

**Models of the Anti-Corruption Agencies (ACA), Suggested list of ACAs' for the review
by the CLRWG**

Dr. Slagjana Taseva, Committee Member

Afghanistan Joint Independent Anti-Corruption Monitoring and Evaluation Committee

In the attempt to support the work on the new Anti-Corruption Law and the policy guidance to create an umbrella institution and ideal-type prevention-only institution, MEC Commissioner Dr. Taseva provided a brief overview of the AC agencies' cases as being most relevant for the situation in Afghanistan.

As the debate proceeded, there was an understanding that additional consideration of the need for an additional anti-corruption agency and the model of the agency is needed.

This document enables comparison of functions and structural elements both for the preventive type and prosecutorial/investigative type of the agencies.

In each of the models, there is a summary of good practices and lessons learned in the functioning of the agencies.

This document is provided to be used by the Afghan policy makers for their future decisions in this regard.

THE POLAND

The Central Anti-corruption bureau (CBA)

Passport

The Central Anti-Corruption Bureau (CBA) is the main anti-corruption body in Poland

CBA was established on 2006 by the Act of 9th June, 2006. It is that special Agency that combats corruption in public and private sectors, prioritizing State and local government institutions, as well fight against corruption which may endanger the State's economic interests.

Poland does not have a separate anti-corruption law

CBA reports to the Parliament, Prime Minister and President.

The head of the Central Anti-Corruption Bureau is a central organ of government administration, supervised by the Prime Minister. The head of the CBA is appointed for a term of four years and recalled by the Prime Minister, following a consultation with the President of the Republic of Poland, the Special Services Committee and the Parliamentary Committee

CBA activities are based on **4 pillars:**

1. Operational and Investigational activities (operational control, e.g wiretapping, undercover operations, technical surveillance)
2. Control activities (control of assets or statements on conducting business activities by persons performing public functions, detection of non-transparent decision making in the areas as privatisation, public procurement etc.)
3. Analytical activities (carrying out of activities concerning the corruption in mostly vulnerable areas, in coordination by Prime Minister)
4. Corruption prevention and education (programmes, portals, awareness campaigns, publications).

The main goal of the CBA is combating corruption where the public sector meets the private sector. Under article 2 of the Act on the Central Anti-Corruption Bureau, the Bureau deals with identification, prevention and detection of crimes and offences, prosecution of perpetrators as well as control, analytical and preventive activities. Disclosure and prevention of cases of non-compliance with the limitation of conducting economic activities by persons performing public functions;

Control of the correctness and truthfulness of asset declarations or statements on conducting economic activities by persons performing public functions. Control activities cover: 1) disclosure and prevention of cases of non-compliance, for example in the scope of issuing economic decisions (among others: privatization, financial support, disposal of state and municipal assets, public procurement), 2) verification of the correctness and veracity of asset declarations or statements on conducting economic activities by persons performing public functions.

Analytical activities consist of Identification of threats detrimental to the economic interest of the State as well as appropriately early and possibly predictive communicating them to the state authorities, in addition to the formulation of proposals of remedial actions are the basic objectives of analytical and informative undertakings carried out by the CBA. Moreover, they support operational intelligence, investigative and control activities

Preventive activities also constitute an important part of the CBA performance. In this regard, it cooperates with other institutions and NGOs dealing with corruption.

Training activities: Since 2010, on the basis of their experiences in the field of combating and preventing corruption, the CBA officers have conducted training courses for employees of state institutions and business organisations. Training courses have also been conducted in the course of various workshops and conferences on issues of corruption prevention. The training courses are complemented by manuals issued by the CBA and addressed to civil servants and entrepreneurs. Issues related to the discussion on the most common irregularities and errors in the implementation of public procurement are also an important element of the training courses. Until the end of 2013, over 560 training courses were carried out in 400 institutions over 30 thousand persons were trained

The e-learning platform is available on the site <https://szkolenia-antykorypcyjne.edu.pl/>

The platform is addressed to broad audience: the central and local government, business community, and also to society.

Due to the wide scope of addressees, the training course is divided into three sections, each of which consists of 20 teaching hours:

- 1) corruption in public administration,
- 2) corruption in business,
- 3) social effects of corruption.

