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# Anti-corruption training programmes in central and eastern Europe

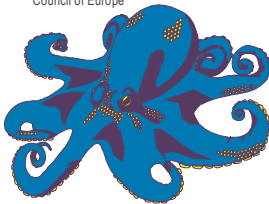
Contributions to a joint project of the  
Network of Institutes and Schools of Public Administration  
in Central and Eastern Europe (NISPAcee)  
and  
the Council of Europe

Edited by

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## Octopus

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## Introduction

It is widely recognised that strategies against corruption are successful only if they are comprehensive. Legislation and law enforcement measures need to be complemented by the involvement of the public as well as by measures to prevent corruption within public administration systems. Countries of central and eastern Europe have made progress in adjusting their legislation to meet European standards and in strengthening their capacities to investigate and prosecute corruption. However, special efforts are required in the field of prevention, in particular with regard to reducing risks of and opportunities for corruption within public administrations. At the same time, capacities to design and implement such prevention measures are limited. Public administration training institutions could make an impact in this respect by including corruption prevention issues in their curricula.

This publication represents the product of a number of discussions held by the Working Group on Preventing Corruption in Public Administration, created within the Network of Institutes and Schools of Public Administration in Central and Eastern Europe (NISPAcee) with the support of the Council of Europe. The working group met twice, at the School of Public Administration of Bialystok on 3 and 4 October 2002 and during the NISPAcee Annual Conference on Enhancing the Capacities to Govern: Challenges Facing the CEE Countries, held in Bucharest, Romania, from 10 to 12 April 2003. During these meetings, working group members shared best practice and offered peer review which contributed to the high quality of the papers presented in this publication.

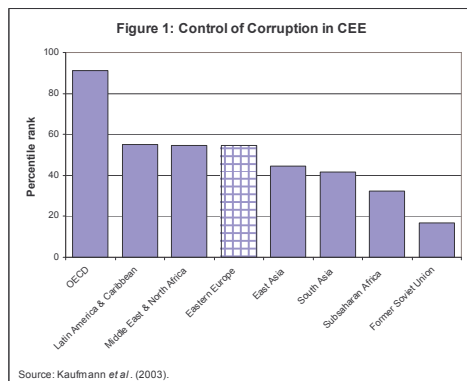
It is hoped that they will contribute to the wider debate about the formation and development of human capital in fighting corruption and to the design of better anti-corruption training programmes in the central and eastern European region.

# 1. Overview of anti-corruption training in central and eastern Europe

*Bryane Michael*

Perceptions about corruption in central and eastern Europe seem to indicate that corruption is a major concern. As shown in Figure 1.1 (100 = perfect control of corruption and 0 = no control of corruption), eastern Europe as a region ranks average across the world in control of corruption<sup>1</sup>

To address corruption, most of the countries in the region have engaged in anti-corruption



programmes covering a wide range of activities including the passing of laws, the establishment of anti-corruption commissions, and changes to government procedures and structures.

Among these measures, anti-corruption training represents a key activity in the overall fight against corruption. Anti-corruption training develops important human capital upon which all other reforms depend and generates a body of knowledge which contributes to a government's improved capacity to govern.

The case studies, when taken together, show that anti-corruption training in the region is still fragmented, reliant on highly contingent project-specific donor funding, and lacking in strategic focus. Consideration of each country's National Anti-Corruption Training Programme (NACTP) shows the importance of systemic anti-corruption training policy and practice.

## GENERAL TRENDS IN THE REGION

Central and eastern European (CEE) countries exhibit a wide variation between the level and focus of anti-corruption training. Some countries appear to still be defining corruption while others have complicated national anti-corruption programmes bolstered by education. Table 1.1 attempts to present a standard method for analysing the anti-corruption frameworks of the CEE countries. Country frameworks are organised along four dimensions in order to obtain a comparative overview of the countries in the region.

The first dimension covers legislation and specifically the degree to which countries have various anti-corruption laws in place. Most countries in the region have criminalised bribery and have a basic civil service law or a specific corruption law which defines bribery and often other elements of corruption. In some cases, such as in Russia, these laws have seen a difficult birth. In many other cases, such as in Ukraine and Poland, these laws overemphasise the monetary elements of corruption (bribery) while downplaying its non-monetary aspects. In some cases, such as in the Czech Republic or Lithuania, countries are relatively advanced, taking difficult steps such as the passage of laws addressing the need to reform party political campaigning. Yet the effectiveness of these laws is sometimes questionable, as strikingly demonstrated by Anetta Debicka who notes

<sup>1</sup>See Karklins (2002) for a typology of corruption in the region and Miller (2001) for an excellent exposition of corruption in the region.

that in Poland in 1993 there were ninety-six convictions for passive bribery – a number which had increased only by three in 2001!

Table 1.1. List of anti-corruption activities reported by working group members

<i>Legislation</i>	<i>Countries / areas</i>
Criminal Provisions in Law	All
Procurement Law	Czech Republic, Kosovo <sup>2</sup> , Latvia, Lithuania, Poland, Serbia
Freedom of Information Law	Latvia, Poland ( <i>NA for others</i> )
<i>Institutional Framework</i>	
Corruption Prevention Council/Group	Kosovo, Latvia, Lithuania, Poland, Russia, Ukraine, Serbia
Public Administration Institute	Czech Republic, Latvia, Lithuania, Poland, Russia, Ukraine
<i>Types of Activities</i>	
National anti-corruption programme	All
Administrative civil servants training	Czech Republic, Kosovo, Latvia, Lithuania, Poland, Ukraine
Municipal civil servants training	Czech Republic, Kosovo, Latvia, Lithuania, Poland, Russia, Ukraine
Politicians' training	Czech Republic, Lithuania
Customs officers' training	Czech Republic, Latvia, Lithuania
Police officers' training	Czech Republic, Latvia, Ukraine
Judges' training	Czech Republic, Kosovo, Latvia, Lithuania, Poland, Ukraine
Investigative journalism training	Latvia, Lithuania, Russia, Ukraine
Legislative training	Czech Republic, Latvia, Lithuania
Civil society training	All
International cooperation	All
<i>Methods</i>	
Ethics training	Czech Republic, Latvia, Lithuania, Poland, Russia
Handbooks	Czech Republic, Latvia, Lithuania, Russia
Distance education/ software	Czech Republic
Games/simulation	Russia

Note: The results summarised in this table are derived only from the information in the case study and not from the reviewer's own personal knowledge or from independent research.

<sup>2</sup> Kosovo (Serbia and Montenegro) is currently under the interim administration of Unmik in accordance with UN Security Council Resolution 1244.

The second dimension is the existence of an institutional framework for fighting corruption. Several countries in the region have established anti-corruption committees or councils with direct or indirect responsibility for anti-corruption training. These councils are attempts to co-ordinate anti-corruption efforts within government and encourage civil society action. Mantas Jonauskis provides the most complete description of this type of work by showing an organisational diagram which highlights the different institutional arrangements in Lithuania (Appendix 2). The other main institutional element addressed in the case studies is the existence of a public administration institute. In almost all cases, the public administration does not offer anti-corruption training, but almost all offer courses in ethics.

The third dimension is the existence of specific sector-related activities for the customs authorities, the police, journalism, and in public administration (for civil servants). Anatoliy Zakalyuk provides a strong description of Ukraine's retraining programme for civil servants which may interest eastern European specialists. In some cases these activities either arose from or were linked by a national anti-corruption action plan such as in the Czech Republic, Latvia, Lithuania, Poland and Russia. In other cases, specialised training, such as in the police and customs services, was undertaken, often with the support of the EU Phare Programme. In general, municipal-level training appears widespread across the region and politician training is the least widespread. Jana Voldanova's description of Czech politician training offers a potentially useful example for other countries in region.

All of the writers stressed the benefits of anti-corruption training conducted by civil society organisations – especially Transparency International – in their countries. Such training is noted not only for its depth but also its diversity. Latvia has an interesting programme of middle-school anti-corruption education while Russia has a wide range of programmes, from media-led anticorruption education to legal training for citizens interested in denouncing corruption. The university sector has a role to play, especially schools of business and economics which Witkowski, Poliwka-Pacana and Rozmus highlight in their survey of Polish universities.

The writers in this publication also stress the importance of training methods: ranging from the use of handbooks to distance education/information technology and ethics-specific training. The discussions about methodology highlighted the role of workshops and especially interactive workshops (many of which were financed by donors). Yet other interesting practices emerged such as the Czech Republic's use of computerisation and distance learning as a way of reducing corruption, Russia's innovative use of role-playing business games to teach ethics, and Ukraine's high reliance on handbooks.

The trends shown in Table 1.1. reflect a number of broader trends in the region. Integration into the European Union (EU) seems to be positively correlated with anti-corruption education. Yet EU effects on anti-corruption are ambiguous because, while accession countries need to adopt the *acquis communautaire*, accession could help the anti-corruption campaign. At first glance, such effects could be taken into account by looking at the difference between the quantity versus quality of anti-corruption projects. While many of the countries have police training or ethics programmes for civil servants, there are large differences in the quality of instruction and ultimately in their impact on corruption. A simple way of comparing quantity versus quality effects is explored in Figures 1.2(a) and 1.2(b). Figure 2(a) shows the number of activities reported by the case study writers as drawn from Table 1.1. As can be seen, the Czech Republic, Latvia and Ukraine take the lead in reported anti-corruption activities. Yet Figure 1.2(b) shows the World Bank's governance indicators for control-of-corruption, which place Poland in the lead. While these simple histograms, both obtained using rough methodologies, cannot replace a project by project evaluation, these data are indicative of the gap between quality and quantity. Countries which report the most activities may not have the best control-of-corruption ratings.

The relative lack of “localisation” or “eastern Europeanisation” of these projects is perhaps more worrying. Judging by some of the descriptions given, few of these programmes look different from those which might be run in Latin America or Africa. Many of the corruption problems in eastern Europe are the same – but many are different, especially for corruption relating to privatisation, enterprise restructuring, and corporate governance. In some cases, local adaptation appears to have occurred, such as that shown in Natasa Tomic’s description of work in Serbia on corruption in privatisation. Given the lack of “eastern Europeanisation” of these projects, there is little consideration of how anti-corruption training and education can help with the implementation of the wave of corruption legislation which has been passed across the region. Instead of training tailored to local needs or promoting the implementation of anti-corruption legislation, anti-corruption training appears ad hoc and contingent on international technical assistance. While countries across the region have differing degrees of dependence on such assistance, much of the training described by the authors was provided by foreign donors.

Instead of the “ad hoc” (for lack of a better word) which appears to characterise the current eastern European anti-corruption training regime, a key priority for all the countries will be to define what their educational priorities are at the national level and to design anti-corruption training so as to fulfil those priorities. How can anti-corruption training move from being funding-based to being priority-based?

## TOWARDS A NATIONAL ANTI-CORRUPTION TRAINING PROGRAMME?

Much evidence suggests that there are complementarities between anti-corruption projects and that a “system” approach should be taken (Pope, 2003; Langseth and Stapenhurst, 1997). The group of disparate anti-corruption training activities which a country undertakes may be termed as its National Anti-Corruption Training Programme (NACTP). The NACTP reflects the type and number of training programmes and does not necessarily have to be centrally co-ordinated or even have an institutional structure – and in eastern Europe it currently does not. Seeing the group of anti-corruption training programmes as a system allows policy makers and academics to chart the strategic objectives pursued by all these programmes in common, analyse complementarities between programmes, and allow reflection upon the principles and practices underlying the NACTP using a standard framework for intra-country and inter-country assessment (which is currently difficult). The six areas shown in Table 1.2. represent an attempt to classify the emergent or tacit strategic focus of NACTPs in the CEE region. Insufficient data exist to determine which strategic focus is most effective for NACTP performance (for example, should anti-corruption education be treated as a separate course or integrated within other subjects?) Such strategic focus could reflect institutional and cultural preferences rather than an attempt to maximise anti-corruption performance or *de gustibus non est disputandum* (there can be no arguing about [policy] tastes). Yet these “tastes” should be made transparent for both policy makers and their constituencies.

Table 1.2.: Strategic areas for an NACTP

	<i>Czech Rep.</i>	<i>Kosovo</i>	<i>Latvia</i>	<i>Lithuania</i>	<i>Poland</i>	<i>Russia</i>	<i>Serbia</i>	<i>Ukraine</i>
Integration	High	NA	High	High	Low	Low	NA	High
Re-training	High	NA	High	High	High	High	NA	High
Level	High	Low	High	High	NA	NA	Low	NA
Theory/ practice	NA	NA	NA	NA	NA	NA	NA	NA
Certification	Yes	NA	NA	Yes	Yes	NA	NA	NA
Quality assessment	Yes	NA	NA	High	Yes	Yes	NA	Yes

Note: This table represents a subjective and “inductive” assessment of countries, based on a clustering of strategic priorities undertaken by the author based on available information. These rankings do not reflect statements by policy makers from the countries concerned or the case study writers.

First, should anti-corruption training lean towards being treated as a separate course or should it be integrated into topic-specific courses (such as in police training, customs, and other functional areas)? Economies of scale, increased quality control, and the need to construct a separate anti-corruption body of knowledge can be the benefits of treating anti-corruption as a separate standalone course. Centralised and efficient training organisations also militate for the establishment of specific anti-corruption courses as the experience of the Czech Republic, Latvia and Lithuania shows. However, anti-corruption, as Voltchkova and Zvetcova point out in their description of a specific university anti-corruption course, is a multi perspective and multidisciplinary field. Given that there is no one best way to fight corruption, the centralisation of anti-corruption education could forestall important perspectives and local knowledge which the Russia and Poland examples presented in the case studies allude to.

Second, given limited budgets, should more weight be given to the training of new recruits and students or to re-training existing civil servants and other stakeholders? Judging by the country reports, there is a definite relationship between the stability of the public sector and decisions to re-train. The EU accession countries appear to have an increasing institutional capacity to train new students as well as to provide training for current civil servants (though perhaps the balance is towards new students). In the former Soviet countries, the emphasis appears to be on addressing the existing civil service (while the transition literature suggests a number of possible explanations, I will leave this to the reader to explore).

Third, should the level of anti-corruption education be high? Opponents of anti-corruption training would argue that anti-corruption *per se* is not a proper field, but is either a fad or a technical matter to be dealt with by technical professionals in functional specialisations. Survey results by Witkowski, Poliwka-Pacana and Rozmus for Poland note a proportion of respondents who do not consider anti-corruption training as important. Mara Grudule also notes that anti-corruption education ranks fourth in the recommendations for corruption prevention in Latvia. Proponents, generally all the publication contributors, note that as corruption is deleterious to the economy, political and social institutions, then fighting corruption should be a priority – and education is one important tool in that fight. Throughout the region, if the level of anti-corruption education is low, it reflects inadequate resources rather than perceptions about the efficacy of such training or worse, covert resistance to anti-corruption. While all the contributors note that anti-corruption education resources should be plentiful, the question still remains whether real results are desired by all parties.

Fourth, what weight should be given to practical versus theoretical training? Most of the contributors in this publication stress the importance of practical programmes, yet many of the larger national programmes described remain theoretical. In almost all cases, if practical

programmes are undertaken, they reflect donor-led training. Indeed, a division of labour appears to be forming between universities and public administration training institutions (which provide the theoretical training), and the ministries, NGOs and donors (who provide more practical training). Part of the difficulty lies in the emphasis of the observer. For example, Habit Hajredini describes, almost exclusively, practical training in Kosovo, Jana Voldanova provides an excellent description of donor activities in the Czech Republic, while Natasa Tomic appears concerned that the Serbian political and social environment vitally affects the nature of anti-corruption training. Given the difficulties posed, I have not tried to classify the countries in Table 1.2.

Fifth, how much certification of anti-corruption training should occur and who should implicitly or explicitly certify the anti-corruption education/training programme? For technically specific, functional training, implicit certification is offered by the training institution itself (such as the police academy, the procurement office, or the customs college) in all the countries in the region. For less specific anti-corruption training, in many countries, such as in Ukraine, regulatory standards provide *ex ante* certification by mandating the type of training to be undertaken. In other cases, such as in Lithuania and Latvia, *ex ante* certification is implicitly provided by the anti-corruption co-ordinating bodies who are often responsible for evaluation (or *ex post* certification as well). In the highly decentralised Russian context, mixed certification appears to be the norm – with regulations, internal quality standards and the reputation of the organisation undertaking the training all providing some measure of certification. Such reputation-effects may also explain the high reliance on donor-supported training if donors are perceived to provide more rigorous or technically competent training than local institutions. Yet the practice of certification does not appear to be widespread.

Sixth, how should the quality and performance of anti-corruption education programmes be assessed or evaluated? In all the country reports, there was a mix of government, free market and civil society assessment. Government or institutional certification and assessment generally focuses on training processes; namely looking at curricula, teaching quality, and other inputs into the training process. The experience of the Czech Republic, Latvia, Lithuania and Poland will be instructive, partly owing to their need for government-led institutional reform demanded by EU accession. Market-based assessment plays a large role in all the countries in the region. Witkowski, Poliwka-Pacana and Rozmus's discussion of anti-corruption training in Polish management faculties highlights the role of supply and demand in determining which anti-corruption training is provided. As noted implicitly in all the country reports, good programmes are those which attract international or national funding as well as students. As for civil society evaluation, all the contributors noted the important role of NGO anti-corruption training. While such training has helped fill gaps left by government and private sector training, questions about the accountability and effectiveness of such training remain, especially in Russia, Serbia and Ukraine where civil society initiatives (supported by international donors) provide a visible share of anti-corruption training. Could international reviews by entities such as the NISPAcee anti-corruption working group turn into a method of quality assessment?

## ANTI-CORRUPTION TRAINING IN THE WIDER CAPACITY-BUILDING CONTEXT

Defining an NACTP could be an important way of integrating anti-corruption training into the wider public sector reform programme. How can such capacity building occur given diminishing budgets and a weakening research sector in the CEE?<sup>3</sup> The key activity is a *co-ordination of all sectors* – with special participation from the grass-roots level and the private sector which can provide the finance needed to help alleviate budgetary constraints. Given such non-government participation, such a scheme would involve bottom-up as well as top down co-ordination. While most of the countries in the region have created anti-corruption co-ordinating bodies, questions remain about their links with wider public sector reform co-ordinating bodies. The development of human capacities through training and the institutional development to undertake such training (and engage in benchmarking) were perceived as important – with the caveat that these institutions be further equipped and strengthened instead of created from scratch. A vital area of such capacity building is at local level, where transparency, accountability, public awareness and general participation should be encouraged. Many of the case studies in this publication stress the importance of local-level action and the case studies on the Czech Republic, Russia and Ukraine offer particularly in-depth examples of such local-level action. Yet the link between national and local level programmes will run into many of the same problems which bedevil the wider decentralisation drive.

While publicising corruption cases is an important way of ensuring political probity and integrity, rules for politicians, politician training, as well as codes of conduct for both politicians and civil servants, can establish an important framework for ensuring public-sector integrity. While such activities are important in the short-term, a strategic vision and clarification of relations between politicians and business would establish a positive framework for politico-administrative relations in the long term. At present, the strategic vision of most of the countries in the region consists of “co-ordination.” Yet there is often little consideration of the strengths, weaknesses, opportunities and threats to an anticorruption policy which characterise strategic policy making (or at least such considerations are not made explicitly). A pragmatic consideration of the politics behind anti-corruption training will be an important element in the next stage of integrating anti-corruption training into the broader public sector reform programme.

Information technologies and e-government, a vital element of the NACTP, will consist of the creation of websites for e-networking, case databases (for public services with cases which can get “misplaced”), increasing use of electronic applications and forms, distance learning in anti-corruption, and electronically mediated exchange.

Information technologies also have a role to play in developing computer literacy, strategic planning, and language skills required for the broad-based fight against corruption. Distance training related to NISPAcee conference resources could help to develop important “capacities to govern”. Information technologies could also be used in the creation of internal administrative competitions which offer awards for public service delivery or innovative ideas.

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<sup>3</sup> This section relies heavily on data gathered as part of a session held with workshop participants to address the questions presented to the wider Conference on Capacities to Govern. I have added my own critiques where necessary.

## NEXT STEPS

The case studies presented in this publication offer a first important glimpse of the actions being undertaken in the region to promote anti-corruption training. Coordination both within countries and between countries will be an important element in developing the human capital needed to fight corruption. Given the transnational nature of much corruption in the CEE region, there is a strong case to be made for international co-operation, and organisations such as NISPA and the Council of Europe are important arenas for sharing knowledge. The exchange of concrete anti-corruption training materials represents a first important step in the CEE countries, as such “book” knowledge (known in the literature as “codified knowledge”) remains an important way to help practitioners develop applied (or tacit) knowledge. The implicit frameworks which this publication provides should also offer a starting point to researchers interested in expanding the anti-corruption training knowledge frontier. Turning this “publication knowledge” into applied anti-corruption action will remain an important challenge for this publication’s writers and readers.

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## 2. Czech Republic

*Jana Voldanova*

Corruption may be described as the abuse of a position through the violation of the principle of impartiality during a public official's decision-making process. Such a process is motivated by a drive for profit or advantage. Therefore, corruption may occur anywhere where decisions are made that have impacts on individuals and companies. These decisions may involve anything from large public tenders to minor licences. Individuals and companies all over the world try to interfere and influence the decision-making process at all different levels of government, including the judicial system, the police, the financial authority, and especially the tax revenue service and customs authorities. Corruption depends on the ethics of civil servants and elected representatives as well as on the legal and organisational setting in which people work. For that reason, public decision makers and administrative officers in transition countries are more not live in a stable and transparent environment either.

The government of the Czech Republic has concentrated its effort and attention on economic matters and the market, neglecting other aspects of society. One of its rare achievements in relation to combating corruption was the establishment of a special unit called the Economic Interest Protection Office of the Police of the Czech Republic. In 1996, the Czech Republic applied for European Union membership and since 1997, yearly reports have been issued by the European Commission describing the progress achieved in particular candidate countries seeking EU accession (based on the Copenhagen Criteria and Accession Partnerships, as well as on the set of priorities and measures to be implemented). In all the reports relating to the Czech Republic, corruption and economic criminality have been mentioned as significant problems and the measures taken have been deemed insufficient.

In February 1999, the National Programme for Combating Corruption was approved by the Czech Government. The national programme is a long-term systematic project of legislative and organisational anti-corruption measures. The priorities outlined are predominantly focused on combating corruption in the public sector. An annual report on corruption in the Czech Republic is produced. The latest report, published in April 2003, describes the current corruption situation based on statistics collected by the Ministry of Interior and the Ministry of Justice as well as findings from public surveys carried out by state and private institutions. The report also provides an assessment of the progress on elements in the national programme.<sup>4</sup>

The main institution involved in combating corruption is called the Department for Revealing Corruption and Financial Criminality (DRC). This department is responsible for detecting the most serious cases of corruption. According to the DRC, the annual number of cases revealed remains quantitatively more or less constant. The situation, however, is getting worse from the qualitative point of view, incorporating aspects such as linking corruption to organised crime and efforts to acquire political influence through corruption.

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<sup>4</sup> For more information, see the 2002 Report on Corruption in the Czech Republic and on Meeting the Schedule of Measures Adopted by the National Programme for Combating Corruption.

## ANTI-CORRUPTION LEGISLATION

The term “corruption” is still not defined in Czech criminal provisions as an individual offence, despite the ratification of a number of international legal instruments against corruption such as the Council of Europe’s Criminal Law Convention against Corruption (in 2000) and its Civil Law Convention against Corruption (in 2003). Nevertheless, there are legislative regulations to support the fight against corruption.

Criminal provisions are defined in the third chapter of a special part of the Czech Criminal Code called “Crimes against Public Order”.<sup>5</sup> In particular the third sub-section of the section on bribery covers crimes involving all elements of corruption including taking bribes (Section 160), bribery (Section 161), indirect bribery (Section 162), and the Criminal Code (Section 163) as a special provision. Specific offences committed by public officials are referred to under the second sub-section of Chapter III of the special part of the Criminal Code and include abuse of power by a public official (Section 158) and the thwarting of a task by a public official’s negligence (Section 159). Other criminal offences involving corrupt behaviour include the violation of statutory provisions on the disposal of goods, and technologies liable to control procedures (Section 124a), breaches of duty in bankruptcy (Section 126), breaches of duty to administer another’s property (Section 255), misuse of information in business relations (Section 128), fraudulent manipulation of public tenders and public auctions (Section 128a–c). Certain other criminal offences included in chapter II of the special part of the Criminal Code may be included among offences showing elements of corrupt behaviour.

Apart from the Criminal Code, there are also other laws containing provisions combating corruption, such as Act No. 320/2001 Coll. on Financial Auditing in Public Administration and on Amendments to Some Other Acts (The Financial Audit Act). On the basis of this law, ministries issue methodological instructions for awarding public contracts, assess internal control systems and establish internal audit procedures for carrying out financial audits, system audits and performance audits. Corrupt behaviour of central government staff is prohibited by Act No. 218/2002 Coll. on the State Civil Service – especially under Section 61 (Rights and Obligations of Civil Servants). Similar provisions cover staff on the lower tiers of government, under Act No. 312/2002 Coll. on Territorial Self-government of Officials and on Amendments to Some Other Acts, especially Section 16 covering the basic obligations of an official.

Both the above mentioned laws incorporated articles of the Code of Conduct of Public Employees which had been approved by the Czech Government under Resolution No. 270/2001. The code aims at promoting desirable standards of behaviour among public administration employees and informing the public about the kinds of conduct they should expect from civil servants. In comparison with the Council of Europe’s Model Code of Conduct, the Czech code is shorter and simpler, containing only seven articles consisting of two to four sections each. As the Czech code has been approved as a resolution, it is binding only on government members and heads of central state administrative bodies. For lower tiers of government (territorial self-governments), it has been implemented merely as a recommendation.

Special departments of the Ministry of the Interior have drawn up a draft police code of conduct based on the Council of Europe’s European Code of Police Ethics and in compliance with the amendment to the Act on the Police Service. The draft code defines desirable standards of behaviour for Czech police personnel and provides a summary of actions the public can expect

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<sup>5</sup> The Criminal Code was updated in 2002 (Act. No 134/ 2002 Coll.) to be harmonised with EC legislation. A new crime, legitimating yields from criminal activity, was included under section 252a.

from the police. The code is a recommendation for members of the police service on how to behave in their everyday police activity.

While corrupt behaviour of civil servants is prohibited by law, the legal basis for combating political corruption is inadequate. A bill aiming at amending the constitutional law restricting the legal immunity of members of parliament and the Senate has been submitted in compliance with another recommendation by the Council of Europe in its assessment of anti-corruption measures in the Czech Republic.<sup>6</sup> The existing Law on Conflict of Interests concerns only high level politicians such as members of parliament, senators, cabinet members and directors of central government bodies. Even after the latest amendment to the law, none of these officials is obliged to make a public declaration as to their property holdings. And although they are not allowed to receive income from their membership of company boards with a state majority shareholding, they can still carry out their own entrepreneurial activities.

The Czech Republic is involved in important international activity on combating corruption, such as participation in the UN ad hoc committee for the preparation of an international convention against corruption as well as work on implementing the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, and the Council of Europe's Civil Law Convention on Corruption. The country also participates in international groups whose activities aim at promoting anti-corruption co-operation such as the Group of states against Corruption (Greco), as well as in activities such as the European Commission's Octopus II Programme, the Council of Europe programme against Organised Crime and Corruption in Transition Countries, and the Phare Programmes focused on building defences against money laundering.

