in the SEAP system belong exclusively to drugs or medical equipment companies.
- The first 12 medical companies have covered 62% of the total number of contracts won in the SEAP.
- The first 12 medical companies have covered 35% of the total value of contracts awarded in the SEAP.
- Compared to the number of public health hospitals (578), the first 12 medical companies offer an average of 38 contracts per a health facility, while the first 12 provides an average of 14 contracts for a health facility.
- Some hospitals bought surgical gloves for RON 0.14 (€0.32), whereas for other hospitals, the price was RON 7 (€1.6).

Ministry of Health Centralized Procurement

Purpose:
- To consolidate quantities of products and maximize power of the buyer.
- To significantly reduce prices.
- To significantly improve transparency and oversight on a fewer number of contracts.
- To improve programme and procurement expertise.
- To reduce the burden on hospital staff while maintaining full use of their existing experience and expertise.
- To continually update the treatment list with more cost-effective medicines.

In preparation: medicines, medical material, and equipment companies will sign an ethics code with the state on the conduct part of this relationship, in order to prevent unfair practices, influence or corruption.
Good Governance through Integrity and Responsibility in the Romanian Health System

- since 2011 the Health Integrity Department and the Association for Implementation Democracy developed the project “GOOD GOVERNANCE THROUGH INTEGRITY AND RESPONSIBILITY IN THE ROMANIAN HEALTH SYSTEM” financed from European Social Fund within the Operational Program - Administrative Capacity Development (PODCA).

Good Governance through Integrity and Responsibility in the Romanian Health System

Objectives
- To support the local authorities in decentralization;
- To support the NAS 2012-2015 coordination mechanisms of the Ministry of Health in the field of the fight against corruption;
- To limit the possibilities for misappropriation of funds in the health system and corruption related to such acts;
- To create specific mechanisms for the fight against frauds and corruption in the health system;
- Training in the field of prevention of and fight against the frauds and corruption in the health system;
- To develop the public health policies.

Activities
- Operating of the Integrity Department of the Ministry of Health;
- Creation of the national network associated to the Integrity Department;
- Performance of a diagnose of the institutional and legislative factors;
- Proposals of the public policies;
- Development of partnerships;
- Training for representatives of medical units and local authorities;
- Creation of a feed-back mechanism of patients on the service quality and staff.
The Integrity Department of the Romanian Ministry of Health

2011 – establishment
2013
• 3 employees
• 42 members of the national integrity network
• 108 persons from medical units

Objectives:
• Monitoring the public expenditures;
• Integrity Facts in public procurement;
• Integrity risk assessment in the health system;
• Propose measures to combat the informal payments.

Monitoring costs system of public health units

Activities
• [http://www.monitorizarecheltuieli.ms.ro](http://www.monitorizarecheltuieli.ms.ro)

- Provide support for financial policy addressing to the public health hospitals.
- Monthly financial analysis of all health care units using public funds.
- Increased financial discipline in the public health facilities.
- Financial analysis for each monitoring health unit.
Monitoring Costs System of Public Health Units

Results

Ministry of Finance

139 violations
93 warnings
2 fines
144 control actions at the local level
Conclusions

- The corruption in health system is a very large and sensitive field and involves many other processes than those who are providing through the medical services;
- The fight against corruption requires a strong political support;
- In the main time, to prevent corruption means:
  * TRANSPARENCY * APPLICATION OF THE LAW *
  * MONITORING * COLLABORATION *
  * DETERMINATION *
EXPERT SEMINAR

PREVENTION OF CORRUPTION:
EFFECTIVE MEASURES AND THEIR PRACTICAL IMPLEMENTATION.
INSTITUTIONAL AND SECTORAL APPROACHES.

26-27 JUNE 2013

AGENDA

**Day 1:** Wednesday, 26 June 2013

**9:30** Welcoming remarks

Jaroslavs Streļčenoks, Director, Corruption Prevention and Combating Bureau, Latvia
Annie Demirjan, Democratic Governance Practice Leader, UNDP Bratislava Regional Centre
Dr. Halil Yurdakul Yigitgüden, Co-ordinator of OSCE Economic and Environmental Activities
Olga Savran, Manager, Anti-Corruption Network for Eastern Europe and Central Asia, OECD

**10:00 – 13:00** Session 1: Measures and tools to prevent corruption and their effective implementation

Countries in Eastern Europe and Central Asia have introduced legislative measures and institutional reforms to prevent corruption. All ACN countries are parties to the UN Convention against Corruption, which recognizes the importance of prevention of corruption. Measures for prevention of corruption range from the creation of a professional civil service, standards of conduct and transparency in public administration and decision-making, public procurement and management of public finances to more specific measures, such as conflict of interest prevention or declaration of assets. Effective implementation and enforcement of corruption prevention measures, reflected in real change on the ground, remain a major challenge in the region. This introductory session will look at corruption prevention tools and approaches in different countries and discuss how they can be implemented successfully in daily practices, as well as exchange views on remaining challenges and possible solutions.