Publications: In the years 2010–2014,³ the CBA issued 33 publications, 22 of which are in Polish and English, 8 have been translated to the English language and 3 are in Polish-English version. The publications are available in the form of e-books and audiobooks on websites:

<p style="text-align: center;">History of creation</p>	<p>There is no single or overall anti-corruption act in Poland.</p> <p>In 2005 a new anti-corruption policy was developed by adoption <u>National Anti-Corruption Strategy</u> for 2005-2009. Following it the <u>Act of the establishment of CBA</u> was adopted by Sejm of 9 June 2006. Also other anti-corruption legislation exist as: Code of Criminal Procedure, Art. 217 on asset recovery; Act on Counteracting Introduction into Financial Circulation of Property Values Derived from Illegal or Undisclosed Sources and on Counteracting the Financing of Terrorism deals with money laundering by stating the functions of the General Inspector of Financial Information, which include gathering and processing financial information and detecting suspicious transactions; Civil Service Law from 1998 defines the rules of access to the service, principles of its organization, functioning and development.</p> <p>CBA obligated to draft the orders according its performing tasks.</p>
<p style="text-align: center;">Role</p>	<p>There is increasing number of respondents evaluate the CBA's activity as good is reflected in the number of potential and substantiated corruption cases reported to the Bureau. In 2013, the number of reports increased by 60%.</p> <p>In 2014 the CBA employs 880 officers and civil servants who are high class professionals in fields related to the completion of the tasks of the service. They are specialists in the field of operational work, investigation, detection, analysis and control activities, direct protective measures, security of telecommunication networks, protection of confidential information and personal data, legal service, logistics and finance, audit and internal security, international cooperation and personnel training. More than one-third of persons employed in the CBA are women. 232 out of 766 officers and 83 out of 114 civil servants are female.</p>
<p style="text-align: center;">Success factors and pitfalls</p>	<p>The CBA is managed by Head of CBA. The head of CBA is a central authority of the government administration supervised by the Prime Minister, acting with the assistance of the CBA, which is an office of the government administration.</p> <p>The activity of Head of CBA is a subject to the Sejm (Parliament) control.</p> <p>The Head of CBA manages the CBA directly or through his two deputies. The Prime Minister provides the charter to the CBA, in which defines its internal organisation. (<i>The structure of CBA is attached.</i>)</p> <p>There is direct control over the CBA activities from the Prime Minister's office.</p> <p>Under the Programme Prevention of and Fight against Crime, the European Commission awarded a grant to the CBA for the implementation of the project: Rising of Anticorruption Training System. The Lithuanian Special Investigation Service (STT) is the co-beneficiary of the project, and the Latvian Corruption Prevention and Combating Bureau (KNAB) is the project partner.</p>

Min findings	<p>CBA has 880 staff, involved into corruption investigation, corruption control issues, (external) training/education, international cooperation, assets declaration and recovery, legal issues, research/analysis of corruption phenomena. Its analytical department provides analytical report that analyse risks and treats of corruption in vulnerable sectors (construction, health, power engineering, environment protection, infrastructure, the use of the EU funds)n that serve as policy guide as for creation of the anti-corruption strategy, establish more effective cooperation among institutions. It is also responsible on protection of the whistle-blowers.</p> <p>Well-developed advocacy and public communication and it seems that the best developed part of the CBA is its training role. It has well-developed visibility - internet portals – from beginning with domestic and international regulations and ending with wide choice of publications, anonymous reporting.</p> <p>CBA 10 regional offices have the same authorities as the central Bureau.</p> <p>CBA has no mandate:</p> <ul style="list-style-type: none"> ➤ To draft or to coordinate/monitor Implementation of the National Anti-corruption Strategy as well no responsibility to monitor integrity plans development/implementation; ➤ To participate in the legislative activities ➤ To create registers of the asset declarations and to publish asset declarations ➤ On conflict of interest issues <p>It is strongly centralised under supervision of Prime Minister/ Government.</p>
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The CBA consists of the following units:

- Operations and Investigations Department
 - Security Department
 - Control Proceedings Department
 - Analysis Department
 - Operational Techniques Bureau
 - Law Bureau
 - Finance Bureau
 - HR and Training Bureau
 - Logistics Bureau
 - IT Bureau
 - Control and Internal Affairs Bureau
 - Cabinet of the Head
 - Internal Auditor's Unit
1. Regional Office of the CBA in Białystok
 2. Regional Office of the CBA in Gdańsk
 3. Regional Office of the CBA in Katowice
 4. Regional Office of the CBA in Kraków
 5. Regional Office of the CBA in Lublin
 6. Regional Office of the CBA in Łódź
 7. Regional Office of the CBA in Poznań

8. Regional Office of the CBA in Rzeszyw
9. Regional Office of the CBA in Szczecin
10. Regional Office of the CBA in Warsaw
11. Regional Office of the CBA in Wrocław

LATVIA

Corruption Prevention and Combating Bureau (KNAB)

Latvia has specialized Anti-corruption Agency– Corruption Prevention and Combating Bureau (**KNAB**)

KNAB was established in October 2002 and is fully operation since February 2003.