## ANTI-CORRUPTION TRAINING AND RELATED EDUCATIONAL AND TRAINING ACTIVITIES

Beside legislation and organisational measures, the National Programme for Combating Corruption includes training and media promotion. Several tasks were formulated concerning the training of target groups at risk of corruption as well as promoting public awareness-raising. Unfortunately, no particular effort has been made to assess the effectiveness of these activities or their impact on the target groups.

A number of programmes have focused on international co-operation in anticorruption training. From 1998 to 2001, a sub-project of the Phare Programme on Combating Organised Crime helped to establish a Centre for Professional Training focusing on criminal intelligence analysis courses and the installation of the state-of-the-art British analytical system – the I2 Analyst's Notebook – in the DRC centre. From 2001 to 2002, the Project Combating Economic Crime aimed at promoting technical co-operation among nearly all units of public administration which received criminal intelligence information about serious economic crime. I2 software was installed in forty specific sections at central and regional levels of the Czech police service and in several central institutions of the public administration. About seventy Czech police personnel and state prosecutors participated in eight study tours and secondments to specialised police units in Germany, the United Kingdom and Italy. More than 300 Czech professionals took part in twelve seminars focused on standards of detection, investigation and prosecution of major economic crime in the EU member states, and on the part of the *acquis communautaire* covering international cooperation in addressing the laundering of criminal financial proceeds. The twinning project of the Phare Programme in 2000 involved in training in the UK for the key representatives from the Czech public administration and for higher and mid-ranking police management personnel.

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<sup>6</sup> The bill passed through the Cabinet but failed to be approved by the parliament.

Czech ministries have also been engaged in anti-corruption training. In 2001, the Ministry of the Interior in co-operation with the Ministry of Justice implemented a training programme for specialists combating corruption from the Ministry of the Interior, the police service, the Ministry of Justice and elsewhere.<sup>7</sup> The training focused on the European Justice Network and, in co-operation with institutions such as Taïex and Transparency International, it discussed economic crime and combating corruption.<sup>8</sup> Interdepartmental co-operation in combating corruption focused on state prosecutors and judges at all levels.<sup>9</sup> Training focused on combating corruption in the Ministries of the Interior and Justice and included representatives of the police service, the Czech Republic Presidium, the Inspectorate of the Minister of the Interior,<sup>10</sup> the staff of the DRC and investigators. The trainers were teachers from specialist departments of the Police Academy of the Czech Republic. The Ministry of the Interior has prepared a country-wide training-of-trainers project and, in 2001, it organised a series of seven training sessions for heads of district authorities, focusing on administrative controls, awarding public contracts, law, psychology, and the organisation and management of administrative authorities.<sup>11</sup> Distance-learning programmes were also conducted in co-operation with the Department of Mathematics and Physics of Charles University.

Other ministries have also been involved in anti-corruption activities. The Ministry of Justice has incorporated the topic of corruption into its Plan of Educational Activities, and a special seminar called Combating Corruption was designed for policemen, judges and state prosecutors. The Ministry of Justice has also recommended the permanent inclusion of anti-corruption issues in the Plan of Educational Activities for District Courts and District State Prosecutor's Offices. From 2002 to 2003, the Police Academy included in its on going training system for policemen a three-day course on preventing corruption, and experts involved in corruption investigation organised an international seminar on corruption and bribery in 2002. The Ministry of Finance organises for its employees a number of training courses on combating corruption, addressing both legal subjects and issues related to taxation, supervision and monitoring. Within the Ministry of Finance, the customs authority has included the topic of combating corruption in all its training activities. Induction training makes the new recruit aware of the Code of Ethics for Public Administration Employees, and basic and professional customs authority training addresses corruption under the heading of Behaviour and Actions of a Customs Officer.<sup>12</sup> In 2002, the Ministry of Defence provided a training course for military police personnel based on combating economic and financial criminality, and also emphasised improving the ethics of employees involved in public tenders.

In 2001, TIC implemented the project Transparency for the Czech Police. The project conducted a survey of seventy-one experts, coming from the police service, audit bodies, universities, and NGOs from twenty-five countries (including five Czech experts), about anti-corruption strategies. Anti-corruption measures were recommended for the Czech Republic on the basis of the conclusions drawn, many of which focus on control, but none on training. The TIC has also produced the Strategy for combating corruption within the police. City Hall without Corruption is

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<sup>7</sup> The project was entitled common training and a discussion platform for the police, state prosecutors and judges in charge of the investigation and detection of corruption so that they acquire special information on this phenomenon and the methodology of combating it.

<sup>8</sup> Seven trainers from Germany and Sweden presented discussion papers.

<sup>9</sup> Trainers were Czech experts or directors from institutions such as the Institute for Criminology and Social Prevention, DRC, the former Bureau of Investigation, the General Inspectorate of the Ministry of Justice, the Supreme State Prosecutor's Office, and the Bank Association Commission.

<sup>10</sup> The Inspectorate of the Minister of the Interior is responsible for investigating the criminal acts committed by police officers.

<sup>11</sup> The programmes was called Training for those involved in Anti-Corruption activities and was prepared in co-operation with the Economic Administrative Department of Pardubice. A handbook resulted from this activity.

<sup>12</sup> In 2002, a special topic on integrity was introduced.

another TIC project, aimed at the Visegrad 4 countries (Czech Republic, Hungary, Poland and Slovakia). For the Prague municipality, recommendations covered (among other things) public procurement, internal audit and control, codes of ethics, conflict of interest, and access to information. The TIC project Integrity and Ethics at Police Training Colleges included a four day training for teachers at police schools, while the TIC project A Transparent Region focused on increasing the transparency and control mechanisms of decision-making processes in regional authorities. The TIC project Entries in the Commercial Register aimed to speed up the work of a commercial register while Viva Etika<sup>13</sup> encouraged companies to declare their anti-corruption principles and comply with them.

In the 1990s, the Training Centre for Local Government of the Czech Republic (Fala) developed and implemented a one-day training course on Ethics in Administration, incorporating corruption prevention (among other topics). However, in comparison to other themes, the level of training in this topic is rather low and the course is rarely held. Induction training containing a module on Ethics in Public Administration is another accredited Fala training programme. The focus of this module is on the code of ethics and the obligations based on Act No. 312/2002 Coll., especially in regard to preventing corrupt behaviour.<sup>14</sup>

A number of handbooks have been developed. In 2000 (and updated in 2001), the Ministry of the Interior developed a handbook *The citizen's defence against corruption* which attempted to raise public awareness about corruption by dealing with topics such as corruption as a social phenomenon, reasons for corrupt behaviour, corruption and its social effects, corruption and the Czech legal system, corruption in the world, how to defend against corruption, and contact points for citizens to report corruption. A total of 15 000 copies of the handbook were printed and distributed among participants at corruption prevention seminars and at conferences on ethics in public administration, while 1 000 copies were retained for the use of the Ministry of the Interior and the remaining copies were distributed within the civil service. The Ministry of the Interior in 2001 also published a handbook on *Combating corruption in the Czech Republic*. The handbook sought to acquaint the professional and the lay public with the steps the government had undertaken to combat corruption. The handbook also included a list of contact points which the public could use if they came across corrupt behaviour. The handbook, along with other materials including a summary of preventive anti-corruption measures for the public, was distributed among the district authorities in December 2001. In 2001, another comprehensive handbook was published called *Management of activities against corruption: a handbook for employees in public administration*. The handbook aimed to support human resource development by providing civil servants with practical knowledge enabling them to influence the level of corruption in their institution.<sup>15</sup> The TIC issued a leaflet called "How to Defend against Corruption" giving examples and advice on how to behave in situations involving corruption, including model letters complaining about corruption to be submitted to the director of an administrative department as well as to the courts and the police.

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<sup>13</sup> The aim of this project is to promote a transparent and clean business environment in the Czech Republic. The project opens the way to discussion of the advantages of implementing ethical principles in business practice.

<sup>14</sup> Act No. 312/2002 Coll. on Territorial Self-Government Officials which emerged as part of the on going public administration reform included new provisions on municipal and regional staff training and defined an accreditation system for institutions engaged in anti-corruption training.

<sup>15</sup> The book dealt with the phenomenon of corruption (including models and cases), assessment of corruption (including practical examples of international comparisons, research and projects), combating corruption (including information about the situation in other countries), psychology and corruption, legal aspects of corruption, ethics, management and corruption, use of public funds, financial bookkeeping using information systems, and methods and programmes against corruption. The book also included a list of references and attachments focused on control activities.

## ANTI-CORRUPTION TRAINING FOR A SPECIFIC TARGET GROUP

One of the main findings of the 2001 EU Report on Corruption in the Czech Republic concerns politicians:

*“one of the main reasons why the anti-corruption policy does not seem to be successful is, *inter alia*, the fact that the implementing activities of public administration are not accompanied by adequate reactions from the political environment – whose major players have not yet developed a minimum nationwide integrated anti-corruption programme.”*

This statement is targeted at national politicians but also applies to local and regional politicians. Therefore, the Fala, an independent not-for-profit training institution, focused on training for local and regional civil servants and elected representatives and developed a new training programme for regional councillors. Regions are a new tier of government, having been established after the first regional elections were held in November 2000. This two-day training course consisted of two modules dealing with corruption and control. The target group required a very practical approach, with a lot of participation in discussions, case studies and group work (see Appendix 1). The pilot course was held in October 2002 and participants assessed the strategy of control and worked on practical examples. Participants gave positive feedback on the programme, noting that the discussions were the most worthwhile parts of the course. Local elections in all 6 255 municipalities were held in November 2002. Many new councillors were elected, having no experience in managing municipalities. A set of courses was prepared for them, among them a course on corruption and control based on the above-mentioned course for regional councillors. In order to adapt it to meet the needs of local councillors, a working group was established consisting of several mayors, local councillors, local civil servants, trainers and Fala staff members. A working group session, held in February 2003, resulted in a lively discussion, noting the following points:

- The course should be tailored to the type of municipality, for example based on size, budget, number of staff and length of council member experience.
- Given the wide range of controlling activities of larger municipalities, the control module should be enlarged and the corruption module diminished.
- Local politicians should be trained in the basic principles of both anticorruption and controls and more specific information should be included in specific courses for public servants.
- Mayors should be trained in controls, purposes of controls, legal requirements, types of controls, and time-schedules of control activities.
- Positive examples of anti-corruption activities should be presented.
- Positive examples of well-managed controls and internal audit should be presented.
- More training should be provided on activities to be undertaken if corruption is revealed in a municipality.

This course was implemented in May 2003. The participants – local councillors together with a few civil servants – especially appreciated practical examples of corruption prevention and control methods, the exchange of experiences among participants and insights into the working procedures of a municipality. Participant perceptions of corruption varied widely among the target group (when asked what is and what is not corruption, their answers differed substantially). They also discussed different cases of corruption and ways of avoiding such situations in their own municipality.

## CONCLUSIONS AND RECOMMENDATIONS

The Czech Republic’s involvement in international corruption-prevention programmes, together with the continual improvement of legislation, training and institution-building activities (as well

as public-awareness actions) contribute to the fulfilment of the national programme. Despite all these efforts, corruption still remains a significant problem in the Czech Republic. The main threat of corruption comes from its penetration into state administrative structures (at both central and regional levels) and in the activities of foreign criminal organisations engaged in economic crime. Such crime represents one of the most serious nationwide problems, which is completely beyond control and affects all areas of society.

Corruption is widespread because it is underestimated, especially by politicians. The high level of corruption in society, widespread public concern about corruption, and the general unwillingness of the public to make a stand against corruption should evoke a strong political response against it. The media and education/training schemes have a role to play in introducing projects that will motivate citizens to actively participate in the efforts of the community as a whole to fight corruption and to push politicians to head this process. Training activities must be enhanced and expanded on an even larger scale even though it is not easy to assess effects and impacts. Changing people's attitudes is a long-term process. Therefore training activities should concentrate on things that can be changed: training should demonstrate that transparent and open administrative procedures and control activities carried out at all levels are worthwhile management instruments in promoting high public sector performance. Such training should also present positive examples of anti-corruption activities (by showing best practices proving that "it works").

### 3. Kosovo<sup>16</sup>

#### *Habit Hajredini*

Kosovo is a land at the crossroads of the Balkans. Following the Balkan wars in the late 1990s, Kosovo came under the interim administration of the United Nations Mission in Kosovo (Unmik) in 1999. In 2002 the people of Kosovo took part in the very first free elections to elect the members of the Assembly of Kosovo. Then the provisional self-government institutions of Kosovo were set up in conformity with the Constitutional Framework for Provisional Self-Government and pursuant to the United Nations Security Council Resolution.<sup>17</sup> The newly established Provisional Institutions of Self Government of Kosovo (PISG) now have a big challenge in front of them: rebuilding Kosovo and accomplishing a series of important reforms.

Several reforms relating to the execution of powers (transferred powers) are being carried out by PISG in co-operation with the international community, while certain powers (reserved powers) are under the sole authority of Unmik. However, the fight against corruption remains a common task and a joint challenge for both Unmik and PISG institutions.

With regard to corruption, customs, the public financial administration and the energy sector are the most sensitive and vulnerable areas. Corruption in Kosovo can easily become embedded in many public enterprises, the private sector and local government. This phenomenon exists for many reasons. Specific anticorruption legislation and specially designed anti-corruption services can help to prevent, monitor and combat such corruption.

#### INITIAL EFFORTS TO FIGHT CORRUPTION IN KOSOVO

In July 2002, the PISG institutions finalised their first draft of an anti-corruption action plan for Kosovo. The drafting of this action plan came as a result of a one year long effort to design an anti-corruption policy for all the institutions in Kosovo. The anti-corruption policy paper (prepared with the assistance of the Council of Europe PACO Programme) was used to involve and encourage relevant institutions in the fight against corruption.

The Prime Minister's Advisory Office on Good Governance, which is in charge of PISG priorities in the field of Good Governance and the fight against corruption, took the leading role in the discussion and dissemination of the anti-corruption policy paper and the drafting of a new anti-corruption strategy for Kosovo.

The PISG institutions believe that the fight against corruption requires not only close collaboration and co-ordination within Kosovo's PISG and Unmik institutions, but also close co-operation and support from the media, civil society and the international community.

Thus the following initial steps were undertaken with the purpose of drafting the anti-corruption strategy, and following the guidelines provided through the anti-corruption policy paper:

- the establishment of a working group comprised of different representatives and experts from various institutions;
- the identification of the main areas on which the anti-corruption strategy should be based:
  - public awareness and participation;

<sup>16</sup> Kosovo (Serbia and Montenegro).

<sup>17</sup> Kosovo (Serbia and Montenegro) is currently under the interim administration of Unmik in accordance with UN Security Council Resolution 1999/1244.

- legislative reform;
- prevention and control of corruption;
- law enforcement;
- public procurement;
- control and management of public finances;
- public administration system and civil service reform;
- local government;
- co-operation with national, regional and international organisations.

## ANTI-CORRUPTION STRATEGY AND TRAINING

Finally in March 2004, the PISG of Kosovo made public its ambitious and comprehensive Kosovo anti-corruption strategy through a document that represents among other things, a varied approach to the prevention of corruption. The strategy aims to carry out other immediate actions such as the drafting of an anti-corruption action plan, the establishment of anti-corruption services and the promotion of an anti-corruption law which will serve as the main legal framework for all these reforms.

The anti-corruption efforts in Kosovo are based on reform in four areas:

1. Legislative reform: including the law on the civil service; regulations prohibiting gambling; the law on access to official documentation; provisions on money laundering, corruption and economic crime-related offences under the new provisional Criminal Code and the Code of Criminal Procedure (that is, articles 109, 110, 210, 217, 222, 223). These provisions criminalise both active and passive bribery as well as other acts of corruption in line with the Council of Europe's Criminal Law Convention on Corruption.<sup>18</sup> Recently a new anti-corruption law has been drafted and is currently before the Kosovo Assembly for discussion and subsequent endorsement.

2. Institutional reform: This reform started in 2003 and is currently being led by the Prime Minister's Advisory Office on Good Governance (AOGG) in cooperation with Unmik.

The Advisory Office of Good Governance established the anti-corruption interministerial working group in July 2002. It included in the process representatives from the Ministry of Finance and Economy, the Ministry of Trade and Industry, the Ministry of Public Services the Unmik Department of Justice, and the Office of the Legal Adviser (OLA) of Unmik. The aim of the working group is to develop and further disseminate the action oriented policy, advice with respect to the drafting of the Kosovo Anti-Corruption Strategy, to seek the potential venues for the implementation of institutional

mechanisms for the prevention of and fight against corruption, and to initiate legislative advocacy dialogue on the most crucial anti-corruption-related legislation. At the same time, Unmik established the Financial Investigation Unit in early 2003, which operates under the direct authority of the Deputy Special Representative of the Secretary General for Justice and Police. The unit consists of ten officers from the Italian *Guardia di Finanza* and it has the power to investigate every public body or other organisation (including ministries and services such as the post and telecommunications service of Kosovo, Kosovo Electricity Corporation, state banks, the customs authority, and municipalities). It has the right to monitor several institutions' activities and monitor and seize certain financial records, bank statements and bills.

3. Participation of civil society and public:

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<sup>18</sup> See the European Commission's Tracking Mechanism of Kosovo, June 2003 and sectoral questionnaires covering justice and interior affairs.

- in the NGO sector, a local government monitoring project has been initiated in order to put pressure on local government and pave the way for a more transparent decision-making process;
- another pilot project named “monitoring boxes” has been launched in three municipalities (Pristina, Shtime and Decan) where the public can submit complaints/reports about possible corruption and irregularities in their municipality’s public service;
- another NGO, “The Forum”, launched a one-month programme for monitoring and reporting irregularities in the customs administration. The monitoring programme will be followed by a three-month awareness raising campaign;
- a survey was conducted in Kosovo to assess citizens’ perception of the Kosovo anti-corruption strategy. Its results have been published and will facilitate and assist the PISG and the community in identifying issues of concern and areas where the strategy and its action plan need to be more focused.

4. Training on anti-corruption issues: training on the prevention of and fight against corruption in Kosovo was absent in pre-war Kosovo. However, now steps are being taken to initiate education campaigns aimed at the prevention of corruption.

There are various forms of training and education in respect of prevention, identification and combating of corruption. However, the lack of a clear legal framework on anti-corruption measures and institutions is sometimes an obstacle to more efficient training.

The interministerial working group on anti-corruption has been encouraging, co-ordinating, planning and holding specific training courses on the following modules:

- training for officers from all municipalities to discuss gender issues and the role of women in education and prevention of corruption in local government;
- training for civil servants at local and central level;
- training for public administration officials (budget and finance officers);
- training on international judicial co-operation (police and the judiciary);
- training-of-trainers programmes for central and municipal government, focused on increasing accountability, ethical behaviour, transparency, and tolerance in public administration;
- training through study visits (for example, a study visit to the Albanian anti-corruption monitoring group, May 2003);
- information sessions on principles of good governance, discussing the legal framework, official culture and ethics, preventing corruption, and the definitions of corruption, bribery, fraud and nepotism;
- seminars and lectures on public procurement aimed at personnel from more than seven ministries;
- Kosovo Police School has trained 4 686 members of the police force and 1 024 members of the prison service with a force of 150 internationals and local instructors;
- the Kosovo NGO Advocacy Project (Knap), the East-West Management Institute (EWMI) and the Forum of Democratic Initiatives have organised a conference entitled Fighting Corruption in Kosovo: Lessons from the Region.

## CONCLUSIONS : THE WAY FORWARD

While training is important and continues to be a crucial element in the fight against corruption, the PISG has already committed itself to the following immediate actions in order to ensure the continuity of its initial anti-corruption efforts:

- finalising the drafting of the anti-corruption law;
- initiating the policy dialogue on the establishment of anti-corruption services;
- reviewing and improving codes of conduct;
- initiating and supporting the establishment of a school of public administration and a customs authority college (these would offer university-level knowledge on topics such as customs and tax revenue management);
- encouraging and supporting ongoing civil service training;
- conducting legislative advocacy and supporting the establishment of training for members of the police and judicial officers;
- continuing to organise seminars, conferences and other events aimed at increasing public awareness of the damage that corruption can cause to society and the economic development of a new democratic system.

## 4. Latvia

### *Mara Grudule*

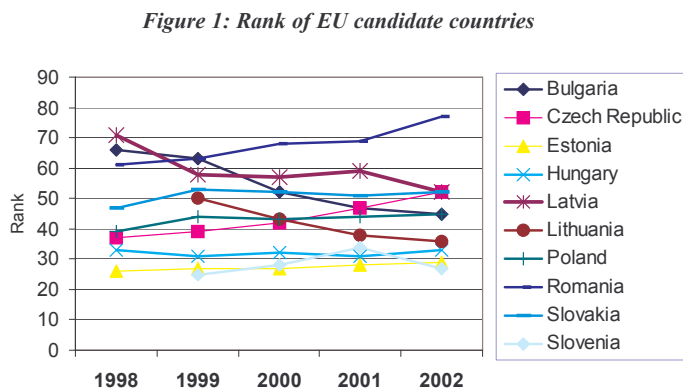
Corruption is a truly global and historical phenomenon from which no country in the world escapes. The developing countries are more sensitive and vulnerable to the damage done by corruption. Latvia, in the transition period from Soviet times to an independent democracy and market-oriented economy, also faces the phenomenon of corruption. The main objective of this case study is to discuss integrating anti-corruption prevention issues into the curricula of public training institutions. A secondary objective is to share the Latvian experience within the Network of Institutes and Schools of Public Administrations of the Central and Eastern European countries (NISPAcee) working group and with interested institutions and experts outside the NISPAcee.

### LEGAL AND INSTITUTIONAL ANTI-CORRUPTION FRAMEWORK

Since independence in 1991, Latvia has taken a number of steps to strengthen its rule of law, public administration and criminal justice system. Given the European Commission's Copenhagen political criteria, Latvia sees corruption prevention as an important step for European Union accession. Latvia's national strategy for EU accession, and a number of important anti-corruption policy measures, have been the direct result of EU pressure or assistance. The EU's Latvian progress report contains three procedures that should be followed to prevent corruption: 1) completion of a legal framework; 2) provision of effective work by legal institutions; 3) taking measures to strengthen awareness of corruption and to change perceptions.

Corruption is ranked as a major problem in Latvia on the basis of widely used indicators. According to many of these evaluations, the most corrupt public institutions are the customs authority, traffic police, judicial authorities and public procurement offices. These evaluations highlight concerns about the influence of private interests on the legislative process – the concept of "state capture" is often used by Latvian anti-corruption experts to describe what is perceived as the country's main corruption problem. Looking at international comparisons, Figure 4.1. shows a ranking of countries in central Europe seeking accession to the EU. Latvia's position tended to remain stable throughout the 1998-2002 period.

Figure 4.1 Ranking of perceived corruption of EU candidate countries.



Higher country rankings refer to countries perceived as having higher corruption, thus low values indicate less perceived corruption. (Source: Transparency International index).

Latvia has been one of the most active central European countries in combating corruption. Latvia was the first to seek assistance from the World Bank in drawing up an anti-corruption policy in 1996, and since then has carried out a number of important reforms designed to improve governance and prevent corruption. In the middle of the 1990s, Latvia carried out its first major activities against corruption. The Corruption Prevention Law was adopted in 1995. Although the name of this law contains the word "corruption", the law itself was aimed more at preventing conflicts of interest. The law defined a series of restrictions on the activities of public officials and regulated the declaration of interests system relating to the activities of public officials. In 1996, the Saeima (Latvian parliament) passed the Law on State and Local Government Procurement. For the first time since the renewal of independence, public procurement (which is extremely susceptible to corruption) was regulated by law. Within the Ministry of Finance, Latvia established a Procurement Supervision Bureau.

The Corruption Prevention Council (CPC), chaired by the Minister of Justice, was established in September 1997. The CPC functioned from 1997 to August 2001 as a co-ordinating institution to ensure political leadership in designing and implementing the Latvian Corruption Prevention Strategy. According to a decision made by the Cabinet of Ministers of August 2001, the CPC and the Crime Prevention Council were reorganised as the Crime and Corruption Prevention Council (CCPC) chaired by the prime minister. The members of the CCPC are the Ministers of Justice and the Interior, the Director-General of the State Revenue Service, the Director-General of the State Audit Office, the General Prosecutor of Latvia, the Director of the Competition Council, a representative of the Bank of Latvia, the Head of Delna (Transparency International - Latvian branch) and others. Representatives and observers at the council meetings include the World Bank and the European Commission delegation in Latvia.<sup>19</sup>

The first Corruption Prevention Programme (CPP) was developed with the assistance of World Bank consultants and adopted in February 1998. The approach focuses on the three basic principles of prevention, enforcement and education. The second CPP was adopted on August 2000, and the third on May 2001 according to the same principles.

The preventive element is the most comprehensive and is concerned with improving the operation of the court system, the legal and standard frameworks for preventing and combating corruption, administrative procedures, competition policy and issuing of licences. It also identifies the need to look at the financing of political parties and the need to introduce codes of conduct, data protection, co-operation at international level, the preparation of corruption- prevention surveys, and the need to strengthen state and municipal procurement.

Enforcement covers the improvement of detection of corruption-related crimes, scrutiny of public officials' declarations, improvement of customs accountability and improvement of international co-operation. The education elements identified were the need not only to train civil servants in new and more transparent administrative procedures and in ethics, but to raise public awareness of their rights and generally involve them in the fight against corrupt behaviour. One of latest surveys done by the Centre for Criminological Studies provides information about society's opinion concerning the measures used in the fight against corruption (see Table 4.1).<sup>20</sup> In the survey, education and awareness come in at fourth place. Nevertheless, the role of education is very important and a basic condition of all measures to be taken.

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<sup>19</sup> For more information, see <http://www.pretkorupcija.lv>

<sup>20</sup> For more information, see <http://www.tm.gov.lv>

Table 4.1. Centre for Criminological Studies Research Public Opinion Poll (2002)

<i>Recommendations for corruption prevention</i>	<i>% of participants</i>
Recommendations relating to increasing penalties	22
Increasing salaries	18
Recommendations to judicial institutions	14
Education and public awareness	6
Increase effectiveness of control in state institutions	5
Different recommendations (some very extreme)	35

Note: Numbers have been rounded to the nearest whole digit.

The main activities included in the educational part of CPP 2001 were:<sup>21</sup>

- improvement of legislation quality by training employees involved in legislation development;
- training of civil servants in the effects of the new administrative legislation;
- introduction and strengthening of appropriate standards of ethics in public institutions by civil servant training;
- training of employees in anti-corruption issues;
- openness regarding performance of public administrative institutions;
- strengthening links with the public;
- promotion of public support and involvement of society in state initiatives.

The CPP has practically been completed. During this period, ten laws relating directly or indirectly to corruption prevention have been adopted including the Corruption Prevention Law (in force from April 2002), the Freedom of Information Law, the Law on Judicial Power, Criminal Law, Criminal Procedure Law, the Law on State and Local Government Procurement, Civil Service Law, the Law on Financing of Political Organisations and Parties, the Law on Corruption: Prevention and Combating Bureau (in force from April 2002), and the Law on Prevention of Conflict of Interests in Public Institutions (in force from April 2002).

All these efforts have been given a new boost with the recent establishment of an independent Corruption Prevention and Combating Bureau (CPCB), which is expected to take over a number of important tasks and co-ordinate anticorruption policy. The director of the CPCB is elected by the Saeima and is directly responsible to the prime minister. The CPPB is mandated with the development of a corruption prevention strategy, the co-ordination of institutions enlisted in the anti-corruption programme, monitoring the execution of the Law on Prevention of Conflict of Interests in Public Institutions, reviewing complaints, collecting and analysing information, and providing legal and ethical education for society. The CPCB is also responsible for investigating and punishing state officials for breaches of the law. One of the first activities of the CPCB (which began in summer 2002) was the development of a national strategy for preventing and combating corruption.<sup>22</sup> The National Programme for Preventing and Combating Corruption will be prepared on the basis of the national strategy and will define specific tasks, allocate responsibilities and set deadlines for implementation.