Moderators: Jaroslavs Streļčenoks, Director, Corruption Prevention and Combating Bureau, Latvia; Olga Savran, Manager, OECD Anti-Corruption Network for Eastern Europe and Central Asia

Presentations
- Goran Klemenčič, Chairman, Independent Commission for the Prevention of Corruption, Slovenia (general approach, “Supervizor”, asset disclosure)
- Mari-Liis Sööt, Head of Analytical Division, Criminal Policy Department, Ministry of Justice, Estonia
- Valery Korchagin, Head of the Financial Policy Division, Ministry of Foreign Affairs, Russian Federation
Discussion

Questions for discussion:
- What approaches and tools to prevent corruption have proved successful in your countries?
- How to ensure prevention measures are successfully implemented in daily practices and enforced? What the biggest challenges for preventing corruption are?

11:30 – 12:00 Coffee break

Presentations
- Gianina Chirazi, Counsellor, Communication, Public Relations and Strategy Department, National Integrity Agency, Romania
- Vladan Joksimović, Deputy Director, Anti-Corruption Agency, Serbia

Discussion

Questions for discussion:
- Have asset declarations for public officials proven to be effective tools to prevent corruption in your countries and why?
- What has worked to prevent conflicts of interest of public officials in your countries and why?

13:00 – 14:30 Lunch

14:30 – 15:30 Session 2: Corruption risk management and integrity plans at institutional and sector level

It is on the level of individual institutions that measures for integrity and prevention of corruption should actually be implemented. Focusing efforts to tackle corruption on selected public sector organisations could be a more targeted and effective way to address widespread corruption. Many countries have gained experience with corruption or integrity risk assessments at institutional and sector level and developed corruption prevention plans, often called integrity plans. This session will look at these corruption prevention instruments through country experiences and lessons learned. It will then try to identify common trends and preconditions to develop corruption risk management strategies and corruption prevention plans at institutional and sector level in ACN countries.

Moderators: Mari-Liis Sõöt, Head of Analytical Division, Criminal Policy Department, Ministry of Justice, Estonia; Nina Lindroos-Kopolo, Head of the Economic Governance Unit, Office of the Co-ordinator of OSCE Economic and Environmental Activities

Presentations
- Goran Klemenčič, Chairman, Independent Commission for the Prevention of Corruption, Slovenia (integrity plans)
- Vidmantas Mečkauskas, Head of Corruption Risk Division, Corruption Prevention Department, Special Investigation Service, Lithuania
- Alain Hoekstra, Coordinating Policy advisor, National Integrity Office, Netherlands

Discussion

Questions for discussion:
• Have similar integrity plans or risk assessments been put in place and proven effective in other countries?
• What are the key preconditions for integrity measures within individual public institutions and sectors to be successful?

15:30 – 15:45 Coffee break

15:45 – 17:30 Working in Groups: Corruption Prevention Policy

<table>
<thead>
<tr>
<th>WORKING IN SEPARATE GROUPS</th>
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</thead>
<tbody>
<tr>
<td>Moderators: Inese Gaika, OECD Anti-Corruption Network for Eastern Europe and Central Asia; Inese Voika, Chair of the Board, Delna-Transparency International Latvia</td>
</tr>
</tbody>
</table>

All participants will be divided into sub-groups. Each group will be in charge of developing a corruption prevention policy for one of the following institutions in a hypothetical country: police; Cabinet of Ministers; Parliament; tax service; customs; a public hospital; or a municipality. Building on the preceding discussions and inspired by own experiences, the group members should plan and develop a corruption prevention policy and identify the main challenges. Each group should select a rapporteur to present the developed policy to the plenary.