KNAB is accountable to the Government of the Republic of Latvia (The Cabinet of Ministers). The supervision is executed by the Prime Minister.

Latvia adopted a law combining the creation of **KNAB** and regulating prevention of corruption. **Law on Corruption Prevention and Combating Bureau (KNAB)** *adopted on December 27, 2002, amended 12 times, latest on October 13, 2011*

KNAB is mandated to implement the **Law on Financing Political Organizations** (*Adopted June 6, 1992, last amended September 2008*) and the **Law on Prevention of Conflict of Interest of Public Officials** (*Adopted May 8, 2003; last amended February 13 2014*)

On 3 January 2011 **KNAB** has 141 staff members. Most of our staff has legal and economy, management, as well as political science background.

KNAB management team is composed of the Director and two Deputy Directors each in charge of one of our two main branches: Prevention and Investigation

The **mission of KNAB** is to fight corruption in Latvia in a coordinated and comprehensive way through prevention, investigation and education. **KNAB** is also a pre-trial investigatory body and has traditional police powers.

KNAB has two consultative Councils:

1. **The Foreign Advisory Panel (FAP)** is a forum for representatives of diplomatic representations, international organisations and foreign businesses working in Latvia to exchange information with **KNAB**. **FAP** is operated through regular meetings organised by **KNAB**. The meetings allow to inform foreign partners on main achievements and results of the work of **KNAB**. **FAP** also provide an opportunity to both parties to express interest for further cooperation and support.
2. **The Public Consultative Council** is aimed to ensure the participation of the public in implementing the anti-corruption policy and education of the public in Latvia. The Council seeks to strengthen the link between **KNAB** and the public. The Council is constituted from non-governmental organisations. The Council has provided recommendations to improve **KNAB**'s work (e.g. the health sector, corruption in courts system).

KNAB is responsible to provide recommendations on corruption prevention measures to be undertaken for other institutions according to the Law on **KNAB**, Law, on Control of Political parties Law, Law on Conflict of Interest, etc., It cooperates with Law Enforcement Bodies and General Prosecutor's Office.

KNAB is limited to the control of lawfulness of decisions.

Prevention branch is in charge of control of public officials (conflict of interest), control of financing of political parties, development of analysis and countermeasures to corruption and education of public officials and the public about corruption.

Investigations branch is responsible for detection of corruption offences using criminal intelligence and investigation of corruption offences according to the Operative Activities Law, Criminal Law and Criminal Procedure Law of Latvia.

In addition, KNAB has several divisions and specialists directly subordinated to the Director that are not specifically related either to prevention or enforcement, such as public relations specialist and specialist in charge of international cooperation, information analysis division, or divisions providing administrative support or control functions.

KNAB implements four main tasks:

- **Corruption Investigation:**

1. administrative enquiries, application of sanctions (Administrative Procedure Code of Latvia)
2. criminal intelligence
3. pre-trial investigations (Criminal Procedure Law)
4. access to information (including bank information)
5. access to premises

- **Corruption Prevention:**

1. Develop corruption prevention strategy and national programme
2. control and monitoring of the national anti-corruption programme
3. prevention of conflict of interest in the activities of public officials
4. reports from citizens
5. analyses of trends, recommendations for public institutions
6. developing methods to prevent and fight corruption in public institutions and private sector
7. analysis and drafting legal acts
8. conducting surveys of public opinion
9. providing regular information to the public on trends in corruption, detected cases and steps taken to prevent and fight corruption, providing Anti-corruption Training.