<sup>21</sup> <http://www.pretkorupcija.lv> (CPP 2001). The Latvian School of Public Administration (LSPA) was involved in the first four elements.

<sup>22</sup> See <http://www.pretkorupcija.lv> for more information.

Latvia is committed to continuing harmonisation with international anticorruption instruments. Latvia ratified the Council of Europe's Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime in 1998 and the Council of Europe's Criminal Law Convention on Corruption in December 2000. Latvia joined the Council of Europe Group of States against Corruption (Greco) in June 2000. Furthermore, Latvia, jointly with Estonia and Lithuania, is developing the Baltic Anti-Corruption Initiative with the support of the OECD secretariat.<sup>23</sup> Latvia is also bound by a large number of bilateral agreements on international judicial and police co-operation in criminal matters.

Latvia has participated in a number of international co-operation projects. The Phare project Corruption Prevention in the Court System began in 2002. The project's main aim was to introduce transparency into the court system, in particular by promoting public access to court decisions through the publication of court cases on the Internet. Other planned reforms include the introduction of compulsory random case assignment, the creation of a penalty registry and the introduction of courses at the Judicial Training Centre on professional ethics and access to information. Under the Phare Programme, several twinning programmes have been established and, since November 2001, the State Audit Office has been participating in a twinning project with the UK National Audit Office. The Swedish National Police Board was responsible for implementing a twinning project on Preventing, Combating and Reducing Organised Crime in Latvia, with components addressing money laundering and corruption.

## ANTI-CORRUPTION TRAINING AND EDUCATION

Training and public information is one of the most important tools in the fight against corruption. Yet despite its availability, interest in such training is low; the Latvian School of Public Administration cancelled the course on Corruption Prevention because of a lack of a sufficient number of participants.<sup>24</sup> Nevertheless, the following educational programmes on anti-corruption are available:

- training of civil servants in Corruption Prevention, Ethics in Public Administration, and Conflict of Interest courses in the Latvian School of Public Administration;
- training of specialist civil servants (customs and police) in the Customs College and the Police Academy;<sup>25</sup>
- training of judges and other judicial professionals in the Judicial Training Centre;
- training of journalists in investigative journalism and promoting transparency through the media;
- education about ethics in middle schools;
- education in universities (ethics and professional ethics, investigative journalism);
- seminars and conferences involving NGOs, state officials, scientists, international experts and social representatives;
- education through television and radio.

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<sup>23</sup> Evaluation Report on Latvia. Adopted by Greco at its 9th Plenary Meeting, May 2002. [www.greco.coe.int](http://www.greco.coe.int)

<sup>24</sup> The Latvian School of Public Administration (LSPA) was established in 1993 by a decision of the Cabinet of Ministers. LSPA is not an academic institution and implements state policy in the field of civil service education with the aim of training highly professional public administration staff.

<sup>25</sup> The Customs College offers students professional education and provides knowledge required for furthering their education at university level. The Customs College delivers the vertical training module Corruption Prevention which was developed within a Phare project. The Police Academy was founded in 1991 and has become one of the largest higher educational institutions in the country with nearly 4 000 students. In the programme The Discovery and Investigation of Economic Crime there is a course on corruption.

In 2000-01, Latvia was involved in the EU Phare project Anti-Corruption Training, Legislation and Information Programme. The framing of the terms of reference was managed and co-ordinated by the Latvian School of Public Administration and based on the three principles of the Corruption Prevention Programme 1998 (prevention, enforcement, education). They covered a wide range of activities in the areas of legislation, training and public information. The overall objective of the project was to prevent further corruption by improving the legal framework and its implementation, and to support the implementation of the government's Corruption Prevention Programme through training civil servants. The civil servants who were trained include customs, police and audit personnel. Related to this objective is increasing public awareness and knowledge about combating corruption. The results of the project are shown in Table 4.2.

Table 4.2. Results of the EU Phare project

<p><i>Legislative component</i></p> <ul style="list-style-type: none"> <li>• assessment and analysis of legal framework related to corruption;</li> <li>• research on the existing institutions dealing with anti-corruption issues (about fifty-nine institutions);</li> <li>• participation in working groups developing the law establishing the Conflict of Interest and Corruption Prevention Bureau.</li> </ul> <p><i>Training component</i></p> <ul style="list-style-type: none"> <li>• development of horizontal training material on corruption prevention;</li> <li>• development of vertical training course for the customs authority and police;</li> <li>• organisation of seminars and conferences for public prosecutors , judges, journalists and corruption prevention experts;</li> <li>• training seminar for journalists in investigative journalism;</li> <li>• professional training for investigators (conducted in the UK).</li> </ul> <p><i>Public information component</i></p> <ul style="list-style-type: none"> <li>• public awareness campaign: "Together against corruption" ;</li> <li>• media campaign involving magazines and newspapers, TV (six spots), and radio (six spots);</li> <li>• school programmes;</li> <li>• printed materials (handbooks and information booklets).</li> </ul>
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The Latvian Judicial Training Centre, within the Phare project Prevention of Corruption within the Court System, organised educational workshops aimed at improving transparency in the court system and improving the public's perception of the court system.<sup>26</sup> Typical courses include topics related to the importance of publishing court opinions, use of forensic evidence, and use of the courts' Internet access in the court system and court work. In addition to presentations by both judges and project experts about the court system and its independence in Latvia, discussions were held about the application of the law in criminal and civil cases and analyses were conducted of "famous" cases. Teaching methods include lectures, discussions, simulations, role-play, and analysis of cases.

<sup>26</sup> The Latvian Judicial Training Centre is the only institution in Latvia providing legal education for judges, notaries, bailiffs and other judicial officers. It is a not-for-profit NGO founded in 1995 by the Latvian Judges Organisation with the support of UNDP, the Latvian Soros Fund and the American Bar Association.

Also with Phare assistance, Latvian middle schools were involved in a project aimed at promoting schoolchildren's honesty and raising their understanding of the reasons for dishonest, corrupt activities, as well as empowering them for civic action. About 300 schools from all regions in Latvia were involved and discussions were held in twenty-five schools from all regions of Latvia. There were approximately 1 100 entries to a competition, with participants in three age groups ranging from grades 1-4, 5-9 and 10-12. The teachers of grades 1-4 were asked to choose a fairytale about a dishonest action, discuss it with the children, stage it and then send their work in to the competition. Schoolchildren in the medium and senior age groups could choose from among fourteen situations that were given by the project organisers (or they could create their own from their experience). Special learning materials were developed and delivered to schools and the slogan "together against corruption" was disseminated widely.

One of the reasons why corruption is so widespread is the lack of activities by NGOs and society in general. In Latvia only the Transparency International branch Delna is active in this field.<sup>27</sup> Delna participated as organisers of regional anti-corruption seminars in the seven largest Latvian cities. These seminars, mainly organised for local government and NGO representatives, discussed specific co-operation problems in the region. They also shared positive experiences in the country, and together with Delna and Phare local experts, tried to find appropriate solutions for existing corruption problems. Some of the positive experiences included the one-stop agency in Liepaja municipality and Tukum's experience in the creation of a web page.

## SPECIFIC EXAMPLE OF ANTI-CORRUPTION TRAINING

As stated in the terms of reference of the Phare project Anti-Corruption Training, Legislation and Public Information:

the aim of the education component is to ensure that all the institutions involved in training and educating officials providing public services (civil servants, customs, police, prosecution, justice, accounting and auditing) will develop an understanding of the nature and sources of corruption and develop the competence to deal with them effectively.<sup>28</sup>

The project team developed a curriculum of four modules with accompanying training materials and a train-the-trainers (TTT) course on anti-corruption issues, delivered by EU trainers and co-taught by Latvian trainers and EU experts.

Fourteen trainees were recruited by the LSPA, coming from the University of Latvia, the customs authority, the tax revenue service, the financial police, the Police Academy, the Medical Academy and LSPA itself. At the end of the pilot seminars, all participants of the TTT course graduated as trainers on corruption prevention and received a training certificate. The LSPA began providing this course from October 2001. The information concerning the results in 2002 are reflected in Table 4.3.

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<sup>27</sup> Delna was established in September 1998 in Riga and is the only independent organisation in Latvia dealing exclusively with anti-corruption issues. Delna's goal is to promote transparency in society and to reduce corruption at national and international levels. For more information, see <http://www.delna.lv>

<sup>28</sup> Final Report (LE9812.002), Phare "Anti-Corruption Training, Legislation and Public Information" pp. 87-95.

Table 4.3. LSPA-organised courses in 2002

Name of course	No. of participants	No. of groups
Conflict of Interests	425	21
Corruption Prevention	817	40
Ethics in Public Administration	105	4
Total:	1 347	65

Taking into consideration the results of this programme and following intensive needs analyses, a separate short course comprising a two or three-day seminar (depending on the audience) is held. The short course consists of four modules which were designed for all target groups in order to convey basic information about corruption as well as to develop personal readiness to participate in the fight against corruption.

*Module 1: Definitions, causes and effects of corruption*

The first module includes definitions, historical and international approaches, types of corruption, causes of corruption, and consequences of corruption for society and politics. The module includes information about international organisations and international co-operation in the fight against corruption. To make lectures more visual and interesting, video materials are used and active participant dialogue is held during the seminar. After two years' experience in delivering the course, LSPA trainers update the content of module.

*Module 2: Legal aspects of fighting corruption*

The potential of legal measures in the fight against corruption and the role of the law in combating corruption is covered in the second module. Information is given on administrative norms and guidelines regulating the conduct of public servants, Latvian legislation, interpretation of laws, problem areas and reforms as well as procedural and practical issues. Because of changes in anti-corruption legislation in 2002, the team of trainers updated the content of module.

*Module 3: Organisational aspects of fighting corruption*

This module, includes preventive measures, addressing corruption prevention plans, areas at risk of corruption, conditions favouring corruption, indicators of corruption, and methods of prevention. After finishing the module, participants should be able to analyse weak points and risk areas in public administration which favour corruption. Participants should also be able to describe the various kinds of indicators (which act as alarm signals) that point to corruption in different areas of public administration. They should also be able to develop regulations and measures for preventing corruption in their own areas of work.

*Module 4: Conflict of interests and codes of conduct in public administration*

Topics covered in the fourth module include examples of conflicts of interest, strategies to manage conflicts of interest, the development and implementation of effective codes of conduct. The Dilemma Situation Game is also used. Participants should become familiar with examples of conflicts of interest in public administration, be in a position to recognise the relationship between a conflict of interests and corruption, and be able to develop different measures to deal with conflicts of interest. The Phare anti-corruption project helped clarify which legal documents for corruption prevention are needed; training has been carried out and relevant materials have been

developed and the media campaign on public information was launched at the end of November 2000 and will continue.

## CONCLUSIONS AND RECOMMENDATIONS

- In the process of training, the role of ethics proved vital; therefore module 4 on conflicts of interest and codes of conduct should be placed before module 3 on organisational aspects of fighting corruption.
- The role of anti-corruption education and training is very important for civil servants and for society in general.
- Education, like preventive measures, has an international dimension.
- Anti-corruption results will be better the earlier education is started.
- The subject of ethics should be obligatory in educational programmes in schools and universities.
- International co-operation in the fight against corruption should be improved.
- Judicial training courses should be offered regularly as part of judges' on going training programme. Participants' knowledge should be assessed before the seminar, and each course should be tailored to the participants' existing knowledge.
- Tailored training programmes on corruption prevention would be useful for politicians and municipal workers.
- Faster implementation of e-government could improve the situation in combating corruption.

## 5. Lithuania

### *Mantas Jonauskis*

There is a substantial amount of research data pointing to corruption as one of the major obstacles to sustainable development. Lithuania is no exception to this trend and given the persistent corruption in the country, sustained efforts have been made over the past few years to fight corruption at both legislative and administrative levels. Thanks to the European Commission's regular report on Lithuania's progress towards accession, the Lithuanian authorities are concerned about administrative corruption, especially regarding the administrative procedures, and about co-ordination among agencies in combating corruption.<sup>29</sup> Some key sectors highly affected by corruption, as identified by recent studies, are the customs authority, public procurement, the police, the courts, the health care system, the tax revenue authorities, municipalities, and central ministries.<sup>30</sup> Like other central and eastern European countries, Lithuania has most of the necessary laws and structures for fighting and preventing corruption. However, it lacks the skill and experience to use them efficiently.<sup>31</sup> For that reason, the importance of training as an anti-corruption measure has been highlighted in a number of official documents.

### LEGISLATIVE AND INSTITUTIONAL FRAMEWORK FOR THE PREVENTION OF CORRUPTION

On 17 January 2002 the Parliament (Seimas) adopted the National Anti-Corruption Programme of the Republic of Lithuania, comprising the National Anti-Corruption Strategy and the Action Plan for the Implementation of the Strategy, that serves as a major legislative framework for anti-corruption activities, including training.<sup>32</sup> The programme places particular emphasis on "preventing the occurrence of corruption, establishing the principle of inevitable legal accountability for unlawful acts, building public intolerance towards corruption, as well as developing international co-operation in the fight against corruption."<sup>33</sup> The programme focuses on an holistic, integrated and collaborative approach to addressing corruption and provides three main measures for the fight against corruption: prevention, investigation of corruption-related offences, and public anti-corruption education, to be implemented until 2006.

The main institutions responsible for the prevention, detection and prosecution of corruption at national and at sub-national level are the Special Investigations Service, the Public Prosecutor's Office, the police and courts. Overall responsibility for implementation, monitoring and assistance with the anti-corruption programme lies in the hands of the government and the Special Investigations Service (SIS). The SIS is a specialised anti-corruption body dedicated to both the detection and the prevention of corruption activities in Lithuania. As shown by the organisational diagram in Appendix 2, the SIS is the co-ordinator of the national anti-corruption programme.<sup>33</sup> For its part, the government in its programme covering the period until 2004 has declared its commitment to contributing to the overall success of anti-corruption activities.<sup>34</sup>

<sup>29</sup> European Commission (2002). Regular Report on Lithuania's Progress Towards Accession.

<sup>30</sup> For more information, see the Internet site of the Special Investigations Service at [www.stt.lt](http://www.stt.lt).

<sup>31</sup> See "The National Integrity System. Concept and Practice. Country Studies : Overview Report" by Transparency International in May 2001.

<sup>32</sup> See National Anti-Corruption Programme of the Republic of Lithuania at <http://www.stt.lt/en/files/programe.pdf> 5. Ibid, paragraph 1.2.

<sup>33</sup> A detailed description of institutions which deal with the prevention and fight against corruption and their functions can be found in the Evaluation Report on Lithuania adopted by Greco at the 8th Plenary Meeting (Strasbourg, 4-8 March 2002).

<sup>34</sup> See Programme of the Government of the Republic of Lithuania for 2001-04 at [http://www.lrv.lt/anglu/aprograma/Braz\\_2001a.htm](http://www.lrv.lt/anglu/aprograma/Braz_2001a.htm)

The action plan contains eleven specific measures on education and training, which fall under the third chapter, called Anti-Corruption Education of Society and its Support (see Appendix 3). The action plan also calls for the development of sector-specific anti-corruption programmes by central and local governments (see measure 1.18). To this effect, technical assistance from the European Union (EU) has been provided through a Phare project which began in January 2002 and ended in December 2002.<sup>35</sup>

In addition to the anti-corruption strategy and its implementation plan, there are a number of laws that serve to prevent corruption in Lithuania. For instance, on 12 January 1999, the Seimas adopted the Law on Financing of Political Parties and Political Organisations, and on 3 June 1999 the Law on Public Procurement. Finally, with the adoption of the Law on Corruption Prevention in May 2002, Lithuania completed the legal basis for its fight against corruption. The legislation aims at establishing the main principles for preventing corruption in the private and public sectors. It identifies measures to prevent corruption, provides their legal basis, and establishes corruption prevention agencies, including their responsibilities.<sup>36</sup>

## EXISTING ANTI-CORRUPTION EDUCATION IN LITHUANIA

Corruption is a very new academic discipline. Therefore, it comes as no surprise that no higher education institution in Lithuania has specific anti-corruption topics incorporated into its study programme. However, there are courses that form at least part of an anti-corruption education, for instance, courses in professional ethics. A number of higher education institutions that teach public administration offer courses on ethics in public administration or civil service ethics (see Table 5.1.). Generally, these courses consist of ethics theory, the analysis of ethical codes or major factors that affect ethics in the public service, and are accompanied by practical assignments. They usually last one semester and take 40 to 160 academic hours to complete.<sup>37</sup>

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<sup>35</sup> Phare project LI 9913.02 Support to the Lithuanian Government's Anti-Corruption Commission and Review and Implementation of the National Anti-Corruption Programme, the Preparation and Implementation of Sector Anti-Corruption Strategies and Action Plans.

Phare project LI 9913.02 Support to the Lithuanian Government's Anti-Corruption Commission and Review and Implementation of the National Anti-Corruption Programme, the Preparation and Implementation of Sector Anti-Corruption Strategies and Action Plans.

<sup>36</sup> There is a whole set of anti-corruption laws and specific laws which are directed at fighting corruption. General up-to-date information on anti-corruption laws is available on the website of the Special Investigations Service at [www.stt.lt](http://www.stt.lt).

<sup>37</sup> The courses consist of lectures, practical assignments and seminars. However, they have different values as in some cases there is no examination at the end of the course, only course work.

Table 5.1. Anti-corruption courses in public administration study programmes

<i>Institution of higher education</i>	<i>Degree programme (Including correspondence courses)</i>	<i>Course title</i>
Kaunas University of Technology, Faculty of Social Science	Bachelor's in Public Administration	Ethics in Public Administration
Kaunas University of Technology, Faculty of Social Science	Master's in Public Administration	Ethics in Public Administration
Law University of Lithuania, Faculty of State Governance	Bachelor's in Law and Governance	Ethics
	Bachelor's in Public Administration	Ethics
	Master's in Public Administration	Ethics in Public Service Bioethics
	Master's in Tax Administration	Ethics in Public Service
	Master's in Administration of Municipal Institutions	Ethics in Public Service
	Master's in Customs Administration	Ethics in Public Service
Law University of Lithuania Kaunas Police Faculty	Bachelor's in Law and Policing	Ethics for Police Officials
	Bachelor's in Law and State Border Control	Professional Ethics and Deontology
Law University of Lithuania Police faculty	Bachelor's in Law and Policing	Management of Statutory Services and Ethics
	Bachelor's in Law and Customs Administration	Ethics for Customs Officers
General Jonas Zemaitis Military Academy	Bachelor's in Military Studies	Ethics and Aesthetics
	Bachelor's in Human Resources Management	Ethics and Aesthetics
	Bachelor's in International Relations	Ethics and Aesthetics
Siauliai University Faculty of Social Science	Bachelor's in Public Administration	Ethics and Accountability
Vytautas Magnus University Institute of Political Science and Diplomacy	Bachelor's in Public Administration	Office Employee Ethics

Most of the courses in Table 5.1. have been developed recently. The first study programme on public administration at bachelor and master level was introduced in 1994 at Kaunas University of Technology. Since then four additional bachelor-level and nine master's-level study programmes have been created by four other universities. Five out of twenty-one universities have fifteen study programmes on public administration, eight of them having courses on ethics in public service.

At the initial stage of the anti-corruption programme, a new anti-corruption course for secondary schools was developed by the Centre for Contemporary Didactics (attached to Vilnius Pedagogical University), and run on a pilot basis for schoolteachers. Likewise, following a request from the SIS and financial assistance from the UNDP, the Centre for Contemporary Didactics plus experts representing different political parties, in the framework of the project on Corruption Prevention through Education, Information and Consciousness Raising, during 2002-04 will prepare

educational anti-corruption courses for bachelor- and master's-level studies, and will try to introduce them into the curriculum of higher education institutions. The course will consist of two modules (lasting about 36 and 48 academic hours). The first module will include topics on corrupt structures, the analysis of "negative globalisation" and their effects on Lithuania. The second module will deal with preventing corruption, with the emphasis on civil society development, national awareness raising, and trust in law enforcement institutions.

## EXISTING ANTI-CORRUPTION TRAINING IN LITHUANIA

Similarly to academic institutions, few training institutions offer permanent specific anti-corruption courses, not including the courses on ethics (see Table 5.2.). The main organisations offering permanent training include the Customs Training Centre, the Lithuanian Institute of Public Administration, the Public Procurement Office Training Division, and the Training Methodology Division of the Prosecutor-General's Office. Most of these courses have been developed with the help of foreign experts and have been only very recently introduced into the curriculum. Only a couple of training seminars have been organised so far, and these courses do not yet cover all sectors affected by corruption, such as the police service.

Most anti-corruption training has been run on a project-to-project basis. In recent years, with financial assistance from developed countries, a number of different organisations have organised or sponsored ad hoc anti-corruption training or awareness-raising conferences for specific target groups in the public as well as private sectors. Some of these organisations include the EU, the World Bank, the United Nations Development Programme, USAid, and Transparency International. In 2001 and 2002, the staff of the Special Investigation Service was provided with general and specialised training covering anti-corruption public awareness-raising, preparing public anti-corruption education programmes, application of special software for data analysis, undercover operations, and methods of investigation and interrogation.<sup>38</sup> Under a Phare project, some training has been organised for line ministries responsible for developing sectoral anti-corruption strategies; for example in relation to customs authorities and health care. During the project, a new and specific anticorruption course in customs matters has been developed and tested, and is now run on a permanent basis for customs officials at the Customs Training Centre in Vilnius.

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<sup>38</sup> European Commission. (2002). Regular Report on Lithuania's Progress Towards Accession.

Table 5.2. Training institutions that offer anti-corruption training courses

<i>Training institution</i>	<i>Course titles</i>	<i>Target group</i>
Customs Training Centre	Fight against Corruption in Lithuanian Customs Authorities	Inspectors, other customs officials
Lithuanian Judicial Training Centre	Ethics for Court Personnel Ethics for Judges	Judges, bailiffs and staff from public institutions that are that are involved in judicial matters
Lithuanian Institute of Public administration	Initial training programme : Ethics for Civil Servants  Civil Service continuous training programmes : Co-ordination of Public and Private Interests  Enhancing Good Governance and Fighting against Corruption in Lithuania	Civil servants from all levels of public administration
Municipal Training Centre at the Kaunas University of Technology	Initial training programme : Ethics for Civil Servants Management and administration programme : Ethics in Public Administration	Civil servants and politicians from municipalities
Social Workers' Training Centre in Vilnius	Basic Social Communication Skills and Ethics	Social Workers
Training Centre at the Ministry of Finance in Vilnius and in five of the other biggest towns of Lithuania	Initial training programme : Ethics in Public Service	The state's financial and economic relations specialists
Training Methodology Division of the Prosecutor-General's Office	Fight against Corruption	Public prosecutors, including joint training programmes with judges

In 2001, based on a request from the Lithuanian Parliament and municipal authorities, the United States Embassy in Vilnius initiated and funded a governmental ethics training programme that had already been implemented for the private sector by the Management Training Centre of Panevezys Institute of Kaunas University of Technology. The programme was aimed at increasing public confidence in government institutions, improving the monitoring of ethics, and increasing the role of the public, the media and the academic community in promoting high standards of government ethics.<sup>39</sup> A two-day anticorruption training course is also offered at the Lithuanian Institute of Public Administration (Lipa), which will be discussed in the next section of this case

<sup>39</sup> Press release of the United States Embassy in Vilnius dated 1 of June 2002, see : <http://www.usembassy.lt/Releases/ethics.htm>

study. Much anti-corruption training has been undertaken on a multilateral or bilateral basis. Though with the adoption of a national programme on the fight against corruption, Lithuania encompassed all anti-corruption initiatives in a single document that paves the way for the preparation and running of anti-corruption education and training courses on a permanent basis.

## ANTI-CORRUPTION CURRICULUM OF THE LITHUANIAN INSTITUTE OF PUBLIC ADMINISTRATION

The Lithuanian Institute of Public Administration (Lipa), established in January 1999, is the leading training institution providing training and advice for civil servants in Lithuania. The implementation plan for the anti-corruption programme does not mention Lipa as a provider of anti-corruption training; however, under the auspices of the Ministry of the Interior, it is responsible for the development and implementation of training programmes for civil servants. The institute thus engages in anti-corruption training and runs three courses which could fall under the category of “anti-corruption training”; namely in ethics for civil servants, co-ordination of public and private interests, and enhancing good governance and fighting against corruption in Lithuania.

### *Ethics for civil servants*

Annually since 2000, a one-day (8 academic hours) training course called Ethics for Civil Servants has been conducted, dealing with civil service professional ethics. The programme’s target group is very broad, including all civil servants who seek career advancement. The programme tries to help those starting their public sector careers to understand what kind of behaviour society expects from them, what are the basic formal and informal norms of ethical behaviour for the civil servant, and the kinds of values a civil servant should hold.

The programme introduces ethics codes from various countries and discusses the application of the law on co-ordinating public and private interests in Lithuania. Trainers come from institutions that have developed codes of ethics for civil servants. They usually make presentations that are accompanied by discussions, practical assignments and case analyses. Forty-seven civil servants attended the seminar in 2001 and 212 civil servants attended in 2002.

### *Co-ordination of public and private interests*

The second training programme under the category of anti-corruption training is Co-ordination of Public and Private Interests. This two-day course is targeted at deputy ministers, ministry secretaries, heads of departments and divisions, and civil servants from counties and municipalities who participate in the formation and implementation of public policy. The programme aims to teach participants how to conduct impact assessments of decisions taken and how to manage different interests of society in order to ensure balanced public policy implementation. Trainers make presentations, organise work in groups, give individual assignments, and ask for modelling as well as situation analysis. Twenty-one civil servants attended the seminar in 2000 and eighteen in 2002.

### *Enhancing good governance and fighting against corruption in Lithuania*

In the framework of a Phare twinning project, Yrjo Vena, an expert from the Finnish Institute of Public Management (Haus), developed a two-day (16 academic hours) training course called Enhancing Good Governance and Fighting against Corruption in Lithuania, that was piloted in October 2001. The programme has been adopted to take account of the current Lithuanian situation and now includes Lithuanian anti-corruption legal documents and cases (see Appendix

4). The programme's target group consists of all levels of civil servants responsible for administrative development and operational quality.

Enhancing good governance and fighting corruption are important aims of the Lithuanian Government. The main objectives of this seminar are to understand the complex elements that form good and bad governance, to recognise corrupt practices, and to know and support the government's anti-corruption strategy. The programme covers the characteristics of good governance, rule of law, transparency and openness, freedom of information, the role of the mass media, accountability, and corruption. The programme also comprises a discussion of corruption cases, corruption prevention on a systemic level, the international fight against corruption and the Lithuanian anti-corruption strategy.

Course trainers are from Transparency International – Lithuania and the Special Investigations Service. Presentations during the course are accompanied with case discussions in pairs, groups, common discussion, questions and answer format, as well as individual assignments. Each session of the programme has a set of presentations and specific cases. Relevant official anti-corruption documents are included as handouts. Only three seminars have been organised, including one piloted on forty-seven participants coming from various regional and central public administration institutions. Even though the content of the seminar only partly fulfilled participants' expectations, they cited a number of issues that they would be able to apply in their daily work. They also wanted to continue the training in more specific fields, such as internal audit or privatisation. Based on observations from the participants, the seminar could provide video training and concentrate more on practical examples and statistics. Following the quality insurance procedure of Lipa, two experts (one from the Law University of Lithuania, and the other from the SIS) have assessed the course and made some proposals for improvement.