<table>
<thead>
<tr>
<th>DISCUSSION IN THE PLENIARY FORMAT</th>
</tr>
</thead>
<tbody>
<tr>
<td>All participants will gather in the plenary format. The rapporteurs will present the findings of their groups. Both groups will discuss approaches and measures suggested, as well as the main challenges identified and try to formulate a list of preconditions of a successful corruption prevention policy.</td>
</tr>
</tbody>
</table>

19:30 Reception offered by the Ministry of Foreign Affairs of Latvia

DAY 2: THURSDAY, 27 JUNE 2013

10:00 – 11:30 Session 3: Preventing corruption and increasing transparency in managing and allocating public resources

Lack of transparency and integrity in the management and allocation of public resources can lead to important corruption risks. Various parts of the government and public sector agencies are involved in managing public resources and take decisions, which may be affected by corruption risks (selection of suppliers and awarding of public contracts, distribution of income from natural resources, decisions about important economic sectors, allocation of public housing, privatisation, etc.). This session will explore good practice and discuss preconditions how to minimise the risks of corruption in the management and allocation of public resources, such as management accountability, transparent budgeting and contracting, e-procurement, monitoring and control mechanisms, citizen’s information and engagement.

Moderators: Olga Savran, Manager, OECD Anti-Corruption Network for Eastern Europe and Central Asia; Nina Lindroos-Kopolo, Head of the Economic Governance Unit, Office of the Co-ordinator of OSCE Economic and Environmental Activities
Presentations

- **Barbara Fredericks**, Assistant General Counsel for Administration, Office of the General Counsel, Department of Commerce, the United States
- **Đinita Fočo**, Director, Public Procurement Agency, Bosnia and Herzegovina
- **Alem Dzumabekov**, Department for Detecting and Preventing Corruption Cases, Agency on Fighting Economic and Corruption Crime, Kazakhstan
- **Marita Salgrāve**, Council Member, State Audit Office of the Republic of Latvia

Discussion

Questions for discussion:

- What are the areas where transparency and integrity in the management and allocation of public resources should be strengthened in your countries?
- What key preconditions should be introduced in the management and allocation of important public resources to prevent corruption and avoid discretionary decisions?

11:30 – 12:00 Coffee break

12:00 – 13:00 Session 4: Preventing corruption in education and in the health sector

Public education and the health sector are major public service delivery sectors affecting the life of almost every citizen. Corruption in these sectors is a concern in many Eastern Europe and Central Asian countries, and success in tackling it remains limited. This session will explore good practice examples how to assess corruption risks and what measures can help to prevent corruption and enhance integrity in public education and health sectors. Methods and solutions that can be offered at international level will also be discussed.

Moderators: **Dr. Liesma Ose**, Deputy Director, Policy Initiatives and Development Department, Ministry of Education and Science, Latvia; **Francesco Checchi**, Anti-Corruption Specialist, UNDP Bratislava Regional Centre

EDUCATION

Presentations

- **Aleksandre Abashidze**, Head of Department of Internal Audit, Ministry of Education and Science, Georgia
- **Jasmina Kostadinovic**, Head of the Legal Affairs Unit, Ministry of Education, Science and Technology Development, Serbia

Discussion

Questions for discussion:

- Have any assessments of risks and causes of corruption in public education been carried out in your countries?
- Could you share examples of good practice and measures proven successful to prevent corruption and enhance integrity in public education in your countries?

13:00 – 14:00 Lunch

14:00 – 15:30 Session 4: Preventing corruption in education and in the health sector (continued)
HEALTH SECTOR

Presentations

- Jaroslavs Streļčenoks, Director, Corruption Prevention and Combating Bureau, Latvia
- Cristian Adrian Petcu, Coordinator, Integrity Department, Ministry of Health, Romania

Discussion

Questions for discussion:

- Are there other examples of successful measures or campaigns to prevent corruption in the health sector?
- What are the main risks of corruption in the health sector and what reforms could help to deliver meaningful, sustainable results?

15:30 – 15:45 Coffee break

15:45 – 17:00 Parallel Working Groups: Corruption Prevention Implementation Plan

<table>
<thead>
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</tr>
<tr>
<td>The same sub-groups as during the Day 1 should develop and action plan to implement the corruption prevention policy developed during Day 1. Drawing on the seminar discussions and own country experiences, participants are invited to develop a practical plan, identifying main steps to be taken to effectively implement and enforce corruption prevention policy in the daily practice.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DISCUSSION IN THE PLENARY FORMAT</th>
</tr>
</thead>
<tbody>
<tr>
<td>All participants will gather in the plenary format. The rapporteurs will present the findings of their groups. Both groups together will try to come up with a list of main features of an effective action plan to implement corruption prevention measures in a public institution.</td>
</tr>
</tbody>
</table>

17:00 – 17:30 Wrap-up session

Moderators: Olga Savran, Manager, OECD Anti-Corruption Network for Eastern Europe and Central Asia

ACN Cross-Country Thematic Study on Prevention of Corruption, Inese Gaika, Project Manager, OECD Anti-Corruption Network for Eastern Europe and Central Asia

Tour de table: main outcomes, proposals for future activities
AGENDA

Moderators: Valts Kalniņš, public policy centre „Providus“, Latvia; Nina Lindroos-Kopolo, Senior Economic Officer, OSCE Secretariat, Co-ordinator of OSCE Economic and Environmental Activities

10:00 – 11:30

Session 1: Asset declaration – how to ensure it is an effective tool to prevent corruption?