- **Controlling of financing of political parties and assets declarations of public officials**

Education on prevention of corruption, law and ethics

Protection of persons who report corruption offences (whistleblowers) included in the Law on “Prevention of Conflict of Interest”

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">History of creation</p>	<p>Latvia adopted a law combining the creation of KNAB and regulating prevention of corruption. Law on Corruption Prevention and Combating Bureau (KNAB) adopted on December 27, 2002, , amended 12 times, latest on October 13, 2011. The law Regulates mandate and statute of KNAB. Prevention responsibilities in its Chapter 3 Section 7; Regulates status of employees (chapter 2); KNABs Competence over political party financing (Section 9) and over Conflict of Interest (Section 7 Para 3)</p> <p>Latvia went through an organisational development process, resulting in a merger of units in a relatively short period, as shown in the organigrams below.</p> <p>In June 2015 Latvia was invited to join the OECD Working Group on Bribery.</p>
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Role	<p>The Law Regulates mandate and statute of KNAB and gives KNAB a mandate to draw up administrative statements regarding resolved violations, review cases of administrative violations and impose administrative sanctions for violations the review of which in accordance with the Administrative Violations Code of Latvia is under the jurisdiction of the Bureau; 4) to request and receive free of charge information, documents and other material from the State administration and local government institutions, companies (undertakings), organisations, officials and other persons, regardless of the secrecy regime thereof; 5) to request and receive free of charge information from credit institutions in cases and in accordance with the procedures specified in the Law On Credit Institutions; 6) to have free access to all information stored in registered data bases, the registration of which is specified in regulatory enactments, regardless of the ownership thereof; 7) to obtain, receive, register, process, compile, analyse and store information necessary for the performance of the functions of the Bureau, the procedures for use of which shall be determined by the Head of the Bureau; 8) if certain features have been ascertained in the actions of a person evidencing to the possibility of wrongful act, to warn a person that violations of the law are unacceptable.</p> <p>In accordance with the procedures specified in the regulatory enactments governing administrative proceedings KNAB can issue administrative acts, including administrative acts directed towards monetary payments.</p> <p>KNAB has free access to all information stored in registered data bases, the registration of which is specified in regulatory enactments, regardless of the ownership thereof;</p> <p>KNAB is mandated to implement the Law on Financing Political Organizations (<i>Adopted June 6, 1992, last amended 12 September 2013</i>) and the Law on Prevention of Conflict of Interest of Public Officials (<i>Adopted May 8, 2003; last amended 13 February 201</i></p> <p>KNAB also is responsible for the education and information of the society. It is an increasingly important part of our work. KNAB is responsible for education of the public in the areas of respect of law and ethics. KNAB is also in charge of informing the public on trends in corruption and cases of corruption detected, as well as overall steps taken to prevent corruption and enforcement of law.</p>
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KNAB is a statutory public administration institution under supervision of the Cabinet of Ministers headed by the Prime Minister. the Director of KNAB is appointed by the Saeima (Parliament) on recommendation of the Cabinet of Ministers for 5 years. The Cabinet of Ministers can announce an open competition for this position. Other Bureau officials in managerial positions, such as Deputies of the Director and heads of Divisions, as well as other officials of KNAB are appointed and dismissed by the Director. Accountability and checks and balance mechanism is well established. KNAB prepares annual reports and semi-annual activity reports submitted to the Cabinet of Ministers and the Saeima as well as made public on the website www.knab.gov.lv. In addition, KNAB submits a report about the implementation of the National Programme for Corruption Prevention and Combating to the Cabinet of Ministers once a year. Additionally, KNAB makes public the information about detected violations in the area of party and election campaign financing. KNAB maintains a public data base of declarations received from political parties (financial activities, election expenditures) and information about donations to political parties at <http://www.knab.lv/db/declaration>, <http://www.knab.gov.lv/db/donations>.

Parliamentary oversight is ensured by the Defence, Internal Affairs and Corruption Prevention Committee of the Saeima supervising KNAB and 11 other institutions.