## CONCLUSIONS AND RECOMMENDATIONS

Corruption is an important issue to be addressed in Lithuania. The adoption of the national anti-corruption programme was a huge step towards co-ordinating anti-corruption measures, including education and training activities. The implementation of the programme is at its initial stage; it is therefore difficult to measure its overall success. Most of the training activities have taken place on a project basis. However, the number of educational and training institutions providing anti-corruption training on a permanent basis has been or will be expanded in the near future. Thus, anti-corruption training and education activities are on the right track. Nevertheless, it is possible to provide some general recommendations that could complement on going anti-corruption activities:

- Permanent monitoring as well as horizontal and vertical training for major risk groups should be undertaken.
- Vertical anti-corruption training programmes do not cover all sensitive areas and additional training programmes should be developed and incorporated into specialised training centres; for instance, the Lithuanian Police Training Centre might implement courses for police officers.
- A special anti-corruption curriculum should be incorporated into all levels of educational and training institutions.
- There should be obligatory anti-corruption courses for A- and B-level civil servants, especially those coming from sensitive sectors.

- Lipa should provide horizontal training for middle- and top-level public sector managers, whereas vertical training activities could be undertaken by specialised training centres attached to specific ministries or universities.
- Case studies should be used as a training method with active participant involvement.
- The state should further finance anti-corruption training activities.
- Trainers on anti-corruption matters should be both experienced public servants as well as representatives from NGOs or universities in order to reflect broader co-operation between the private and public sectors.
- Training programmes should contain specific cases related to participants' daily work and to specific laws as well as to mechanisms of implementation.
- Some additional topics could be covered, such as the Law on Corruption Prevention and a civil service code of ethics.
- Most importantly, most of the anti-corruption activities funded from international sources should have the full commitment of the Lithuanian Government.

## 6. Poland (Case 1)

*Krzysztof Witkowski, Malgorzata Poliwka-Pacana,  
Andrzej Rozmus*

### CORRUPTION AND CONFLICTS IN POLISH LEGISLATION

Corruption exists in every society. Its negative effects are reflected in public life. Poland must make a detailed review of priority areas and undertake adequate measures to oppose the degeneration of its rule of law. Corruption in Poland has been documented by continued denunciations (such as the “Rywingate” scandal<sup>40</sup>) in the media, as well as Poland’s relatively low position in Transparency International’s index rankings. In 2002, Poland was in forty-fifth position among 102 countries, while in 1996 it was twenty-ninth among 52 countries. In 1996 Poland received a Transparency International grade of 5.8; while in 2002 it received only 4 points, alongside countries such as Brazil, Bulgaria, Jamaica and Peru.<sup>41</sup> Countries perceived as having low corruption namely Finland, Denmark, New Zealand, Iceland, Singapore or Sweden, received grades from 9.7 to 9. The 2002 Anti-Corruption Strategy resulted as a reaction by the Polish national government to the worsening corruption situation.

The term “corruption” has been clearly defined. The most general definition is “the acceptance of or demand for material or personal gain by a government or other public employee in exchange for the performance of some task related to their public powers; or the breaking of the law.”<sup>42</sup> According to the World Bank, corruption is the “abuse of public authority for private gain.”<sup>43</sup> Yet the act of corruption is committed by anyone who, as a result of their direct or indirect interest, bends the rules which he or she is responsible for upholding.<sup>44</sup>

Polish legislation contains a range of regulations seeking to counteract and penalise corruption. The fundamental expression of these regulations is found in Section XXIX of the Criminal Code, which defines an offence against the functioning of public institutions or territorial governments.<sup>45</sup> The concept of bribery appears in the legislation two forms: 1) as the venality of one performing a public function (passive bribery); and 2) the criminality of those who offer the bribe (active bribery). Passive bribery is the acceptance of, or demand for, material or personal gain or its promise, while performing a public function (Article 228 of the Criminal Code). Active bribery is the delivering or promise of material or personal gain to a person performing a public function in relation to their performing that function (Article 229 of the Criminal Code). The subject of the crimes described is the public official whose definition is outlined in Article 115, paragraph 13, of the code. The controversial question remains as to whether the range of people who may commit bribery has been defined as tightly as possible. An additional type of bribery is reflected in a person who induces a public official to break the law or who offers in exchange some type of gain for breaking the law.

<sup>40</sup> The film producer Lew Rywin reportedly solicited a bribe of \$17.5 million from Agora, the publisher of *Gazeta Wyborcza*. The Polish Parliament inquired into this case.

<sup>41</sup> Lower scores indicate higher perceived levels of corruption.

<sup>42</sup> Polish language dictionary *Słownik języka polskiego*, t. I, Warsaw 1988, p. 1018.

<sup>43</sup> Corruption in Poland : a review of priority areas and propositions for stopping it *Korupcja w Polsce : przegląd obszarów priorytetowych i propozycja przeciwdziałania zjawisku*, Bank Światowy, Warsaw 1999.

<sup>44</sup> E. Hankiss, *Public traps, Pulapki społeczne*, Warsaw 1986, p. 62.

<sup>45</sup> DzU 1997 No. 88, poz. 553 z późn. zm

Another area of regulation is “paid protection”; namely, providing some type of intervention in exchange for material gain or its promise, or calling on those with influence in public or territorial governmental institutions (Article 230 of the code.) In addition, Article 231, paragraph 2, defines “a public administrative crime” as the infringement of authority or the non-fulfilment of administrative duties, hurting the public in order to achieve some gain. Sanctions threaten the public official as well as any other person authorised to produce documentation and who falsifies information for their own interests (Article 271, paragraph 3). In the Criminal Code there are also regulations on corruption in the business sector. It is against the law to receive any gain from “the laundering of dirty money” (Article 299, paragraph 6) as well as to hinder in any way a public tender (Article 305).

The Act relating to Public Tenders promotes transparency and impartiality in economic activities which are financed by public funds as well as fair competition and equal treatment of contracting parties.<sup>46</sup> The act prohibits the participation of organisations whose managers have been convicted of a crime relating to public tenders; bribery, or unfair competition among other violations (Articles 19 and 20).

Further regulations to strengthen accountability places limits on the economic activity of public officials.<sup>47</sup> A standard act covers the judges of the constitutional court, public managers, members of the civil service, employees of regional appeal courts, members of contracting organs in territorial government, treasurers, secretaries and others performing public functions.

Acts relating to local governments have also introduced many limitations for those involved in the public administration of municipal, districts and regions. In January 2003, a change in the act on local government at municipal level and a change in some other acts obliges authorities and their employees to submit a declaration of their property, detailing the business activities of their families and the employment of relatives in organisational units of the given commune, district or region. This expanded document is public information and must be submitted in an official Bulletin of Public Information accessible on the Internet.

Civil law does not provide a direct anti-corruption norm. However, among the general rules on civil responsibility there exists the possibility of a lawsuit in cases characterised by corruption. This relates to Article 415 of the Civil Code: “whoever by their own fault harms another is obliged to repair that harm.”<sup>48</sup>

## PREVENTION OF CORRUPTION THROUGH EDUCATION

Corruption often occurs in connection with a private institution, so anticorruption activities directed only towards the public administration represent only a half-measure solution. Activities must be undertaken among future and current management levels in the business sector, in higher education, and in the system for improving relevant qualifications through courses and training.

Unfortunately, among programmes in higher education, only courses in ethics reflect on the problem of corruption. Ethics is part of the mandatory curriculum in a master’s degree programme. For the majority of programmes (there are over 100 programmes available in Poland) and for the majority of universities and colleges, corruption is seen as an external phenomena, with educators saying “it doesn’t affect us,” and “we aren’t going to get involved in it.” Yet, there are articles in the press about corrupt professors who, in exchange for “presents”, give positive

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<sup>46</sup> DzU 2002 No. 72, poz. 664 z późn. zn.

<sup>47</sup> DzU 1997 No. 106, poz. 679 z późn. zm.

<sup>48</sup> DzU 1964 No. 16, poz. 93 z późn. zm.

grades or arrange a student's acceptance into a programme. Therefore the problem of corruption directly affects higher education in Poland. Future managers learn about management, finance and marketing but are not prepared to deal with potential corruption arising in these fields. When graduates of Polish universities confront a situation in which corruption appears to be the most straightforward and effective road to success, without any alternative patterns of behaviour learned in their studies, they fall prey to temptation.

The post graduate system of courses and training reflects these trends (see Appendix 5).<sup>49</sup> In order to analyse this situation, the Institute of Economics at the University of Information Technology and Management in Rzeszów performed telephone and Internet interviews of 238 training organisations across the country that provide courses and training for businesses. In only nine instances, representing about 4% of the respondents, was a course on the topic of corruption offered. Among these, three were directed towards the prevention of money laundering (in courses for cashiers at currency exchange offices or for people in the financial sector). Three institutions offered courses addressing corruption in the area of trade negotiations. However, this topic is treated marginally, as a single hour's lesson in a 16-24 hour course. Two organisations declared that corruption is treated in courses for managers such as Changes in Business or Ethics in Business. However, in the latter case, corruption is addressed in only 6 out of 38 course hours.

The marginal significance in managerial training given to corruption is dramatically opposed to the importance given to it by those surveyed. Over 91% of the training institutions surveyed thought addressing corruption was "important" or "very important". There were no respondents who said it was of little value, although 4% said it was not essential (this result is most likely due to the types of training offered). The importance of addressing corruption suggests that a programme to finance such training should be one of the elements of an effective corruption prevention programme in Poland. The "importance" statistics did not correlate with the training institutes' periods of existence, turnover, employment structure or range of activities.<sup>50</sup>

## PROPOSALS FOR PREVENTING CORRUPTION IN BUSINESS

Despite widespread awareness of the need to take action to prevent corruption via those who provide education, there is still a lack of Polish programmes. There is a definite need to develop an innovative programme that encompasses Polish conditions, one which could be implemented in order to reduce corruption in business. The success of educational and informational activities will require changes in legal regulations on public tenders, limits on the influence of certain organisations in key government appointments, concessions and tax preferences. Transparency and openness of all functions in the public administration sector must be increased.

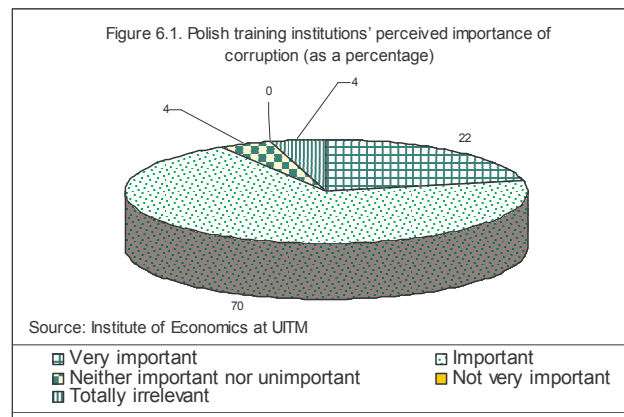
Business organisations and associations should play the role of independent observers during public tenders or purchases made by the government. Giving these groups authority by allowing them to review documentation and to eventually submit complaints to inspectors will undoubtedly lead to a decrease in the frequency of fictional tenders or other breaches of the law on public tendering.

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<sup>49</sup> The Polish post graduate system of education is divided into two sectors : education sector (oriented towards post graduate studies and MBAs) and training organisations (including schools of managers and not-for-profit organisations) which are providers of courses and training. This case study deals with the second group.

<sup>50</sup> A full list of the training institutions which participated in this study can be found at the Institute of Economics at UITM, while a list of those institutions which sent back the survey questionnaire can be found in Appendix 6.

However, members of business associations as well as other business representatives should have the opportunity to participate in training on the prevention of corruption in business. Such a training programme (see below) should be designed and be in accordance with the needs and abilities of participants, such training should last from 20 to 30 hours. Lectures should be limited to a minimum in order to provide the maximum number of active participation hours, and lessons should be comprised of case studies, workshops, exercises or role-playing. Managers and owners of businesses should participate in groups of fewer than twenty people per group. The goals of such training are to decrease public tolerance of corruption in the business environment, present initiatives which aim to prevent corruption among businesses and managers, improve the moral norms commonly applied in business, and promote co-operation between those responsible for eradicating corruption and those aimed at eliminating these activities from public affairs.



### *Session 1 : Definitions and types of corruption (2-3 hours)*

Key questions:

- What is corruption?
- What activities characterise corruption?
- What is the borderline/ margin between corrupt and non-corrupt activities?
- What areas of business activity are most exposed to corruption?

By using active participation, participants should develop their own definition of corruption, and define the types of activities which can be considered as being corrupt. By using examples, they should also define the limits where ethical norms are transgressed or laws are broken.

### *Session 2 : The meaning of corruption in the modern world (2-3 hours)*

Key questions

- What observations can be made about the increasing corruption in Poland and throughout the world?
- What are the possible effects of corruption for participants in corrupt activities, business environment, and for society?

This session would begin with a summary of the first session by the training leader. Participants would compare the group's answers to these questions with data produced in studies of corruption, in Poland and other countries, for specific economic sectors. The participants would also consider the possible effects of corruption at various levels.

### *Session 3 : Methods of protecting society against the threat of corruption (4-6 hours)*

Key issues:

- In what ways can society defend itself from corruption and its effects?
- Corruption according to Polish law.
- Comparative analysis of the Polish legal system with a lower-ranking corruption country.
- Value systems as a basis for preventing corruption.
- Effectiveness of anti-corruption instruments in European countries.

After reviewing the effects of corruption as defined in the previous session, participants would discuss ways society could defend itself. Participants will generate ideas about creating an orderly legal system and value system (morality). In the second part of this session, the trainer will present the topic of Corruption as defined in Polish Law, while demonstrating solutions from around the world.

#### *Session 4 : Authorities called upon to fight corruption (4-6 hours)*

Key questions:

- Who should fight corruption?
- The role of authorities in the fight against corruption.
- Local governments and business organisations in opposition to corruption.
- Co-operation with the justice system and police authorities in the fight against corruption.

The main goal of this session is to break down the barriers between the representatives of police/justice and the business environment. Therefore, the trainer should be a representative of one of these authorities, such as the public prosecutor's office or the police. Practice exercises should promote contacts and cooperation between business, government and the police in the fight against corruption.

#### *Session 5 : Corruption in business (2-3 hours)*

Key questions:

- What conditions favour the appearance of corruption?
- Signs of corruption in an organisation.
- Methods of uncovering corruption in business.

Just as in public administration, employees of businesses are exposed to corruption. They should become aware of the conditions which may invite corruption in a business and at the same time become aware of the methods to uncover and reduce it.

#### *Session 6 : Optimal reactions to corruption (2-3 hours)*

Key questions:

- Model behaviour upon discovery of corruption.

Based mainly on role-playing, this session aims to teach the participants how to behave in situations where they find corruption. Such situations should include scenarios where the course participant has received a proposal for material gain as well as where the other party hints that they expect to be the recipient of such a gain. This session will develop behavioural norms for reacting to situations involving corruption and will be particularly important for those involved in procurement contracts and services for the public sector.

*Session 7 : Evaluation (1 hour)*

- Summary of the participants' work.

This session should be devoted to emphasising incentives which will increase the participant's resistance to corruption. This session should also point out the significance of actions taken by NGOs or businesses as active participants in the reduction of corruption. The material in this programme should be reflected in other higher education programmes, in management, marketing or economics whose graduates often find themselves managing businesses. Programmes in science and the humanities, such as in sociology, education, journalism or medicine, should also introduce anti-corruption studies as a mandatory course. The process of preventing corruption in Poland's business environment will not be easy; radical changes should not be expected in a short period. However, systematic and long-term actions must be initiated in order to build an active democratic society.

## 7. Poland (Case 2)

### *Anetta Debicka*

Reducing corruption is one of the most important challenges of our times. Corruption is not a problem of one state or of a group of countries, particular elites or a particular social class; corruption affects, to at least some extent, all of us. Corruption undermines efforts at good governance in the public sector and destroys a proper notion of public interest and poisons public policy. Corruption results in the destruction of justice and equity in the redistribution of public goods and equally threatens private sector development, in many instances leading to the failure of business. Corruption can be controlled to the extent that it will not constitute a danger to the fundamentals of public life. Achieving such a goal is possible only with the co-operation of broad spectrum of participants in public life. Successful anti-corruption policies require an integrated effort on the part of public institutions, the public at large, the private sector, non-governmental organisations and the media.

As in many other countries, perceptions of widespread corruption in Poland have grown rapidly. Examples of such perceptions are documented in the works of the Stefan Batory Foundation (BF),<sup>51</sup> the Open Society Institute (OSI) Report "Monitoring the EU Accession Process: Corruption and Anti-Corruption Policy",<sup>52</sup> the Council of Europe's Greco Evaluation Report on Poland,<sup>53</sup> and the introductory part of the Polish Government's Anti-Corruption Strategy of 17 September 2002.<sup>54</sup> No definition of corruption is universally accepted in academic work nor can such a definition be found in Polish law. In its report on corruption in Poland, the Open Society Institute uses the following categories: passive bribery, active bribery, traffic in influence, and harm to public or private interest by a public functionary.<sup>55</sup> Table 7.1. shows that the Ministry of Justice data on convictions for corruption indicate a significantly lower number of convictions than one would expect on the basis of public opinion surveys, including surveys of political elites.<sup>56</sup>

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<sup>51</sup> See <http://www.batory.org.pl>

<sup>52</sup> The Open Society Institute, EU Accession Monitoring Programme, Budapest 2002.

<sup>53</sup> Op. cit. 1.

<sup>54</sup> *Polish Government Anti-corruption Strategy*, approved by the Council of Ministers on 17 September 2002.

<sup>55</sup> 5. Op. cit. 3, page 400.

<sup>56</sup> See, for example, the 1999 and March 2002 OSI Report as well as the "World Bank Review of Corruption in Poland", published in 1999. Also J. Kurczewski, "Deputies and Public Opinion", published in 1999.

Table 7.1. Number of final convictions for corruption, 1993-2001

<i>Criminal act</i>	1993	1994	1995	1996	1997	1998*	1999	2000	2001**
Passive bribery	96	71	68	72	106	28	116	104	99
Active bribery						60	305	395	415
Trading in influence							16	22	20
Harm to public or private interest by a public functionary	34	30	30	46	62	25	57	59	100

Source: Polish Ministry of Justice.

\* Statistics for 1998 are for the four months of September to December, as a new Criminal Code came into effect in September 1998.

\*\* Estimates provided by the Ministry of Justice.

The Polish Criminal Code (which has been recently amended) provides significant penalties for bribery: from two to twelve years' imprisonment. The Act on Competition and Consumer Protection includes bribery of a person performing a public function in its definitions of unfair competition. The Public Procurement Act also includes several provisions dealing with bribery. It should be noted that in June 2002, Poland ratified the Council of Europe's Criminal Law Convention on Corruption.

The executive and legislative branches have separate laws covering conflict of interest and asset monitoring. However, such legislation is ineffective. Instead, it is generally accepted that the Supreme Audit Chamber (NIK) is the most effective institution of this type in the region. Yet the impact of the NIK is far greater on reviewing corruption and institutional weaknesses facilitating corruption than on the implementation of its audits. Also, the NIK is limited to the public sector (in a very broad sense). The NIK published two specific reports on corruption in 2000 and 2001. Yet the World Bank 1999 and 2000 reports noted the low response rate to the NIK's reports by "prosecutors, Parliament and other responsible bodies".<sup>57</sup> As of 2002, on the basis of amendments to the Public Finance Act, it became mandatory for state organisations to implement internal audit procedures.

Another important piece of legislation is the Act on Prevention of the Introduction into Financial Circulation of Assets Derived from Illegal or Undisclosed Sources (passed in September 2000). Several other instruments have an indirect impact on preventing corruption, including the Ombudsman Act, the Civil Service Act, the Code of Administrative Procedure, the Act on Limiting the Conduct of Economic Activity by Public Officials, the Civil Service Code of Ethics, the Parliamentary Ethical Principles for Deputies, the Electoral Act of 2001 (in part dealing with political party financing) and finally the Public Procurement Act of 1994 with 2001 amendments. Appendix 7 provides a comprehensive list of all Polish legislation which might have a bearing on corruption.

<sup>57</sup> Anti-corruption in transition a contribution to the policy debate, Washington DC, World Bank, 2000.

## CURRENT ANTI-CORRUPTION WORK IN POLAND

### *Governmental anti-corruption strategy*

In response to public opinion and a variety of reports by international bodies such as the World Bank, the Council of Europe, the Open Society Institute, Transparency International and the Batory Foundation, the Polish Government on 17 September 2002 announced an anti-corruption strategy. The strategy has three overall objectives: effective detection of corruption, establishment of effective mechanisms to combat corruption in public administration, improvement of public awareness and the promotion of ethical behaviour.<sup>58</sup> The strategy has a timetable for the adoption of necessary legislative changes and the establishment of bureaucratic systems, as well as the development of educational tools both for public officials and for members of civil society.

In the strategy, public procurement has been identified as a field particularly exposed to corruption. The Office of Public Procurement will establish a department to monitor instances of public procurement of considerable value. The Office of Public Procurement has an obligation to adopt a long-term educational programme dealing with the Public Procurement Act.

Several objectives designed to combat corruption among civil servants have also been identified in the strategy, including amendments to the Civil Service Act and training in ethics. The Polish Code of Ethics for the Civil Service is based on the values of impartiality, integrity, professionalism of official activities and political neutrality. The Civil Service Commission has introduced civil service training in ethics (designed by Professors Kudrycka and Debicki) as a part of the central training system, and this programme will be supplemented by new modules and cases as the need arises. The Minister of Internal Affairs and Public Administration will prepare amendments to the Act on Local Government Employees in order to introduce training in ethics for local government administration.

The third major part of the strategy is an educational strategy. The strategy starts by recognising the need for public involvement in combating corruption by clearly stating that in order to reduce corruption in everyday life, a change in the attitude of Polish society is required. Schools and youth organisations have to educate young Poles in work ethics for the public good. The Minister of National Education and Sports and ministers responsible for educational institutions will have to introduce, by mid-2003, anti-corruption issues into the general educational curricula. The Education Ministry must also facilitate the development and implementation of training programmes for teachers. Annually, the ministry and the Chair of Polish Television are to develop a multimedia programme dealing with corruption and measures designed to prevent corruption. The Ministry of Science and Information Technology is charged with initiating research in the area of corruption. The final part of the strategy identifies international organisations and international instruments with which Poland has to co-operate.

The target dates proposed in the strategy are unlikely to be met by either individual ministers or the parliament. However, government identification of these objectives indicates a weakness in existing laws, administrative procedures and structural arrangements. Although there is an extensive process of selecting and training judges in Poland, the strategy envisages a comprehensive and specialised programme of training for judges and public prosecutors dealing with corruption cases. One of the weaknesses of the government strategy is the rather poor amount of information available about the anti-corruption programme as well as the effects of its policies. Information reaching the public regarding programme details is fragmentary at best, leading to much cynicism. New ways of including citizens in the battle against corruption must be

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<sup>58</sup> This programme was developed by an interministerial anti-corruption group established by a decision of the Prime Minister and chaired by the Minister of Internal Affairs and Administration.

devised. Governmental agencies have to open doors and create transparency so that the public can see what is going on inside government; in an atmosphere of distrust and cynicism, citizens are not very likely to assist public institutions in uncovering corruption. Under such conditions people are more likely to be victims of corrupt practices. Another problem is that the strategy envisages that the cost of implementation of specific proposals will be met by the ministries and other agencies themselves, yet there has been no increase of funds allotted to the ministries and other agencies for this purpose. The strategy also enters into rather minor issues such as the issuing of driving licences. A document of such major importance should deal with the issuing of licences in general rather than with specific licences.

The intergovernmental task force attempts to define corruption only in the annex of the strategy report. The task force states that money still remains the chief means of corruption, but material or “service” gains and “hidden bribes” are becoming more and more frequent. Today the broad meaning of corruption includes the following phenomena occurring at the interface between the private and public sectors: graft, bribery, venality, patronage (nepotism, cronyism), influence peddling, overstepping of powers, and failure to fulfil responsibilities (abuse of public office) when it is linked with private interests or personal gain.

## ROLE OF NGOs IN FIGHTING CORRUPTION

In Poland, like many other countries, there has been an increase of NGO activity in reporting, monitoring and designing anti-corruption programmes. Website searches show over 500 different NGOs dealing with corruption and the most common entry reports incidents of alleged corruption. Some websites provide fully developed anti-corruption strategies or legal advice for victims of corruption. In such a short case study it is impossible to mention all programmes conducted by these and other organisations. Researching a variety of data banks (the most complete being <http://bazy.ngo.pl>, which contains data on 58 401 NGOs), fifty-seven NGOs conduct anti-corruption training, lobbying, conduct legal analysis or create anti-corruption networks. Of these, only twenty-nine organisations conducted relevant training activities without giving specific anti-corruption courses. While it is beyond the scope of this case study to analyse the content of such training activities, Appendix 8 provides an overview of the training conducted by such organisations. In the appendix, it appears that the two most common areas of training are in the areas of cooperation between NGOs and public administration and the development of local anti-corruption networks. Another focus of such training is on legal instruments which can be used in anti-corruption efforts.<sup>59</sup> Among the NGOs most actively engaged in the fight against corruption are Transparency International – Poland (TI) and the Stefan Batory Foundation (BF).

Transparency International has five programmes focused on corruption. The first programme that TI established together with one of the Polish leading newspapers Rzeczpospolita is called the Intervention Programme. This programme provides people from all over the country with results of investigations of alleged corruption, legal analysis of the issues and, if necessary, appropriate legal actions. The second programme is Promoting Ethical Standards in Conducting Business. Participating businesses undergo a TI audit and are provided with a TI certificate of ethical business practices. Together with the Association of Polish Towns, the Municipium Publishing House and the Adam Smith Centre, TI has a programme called Transparent Local Government. This programme seeks to establish a training programme for local councillors and community leaders and deals with issues of corruption and transparency. It will facilitate TI (on request) in conducting anti-corruption audits, provide local government with a certificate of compliance with the anti-corruption laws and policies, and help local government authorities to make contacts with the World Bank and the European Union (EU). The fourth programme, called A Transparent

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<sup>59</sup> The data do not provide information about the number of people who underwent training provided by these organisations. Moreover, the data dealing with NGOs are based on self-reporting. The only other source is the National Register of NGOs which I did not have access to.

Health Care System, is conducted jointly with the Medical Association, the Association of Midwives and Nurses, and a variety of patient organisations. Part of the programme is devoted to the development of clear rules for obtaining medical services. The fifth programme, conducted jointly with the Customs Authority and funded by the World Bank and the EU pre-accession funds, conducts research into alleged corruption in customs administrations. TI's reputation helps ensure that media report on incidents of corruption are brought to wider attention. Increasingly, TI acts as an umbrella organisation sharing its data and expertise with other organisations (which is particularly important for local organisations without adequate financial or expert resources).

The Stefan Batory Foundation (BF) has developed an extensive anti-corruption strategy.<sup>60</sup> The strategy defines corruption and deals with corruption in the connection between public and private sectors. A second BF programme deals with increasing transparency in local government by providing training for local leaders, activities designed to create citizen networks, and similar types of activities.<sup>61</sup> Together with the Helsinki Foundation and TI, the BF created an anti-corruption citizens coalition focusing on monitoring the activities of elected politicians.<sup>62</sup> The BF has also established a legal aid programme to help the victims of corruption, which in some instances involves legal representation.<sup>63</sup> The BF has also developed several anti-corruption training modules for high school teachers.<sup>64</sup> The BF was instrumental in establishing an annual competition for the best newspaper and electronic media material dealing with corruption – and the competition has now been conducted three times.<sup>65</sup> In response to widespread complaints of corruption in the health service, the BF established a working group focusing on ethics in health care services.<sup>66</sup>

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<sup>60</sup> BF programme against Corruption.