A well-designed and operational system of asset declarations can be an important element in the efforts to fight corruption and enhance integrity in the public sector. This session will highlight efforts to introduce and implement asset declaration systems worldwide and in particular in Central Asia. Examples of trends worldwide and in other countries will show how these systems can be useful as powerful tools to prevent corruption, but also their limits. Usefulness of asset declarations systems and measures to improve their effectiveness will be discussed.

- Asset Declarations for Public Officials - a Tool to Prevent Corruption. Main trends, challenges and regional recommendations, by Valts Kalniņš, public policy centre „Providus“, Latvia
- Verification of Asset Declarations of Public Officials - Experience in Romania, by Gianina Chirazi, National Integrity Agency, Romania
- Current situation and main challenges in Central Asia – round of brief presentations by the delegations of Kazakhstan, Kyrgyz Republic, Tajikistan, Turkmenistan and Uzbekistan
- Discussion

11:30 – 11:45 Coffee break

11:45 – 13:00
A definition of conflict of interest, some prohibitions and standards of behaviour for public officials are established in laws and regulations in most of the Central Asian countries. However, little is known about the effectiveness of these norms and practical problems faced by public officials. This session will briefly discuss existing regulation and practice worldwide and in Central Asia in preventing conflict of interest and enforcing restrictions aimed to prevent conflict of interest of public officials (for instance, acceptance of some gifts, additional employment and income, handling of assets, post-office employment, etc). The session will then discuss main challenges and steps needed to improve the prevention of conflicts of interest in Central Asia.

- Conflict of interest prevention in Eastern Europe and Central Europe – main trends, challenges and regional recommendations, Olga Savran, Manager, OECD Anti-Corruption Network for Eastern Europe and Central Asia
- Conflict of Interest Prevention - Experience in Latvia, Jaroslavs Streļčenoks, Director, Corruption Prevention and Combating Bureau, Latvia
- Current situation and main challenges in Central Asia – Kazakhstan, Kyrgyz Republic, Tajikistan, Turkmenistan and Uzbekistan
- Discussion
# LIST OF PARTICIPANTS

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<tr>
<th>COUNTRIES</th>
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<td>1. Albania</td>
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<td>Dzhenish Dzhakipov</td>
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<td>Idris Kadyrkulov</td>
<td>Deputy Head Anti-corruption Service of Kyrgyz Republic</td>
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<td>Tilek Saiakbaev</td>
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<td>Andris Donskis</td>
<td>Acting Head of Division of Control of Public Officials Activities</td>
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<td><strong>Marita Salgrāve</strong>&lt;br&gt;Council Member&lt;br&gt;State Audit Office of the Republic of Latvia&lt;br&gt;50, Skanstes Street&lt;br&gt;Riga, LV-1013</td>
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<td>Ivona Mededović</td>
<td>Ministry of Education Cabinet of Minister</td>
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<td>Alain Hoekstra</td>
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<td>Vladan Joksimovic</td>
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<td>Goran Klemenčič</td>
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<td>Nazira Jumaneva</td>
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<td>Bakhtiyor Yusupov</td>
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<td>Dovran Myratnazarov</td>
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<td>Kateryna Korko</td>
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<td>Barbara Fredericks</td>
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<td>Djamshiddin Mirvakulov</td>
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<td>Zafar Azimov</td>
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<td>Senior Consultant of the Main Department on Supervision over Law Enforcement of the Government Agencies</td>
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<td>Olga Savran</td>
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<td>Halil Yurdakul Yigitguden</td>
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<td>OSCE office in Tajikistan</td>
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<td>UNDP Bratislava Regional Centre</td>
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<td>Anti-Corruption Specialist</td>
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<td>Annie Deminrjian</td>
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<td>Sonja Stefanovska</td>
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<td>UNDP Montenegro</td>
<td>Marija Novkovic</td>
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<td>Shqipe Neziri</td>
<td>Project manager</td>
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