<sup>61</sup> BF programme Transparency in My Local Community.

<sup>62</sup> BF programme Political Parties against Corruption.

<sup>63</sup> BF programme Legal Assistance.

<sup>64</sup> BF programmes Youth against Corruption, and Students against Corruption.

<sup>65</sup> BF programme *Tylko ryba nie bierze* ("Only fish don't take a bite").

<sup>66</sup> BF programme Ethical Issues in the Health Care System.

## POST-SECONDARY INSTITUTION COURSES IN THE AREA OF CORRUPTION

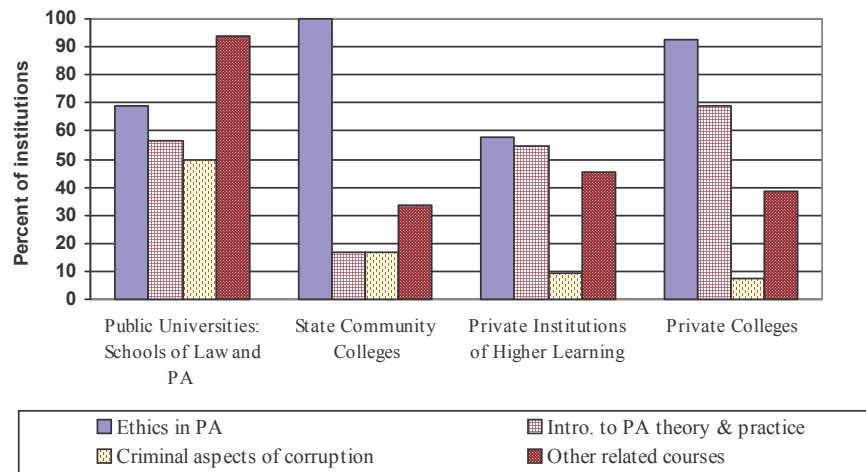
The image of public administration is shaped by its employees. They bring to the daily practice of administration their convictions, values and personal culture. The manner in which they carry out their duties is shaped by the education they received. Future public servants choose primarily to study law and public administration. Therefore, during their studies, future public servants should learn about and acquire sensitivity to the problems of corruption in public life. They should acquire strong values preventing them from behaving in a corrupt way.

In an analysis of 16 public universities with schools of law and schools of public administration and 25 public (state) colleges with relevant programmes, only the University of Białystok had a specific course dealing with corruption. However, Appendix 9 provides a list of courses which have at least one module dealing with corruption. Such instruction takes place in 15 out of 16 public universities which have faculties of law and/or public administration as well as in 6 out of 25 state community colleges which have programmes in public administration (as shown in Appendix 10). Where possible, assigned readings were examined and in most instances there were no obligatory readings dealing with corruption. Perhaps as corruption becomes a more visible issue academic work in this area will increase.

According to the Register of Institutions of Higher Learning in the Ministry of National Education and Sport, there are 138 private institutions of higher learning, of which 33 have faculties of law and/or public administration, as shown in Appendix 11. Of the 119 private colleges, 13 have a programme in public administration and these institutions are shown in Appendix 12. Given that all such schools require accreditation by the Ministry of National Education and Sports, courses in ethics appear not to contain the knowledge required for the institution to be licensed by the ministry.

In summary, there are no large scale anti-corruption programmes training future cadres of public administrators, and support for national anti-corruption programmes is not provided by the current teaching of administrative ethics (which deals with much broader and less technical issues). As Figure 7.1. shows, there are a number of other courses which address similar subjects – but no course deals directly with combating-corruption. Poland should develop principles for such a course as well as the appropriate teaching tools.

Figure 7.1. Corruption-related courses in higher education



Even though a variety of training programmes deal with some selected issues there is a need for a basic course dealing with this subject. The following represents a proposal for a one-semester university-level course. Promoting anti-corruption training in university (or a school of public administration) might ease the effort needed to instil the principles of transparent, open, honest and friendly administration while providing students with a very basic knowledge of administrative systems, structures and processes. Students can be introduced to empirical studies showing the damaging effects of corruption both for the working of administrative structures as well as attitudes towards administration in society.

Discussions and analysis of corruption as well as their own research should sensitise future public servants to the phenomenon of corruption, evidence of corrupt practices and reinforce the need for an organisational value system congruent with societal expectations. Given the scarcity of academic work in this field, such courses should avoid being too theoretical (given the lack of empirical data to develop general theories). Programmes should also be developed so that the same basic modules could be easily adapted to participants with different levels of knowledge and practical experience. Such a course could also be a part of the curriculum in law schools and schools of public administration, as a general overview or introduction to the field; students admitted to such courses should have already taken a basic course in public law and public administration. As part of a professional or civil service programme, such a course should have a more practical focus, based on a specific agency or a particular group of public servants. Participants would work on designing concrete proposals for anti-corruption measures in their institution.

### *Objectives of the course*

1. Introduction to the problem of corruption in public institutions.
2. Individual and group work with the goals of:
  - developing methods of determining the extent of corruption;
  - identifying laws, policies and situations with a high risk of corruption;
  - developing prevention systems;
  - developing anti-corruption management tools;
  - developing a system of sanctions for corrupt behaviour.

The following modules are proposed for such a course:

### *Module 1: Environmental assessment*

The objective of this module is to introduce participants to the analysis of data relating to corruption. Such data may include:

- demographic data (social stratification, data on social, ethnic, religious and linguistic divisions, levels of literacy and education);
- economic data (data on unemployment, structure of employment, income distribution data, data on the “grey economy”);
- data on social trust (levels of confidence and trust in elites);
- crime data relating to corruption (bribe-taking, crimes by public officials);
- content analysis of the media.

Given the lack of high quality data on corruption, students should be aware of the data series required to ascertain the extent of corruption. Students should develop sets of hypotheses linking data to corruption. The relationship between levels of education and basic literacy of the “clients” and corruption, the relationship between demands for certain types of permits or licences and bribery, or the relationship between the levels of public servant income, job stability and corruption, or the relationship between the contribution of the grey economy to the GDP and corruption, are some examples. Another element which should be investigated in this module, is assessment of the reliability of media reports dealing with corruption.

### *Module 2: The potential for corruption in public administration*

The objective of this module is to introduce participants to agencies/departments having a high risk of corrupt behaviour. Examples of such high-risk agencies include: public procurement, agencies with significant administrative discretion and which make decisions resulting in possible significant economic benefits (such as licensing). Participants would conduct independent research on selected agencies, laws and policies relevant to such a risk analysis. Discussion should deal with legal and policy dimensions as well as with the human resources management dimension of the problem. (This part of the course should be designed differently for public servants than for university students without any practical experience.) Public servants should be able to provide examples from their own departments or other governmental agencies.

### *Module 3: Human resource management strategies for reducing corruption and the risk of corruption*

“There is no corruption without corrupted people.” This module has three components. First, the module will look at management’s role in creating a climate of anti-corruption in the workplace and fostering ethical norms. The second part will present methods of prevention: looking at structural and procedural means of risk reduction, openness, transparency, establishing rules for conflict of interest, rotation of employees, dividing decision-making between several employees, and other techniques. In part three, students will have the opportunity to search for methods of how to monitor and assess the vulnerability of employees (alcohol or drug problems, family problems, gambling addictions). Discussions will deal with legal aspects of employee punishment including job dismissal, and the issues of tolerance as a means of fighting corruption in some jurisdictions. From the experience of several countries, it is known that individual public servants would often like to report or fight corruption but they require institutional support. It is the responsibility of management to create such support systems.

#### *Module 4: Law and corruption*

The objective of this module is to evaluate laws and law-making techniques as an element of combating corruption or as an element for creating conditions in which corruption is more likely to occur. In particular these issues should be examined in the context of labour law, administrative law, laws dealing with public procurement, conflict of interest, laws dealing with transparency and freedom of information, and criminal law. There are some generally recognised problem areas of legal norms which have an impact on corruption; and the discussion will focus on: unclear and/or conflicting laws, incongruencies between statutes and subordinate legislation, over-extensive administrative discretion, secrecy, decisions made without parties being present, lack of clarity as to the decision-making process, ineffective and slow decision-making processes, a poorly constructed system of appeals, a poorly constructed system of penalties for corrupt behaviour, lack of integration in (and ineffective) administrative and criminal penalties, and lack of clarity in the criminal law dealing with corruption. In a speech at a conference on Democracy in a Divided World, the Polish Ombudsman, Professor Andrzej Zoll, stated that the enactment of new laws is frequently a form of escape from the real search for the source of problems in implementing existing laws. He stated that in 2003 Parliament and other lawmaking structures enacted about 2 000 new statutes. Such a quantity of law is beyond the absorption capacity of either individuals or governmental agencies. New laws should be analysed for their potential for corruption at the drafting stage. The lack of such an approach frequently leads to the creation of new problems and the legislative process starts all over again. The government should also consider the capacity of businesses and individuals to conform to new procedures and reporting requirements. For example, the capacity of large corporations to meet a variety of obligations is much greater than that of small companies.

#### *Module 5: Anti-corruption institutional audit*

The programme should end with a module bringing together all the previous modules by conducting an institutional audit. The final module should be in the form of an anti-corruption audit of selected agencies. This module would have to be constructed differently for university students than for public servants participating in in-service training. Students should do more of their work based on documents, such as legislation and published policies. Public servants can rely on their practical experience. If possible, they should conduct an audit of their workplace (this will not always be possible because of cultural prohibitions). Participants should also try to develop solutions to problems identified in the audit, especially solutions which aim at introducing changes in procedures and management methods instead of a change in the legislation.

## CONCLUSIONS AND RECOMMENDATIONS

This case study has provided a short summary of the relevant Polish legislation. The government is planning significant legislative activities, which should improve the ability of the state to combat corruption. However, the government has already fallen behind the target dates stated in its anti-corruption strategy. An analysis of NGO anti-corruption activities has been given and the Batory Foundation and Transparency International - Poland stands out in this area. University programmes and other schemes have been found to have no anticorruption courses or training. However, on some courses dealing with ethics in public life there are modules relating to corruption. Perhaps public perceptions of massive corruption are over-exaggerated; nevertheless, these perceptions should and are taken seriously by the government. Finally, in the absence of specific programmes on anti-corruption, a generic course has been presented.

Corruption is a multidimensional phenomenon and can be analysed in terms of work values, political culture (in the broadest sense of the word) as well as laws and administrative procedures. It would be a mistake to separate this training from the overall preparation of continuous on-the-job in-service training. As with anti-discrimination training, it is absolutely essential to create a climate in which the fight against corruption is everybody's problem. Just because a particular employee is not involved in corrupt practices does not mean that he or she has done everything possible to stop or reduce the problem. There are many signs indicating that we are not dealing with dishonest behaviour of individual public servants, but are experiencing systemic corruption (or at least the perception of such widespread corruption). If such perceptions continue, a crisis level reduction in trust in government and democratic institutions could threaten the very foundations of a democratic polity based on the rule of law.

## 8. The Russian Federation

### *Ludmila Voltchkova and Tatiana Zvetcova*

Corruption is one of the Russian Federation's most serious social, political and economic problems. Its scale is considered to have assumed proportions threatening national security. Areas seriously affected include federal and regional officials, local authorities, judicial bodies, courts, the government road safety authority (GBDD), community services, political parties, mass media, public health, education services and military boards.<sup>67</sup> Export licences and quotas, budget transfers and offsets, privatisation, tax revenues, customs duties and banking services offer opportunities for corrupt economic transactions. Corruption within the judiciary is believed to involve in particular arbitration tribunals. Corruption in the Ministry of Internal Affairs, the Prosecutor and the Federal Security Service often means the suppression of information relating to the criminal investigations of officials and politicians.

Corruption in Russia is transforming into corruption networks – organisational groups, created to obtain income from corrupt business. Every corruption network includes three elements: a commercial or financial structure that looks for profit and converts it into cash, a group of governmental officials that makes decisions, and a group of “protectors” from judicial bodies.<sup>68</sup> Yet, the public underestimates the degree of corruption in Russia. A survey carried out by the Indem Foundation (Centre for Applied Political Studies) confirms that only 13- 15% of people recognise corruption as an important problem in modern Russia. Most people see corruption as an integral part of public administration, business, power and everyday life. They believe that corruption is impossible to combat because corruption comes right from the top and then trickles down to the regions and flourishes at local level as routine corruption. The spreading of corruption and generalised disbelief in the possibility of coping with it have grave social and economic consequences; it undermines trust in officials and decreases the effectiveness of governmental decisions.

Within the framework of current legislation, corruption and responsibility for offences are defined in the new Criminal Code of the Russian Federation (1996). The code includes responsibility for taking bribes (Article 290), for offering bribes (Article 291) and soliciting bribes (Article 304). The code does not contain a special article about responsibility for intermediary bribery activities. The law stresses the monetary nature of bribery but ignores non-monetary elements. In certain cases, these acts can be defined as abuse of the official's position (Article 285). The most typical corruption offence by officials is illegal participation in an entrepreneurial business (Article 289). Participating in such a business is also banned for employees of local authorities in accordance with Article 60 of the Federal Law on the Common Principles of Local Government Organisation in the Russian Federation. The presidential decree on Approval of General Principles of the Official Conduct of Civil Servants (12 August 2002) and the Code of Conduct for Civil Servants (May 2002) are also important anti-corruption instruments. Specifically in the code, Article 5 is directed to the conflict of interests and Article 2 contains concrete rules of behaviour. In November 1997, the Federal Law on Combating Corruption was approved by the State Duma, but then President Boris Yeltsin did not sign it, using the pretext of the defence of human rights.<sup>69</sup>

In November 2002 the State Duma approved the bill on Countering Corruption. Local as well as international experience had been used in drafting the bill. The bill defines “corruption,” “corrupt

<sup>67</sup> Edited by M.B.Gorny Предупреждение коррупции: что может общество (Prevention of corruption : what the society can do), Norma, 2003, 496 p

<sup>68</sup> Satarov G. Диагностика российской коррупции: социологический анализ (Diagnostics of Russian corruption : Sociological analysis) 2002, <http://www.anti-corr.ru/awbreport/>

<sup>69</sup> <http://top.list.ru/jump?from=26795>

relations,” and “corrupt act.” The bill also defines key directions in policy, anti-corruption law monitoring, programme elaboration, and has a chapter devoted to conflict of interests. New forms of responsibility for corruption are put in force as the bill provides for a person’s and organisation’s right to seek compensation for damage resulting from corruption. The bill proposes the creation of a national council for the struggle against corruption under the president. Such councils can be created in regions and municipalities. The national council would be responsible for analytical work and monitoring. In 2002, the National Anti-Corruption Committee put forward Fundamental guidelines for Anti-corruption policy. Among the most important guidelines are the realisation of anti-corruption educational and mass-media programmes, a guarantee of maximum publicity for an anti-corruption policy; clarification of norms of corporate ethics (for officials, businessmen, the mass media, public organisations), publication of administrative procedures, private sector (with the help of small and medium-sized business associations) involvement in anticorruption programmes and policy, and Internet-based access to information.

## ANTI-CORRUPTION EDUCATION AND TRAINING EDUCATION PROGRAMMES

Anti-corruption education is at an initial stage in Russia. In the higher education system, there are curricula for preparing civil servants, officials of the Ministry of Internal Affairs, managers and lawyers. Yet a number of courses focus on non-corrupt behaviour; for instance professional ethics. Some examples include Ethics and Management Culture (comprising 44 hours of lectures and 24 hours of seminars at the Northwest Academy of Public Service for all degree programmes), Professional Ethics for Civil Servants (36 hours including lectures and seminars at the Khabarovsk State Academy’s Faculty of Economics and Law), Professional Ethics for Officials of the Ministry of Internal Affairs (40 hours for cadets and students at the St Petersburg University of the Ministry of Internal Affairs).

Lectures and specialised courses are also offered by university faculties. In law faculties, corruption is studied in lessons relating to crimes against property and crimes against public services (in connection with the existing Criminal Code). In the criminology course, corruption is discussed, as are factors responsible for the formation and development of corruption, and activities to fight corruption. The Science of Crime Detection discusses the tactics of investigating corruption-related crimes. In the judicial psychology course, Psychology of Corruption connects with anti-corruption education more closely by discussing potential risk situations and appropriate behaviour in these situations. Courses taken at economics, sociology, and management faculties that are concerned with public administration include Corporate Management, Public and Municipal Administration, the History of Public Administration, Sociology of Management, and Planning of Socio-economic Development.

Anti-corruption education and training programmes conducted as part of anticorruption projects are an integral part of anti-corruption education in Russia. These projects are supported by foreign funds. From 1999 to 2002, seventy anticorruption projects have been conducted in Moscow, St Petersburg, Obninsk, Dubna, Petrozavodsk, Isevsik, Novosibirsk, Krasnoyarsk, Barnaul, Kemerovo, Irkutsk, Chita, Jakutsk, Khabarovsk, Vladivostok, Juzno-Sahalinsk. Nine projects have been devoted to anti-corruption civil education, seven to the transparency of public power, eleven to transparency in budgeting, twelve to public participation, and five to ethics codes. Some of these projects are shown in Appendix 13.

Two organisations play a special role in combating-corruption. The Indem Foundation (Moscow) generates very practical analytical materials and the results of sociological research about corruption. Indem collaborates with the National Anti-Corruption Committee (Moscow) and with Russian representatives of Transparency International. St Petersburg’s Humanitarian and Political Centre (Strategy) also plays a large role in raising anti-corruption awareness and behaviour, and functions as a co-ordinator of civil initiatives on opposing corruption. To increase the effectiveness

of anti-corruption projects and education training, all participants must participate through networks which exchange information, education, experience and promote the co-ordination of activities between regions.

The creation of a databank of anti-corruption education and training programmes in academic institutions and not-for-profit organisations will be undertaken for the exchange of opinions on anti-corruption programme content and problems in implementation. One problem is the low level of activity and interest which civil servants, the public and students show towards anticorruption education – especially Russian students. Not-for-profit organisations and academic institutions could develop education programmes, themes of term papers, certifications and elective professional courses. Solutions to dealing with corruption can be learned in criminal law, administrative law; investigative journalism at journalism schools administration and management at economic, sociological, psychological faculties and faculties of management and administration.

## SPECIFIC EXAMPLES OF ANTI-CORRUPTION TRAINING

One civil society initiative against corruption is the Civil Forum against Corruption by the Syb-Info-Centre.<sup>70</sup> The project produced the following results:

- twelve discussions were held on problems in creating mechanisms for preventing corruption. As a result eight bills were created, aimed specifically at preventing corrupt behaviour by officials;
- twenty special publications were prepared in the weekly newspaper *Youth of Siberia*;
- a website called The Civil Forum against Corruption is hosted on the Siberian Information Analysis Centre server and is updated weekly;
- ten press releases about discussions were disseminated;
- eight specific motions in bills and other legal documents were prepared and introduced.

Despite these successes, the programme encountered a number of problems. First, the public had little motivation to consult the project's experts, possibly reflecting scepticism about their ability to take legal action against corruption.

Second, journalists were not prepared to accept ethics codes regulating their professional activities possibly reflecting journalism's extreme dependence on economic and financial factors. Third, paternalistic attitudes have formed between the state and not-for-profit organisations. Fourth, the public was sceptical about the prospects of success for a not-for-profit organisation in its fight against corruption.

Despite these setbacks, the supporters of this project are planning to continue their anti-corruption activities. Future actions include further interaction between new and old partners in a round table (discussion club) called the Civil Initiative of Novosibirsk. The round table will be an instrument of constant and active public examination of governmental organs on different levels and different significant social initiatives and problems will be discussed, providing opportunities for public participation in government.

Another project, developed by the East Siberian Department of the Union of Cinematographers of Russia (Irkutsk), is a series of television programmes on the legal field which publicised twenty anti-corruption initiatives. The series has been shown by Irkutsk municipal and regional television

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<sup>70</sup> For more information, see <http://www.strategy-spb.ru/> (in Russian). The Siberian Information and Analytical Centre is a not-for-profit partnership providing communications between all parts of society in Novosibirsk.

companies, the Irkutsk cable television network, and shown to university students and other audiences. Video tapes of the programmes will be made available to all participants of the previous and current rounds of the Eurasia Foundation's Corruption Prevention Programme and distributed among NGO support centres and international organisations implementing rule-of-law projects in Russia. Members of different social strata, from the average citizen to a civil servant, have participated in the programmes. In nine of the television programmes the following problems have been discussed:

- What is corruption?
- Corruption and criminality. The great danger of corruption crime.
- Legal regulations for combating corruption.
- How is corruption generated?
- Corruption – is it normal or not?
- Is it possible to regulate corruption?
- Is it possible for civil society to prevent and oppose corruption? What can civil society do to improve the laws for fighting corruption?
- Corruption and the mass media.
- Corruption and the state.
- The role of public opinion in preventing state corruption.
- Corruption in the military services.
- Corruption in universities.
- Corruption in school administrations.
- Corruption in housing departments and polyclinics.
- Public control on legislative and executive powers.
- Associations of voters.
- Corruption in law enforcement agencies.
- Experience of combating corruption by public agencies.

The Irkutsk region has large stocks of oil, gold, and timber, and the level of corruption is the highest of all regions. The mass media play a role in exposing corrupt public servants and sources of corruption, but newspapers are dependent on the state and a lot of information is not revealed except in a few cases. Irkutsk's administration is interested in this project and the director of the law enforcement department has participated in five television programmes. But not all of the representatives from government organisations have talked openly about corruption in their departments; namely the State Motor Vehicle Inspectorate, institutions of higher education, and the Public Prosecutor's Office. The Rector's Council of Irkutsk Universities has made the decision to ignore the problem, declaring that there is no corruption in their system. Unfortunately, the state Irkutsk Television Company refuses to show these programmes. In the future, the project will prepare video programmes and continue working on other projects, as well as extending these activities.

A third initiative is the programme on Social Participation in Corruption Prevention in North-West Russia, run by the St Petersburg Humanitarian and Political Centre (Strategy). The goals of the project are to reduce corruption in election campaigns and the budgetary process, increase the legal culture of not-for-profit organisations through civil education, and raise public awareness of new forms of corruption. Election campaigns in the Pskovskaya area and Kareliya were analysed as were suffrage and budgetary laws.

Under the Strategy project, three seminars were organised to discuss corruption prevention measures. The first one in Pushkin (St Petersburg) on 5 to 6 May 2001 included representatives of not-for-profit organisations, the mass media, the members of the legislative assembly of St Petersburg and Leningrad regions and officials from the local administration. The second seminar was held on 26 to 27 May 2001 in Petrozavodsk, involving representatives of not-for-profit organisations, administration officials, members of the legislative assembly of Karelia, and students. The third seminar took place in Pskov on 29 to 30 September 2001, and including representatives of not-for-profit organisations, mass media, election committees of the Pskov and Pskov region, and higher education institutions. Participants were given copies of the speakers' presentations, rules and descriptions of business role-playing games (see below) and were offered books about corruption prevention. The problems of electoral corruption, budgetary processes, the mass media, the problems in founding the centre for civil education were discussed in detail. Participants studied anti-corruption laws and successful anti-corruption initiatives, and analysed the causes of corruption, and possible models of corruption prevention. Teaching methods included lectures, discussions, and business role playing games.

*The business game : "Second reading of a bill on the budget just before elections"*

The goal of this game is to teach participants different methods to be used to address corruption and to draw up measures for preventing corruption. Participants were given rules to follow in preparation for the amendment of a hypothetical budgetary project. A legislative session of the budgetary committee was enacted where role players discussed amendments to the bill and voted in the second reading. In the last stage of the game, all work was summed up. Almost all participants had used corrupt measures to reach their goals. Some of them enmeshed government structures with business and crime. Among measures used were the accumulation of money to support the election of their "own" deputies, fighting useful amendments (for log-rolling purposes), using budgetary resources for pre-election party political campaigning, using budgetary resources for commercial purposes, creating alliances for using budgetary resources, redistributing the budget for one's own profit and indirectly financing one's own interests through collusion. The game demonstrated the possibilities for corruption arising from poor legislation and the refinement of players' skills in analysing corruption.

*The business game : "The election process : possibilities for corruption"*

This game offered public and secret roles to participants. Using methods which had a legal and honest character, participants tried to overcome corrupt activities. Prevention measures emphasised increasing the transparency of the election processes (in particular financial transparency), affording each candidate equal initial funding, public control, and changing the public's psychology in relation to the law, and culture. Participants paid great attention to the problem of creating a centre of civil education. Reports were given by organisations which had introduced systems of ethics and legal education in schools; such a system is unique in that it covers all grades in school from first to eleventh grades.

*The business game : "Working plan for a centre of civil education"*

This involved planning activities for one year and also defining financial sources for the project. Participants formed four working groups and each of them had to create an education plan for students, not-for-profit organisations and civil servants.

**ANTI-CORRUPTION EDUCATION PROGRAMME IN ST PETERSBURG UNIVERSITY**

An analysis of the curricula of the faculties of management, economics, sociology and law of the St Petersburg State University shows that there are no special courses relating to corruption (and anti-corruption) for students. Re-training and continuing education for managers, specialists, and administrators also do not contain special courses on anti-corruption. In the sociology faculty, there are many students who are interested in public administration issues, social planning and management. Graduates work in state bodies, private enterprises, firms and banks as managers, so students should know about corruption as a social phenomenon and about anti-corruption actions. Therefore the course Planning for Social and Economic Development contains the theme Social Responsibility of Planners where questions of corruption and anti-corruption actions are analysed. The problem of corruption is also addressed in the course on Sociology of Public Administration and Management. In the department of Public Administration and Social Planning, Igor Kusnezov has prepared the elective course Corruption in the System of Public Administration: Sociological Aspects (lasting 16 hours). The aim of this course is to provide knowledge about corruption as a social phenomenon and as a problem of public administration in modern Russia. The main objectives of this course are to:

- study sociological approaches to corruption and their explanatory power;
- characterise historical forms of corruption in Russian society and to analyse reasons for corrupt actions and their consequences;
- study methods of carrying out diagnoses of corruption in public administration;
- discover mechanisms of social control of corruption and analyse guidelines for anti-corruption activities.

*Module 1: Corruption as a social phenomenon : sociological approaches to research*

This module considers corruption as a part of social life and regards it as an integral part of public administration. It also addresses such kinds of corruption as bribe taking and exceeding one's authority which are reflected in the Criminal Code, and others which are not reflected in the Criminal Code, such as favouritism and protectionism. The module also looks at several conceptions of corruption. In the institutional approach, corruption can be seen as a social institution because it integrates into the common social order: there is a system of roles and statuses typifying corrupt activities, norms and values. It satisfies social and personal requirements and exists in interaction with almost all political, economic, and social institutions. In the structural-functional approach, corruption is seen as a social system, where corruption activities have obvious and latent functions displayed in an integrated system of social relations. In the behaviouralist approach, corruption is considered on the individual level, at the level of a public servant. In the phenomenological approach, corruption is a social construction, which is created in the process of interaction between different actors (donor and recipient). The role of the bureaucrat as a recipient and his client as a donor becomes habitual; the normal social order of corruption. This order is reproduced in everyday life and the results of corruption are transformed in decision making in favour of private interests – with these practices being inherited from one generation to the next.

*Module 2: Historical genesis of corruption in the Russian public administration*

Corruption is considered as the keynote of public administration in Russia. Corruption appeared in Russia when the state was formed in the ninth to tenth centuries. The appearance of different forms of bribery is considered in connection with the development of social relations. It is important to understand how the past influences corruption practices today.

*Module 3: Public administrative corruption as a product of social and personal influences*

This module is devoted to factors which assist in the reproduction of corruption. Objective factors include economic, political, social and cultural administrative factors. Subjective factors include the institutionalisation of corruption at the micro-social level of public administration. Mechanisms of social control and the legitimisation of corrupt practices as well as corruption as a system of roles, norms and values are discussed.

*Module 4: Corruption influences on the process of social development*

Module 4 discusses economic, political, social and administrative functions of corruption in modern society.

*Module 5: Corruption in public administration as a social problem*

Module 5 looks at sociological approaches to corruption as a social problem. As a phenomenon, corruption is an integral part of public administration. As a social problem, corruption is the contradiction between limited resources and many needs.

*Module 6: Anti-corruption activities in public administration*

Anti-corruption activities are explained in module 6. The most important forms of anti-corruption devices are legal measures and official instructions, de-politicisation of the public service, rotation of civil servants and improvement of official instructions, and transparency and accountability of civil servants. Examples of successful measures against corruption in recent history are given and methods of teaching anti-corruption behaviour such as business games, seminars, consultations are discussed.

*Module 7: Organisation of corruption control*

This module is devoted to corruption control through preventive measures. Measures may be divided into two groups. The first is directed towards preventing corruption with the aid of legislators, through passing laws and increasing the responsibility of public officials. The second group includes measures taken by civil society.

## CONCLUSIONS AND RECOMMENDATIONS

Corruption is one of the key social, political and economic problems in modern Russian society. Currently, anti-corruption education is at an initial stage in Russia. There are no special courses on corruption and anti-corruption actions for students in the system of higher education. Special programmes of re-training and improving qualifications for managers, specialists, and administrators of government bodies do not contain special courses on anti-corruption behaviour. Anti-corruption education and training programmes realised in the framework of anti-corruption projects are an integral part of anti-corruption education in Russia. Anti-corruption programmes must be developed, based on the interaction between the public and local government in different spheres (housing and community services, transport and so forth). Teaching methods such as lectures, speeches, discussions, training and interactive forms should be used and so should business role-playing games which are the most important part of training programmes. Most anti-corruption projects and anti-corruption training programmes are realised with the support of international funds, but it is also important that the state should provide funds for the creation and realisation of anti-corruption training programmes. In the future it would be useful to create a course on Corruption in the System of Public Administration.

## 9. Serbia

### *Natasa Tomic*

*Non siamo perfetti, ma miglioriamo ogni giorno*

We are not perfect, but we are getting better every day.

*Danilo Adriani*

Corruption in Serbia must be seen against the background of many years of overall economic, social and political deterioration in former Yugoslavia. Serbian tradition has been quite flexible about bribery, as not every reward represents a bribe. Traditional customs clearly define the difference between a present, a donation and a bribe. Yet the transition to a market economy may have led to increased monetary corruption, as the system based on non-monetary privileges is being replaced by a system where everything has its price.

### ANTI-CORRUPTION LEGAL AND INSTITUTIONAL ARRANGEMENTS

There is no definition of “corruption” in the Serbian legal system.<sup>71</sup> However, the Serbian Criminal Code provides for a number of corruption and corruption related offences in line with international legal instruments, in particular the Council of Europe’s Criminal Law Convention on Corruption. Indeed, the Federal Parliament adopted, in March 2002, the Law on the Ratification of the Council of Europe’s Criminal Law Convention on Corruption.<sup>72</sup> Furthermore, recent amendments to the Criminal Code that entered into force on 9 March 2002 introduced a whole new chapter dealing specifically with corruption offences (chapter XXI A).

The most relevant charges are provided for in the Criminal Code of Serbia, such as accepting a bribe (Article 254), offering a bribe (Article 255), illegal mediation/trading in influence (Article 253), and misuse of official power (Article 242). Chapter XV (Criminal Offences against the Economy) also provides for a set of corruption-related offences regarding legal entities, and most of the offences in Chapter XXI (Criminal Offences against Official Duty) can be labelled as corruption-related offences. In addition, the code includes special provisions covering criminal associations (Article 227). Amendments define a set of new criminal offences which cover corruption in administrative bodies, public procurement, in the judiciary, in the privatisation procedure, in health services, in the education system, the abuse of position by defence attorneys or legal representatives, and the restriction of freedom of public information. The Criminal Code of Serbia also contains certain offences linked with corruption, such as violation of the law by a judge (Article 243), abuse of authority in the economy (Article 139), and illegal mediation (Article 253). Laws directly relating to corruption in the judicial system are: the Law on Courts and Judges, which is to regulate these two functions, and the Law on Local Self-Government, which is to give greater autonomy to local government. The introduction of those new special criminal offences (a large number of which were already covered by the general definitions of passive and active bribery in Articles 254 and 255) shows a stronger commitment by the criminal justice system to penalising corruption in Serbia. However, such fragmented charges (with very different prescribed sanctions) could lead to problems in applying and interpreting the law in practice. It therefore remains to be seen how these provisions can be implemented in concrete cases.

<sup>71</sup> The Serbian Criminal Law from 1977 was amended in 2002.

<sup>72</sup> Official Gazette FRY - International Agreements, No. 2/2002, 2 March 2002.

The Government of Serbia has adopted new laws, which is a key step for achieving tighter financial discipline and for cracking down on corruption. Laws on the budget system,<sup>73</sup> public procurement,<sup>74</sup> games of chance<sup>75</sup> and tobacco<sup>76</sup> have come into effect in 2002. The Law on the Budget System (adopted in February 2002) and the Law on Public Procurement (adopted in July 2002) are the cornerstone of the anti-corruption initiative and the distribution of tax revenue. The Law on the Budget System provides for the formation of the National Treasury, which is intended to centralise the monetary flow in the state system. The Law on Public Procurement provides for clear and internationally acceptable standards of goods and services procurement. The Law on Public Procurement will limit the freedom of public officials dealing with public procurement in Serbia. The role of the Public Procurement Agency also includes instituting and having responsibility for training in the field of public procurement.

The Law on Privatisation and Shareholding is implemented by the Agency for Privatisation and overseen by the Ministry for Economy and Privatisation, the Government of the Republic of Serbia, the Serbian parliament, and representatives of the World Bank. Through this four fold monitoring of the agency's work, corruption in privatisation schemes is practically impossible. Furthermore, the Law on Privatisation and Shareholding is in complete conformity with European Union (EU) standards, thereby adding to the transparency of the whole system. Privatisation is performed through public auction and tenders, which eliminates the possibility of corruption.

Combating corruption has been a top priority of the Government of the Republic Serbia. In 2001 Transparency International – Serbia started an anti-corruption initiative, in co-operation with the Serbian Government, through the development of a National Integrity System (NIS). The NIS represents a broad and comprehensive multi-stepped approach, putting forward recommendations at national level to curb corrupt practices. The system consists in the drafting of a national strategy and subsequently anti-corruption action plans for the individual ministries. In December 2001 the Serbian Prime Minister launched a national programme for fighting crime and corruption, with emphasis on five priorities:

- developing an institutional framework;
- public administration reform;
- economic reform;
- civil society participation;
- development of a political environment favouring the fight against corruption.

An anti-corruption council, composed of fifteen members – intellectuals, professors, journalists, lawyers, and civil society representatives – was established in 2001. Even though appointed by the government, the council is independent. It is responsible for assisting and advising the government in drafting and implementing the Serbian anti-corruption programme/strategy/action plan which provides for specific measures, with emphasis on public awareness and involvement of civil society.

In the first two months of its functioning, the council has advised the government on the drafting of several laws, including the Law on the Prevention of Conflict of Interest, the Law on Financing of Political Parties, and the Law on Property of State Officials. The council has also asked the government to disclose all information on any business involvement of state officials.

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<sup>73</sup> Adopted in February 2002, *Official Journal of the Republic of Serbia*, no. 9/2002, 87/2002.

<sup>74</sup> Adopted in July 2002, *Official Journal of the Republic of Serbia*, no. 39/2002, 43/2003.

<sup>75</sup> *Official Journal of the Republic of Serbia*, no. 83/92, 39/93, 53/93, 67/93, 8/94, 45/94, 71/94, 25/99, 33/99, 12/2000.

<sup>76</sup> Adopted in February 2003, *Official Journal of the Republic of Serbia*, no. 17/2003.

The government has made other efforts such as the establishment of a high level committee for the fight against corruption. The committee's role was to steer the anti-corruption measures in the public administration. Anti-corruption teams were set up under the leadership of the Ministry of the Interior and the State Prosecution Office. There were twenty-six teams whose function was to facilitate communication with various state institutions and also with civil society.

An anti-corruption unit (located in the Ministry of Finance and Economy) was formed to be the headquarters of the anti-corruption initiative in Serbia.<sup>77</sup>

The office co-ordinates all anti-corruption initiatives, promotes information flow between the parties involved, and gives assistance to government and non-governmental initiatives. The unit is also responsible for working with international institutions and initiatives. The Unit is now more or less merged in the anti-corruption council.

Civil society's involvement in the fight against corruption in the Republic of Serbia is quite recent. The Belgrade-based Centre for Free Elections and Democracy (CeSID) aims to promote free and fair elections and democratic values. It recently undertook the monitoring of five municipality offices in Serbia to assess their efficiency and transparency in public service delivery (and the project is expected to expand to ninety municipalities). The NGO has undertaken a study called "Anti-Corruption Pillars in Serbia", which clearly showed that the institutional framework for fighting corruption in Serbia exists, but it must be put to use. The NGO also provided feedback on the Law for Public Procurement, which was found to comply with EU standards.

Transparency International - Serbia has published an "Anatomy of Corruption" and a study on "Privatisation and Corruption". In September 2001, it conducted an analysis of the "pillars of integrity" in Serbia and Montenegro which covered the executive and legislative power, the judiciary, the Public Prosecutor's Office, the police, public services, the auditor general, anti-corruption agencies, the ombudsman, the media and civil society. Further projects include budget and public procurement reform, public awareness raising, and the preparation of a national anti-corruption strategy. Transparency International - Serbia also actively co-operates with the Serbian Government, especially on public procurement issues.

In October 2001, Serbia became a full member of the Stability Pact Anti-Corruption Initiative (Spai) and also participates in the Stability Pact Initiative against Organised Crime (Spoc). Serbia and Montenegro became a full member of the Council of Europe's Group of States against Corruption (Greco) at the group's plenary meeting held in Strasbourg from 7 to 11 July 2003.

Serbia has created a number of institutions to address corruption on the strategic, co-ordinative and operational level. However, institutional co-ordination and a clear description of their powers need further streamlining. The governmental body for the fight against corruption had problems because its president recently resigned on the grounds of "the lack of political will to start fighting this phenomenon". Anti-corruption legislation which would improve the existing legislative framework is being passed or is in the process of adoption. However, the legislative framework needs to be further strengthened and appropriate interagency co-operation and concrete training programmes need to be developed. Thus, the training of people who will themselves train civil servants (training-of-trainers) is a top priority.

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<sup>77</sup> The Ministry of Finance and Economy, besides its involvement with the Anti-Corruption Council and the Anti-Corruption Unit, has issued a number regulatory proposals such as a Law of One-time Taxation of Extra Profits, Public Procurement Law, the Law on the Budget System, and the Law on the Auditor General.

## ANTI-CORRUPTION TRAINING IN SERBIA

Awareness of corruption and its negative consequences can be influenced through a media campaign, investigative journalism, civil society organisations, seminars and lectures. Among the best anti-corruption training measures is giving information to public officials and the population in general about current changes in legislation – especially criminal law. While several international organisations are developing and implementing (in co-operation with the Serbian Government) a number of training programmes for different institutions, systematic and specialised training for judges, prosecutors, police, customs officials and other law enforcement officers in the investigation and prosecution of corruption-related cases is not yet available.

One of the few training activities available is given by the Centre for Professional Education and Advanced Training of Judges, Prosecutors and their Staff.<sup>78</sup> For the financial police, there is no special training in the field of corruption, though officials are periodically sent abroad to attend the special courses. Since its launch, Transparency International – Serbia has organised a number of round tables on corruption in the customs service, the health sector, education, the police, the judiciary, and tax revenue service.<sup>79</sup>

Two other centres also conduct anti-corruption training. The Centre for Liberal Democratic Studies is an independent think-tank which develops policy proposals as well as organising seminars and lectures on various policy issues. The centre's current anti-corruption-related projects include an analysis of corruption in the federal customs administration, a general study on corruption in the Republic of Serbia, and the definition of an anti-corruption platform. The Centre for Management focuses on education, research and advocacy campaigns, including the organisation of conferences and round table discussions on policy issues. It recently conducted several research projects on corruption, including studies on Stability and Corruption in South-eastern Europe, Anti-Corruption Policy in Serbia, and Corruption in Serbia. In 2001, the centre launched an anti-corruption training programme, the Menon Programme.

A code of ethics for Serbia's public administration would be one way of reducing corruption. Codes of ethics would provide support to general training activities in separate fields of public administration such as the customs, justice, police, health, and education. While the police have a kind of code of ethics (namely special rules of behaviour in service), other codes could be developed for other sections of public administration. Potential trainers could include experts in public administration from the State Council for Public Administration and the Agency for Public Administration. Graduates from law faculties which specialise in criminal law and graduates from economics faculties which specialise financial crimes could be recruited, as could police academy graduates who have practical knowledge of fighting corruption.

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<sup>78</sup> The centre was established by the working group which initially consisted of representatives from the Supreme Court, the Judges' Association, the Ministry of Justice, the Open Society Fund, the Centre for the Advancement of Legal Studies, United Nations Development Programme, Council of Europe and Organisation for Security and Co-operation in Europe. Other organisations, such as the American Bar Association/CEELI, USAid and EU Agency for Reconstruction, joined the working group subsequently. The Public Prosecutors' Association, when established, became a member as well.

<sup>79</sup> Participants in an anti-corruption training course, financed by the Canadian International Development Agency (Cida), the OSCE Mission to Serbia and Montenegro, and the Swiss Government, in co-operation with the Belgrade Management Centre and the Serbian Ministry of Finance and Economy, received course certificates on 19 June 2003.

Should anti-corruption training be the responsibility of the government, of a ministry, human resource managers, individual civil servants, or some combination of all of them? Training cannot simply be the government's (or organisation's) responsibility; employees – with the proper conditions and incentives – should share the responsibility, thereby improving their own expertise, skills and competence. Training should be focused on ethical analysis and moral reasoning. Stress should be placed on improving communication, understanding and obligations of both the official and the client.

## CURRICULUM FOR THIRD-YEAR STUDENTS IN THE UNIVERSITY OF BELGRADE'S LAW FACULTY

### *Economic crime and corruption*

The objective of the course is to provide future lawyers with special knowledge about economic crime and corruption. Preliminary coursework will include passing the examination on criminal law (general and special part). Twenty four lessons will be given with two lessons per week (one lecture and one seminar per week). Twelve major topics will be discussed. Students are expected to read assigned parts of the reading materials for each topic.

### *Topics for discussion*

- Notion, scope, structure and other characteristics of economic crime in Serbia and Montenegro.
- Domestic and international responses to economic crime.
- Privatisation and economic crime.
- Organised crime in the economy.
- Court independence as a factor in the fight against corruption.
- Role of the media in the fight against corruption.
- Preventive and repressive measures in the fight against corruption.
- Active and passive bribery as corruption offences.
- Abuse of power.
- Importance of international co-operation in the fight against corruption.
- Interpretation of empirical research results (statistical processing of criminal acts of corruption, conducting random samples).
- Strategies for controlling corruption.

Some sources for the curriculum could include:

Antonic D, Babovic B, Begovic B, et.al, *Corruption in Serbia*, Centre for liberal democratic studies, Belgrade, 2001, 214.

Boskovic M, *Actual problems in fighting corruption: Contribution to the creation of strategy for fighting corruption*, Police Academy, Belgrade, 2000, 215.

Frances Burke, Jameson W. Doig, William L. Richter, *Combating corruption: encouraging ethics: a source book for public service ethics*, American Society for Public Administration, Washington, 1990.

*Economic crime and corruption*, Institute for criminological and sociological research, Belgrade, 2001, 345.

“Existing international legal instruments, recommendations and other documents addressing corruption”, report of the Secretary-General, Economic and Social Council, United Nations, 2001.

*Public sector corruption: an international survey of prevention measures*, Washington, DC, OECD, 1999.

Tomanovic M, *Criminal acts of corruption: abuse of official position, receiving and giving bribes and acts with similar characteristics*, Belgrade, 1990.

## CONCLUSIONS AND RECOMMENDATIONS

Current efforts aimed at creating a better social environment and the best possible anti-corruption strategy for Serbia demonstrates that Serbia’s plans for the future are very ambitious. Initiatives for legislative change and harmonisation with European Union standards as well as civil service regulatory reform will be useful in the fight against corruption. Future areas of work will need to focus on ethical norms, the regulation of conflicts of interest, interagency relations (for example between the police and state prosecutors in the light of new powers vested in prosecutors by the new criminal procedure code). Co-ordination with international and, especially, regional initiatives will also be valuable for further progress in anti-corruption efforts. Specific recommendations include:

- ensuring proper co-ordination and clear distribution of competencies among different institutions involved in the prevention and repression of corruption.
- provide specialised training for prosecutors and police officers and promoting specialisation.
- promoting regular and effective specialised anti-corruption and money laundering training for public prosecutors, police officers and judges.
- ensuring that bribery in business transactions is seriously investigated and prosecuted by the competent authorities, free of political or other influence in compliance with international standards.
- providing training to NGOs, in particular in management, budgeting, and fundraising.
- providing capacity-building training and implementation support to NGOs in coalition building, advocacy and lobbying, public awareness campaigns, legal support for victims of corruption, and monitoring of government.
- promoting the establishment of anti-corruption coalitions of NGOs and business associations at the central and local levels.

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Warnock, Mary, *Ethics since 1900*, London, Oxford University Press, 1960.

## 10. Ukraine

### *Anatoliy Zakalyuk*

The problem of combating corruption has been of great importance for Ukraine and other transition countries in recent years. The main document that determines the conceptual basis, priorities and guidelines for countering corruption is the Plan for Combating Corruption for 1998-2005, endorsed by the President of Ukraine on 24 April 1998, and since 1995, the Law on Combating Corruption (with changes and addenda). A number of norms on preventing administrative corruption are established in the Law on Public Service (passed on 16 December 1993). The new Criminal Code of Ukraine (passed on 1 September 2001) preserved criminal status for receiving bribes (under Article 368) and giving bribes (Article 369), and established the crime of attempted bribery (Article 370). Several Decrees of the President of Ukraine are devoted to the problem of combating corruption (the most recent on 6 February 2003). The Cabinet of Ministers annually defines plans implementing the Law on the Fight against Corruption. All heads of the state administrations at each level (from central to regional), according to a presidential decree, must undertake measures to prevent corruption.

Under these norms 5 000-6 000 corruption offences, committed by persons authorised to perform state functions, are investigated in Ukraine annually. Of these cases, courts pass about 3 000 sentences imposing administrative penalties (mainly fines). During a year, approximately 2 000 (for 2002 the exact number was 2 812) criminally punishable offences connected with corruption are investigated. About 40% of accused persons appear in court; 500-600 of them are convicted as criminal offenders (in 2002, the number was 618 persons). Among those who have been charged, 90% were public officials from the lowest grades (grades 5-7) of the civil service, deputies from village councils, and mayors. Most of the sanctions in 2002 were used in the Dnipropetrovs'k, Odesa, Kharkiv, Cherkassy and Lviv oblasts. According to the results of the polls (the last one was in January 2003), money or gifts were given mainly to doctors (73%), representatives of the police such as the motor licensing and inspection department (25%), teachers (24%), community service workers (23%), tax revenue officials (10%), investigators and public prosecutors (7%). Criminal punishment was imposed mainly in the Dnepropetrovsk, Odesa, Donetsk, Luhansk and Kharkiv oblasts and the Autonomous Republic of Crimea.

The official Plan also stipulates that combating corruption should be based on a combination of prevention, law enforcement and coercive measures. Priority must be given to preventive measures. The plan postulates the causes and conditions for corruption to flourish, spanning political, economic, legal, institutional, managerial and socio-psychological factors. Real measures, aimed at preventing corruption are outlined. Among the main preventive measures, the plan gives a leading place to anti-corruption training. It provides for the design and implementation of a system and programme for improving public education and encouraging negative attitudes towards corruption. It also promotes the widespread use of educational programmes in the mass media, such as publications, television and radio broadcasts, aimed at informing the public about their rights and ways of enforcing these rights. The conception also makes provision for professional education and training, refresher courses, and the promotion of honesty and integrity in law enforcement officers who are directly engaged in investigating corrupt practices, as well as in other state representations. Since 1998 several training programmes for different categories of public officials have been developed and several special units have been created in Ukraine. But this activity is still insufficient and is not organised for NGOs and other public service institutions.

## LEGAL AND INSTITUTIONAL PROVISIONS FOR PREVENTING AND COUNTERING CORRUPTION

Anti-corruption activities are regulated by primary and secondary legislation. The anti-corruption legislation includes not only the laws, but also other instruments such as presidential decrees, decrees and resolutions of the Cabinet of Ministers, instructions (rules) and regulations of central public authorities (including the National Bank of Ukraine). More than 100 instruments of legislation, fully or partially concerned with anti-corruption activity, are in force in Ukraine. Anti-corruption legislation can be divided into two categories: specialised legislation (aimed at counteracting corruption and its negative impacts) and non-specialised legislation (aimed more generally at general control, regulation, and prevention).

Specialised legislation usually include three types of instruments: 1) those determining the strategy, organisational and legal grounds for counteracting corruption; 2) those regulating the prevention and disclosure of corrupt practices; and 3) norms outlining financial liability for damages. The Plan for Combating Corruption for 1998-2005, approved by the President of Ukraine's Decree of 24 April 1998 is an example of specialised legislation of the first group.

The Law of Ukraine on Combating Corruption is an example of specialised legislation of the second group. It has been in force since 5 October 1995 and numerous amendments have since been introduced. It contains legal definitions of corruption, corrupt acts and corruption-related offences. It determines restrictions on public officials' behaviour, and authorises administrative functions, punishments and forms of financial control over civil service incomes. There are no other regulations relating to preventive anti-corruption activity except these two norms. The Law on Combating Corruption has been criticised for some time and a number of amendments (and even re-drafting) have been suggested. The law is expected to be modified and include more provisions related to prevention of corruption.

The third group of specialised legislation (on punishment) includes the Administrative Offences Code, the Criminal Code and the norms. The Administrative Offences Code outlines administratively punishable corruption-related offences and administrative punishments for them. The Criminal Code defines criminally punishable actions, including bribery (the act of paying, receiving and extorting a bribe), and criminal punishments for them. The Criminal Code does not correspond fully with the Council of Europe's Criminal Law Convention on Corruption. Norms of material responsibility for damage caused by corrupt acts, outlined in the civil and economic codes of Ukraine, come into force on 1 January 2004. However, these codes need to be amended reflecting the Council of Europe's Civil Law Convention on Corruption.

Instruments of non-specialised anti-corruption legislation can also be divided into three groups. The first group comprises "control" acts, which regulate monitoring and control over certain kinds of financial activities of governmental and non-governmental institutions, including budgetary, tax, insurance, and customs institutions. These instruments aim at revealing gaps in current legislation which enable corrupt relations and activities. Examples of these instruments include those which regulate the activity of the Accounting Chamber of Ukraine, control over the National Bank of Ukraine, the work of the Chief Control and Revision Department, and auditing. The second group comprises "procedural" instruments which regulate public procedures governing transactions involving property, financial resources, registration and the running of businesses, and privatisation. These instruments ensure a single clear and transparent procedure for conducting these transactions. Examples include rules on initiating and running businesses, and also regulating the procedure and terms of privatisation. The third group comprises "sectoral" regulations which govern economic and social relations aimed at reducing incentives for corruption. Among the sectoral instruments, special place belongs to the Law on Public

Administration and other legislative acts which regulate the function, rights and duties of public officials. Article 4 of the Law of Ukraine on Combating Corruption gives a list of state institutions which have competencies in the anti-corruption area. Among them are the departments of the Ministry of the Interior, the tax revenue service, the State Security Service of Ukraine and departments of the public prosecutor's office. Other bodies and sub-divisions which have been created to combat corruption, according to the existing legislation, are also covered. The Verkhovna Rada Committee on Combating Organised Crime and Corruption and the President of Ukraine's Co-ordinating Committee on Combating Corruption and Organised Crime were delegated authority in accordance with the Law of Ukraine on the Organisational and Legal Basis of Combating Organised Crime, on 30 June 1993. The Chief Department of Public Administration is also responsible for preventing corruption as defined under the presidential decree of 10 February 1999. Once the Plan for Combating Corruption for 1998-2005 was approved, all central public bodies (following its recommendations) created sub-divisions or appointed officials responsible for preventive anti-corruption measures. But they are not mentioned in Article 4 of the Law on Combating Corruption along with other bodies that are to be created.

## CURRENT ANTI-CORRUPTION TRAINING AND EDUCATION

### *Anti-corruption training of students in higher education*

Professional knowledge about the causes of corruption and corruption prevention is available in higher education institutions in the courses on law and law enforcement. The curricula of these institutions include courses in criminal law, administrative law, and criminology. The Ministry of the Interior's institutions of higher education offer courses in Administrative Law and special investigative methods. A separate section of the criminology course contains methods and tactics for investigating the criminal impacts of corruption. The courses mentioned above are run at the institutions of higher education with level III or IV accreditation; that is, training students up to bachelor and master's levels. Annually, 15 810 people receive education in Ukrainian institutions of higher education, many of which include anti-corruption education. The largest law faculties are listed in Appendix 15.

### *Post-graduate anti-corruption training of public officials, police officers, tax service officials, the public prosecution service and judicial bodies*

There is no overall state programme of anti-corruption training in Ukraine. This work is organised separately by different public institutions including the judiciary and law enforcement agencies. There is no interdepartmental co-ordination or training centre except for some activities conducted by the Co-ordination Bureau on Criminological Problems at the Academy of Legal Sciences which developed a programme of anti-corruption education in 2002.

### *Public services*

According to the Law of Ukraine on Public Service, officials are persons who serve professionally in different positions of state employment, perform state functions and receive a salary from the state budget. There were some 254 000 public officials in Ukraine at the end of 2001. Until 2001, public official anticorruption training was not organised. A Cabinet of Ministers' decree adopted the Scientific Programme of Public Services Development Studies and Improvement of Public Sector Personnel on 8 August 2001 focusing on the professional level of public servants, and the appropriate exercise of their duties, including preventive anti-corruption measures and other abuses of public authority. The programme is aimed at training public officials, and anti-corruption has become an integral part of that training at the twenty-three regional re-training centres and the forty-two branch training institutions. This training was carried out (along with other subjects) in the form of short-term seminars of three to four days, where 6 to 8 working hours were devoted to anti-corruption topics. In 2001, 35 000 civil servants (16% of the total) were trained. In 2002, this work continued, but its quantity, level and quality was inadequate. Therefore, the President of Ukraine approved the Strategy for Reforming the System of Public Services and gave an undertaking to draft a Law on the System of Training, Retraining and Refreshing of Public Officials. At the moment the draft is completed, and envisages the systematic training of public servants on anti-corruption topic. Given the experience gained by the Chief Department of Public Administration together with the National Academy of Internal Affairs in anti-corruption retraining, the Cabinet of Ministers on 2 June 2003 approved the programme of anti-corruption retraining of public officials at national and local levels. This programme provides refresher training for chiefs and specialists holding high-level positions (grades 1-8), who are authorised to set up preventive anti-corruption work in their organisations. The full-time refresher course at the National Academy of Internal Affairs lasts four weeks, with on-the-job training lasting six months. This programme continues the existing practice of updating anti-corruption knowledge for the other public officials working in central and local public bodies who are not especially charged with preventing and countering corrupt practices.

### *Police service*

There are about 180 000 police officers in Ukraine. The police service has been divided into several big departments including the criminal police, administrative (public security) police, motor licensing and inspection department, guard police and police working with adolescents.

There are four stages in the training of candidates for professional performance. The first stage (for recruits) does not include the study of special anti-corruption courses during the six months of the training course. The second stage (comprising four years of specialist training) requires the study of anti-corruption legislation (28 hours) covering the Criminal Code of Ukraine, the Law on Combating Corruption, and the presidential decree on urgent additional measures concerning combating corruption and organised crime. The third stage of training (for senior-ranking officers) provides for deeper understanding and practical skills relating to combating corruption. Students must take nine special anti-corruption training courses (lasting 20 hours) that include lectures on new anti-corruption legislation and practical exercises concerning using the law in police actions. The fourth stage (refresher courses for heads of police departments) is intended for the development of skills for working officers (approximately 350 officers attend it annually) and it lasts about twelve days (with 12 hours dedicated to anti-corruption topics).

### *Tax revenue service*

The programme of initial training includes only one topic on anti-corruption legislation (2 hours). One lecture about anti-corruption legislation is scheduled for tax officer courses run by the State Tax Administration and Ministry of Education. Special examinations on the Law of Ukraine on Combating Corruption have been developed and all candidates for promotion must pass these tests before being assigned to a new senior position. There were 482 lectures on anti-corruption topics in 2003, including 411 lectures organised by the tax officers' staff. In 2002, a special manual about the minimisation of professional risks for tax officers was published.

### *Public prosecutor's office*

There are about 9 000 public prosecutors and prosecutorial officers in Ukraine. Unlike most western countries, the public prosecutor's office in Ukraine is a separate institution. Post graduate training is held at the Refresher Institute under the Prosecutor's Office in Kyiv. The refresher course is organised mainly in the form of two-week seminars. About 55 people can attend each cycle. All investigators and officers in the Public Prosecutor's Office must take such courses at least once every five years. The training programme encompasses all aspects of the prosecution service including the prosecutor's supervision of the implementation of the Law of Ukraine on Combating Corruption (6-8 hours during the cycle). In 2002 the workshops focused on practical problems and the exchange of experience. Eight seminars studied the experience of public prosecutors from Canada and other countries under the OSCE project Anti-corruption Investigation and Corruption Prevention Strategy.

### *Judges*

There are more than 9 000 judges in Ukraine. According to new legislation, which provides for the establishment of more general-jurisdiction courts and special courts, the number of judges will increase by 4 000. According to the new Law on the Judiciary, a new central body of the executive power - the State Judicial Administration - and the Council of Judges of Ukraine (a self-governing professional organisation) will take responsibility for training judges. At present, refresher courses for judges are held at three institutions, namely the Refresher Centre at the Supreme Court of Ukraine, the Scientific and Research Centre under the Judicial Chamber for Economics of the Supreme Court, and the Centre for Judicial Studies. The two former institutions have not paid proper attention to anti-corruption topics, while the third has made anti-corruption education more systematic.

### *Anti-corruption education for the public, NGOs, journalists, and other sections of society*

- Systemic anti-corruption training and education in non-governmental organisations in Ukraine has not yet been organised. In some regions and organisations, lectures, round tables and seminars on anti-corruption are held from time to time, often without a task-oriented programme. Repeated polls of the members of these organisations revealed that even their anti-corruption activists have no clear idea about anti-corruption legislation, its practical implementation and their rights. The Co-ordination Bureau on Criminological Problems has piloted two special programmes for preventive anti-corruption activity for NGOs and public organisations. The bureau has also been developing a framework of anti-corruption training for the most active members of these organisations. At the beginning of 2000, the bureau set up the programme Public Anti-Corruption Action, one component being the project Educational and Methodical Aid to Public Organisations and Informing the Population. The Verkhovna Rada Committee on Combating Organised Crime and Corruption approved the programme, which was supported by the Ministry of

Justice and other governmental and non-governmental organisations. But the programme failed because of lack of donors or financial aid from the state. At the beginning of 2002, the Co-ordinating Bureau developed another programme, Anti-Corruption Training and Education in Ukraine, which is composed of five projects:

- Preparation and publication of the handbook *Counteracting corruption: state and public activity*.
- Training for high-ranking officials, judges, members of NGOs and public organisations.
- Monthly insert in the newspaper *Yurydychny visnyk Ukrainy*.
- Publication of four to five short booklets dedicated to preventing corruption for different strata of the population – most of all for those in high-risk groups.
- Research on large-scale corruption, and its links with organised crime. The second project (the training of public officials and judges) has begun, but the other projects remain unfulfilled because of the lack of funding.
- The anti-corruption training of journalists is an important issue at present and was dealt at the seminar on Prevention of Corruption and the Mass Media (held with the support of the Council of Europe on 3 and 4 May 2003 in Kyiv). However, there is no systematic training for journalists.

The abovementioned information points to the following conclusions about the current condition of anti-corruption training in Ukraine:

- there is no one single organisation in charge of anti-corruption training;
- such training does not include certain social categories that badly need training, such as NGOs, public organisations and journalists;
- any training there is not conducted with proper training programmes, handbooks and methodical recommendations;
- anti-corruption training generates low interest from governmental institutions (but not for the public officials themselves);
- anti-corruption training suffers from a lack of budgetary financing;
- anti-corruption training needs systemic, preferably non-governmental, co-ordination, organisational, methodical and informational support.

## SYSTEMIC ANTI-CORRUPTION TRAINING

Among the existing forms of anti-corruption public official training, a number provide systemic training, sufficient methodical support, and qualified teaching. Since October 2001 the Civil Service Central Department, in co-operation with the National Academy of Internal Affairs and the Institute of Management has started preliminary anti-corruption training of public officials in central and local executive bodies. The academy has obtained a state licence to provide refresher courses for 2 700 public officials per year. The programme provides 216 hours of training (including 72 with the trainer). Because of organisational delays and funding problems, the course started in September 2002 and ran for only four months. The course, lasting about nine to ten days, was delivered mostly by trainers from the Institute of Management and, until June 2003, 280 middle- and low-ranking officials were trained. Criminal law, criminology and forensic topics were heavily covered while the means, forms and methods of corruption prevention were not. Also the problem of countering corruption was not connected with the need for public administration reform (in order to make it more democratic, efficient and fair). The Civil Service Central Department has not yet organised anti-corruption training for low-ranking officials (categories 1-4). They used to take a refresher course at the Academy of Management, but the academy's course was rejected by the Civil Service Central Department because of its abstract approach, in that it did not address the practical needs of anti-corruption enforcement and prevention. Methodological and logistic support for the course is now given by the Civil Service Central Department and the Academy of Legal Sciences.

The highest level of anti-corruption training in higher education institutions is at master's level. More than thirty higher education institutions run master's courses in law and law enforcement, where extended courses on criminal law, criminology, and other subjects provide necessary anti-corruption knowledge. The law faculty of Dnipropetrovsk National University runs a master's course in Public Administration and, in 2001, the Chair of the Criminal Law and Criminal Procedure Department designed and conducted the course Legal and Criminal Problems in Combating Corruption and the Shadow Economy. The course is built around two modules: 1) corruption and the shadow economy as a social and legal phenomenon; and 2) legal mechanism for combating corruption and the shadow economy. The course does not simply focus on criminal and legal issues. Module 1 deals with the sources and determinants of corruption; trends in corruption and regional, national and international dimensions. Module 2 contains training in organisational measures to combat corruption, preventive measures, criminological evaluation and international co-operation in anti-corruption activities. The course consists of eight topics, four in each module, and comprises 67 study hours, including 22 hours of lectures and 20 hours of seminars as well as 25 hours of self-training. The students consist mainly of middle-level civil servants.

The Centre of Judicial Studies offers anti-corruption training for judges. The centre is a non-state organisation founded in 2000 by the Ukrainian Ministry of Justice and the Department of International Affairs of Switzerland, and is sponsored by the Swiss and partially by the Embassy of France in Ukraine. The centre collaborates with the Council of Europe (Directorate General II – Human Rights) in the project Systematic Training for Judges on the Problems of the European Convention on Human Rights. The task of the centre is to re-train judges and prepare them for implementation of judicial reform. The training is targeted at appellate court judges who, having finished the course, will organise training in their appellate courts as well as for the town and district court judges.

Every month in 2001 and 2002, the centre held seminars on fair judicial procedures, with topics including The European Convention on Human Rights in Everyday Judicial Practice, Ethical Foundations of the Judiciary and Judicial Ethics, Understanding Modern Law and Fair Justice, The Independence of Courts, Providing Access to Judicial Procedures, Interdepartmental Relationships and the Mass Media, and many others. In 2002, the centre (and its regional branches in Lviv, Ivano-Frankivsk, and Odesa) held workshops on Problems in Countering Corruption in Ukraine. Topics covered by the workshops included the notion of corruption and corrupt offences, the legal basis for countering corruption, social conditions and causes of corruption in Ukraine, a discussion of the Law on Combating Corruption and its implementation, and judicial practice in criminal cases concerning bribery and malfeasance. Drawing on these programmes, an unfunded programme, Anti-corruption Training for Judges was devised. The course consists of nine topics and will comprise 46 lecture hours, twenty-five, round table discussions, ten business role-playing games, and case studies.

The pilot seminar, Legislation on Criminal Liability for Bribery and Other Corrupt Offences and its Implementation in Judicial Practice, was held on 3 and 4 July 2003 with the support of the Council of Europe. The participants of the seminar were judges of all appellate courts who specialise in trying bribery related cases. Two cases (which were previously selected from judges' practice) were tried out and discussed.

## PROPOSITIONS FOR IMPROVING ANTI-CORRUPTION TRAINING

The study of anti-corruption education in Ukraine gives grounds for the following recommendations:

### *Anti-corruption awareness-raising*

- Publication of an insert for the newspaper *Jurydychny visnyk*. This insert would include information on legislation and comments on its interpretation and application, training materials for special training courses, consultations on anti-corruption problems, a digest of mass media publications about combating corruption, a correspondence column, and information on the latest events in the social and political life of the country.
- Bulk issue of booklets about anti-corruption for different sections of the population most prone to be victims of corruption, such as students, medical patients, motorists, and entrepreneurs among others. The aim of these publications is to provide, in a presentable manner, useful advice concerning rights, legal procedures and warnings against corrupt extortion.
- Creation of a group (and corresponding television and printed press editorial boards) on one of the state television channels to highlight anti-corruption materials and publish digest-reviews.

### *Organisational and preparatory measures*

- Publication of the handbook *Countering corruption: state and public activities*. The handbook is to be used as the basic training material for anti-corruption training of government representatives (including courts and law enforcement officials), NGOs and the mass media. At the time of going to press a 230-page manuscript of the book is finished and 2 000 copies will be printed (including 1 100 copies of guaranteed subscription in governmental bodies, educational establishments and other institutions).
- The creation of a group dealing with anti-corruption training. This group would develop a training course with flexible modules for public officials, especially in the Ministry of Internal Affairs and the State Tax Administration, judges, public prosecutors, NGOs, and journalists (together with the Association of Journalists). Members of the group will exchange experiences with the corresponding divisions of the Council of Europe and with other European countries.
- Selection and training of training-network personnel. All the trainers should be certified, with special attention paid to practising officers who are not experienced in teaching.

### *Other supportive measures*

- Information support. An Internet database called Causes and Conditions of Corruption in Ukraine: Orienting Points for Prevention should be established. The database should be updated with new statistics and analysis, and should be easily accessible to serve as the basis for practical anti-corruption activities and training.
- Legal support. Proposals should be prepared for improving existing anticorruption legislation (taking into consideration international experience). Departmental legislation (which co-ordinates financial and commercial procedures of government service delivery) as well as the legal basis of non-governmental public organisations should be covered.

## CONCLUSIONS AND RECOMMENDATIONS

Effective anti-corruption training for the different categories of public officials must be organised and provided by certain central state governmental institutions. Concerning members of NGOs, social organisations and journalists, these functions may be undertaken by organisations and steering committees of professional associations.

## Appendix 1: Politician training in the Czech Republic

### *Module 1: Corruption*

#### **What is and what is not corruption?**

Sponsorship, gifts, the border between lobbying and corruption

#### **Definition of corruption and enabling factors**

#### **Data and examples of corruption cases:**

Reports on corruption in the Czech Republic in 1999, 2000 and 2001

Comparisons with other countries

An overview by Transparency International

#### **Brainstorming: risks of corruption in a regional authority**

Increase of regional authority power in the decision-making process (through the transfer of tasks from both district authorities and central government authorities).

Impacts of decisions by regional authority on individuals and companies

#### **Legal procedures**

Long procedures for decision-making create the base for corruption (fostering a willingness to bribe in order, for example, to shorten the issuing of a building permit)

#### **Examples of areas vulnerable to corruption**

Administrative procedures

Land registration authorities

#### **Examples of gaps in current laws and regulations**

Environmental issues

Care for national heritage (non-transparent administrative procedures)

Administration of traffic offences

Awarding of licences

Group-work and presentation of outputs and conclusions:

How to combat corruption (role of a councillor, tools, practical experiences, etc.)

#### **Possible solutions**

Simplify the state administration, reduce the number of administrative steps, pressure Parliament to change legislation towards simplified and transparent procedures.

Increase transparency of regional authority decision making.

Provide technical support to reduce discretion in decision making (through a database of cases, and analysis of decision making).

### *Module 2. Control*

#### **Legislation focused on control, harmonisation of control measures with EU legislation (Laws No 552/ 1991 Coll., 129/ 2000 Coll., 320/ 2001 Coll.)**

Different legal forms of companies mean different options of control, different type of inspectors and internal audit

Implementation of financial control in regional authorities

#### **“Traditional” control and its effectiveness, scope, and results**

Number of auditors

Control frequency

Effectiveness of control

**New control methods**

Define outputs of control: What is required, scope, comparison with outputs of the previous control

Focus of the control: public tenders, efficiency in investing public funds

Comparison with outputs of the previous controls: statistical methods, multi-annual plan of control activities

Using databases and accounting software

Examples of public tenders: summarising invoices from more contractors, guarding budget costs, double invoices, book-keeping key words, extra costs

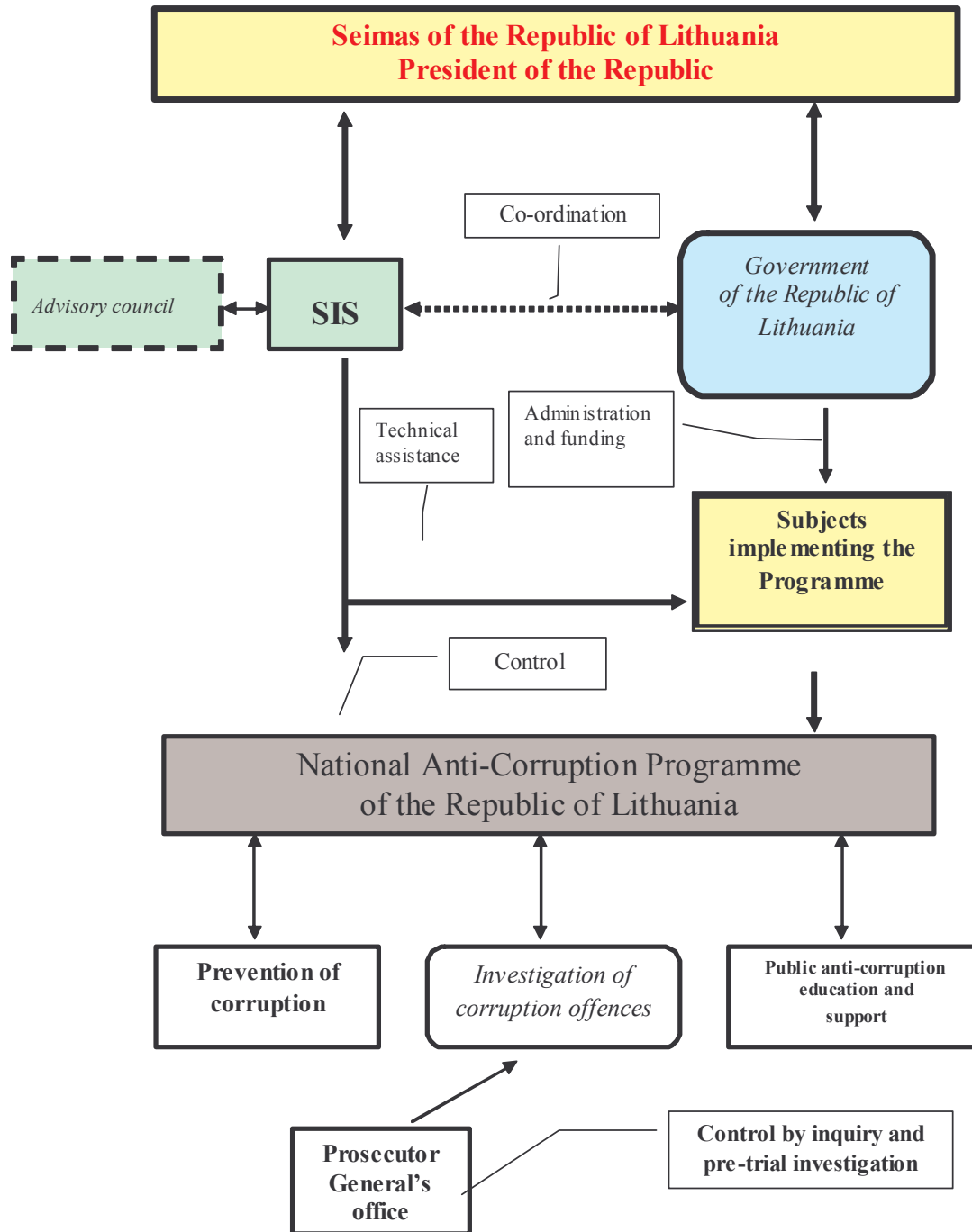
**Technical conditions**

Same book-keeping system, data for regional authority

Evaluation and data analysis by control software

Outputs for particular departments (transparency of book-keeping, control analyses)

## Appendix 2: Diagram of the bodies implementing the national anti-corruption programme in Lithuania



## Appendix 3: Implementation measures in Lithuania

<i>Support for anti-corruption measures to educate the public</i>			
<i>Description</i>	<i>Objective</i>	<i>Time limits</i>	<i>Implementing authority</i>
Staging competitions of pupils' initiatives on anti-corruption at secondary schools and gymnasiums, announcement of the results.	Introduction of anti-corruption provisions at secondary schools and gymnasiums.	2002-06	Ministry of Education and Science Special Investigations Service Crime Prevention Centre in Lithuania* Phare expert*
Development of draft methodological recommendations for anti-corruption education.	Introduction of anti-corruption provisions at secondary schools and gymnasiums.	4th quarter of 2002	Ministry of Education and Science Special Investigations Service Phare experts*
Implementation of methodical recommendations of anti-corruption education.	Introduction of anti-corruption provisions at secondary schools and gymnasiums.	2003-06	Ministry of Education and Science Special Investigations Service Phare experts*
Staging a competition of scientific research on anti-corruption for the students of institutions of higher education, announcement of the competition results.	Introduction to the basics of anti-corruption education at institutions of higher education.	2002-06	Ministry of Education and Science Special Investigations Service Crime Prevention Centre in Lithuania * Phare experts*
Development of curricula, courses and scientific projects for students in institutions of higher education.	Introduction to the basics of anti-corruption education at institutions of higher education.	1st quarter of 2003	Ministry of Education and Science Special Investigations Service Phare experts*
Introduction of curricula, courses and scientific projects at colleges of higher education.	Introduction to the basics of anti-corruption education at colleges of higher education.	2003-06	Ministry of Education and Science Special Investigations Service Phare experts*
Conducting a competition for regional journalists for the best articles of investigative journalism on anti-corruption; announcement of the competition results, publication of the articles.	Encouraging more active anti-corruption initiatives by the regional media.	2002-06	Organisations of journalists* Special Investigations Service Phare experts*
Conducting a journalists' competition for the best articles on anti-corruption, announcement of the competition results, publication of the articles.	Drawing the attention of Lithuanian residents and the media to the topical issues of anti-corruption at the state level.	2002-06	Organisations of journalists* Special Investigations Service Phare experts*
Preparation and distribution of postcards, posters, leaflets (explaining the objectives of the anti-corruption programme, individual rights and the ways of countering corruption, etc.).	Introduction of the National Anti-Corruption Programme to the widest strata of society and enlarging on the ways for individuals to actively resist corruption.	2002-06	Special Investigations Service Ministry of the Interior Crime Prevention Centre in Lithuania* Phare experts*
Development of an anti-corruption training programme for civil servants; development of draft legislation regulating the attendance of such training courses.	Instilling the principles of anti-corruption conduct into civil servants.	2nd quarter of 2003	Ministry of the Interior Special Investigations Service Crime Prevention Centre in Lithuania* Phare experts*
Conducting anti-corruption training courses for civil servants.	Instilling the principles of anti-corruption conduct into civil servants.	2nd quarter of 2003-06	Ministry of the Interior Special Investigations Service Phare experts*

## Appendix 4: Timetable of the Lithuania Programme

### 1st day

<i>Time</i>	<i>Topic</i>	<i>Main contents</i>	<i>Function</i>	<i>Method and material</i>
09.00	1. Opening and presentations	Each participant and facilitator presents him/herself, the course leader presents the outline and the objectives of the programme	Motivation, socialisation	Presentation and discussion. Objectives and programme on transparency
09.30	2. How can we recognise good and bad governance? Good governance according to UNDP	Examples of recent administrative scandals, e.g. Commission 1999, Chancellor Kohl in Germany in 1999-2000, Lithuanian examples, Concept of governance, Easier to recognise bad governance than good, UNDP definition of good governance: main points	Motivation  Presentation of new information	Presentation and discussion  Handouts: Newspaper clippings, Concept of Governance, UNDP Characteristics of Good Governance
10.15	Coffee break			
10.30	3. The rule of law. Generally accepted procedural principles of administrative law	What the rule of law means: Separation between civil law and administrative law, Discussion of the procedural principles and their application in administrative decision-making	Presentation of new information  Systematis-ation of concepts	Presentation and discussion. Ask participants for examples of the application of the principles  Handout: Procedural principles
11.15	4. Transparency and openness of government – discussion	Dimensions of open government: information to general public, access to public documents, consultation of various interest groups, internal and external audit, Ombudsman and other ways to seek redress, How NGOs operate	Presentation of new information, Systematisation of concepts  Application in the Lithuanian context	Presentation and discussion. Ask participants to assess the Lithuanian situation and relations with the media and NGOs  Handouts: Dimensions of transparent and open government, Operation of NGOs
12.00	Lunch break			
13.00	5. Transparency and access to public documents in some EU member states and in EU institutions. – discussion on where do we stand in Lithuania?	Examples from some advanced countries (Nordic countries, Netherlands), Development of transparency and openness in the EU institutions	Presentation of comparative information for reflecting on the Lithuanian situation	Presentation and discussion  Handouts: Finland, EU
14.00	Coffee break			
14.15	6. Other characteristics of good governance	Accountability Audit Equity Ombudsman and other ways to seek redress	Illustration of application of these measures	Short presentation of the measure. Discussion based on short case studies Handouts: Other characteristics, Case descriptions

### 2nd day

<i>Time</i>	<i>Topic</i>	<i>Main content</i>	<i>Function</i>	<i>Method and material</i>
09.00	7. Characteristics of bad governance: Corruption and its consequences on national development and economy. Various types of corrupt behaviour Discussion of cases	Definition of corruption. Its estimated cost to society. Types of bribery: for access to a scarce benefit, or avoidance of a cost, for receipt of a benefit or avoidance of a cost, where discretion must be exercised, for speedy service or inside information, for preventing others from sharing in a benefit or to impose a cost on someone else	Motivation. Presentation of new information, systematisation of concepts. Illustration of concepts in everyday life	Short presentation of each point. Illustration with a case study. Discussion Handout: Definition and types of corruption Cases
09.45	8. What causes corruption?  Discussion	Question to be discussed: Although corruption has so bad social and economic effect, why is it so widely exercised? Summing up and conclusions	Application and elaboration of concepts	1. Pair discussion: 15 min 2. Reports: 20 min 3. Summing up and conclusions, comments by facilitator
10.30	Coffee break			
10.45	9. How should we fight corruption: Prevention and punishment?  Discussion	Questions to be discussed: Propose 3-4 effective preventive measures, and 3-4 punitive measure to eradicate corruption  Summing up of proposals and comparison with the recommendations of an anti-corruption strategy	Application and elaboration of concepts	1. Pair discussion: 15 min 2. Reports: 20 min 3. Summing up and conclusions.  Handout: Recommendations for anti-corruption strategy

## Appendix 5: List of training institutions in Poland

<i>Institution</i>	<i>Location</i>
Asylon Psycho-educational Centre	Warsaw
Polish Economic Association – Warsaw branch	Warsaw
Pecunia Training Centre Elżbieta Kowalczyk	Wąbrzeźno
STS Sierakowski, Smoczyński	Warsaw
Fenix Psychological Education Centre	Warsaw
Impuls Institute of Education Methods	Warsaw
Regional Vocational Training Institute of Szczecin	Szczecin
Gosiewski – Training and Consulting	Wrocław
Team Training Poland	Lublin
School of Management and Marketing	Kielce
PZiD Synteza A.Pilarczyk	Bytom
Kwart Joanna Smolak	Wrocław
Simpltest Centre for Quality Qualifications	Poznań
Orgm Institute for Organisation and Management in Przemysł	Warsaw
Moderator S.C.	Wrocław
”Koncept” Training-Consulting Centre	Kępa k/Opola
Chronos	Łomianki
BIP Consulting	Gorzyce
Ekspert Education Centre	Warsaw
ComArch Kraków – Training Centre	Kraków
AMC Advanced Manufacturing and Training	Milanówek
Foundation for the Development of Citizenship Society	Warsaw
KB Personnel Advising	Józefosław
Karczewski Personnel Advising	Sopot
Rzeszow School of Managers	Rzeszów

## Appendix 6: Interview questionnaire for Poland

### QUESTIONNAIRE

1. Do you provide training (courses, workshops) for people in the business environment (owners, managers, employees, etc)? *(Please mark your answer with an X)*

Yes

No (if you mark this answer please go straight to question 5)

2. Does the topic of corruption appear in any of the programmes you offer (courses, workshops)? *(Please mark your answer with an X)*

Yes

No (if you mark this answer, please go straight to question 5)

3. How many of your programmes, training courses, or workshops touch on the topic of corruption? *Please write the number here .....*

4. Please write the name of the training course, the overall number of course hours, the number of hours devoted to the topic of corruption and an estimate of the number of participants in 2002.

Course	Name of course	Total number of course hours	Number of hours devoted to the topic on corruption	Estimated number of participants in 2002
1				
2				
3				
...				

5. Please describe in brief the characteristics of the topic of corruption as presented in your courses.

6. Do you think that the topic of corruption in business training is: *(Please mark your answer with an X)*

Very important

Important

Neither important nor unimportant

Not very important

Totally irrelevant

7. Do you plan in the coming year to expand your offer or to introduce training which will include the topic of corruption? *(Please mark your answer with an X)*

Decidedly yes

Probably yes

Probably not

Decidedly yes

Difficult to say

M1. How many years has your institution or organisation been in existence? Please write the number here: .....

M2. What was your turnover/sales in 2002 .....

M3. How many participants did you have in 2002?

M4. How many people are employed at your institution?

<i>Full-time</i>	<i>Other form of employment</i>

M5. What is the range of your training activities? (*Please mark your answer with an X*)

- International
- Nationwide
- Regional
- Local

M6. Please give the full name of your institution and address

Full name	
Address	
Post code	
Town/city	

M7. Contact person

First and last names	
Telephone	
E-mail	

Thank you for filling out this questionnaire.

## Appendix 7: Polish anti-corruption legal framework

<i>Date of adoption</i>	<i>Description</i>
20 August 1997	Amendments to the acts on Regional Accounting Offices, Regional Self-government and Local Government Financing
23 April 1964	Civil Code
15 September 2000	Business Code
10 September 1999	Fiscal Penal Code
6 June 1997	Criminal Code
2 April 1997	Constitution of the Polish Republic
22 April 1999	Amendments to the Act on the Mandate of MPs and Senators
9 May 1996	Act on the Mandate of MPs and Senators
7 May 1999	Amendments to the Act on the Mandate of MPs and Senators
23 December 1988	Act on Economic Activities
3 December 1999	Amendments to the acts on Identity Cards and Population Records and Act on Economic Activities
26 November 1998	Act on Public Finances
23 December 1994	Act on the Supreme Chamber of Control
16 September 1982	Act on Government Employees
20 June 1985	Act on Office of State Prosecutors
18 of December 1998	Act on Civil Service
10 of June 1994	Act on Public Procurement
17 December 1998	Amendments to the Act on Self government: I Voievodship, and Electoral Act on Three Level Councils ( <i>in gmina, powiat and voievodship</i> )
16 of July 1998	Electoral Act on Three Level Councils ( <i>in gmina, powiat and voievodship</i> )
8 March 1990	Electoral Act for Local Councils
	Constitutional Tribunal Reference Case of 16 March 1994 dealing with elections to local councils
28 May 1993	Constitutional Tribunal Reference Case of 14 July 1993
21 August 1997	Act on Limitations on the Conduct of Businesses by Public Functionaries
7 September 1991	Act on the Education System
25 July 1998	Amendments to the Act on the System of Education
28 July 1990	Act on Political Parties
27 June 1997	Act on Political Parties
20 June 1985	Act on Courts of General Jurisdiction
5 June 1998	Act on Local Self government ( <i>in powiat</i> )
31 July 1997	Amendment to the Act on Self-government
8 March 1990	Act on Local Self Government ( <i>in gmina</i> )
5 June 1998	Act on Local Self Government ( <i>in voievodship</i> )
Parliamentary Resolution of the 17 July 1995	Parliamentary Resolution on Parliamentary Ethics
20 March 1998	Amendments to the Local Elections Act ( <i>in gmina</i> )
12 May 2000	Amendments to the acts on: State Prosecutors, Military Discipline and Institute of National Remembrance
16 October 1991	Amendments to the acts on: Courts of General Jurisdiction, Supreme Court, Prosecutors and Remuneration of the Highest Government Officials
29 August 1997	Amendments to the Public Procurement Act
9 April 1999	Amendments to the Public Procurement Act
12 May 2000	Amendments to the Public Notaries Act and to the Act on Courts of General Jurisdiction
28 August 1997	Amendments to the Court of General Jurisdiction Act and other related statutes

Source: Transparency International - Poland.

## Appendix 8: List of Polish NGOs providing training in corruption issues

Organisation	Anti-corruption course/ seminar	Other related training activities					
		Promotion of ethical principles; self regulation of private sector	Cooperation of NGO's with public administration	Lobbying	Law	Citizen participation	Coalition building
Agency for North-eastern Mazowsze Development <i>Agencja Rozwoju Regionu Mazowsza Północno-Wschodniego, (Ostrołęka)</i>	No	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Agency for Local Development, Lublin Development Foundation Regional Office in Leczyca <i>Agencja Rozwoju Lokalnego, Oddział Lubelskiej Fundacji Rozwoju, (Leczyca)</i>	No		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Academy for the Development of Philanthropy in Poland <i>Akademia Rozwoju Filantropii, (Warszawa)</i>	No		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
The Centre for Promotion and Development of Civil Initiatives (Opus) <i>Centrum Promocji i Rozwoju Inicjatyw Obywatelskich OPUS, (Łódź)</i>	No	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Local Activity Support Centre (CAL Association) <i>Centrum Wspierania Aktywności Lokalnej CAL - Stowarzyszenie CAL, (Warszawa)</i>	No		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
NGO's Support Centre <i>Centrum Wspierania Organizacji Pozarządowych CeWOP, (Rzeszów)</i>	No	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Elblag Association to Support Non-Governmental Initiatives <i>Elbłskie Stowarzyszenie Wspierania Inicjatyw Pozarządowych, (Elblag)</i>	No	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
European Youth Cooperation Centre <i>Europejskie Centrum Młodzieży, (Kraków)</i>	No		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Education for Democracy Foundation <i>Fundacja Edukacja dla Demokracji, (Warszawa)</i>	No	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Foundation for Social and Economic Initiatives <i>Fundacja Inicjatyw Społeczno-Ekonomicznych, (Warszawa)</i>	No					<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Foundation Nowy Staw <i>Fundacja Nowy Staw, (Lublin)</i>	No					<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Foundation Entrepreneurship <i>Fundacja Przedsiębiorczość, (Żary)</i>	No					<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Regional Information and Support Centre for NGOs <i>Fundacja Regionalne Centrum Informacji i Wspomagania Organizacji Pozarządowych, (Gdańsk)</i>	No					<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Foundation in Support of Local Democracy, Training Centre in Szczecin <i>Fundacja Rozwoju Demokracji Lokalnej Centrum Szkoleniowe W Szczecinie, (Szczecin)</i>	No					<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Civil Society Development Foundation (CSDF) <i>Fundacja Rozwoju Społeczństwa Obywatelskiego (FRSO), (Warszawa)</i>	No					<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Foundation in the Services of Rural Communities <i>Fundacja w Służbie Wsi, (Wrocław)</i>	No					<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Lublin Self-Help Centre <i>Lubelski Ośrodek Samopomocy, (Lublin)</i>	No					<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Foundation in Support of Local Democracy, Malopolska Institute of Local Government and Administration <i>Malopolski Instytut Samorządu Terytorialnego i Administracji, (Kraków)</i>	No				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
NGO's Support Centre in Białystok <i>Ośrodek Wspierania Organizacji Pozarządowych, (Białystok)</i>	No				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Pomorze and Kujawy Local Democracy Centre <i>Pomorsko-Kujawskie Centrum Demokracji Lokalnej, (Bydgoszcz)</i>	No					<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Regional Centre to Support Non-governmental Initiatives <i>Regionalne Centrum Wspierania Inicjatyw Pozarządowych – Biuro Regionalne, (Jelenia Góra)</i>	No				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Support Office for the Movement of Social Initiatives <i>Stowarzyszenie BORIS Biuro Obsługi Ruchu</i>	No				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>



## Appendix 9: Polish public universities: schools of law and public administration

<i>University</i>	<i>Other related courses/training</i>
<b>University of Białystok</b> Faculty of Law Uniwersytet w Białymstoku, Wydział Prawa	Ethics and law Introduction to public administration theory and practice Pathologies of modern societies – selected issues Administrative methods for combating corruption in public administration
<b>Warsaw University</b> Faculty of Law and Public Administration Uniwersytet Warszawski, Wydział Prawa i Administracji	Ethics and law European legal culture – history of ethics and legal theories Polish society in times of transition Social pathology in local communities
<b>University of Gdansk</b> Faculty of Law and Public Administration Uniwersytet Gdański, Wydział Prawa i Administracji	Legal ethics Introduction to public administration theory and practice
<b>Adam Mickiewicz University in Poznan</b> Faculty of Law and Public Administration Uniwersytet im. Adama Mickiewicza w Poznaniu, Wydział Prawa i Administracji	Introduction to public administration and public policy – theory and practice Crime detection issues in organised economic crime in Poland (commitment and prevention)
<b>Jagiellonian University in Krakow</b> Faculty of Law and Public Administration Uniwersytet Jagiellonski w Krakowie, Wydział Prawa i Administracji	Legal ethics in professional practice Theory of political power Criminological aspects of economic crime
<b>University of Lodz</b> Faculty of Law and Public Administration Uniwersytet Łódzki, Wydział Prawa i Administracji	Social policies – selected issues
<b>Maria Curie-Skłodowska University in Lublin</b> Faculty of Law and Public Administration Uniwersytet Marii Curie Skłodowskiej w Lublinie, Wydział Prawa i Administracji	Legal ethics Ethics in public service Introduction to public administration theory and practice Theory of state and politics
<b>Nicolaus Copernicus University in Torun</b> Faculty of Law and Administration Uniwersytet im Mikołaja Kopernika w Toruniu, Wydział Prawa i Administracji	Ethics Ethics in public service Introduction to public administration theory and practice Criminal law protection in public administration and public trading
<b>Szczecin University</b> Faculty of Law and Administration Uniwersytet Szczeciński, Wydział Prawa i Administracji	Ethics Economic crime
<b>University of Silesia</b> Faculty of Law and Administration Uniwersytet Śląski, Wydział Prawa i Administracji	Introduction to public administration theory and practice Pathologies of modern societies – selected issues Political and individual rights Protection systems
<b>Wroclaw University</b> Faculty of Law, Administration and Economy Uniwersytet Wrocławski, Wydział Prawa, Administracji i Ekonomii	Introduction to public administration and public policy – theory and practice Legal Protection and Citizens Assistance System
<b>The Catholic University of Lublin</b> Faculty of Law, Canon Law and Administration Katolicki Uniwersytet Lubelski, Wydział Prawa, Prawa Kanonicznego i Administracji	Ethics in legal professions Introduction to public administration – theory and practice Contemporary systems of public administration Legal aspects of economic transformation Ethics, law and morality – selected issues
<b>Opole University</b> Interdepartmental Institute of law and Administration Uniwersytet Opolski, Międzywydziałowy Instytut Prawa i Administracji	Ethics Legal protection and citizen’s assistance scheme Pathologies in private entrepreneurship
<b>University of Rzeszow</b> Faculty of Law	Ethics in the civil service Legal ethics

Uniwersytet Rzeszowski, Wydział Prawa	Theory of state and politics Legal Protection and citizen's assistance scheme
<b>University of Warmia and Mazury in Olsztyn</b> Faculty of Law and Administration Uniwersytet Warmińsko - Mazurski w Olsztynie, Wydział Prawa i Administracji	Legal ethics Ethics in public administration Introduction to public administration - theory and practice Criminology and pathologies in modern societies
<b>Cardinal S. Wyszyński University of Warsaw</b> Faculty of Law Uniwersytet im. Kardynała Stefana Wyszyńskiego w Warszawie, Wydział Prawa	No courses

## Appendix 10: State community colleges in Poland

<i>Community college</i>	<i>Other related courses/training</i>
<b>The State Higher School of Vocational Education in Elbląg</b> <i>Państwowa Wyższa Szkoła Zawodowa w Elblągu</i>	Ethical issues and private entrepreneurship and politics
<b>The State Higher School of Vocational Education in Gorzów Wielkopolski</b> <i>Państwowa Wyższa Szkoła Zawodowa w Gorzowie Wielkopolskim</i>	Ethics in management and public administration
<b>The State Higher School of Vocational Education in Legnica</b> <i>Państwowa Wyższa Szkoła Zawodowa w Legnicy</i>	Ethics and administration Introduction to public administration and public policy – theory and practice Pathologies in modern societies
<b>The State Higher School of Vocational Education in Nowy Sącz</b> <i>Państwowa Wyższa Szkoła Zawodowa w Nowym Sączu</i>	Ethics in public service institutions
<b>The State Higher School of Vocational Education in Sulechów</b> <i>Państwowa Wyższa Szkoła Zawodowa Administracji Publicznej w Sulechowie</i>	Organisational culture and professional ethics Sociology of local communities
<b>The State Higher School of Vocational Education in Tarnów</b> <i>Państwowa Wyższa Szkoła Zawodowa w Tarnowie</i>	Professional ethics

## Appendix 11: Private Institutions of higher education in Poland

<i>Institution</i>	<i>Other related courses/training</i>
Białystok School of Public Administration <i>Wyższa Szkoła Administracji Publicznej w Białymstoku</i>	Ethics in public administration Business ethics Introduction to public administration theory and practice
Higher School of Administration in Bielsko-Biala <i>Wyższa Szkoła Administracji w Bielsko-Białej</i>	Introduction to public administration – theory and practice Pathologies of modern societies
Higher School of Economic and Administration in Bytom <i>Wyższa Szkoła Ekonomii i Administracji w Bytomiu</i>	Public service labour regulations
University of Commerce in Kielce, Economy and Administration Faculty <i>Wyższa Szkoła Handlowa im. Bolesława Markowskiego w Kielcach, Wydział Ekonomii i Prawa</i>	Professional ethics
Baltic School of Arts in Koszalin, Faculty of Administration <i>Baltycka Wyższa Szkoła Humanistyczna w Koszalinie, Wydział Administracji</i>	Professional ethics
Andrzej Frycz Modrzewski Academy in Krakow <i>Krakowska Szkoła Wyższa im. Andrzeja Frycza Modrzewskiego</i>	Introduction to public administration – theory and practice Political and individual rights Protection systems Pathologies of modern societies
Salesian College of Economics and Management in Lodz <i>Salezjańska Wyższa Szkoła Ekonomii i Zarządzania w Łodzi</i>	Ethics in public life Business ethics
School of Public Administration in Lodz <i>Wyższa Szkoła Administracji Publicznej w Łodzi</i>	Ethics in administration Ethics in private entrepreneurship Introduction to building public policy
University of Trade in Lodz <i>Wyższa Szkoła Kupiecka w Łodzi</i>	Introduction to public administration – theory and practice
Mazury Free School in Olecko, Law and Economy Faculty <i>Wszelchnica Mazurska w Olecku, Wydział Prawa i Ekonomii</i>	Introduction to public administration – theory and practice
Higher School of Public Administration in Ostrołęka <i>Wyższa Szkoła Administracji Publicznej w Ostrołęce</i>	Business ethics Introduction to public administration – theory and practice
Higher Business School in Piła <i>Wyższa Szkoła Biznesu w Pile</i>	Introduction to public administration – theory and practice
Pawel Włodkowic College University in Plock, Administration Department  <i>Szkoła Wyższa im. Pawła Włodkowica w Płocku, Wydział Administracji</i>	Ethics
The College of Management and Banking in Poznan <i>Wyższa Szkoła Zarządzania i Bankowości w Poznaniu</i>	Professional ethics Introduction to public administration – theory and practice
Higher School of Administration and Management in Przemysl <i>Wyższa Szkoła Administracji i Zarządzania w Przemysłu</i>	Ethics in administration Introduction to public administration – theory and practice Civil service law Decision-making process in public administration – theory and practice Managerial abilities in public administration
Pulawy Higher School, Faculty of Economics <i>Pulawska Szkoła Wyższa w Pulawach</i>	Theory of administration
School of Liberal Arts in Pultusk, Faculty of Administration <i>Wyższa Szkoła Humanistyczna w Pultusku, Wydział Administracji</i>	Ethics in public administration Professional ethics Introduction to public administration – theory and practice Political and individual rights Protection systems
University of Information Technology and Management in	Political and individual rights

Rzeszow <i>Wyższa Szkoła Informatyki i Zarządzania w Rzeszowie</i>	Protection systems Introduction to the political sciences Civil service law
School of Liberal Arts and Natural Science - Studium Generale Sandomiriense in Sandomierz <i>Wyższa Szkoła Humanistyczno-Przyrodnicza - Studium Generale Sandomiriense w Sandomierzu</i>	Ethics Political and individual rights Protection systems
The College School of Economics and Arts in Skierniewice, Public Administration Department <i>Wyższa Szkoła Ekonomiczno-Humanistyczna w Skierniewicach, Wydział Administracji Publicznej</i>	Ethical issues in public administration
School of Management and Marketing in Sosnowiec <i>Wyższa Szkoła Zarządzania i Marketingu w Sosnowcu</i>	Introduction to philosophy and ethics Introduction to public administration – theory and practice Political sciences
Jan Pawel II Academy of Suwalki and Mazury <i>Wyższa Szkoła Suwalsko-Mazurska im. Papieża Jana Pawła II w Suwałkach</i>	Social Science of the Roman Catholic Church
Higher School of Public Administration in Szczecin <i>Wyższa Szkoła Administracji Publicznej w Szczecinie</i>	Professional ethics Ethics for the professional civil servant Introduction to public administration – theory and practice Introduction to state and public policy theory The public service system in Poland
Higher School of Management and Social Sciences in Tychy <i>Wyższa Szkoła Zarządzania i Nauk Społecznych w Tychach</i>	Ethics Introduction to public administration – theory and practice Introduction to the pathologies of modern societies
European School of Law and Public Administration in Warsaw <i>Europejska Wyższa Szkoła Prawa i Administracji w Warszawie</i>	Introduction to public administration – theory and practice
First Independent College of Business and Administration in Poland, Faculty of Public Administration and European Integration <i>Prywatna Wyższa Szkoła Businessu i Administracji w Warszawie, Wydział Administracji Państwowej i Instytucji Europejskich</i>	Introduction to public administration – theory and practice Ethics in public administration
Warsaw Private University <i>Szkoła Wyższa Warszawska</i>	Professional ethics
Real Estate University of Warsaw, Faculty of Law and Economy <i>Wyższa Szkoła Gospodarowania Nieruchomościami w Warszawie</i>	No information available
The University of Commerce and Law in Warsaw <i>Wyższa Szkoła Handlu i Prawa im. Ryszarda Łazarskiego w Warszawie</i>	No relevant courses
Warsaw Higher School of Management at the Society of Economic Enterprise <i>Wyższa Szkoła Menedżerska SIG w Warszawie</i>	Ethics in the legal professions Ethics in public life Introduction to public administration – theory and practice Political and individual rights Protection systems
Leon Kozminski Academy of Entrepreneurship and Management in Warsaw <i>Wyższa Szkoła Przedsiębiorczości i Zarządzania im. Leona Koźmińskiego w Warszawie</i>	Ethics in governance, administration and public affairs management Public service and its legal background Accountability of public officials and public servants – legal and social dimensions Public administration supervisory institutions and citizens’ rights Protection guarantees
School of Social Service in Włocławek, Faculty of Administration <i>Wyższa Szkoła Humanistyczno-Ekonomiczna we Włocławku, Wydział Administracji</i>	Introduction to public administration – theory and practice Political and individual rights Protection systems
College of Management and Administration in Zamosc <i>Wyższa Szkoła Zarządzania i Administracji w Zamościu</i>	Introduction to public administration – theory and practice Political and individual rights Protection systems

Note: Of the institutions mentioned, some of them award only a bachelor’s degree, others master’s degrees and a few of them offer doctorates.

## Appendix 12: Private colleges in Poland

<i>Institution</i>	<i>Other related courses/training</i>
<b>Radom School of Commerce, the Socio-economics Department</b> <i>Wyższa Szkoła Handlowa w Radomiu, Wydział Nauk Ekonomiczno – Społecznych</i>	Professional ethics
<b>Jan Zamoyski School of Liberal Arts and Economy in Zamosc</b> <i>Wyższa Szkoła Humanistyczno -Ekonomiczna im. Jana Zamoyskiego w Zamościu</i>	Ethics – general theories Introduction to public administration – theory and practice Political and individual rights Protection systems Civil service law
<b>High School of National Economy in Kutno</b> <i>Wyższa Szkoła Gospodarki Krajowej w Kutnie</i>	Professional ethics for civil servants Introduction to public administration – theory and practice
<b>Institute of Public Administration in Kielce</b> <i>Wyższa Szkoła Administracji Publicznej w Kielcach</i>	European ethical values system
<b>Private Higher Educational Institute in Gisztycko</b> <i>Prywatna Wyższa Szkoła Zawodowa w Gisztycku</i>	Ethics Introduction to public administration theory and practice
<b>Siedlce School of Finance and Management</b> <i>Wyższa Szkoła Finansów i Zarządzania w Siedlcach</i>	Ethics in administration Introduction to public administration – theory and practice
<b>Dolnoslaska School of Public Service “Asesor” in Wroclaw</b> <i>Wyższa Szkoła Służb Publicznych „ASESOR” we Wrocławiu</i>	Ethics Pathologies in modern societies – general theories
<b>Higher School of Kujawy and Pomorze in Bydgoszcz</b> <i>Kujawsko-Pomorska Szkoła Wyższa w Bydgoszczy</i>	Professional ethics Introduction to public administration – theory and practice
<b>School of Economy and Innovations in Lublin</b> <i>Wyższa Szkoła Ekonomii i Innowacji w Lublinie</i>	Introduction to public administration – theory and practice Political and individual rights Protection systems
<b>Wielkopolska School of Liberal Arts and Economy in Jarocin</b> <i>Wielkopolska Wyższa Szkoła Humanistyczno-Ekonomiczna w Jarocinie</i>	Professional ethics
<b>Elbląg Academy of Liberal Arts and Economy</b> <i>Elbląska Uczelnia Humanistyczno-Ekonomiczna</i>	Ethics in public administration Introduction to public administration – theory and practice Political and individual rights Protection systems
<b>Gdansk School of Public Administration</b> <i>Gdańska Wyższa Szkoła Administracji</i>	Ethics Introduction to public administration – theory and practice Moral and ethical dilemmas of Poland’s population
<b>School of Euro regional Economy in Jozefow</b> <i>Wyższa Szkoła Gospodarki Euroregionalnej w Józefowie</i>	Professional ethics and organisational culture in public administration practice Introduction to public administration – theory and practice

Note: These institutions grant only bachelor’s degrees.

## Appendix 13: Educational and training programmes by Russian not-for-profit organisations (NPOs)

<i>Location</i>	<i>Programme</i>	<i>Purposes of programme</i>	<i>Results of programmes</i>
Moscow	Widening possibilities for NGOs by educating those who wish to compete in municipal tenders	Increasing the effect of competition in municipal procurement and increasing the transparency of conduct.	Development of curricula on standard regulations and the conduct of competitions for municipal tenders. Educational seminars for potential participants.
St Petersburg	Public participation in the process of corruption-prevention in the north-west of Russia (2001)	Preventing corruption in election campaigns and their budgetary procedure. Increasing the legal culture of not-for-profit organisations through civil education.	Three seminars for representatives from NPOs, the mass media, representatives of public administration, students, election committees and higher education institutions  Conducting business games.
Nizhniy Novgorod	Education programme for civil servants and law-enforcement agencies	Using US experience in teaching civil servants and law-enforcement personnel.	Materials for law-enforcement organs. Publication and distribution of a series of pamphlets for public and municipal civil servants.
Vladivostok	Education programme for journalists on legal methods of corruption prevention	Widening journalists' knowledge about corruption. Teaching journalists the techniques of judicial safety in publications.	Developing a programme for journalists informing them about techniques of judicial safety. Conducting a cycle of seminars for journalists. Creation of website about anti-corruption initiatives.
Vladivostok	Studying Russian and US legislation for civil servants	Creating conditions for corruption prevention.	Publication and distribution 400 copies of handout "Russian and American Legislation on Measures for Civil Servants in their Struggle with Corruption" Conducting 10 seminars (298 participants) with representatives from public and municipal servants in Vladivostok, Arteme, Horolsky and Hasansky region.
Ekaterinburg	Teaching activists from NPOs organisations how to take legal action when they come into contact	Demonstrating effective methods of opposing corruption in the judicial field and the Ministry of Justice.	2 three-days seminars for 40 representatives from NPOs. Preparation and distribution of two handouts. Organisation of round table on Corruption Prevention in the Court

	with corruption in the courts		System.
Yakutsk	Educational programme for local mass media in the development of civil initiatives of corruption prevention in Yakutia.	To support journalists working in corruption prevention in the region.	Number of round tables for journalists, leaders of NPOs and officials, devoted to the problem of public participation in making laws and setting budgets. Educational programme for local mass media about legislation regulating journalist's activity and a programme of journalist's ethic.
Ulan-Ude Buryatia	Public service ethics and corruption prevention in Buryatia.	Increasing transparency of local government.	Educational programme of corruption prevention, professional ethics for officials. Discussions and round tables.
Samara	<i>Enlightening against corruption</i> (2002)	Educating disabled people and officials, increasing legal literacy of disabled people to develop intolerance to corruption.	A number of seminars for disabled people, Publication of the reference book for disabled people
Samara	Formation of anti-corruption consciousness of Samara's citizens	Formation of anti-corruption consciousness of Samara's citizens. Assistance to the Samara region to decrease or neutralise corruption. Teaching pupils/students and educators to be intolerant of corruption.	Seminar on Participation of Civil Society's Representatives in Anti-corruption Policy. A training course on Participation of Civil Society's Representatives in the implementation of Anti-corruption Policy. Competition for pupils' creative works: Corruption and Me.

## Appendix 14: The Serbian anti-corruption strategy

### **The Serbian Government's five basic principles for fighting corruption**

1. Creating an institutional framework
- 2 Reform of state administration
3. Economic reform
4. Increased participation by civil society
5. Establishment of a political environment enabling the fight against corruption

#### *1. Creating an institutional framework*

Independent and effective judiciary

Stricter legislative branch oversight

Independent and effective public prosecutor and internal affairs organs

#### *2. Reform of state administration*

Establishing standards of professionalism and credibility among public servants

Improving resources available to state administration employees

Strict monitoring of public revenues

Regulation of public procurement

Monitored decentralisation in the fields of public revenues and expenditures

#### *3. Economic reform*

Market liberalisation

Macro-economic stability

Reduction of discretionary rights in supervision of economic activity

Anti-monopoly policies

#### *4. Participation by civil society in the fight against corruption*

Increasing public awareness of the need to fight corruption

Facilitating freedom of information

Creating forums for public discussion of draft laws

Promoting the role of the media and non-governmental organisations in the fight against corruption

*5. Establishment of a political environment enabling the fight against corruption*

Transparency in financing of political parties

Transparency in property ownership of state officials

Prohibition of conflict of interests between state administration officials and employees

## Appendix 15: Law faculties in Ukraine

<i>Institution of higher education (faculty)</i>	<i>Number of students (Level 3-4)</i>
National Y.Mudryi Law Academy (Kharkiv)	3 500
National Academy of the Interior of Ukraine	2 000
National University of Internal Affairs (Kharkiv)	1 200
Luhansk Academy of Internal Affairs named after the tenth anniversary of Ukraine's Independence	935
Odessa Institute of the National University of Internal Affairs	650
Donetsk Institute of Internal Affairs	600
Law Faculty of Kyiv, T.Shevchenko National University	550
National Academy of Security Service of Ukraine	540
Interregional Academy of Personnel Management	500
Academy of Tax Service of Ukraine (Irpın, Kyiv region)	435
Law Academy of the Ministry of Interior (Dnipropetrovsk)	400
Odessa National Law Academy	400
Kyiv Institute of Internal Affairs	350
Zaporishya Law Institute of the Ministry of Interior	325
Lviv Institute of Internal Affairs	300
Law Faculty of Donetsk National University	250
Law Faculty of Lviv I.Franko National University	225
Law Faculty of Odessa, I.Mechnikov National University	200
Kyiv University of Law	175
Law Faculty of Chernivtsi Y.Fedkovich National University	175
Institute of Economy and Law "Krok"	130
Law Faculty of Zaporishya State University	120
Law Faculty of V. Stefanik, Carpathian State University	125
Law Faculty of eastern-Ukrainian National University (Luhansk)	100