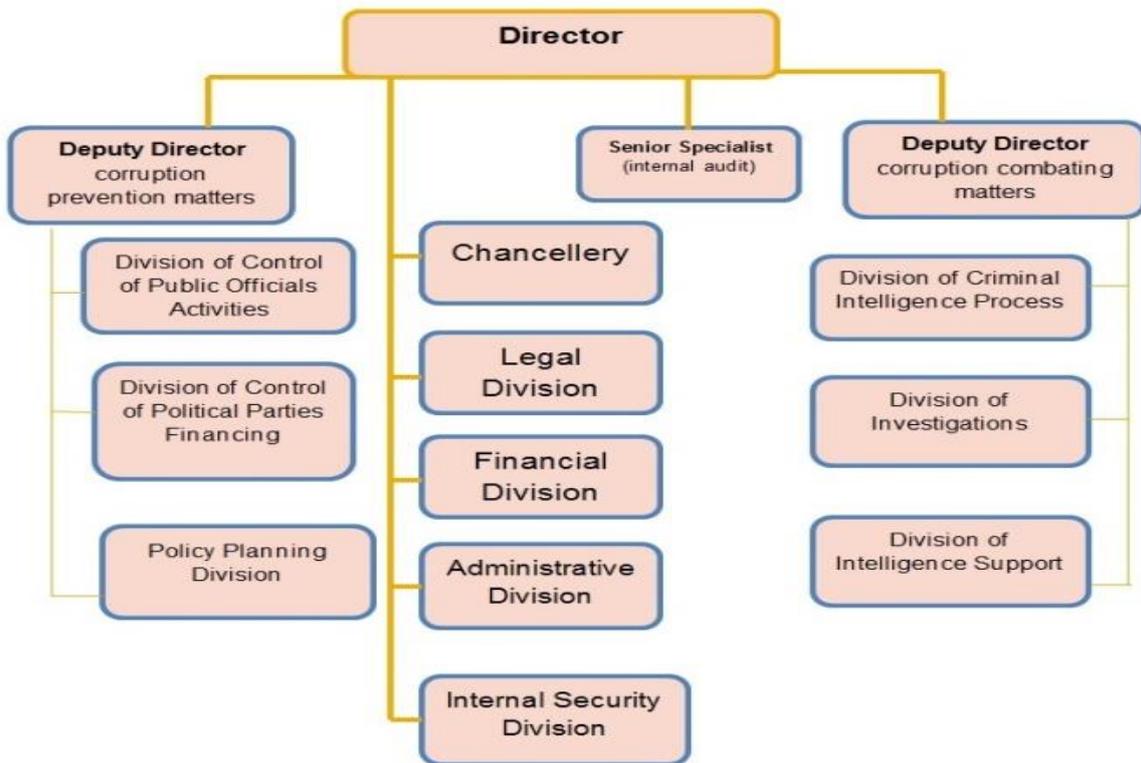
KNAB has a Public Consultative Council including 15 non-governmental organizations and the Foreign Advisory Panel consisting of diplomatic and international representations and foreign businesses in Latvia.

The KNAB is financed from the state budget, can receive foreign public resources and manage its own budget. More specifically the budget is drafted by KNAB, submitted to the Ministry of Finance and adopted as part of the law On the State Budget by the Cabinet of Ministers and the Saeima. The budget of KNAB is gradually increasing from LVL 1.66 million in 2003 to LVL 3.49 million in 2007. The increase in allocations is partially explained by the growth of the staff number as well as the inflation. In addition, funds were received by KNAB from the European Union PHARE project (EUR1.2 million, included in the budget) and the World Bank (about USD 320,000)

In September 2007 the head of the KNAB was dismissed after a state audit uncovered alleged irregularities in the bureau's bookkeeping. It has been perceived as political attack over the KNAB whose head was regarded as a vanguard in the fight against corruption, to the extent that many politicians feel that KNAB is too independent. “The common theme seemed to be, first, a desire to limit scrutiny and weaken key institutions, and, second, a complete disregard for appearances”. Thus, the Parliament’s dedicated anticorruption committee [was] scrapped by shifting its functions into a body with a much wider remit. [...] an amendment of the national security laws is proposed (unsuccessfully) in order to allow ministers closer scrutiny of the anticorruption agency; the head of the KNAB [Latvian abbreviation for the Corruption Prevention and Combating Bureau] is sacked after a first failed attempt [...]

http://www.transparency.org/whatwedo/nisarticle/latvia_2011

<p style="color: red; text-align: center;">Main findings</p>	<p>The KNAB is the central institution in Latvia’s anti-corruption system. It has gained prominence with <i>inter alia</i> a number of high profile investigations (both administrative and criminal) such as a major bribery case involving three former officials of the Riga Municipality detected in 2008, major bribery case in relation to public procurement by the Children’s University Hospital involving the board members of the hospital detected in 2009, case for abuse of office, bribery and money laundering by a group of officials including the president of the state energy company “Latvenergo” detected in 2010.</p> <p>Apart from investigations, anti-corruption has been a matter of a comprehensive policy since 1998 when the first State Program for the Prevention and Combating of Corruption was adopted. A series of successive anti-corruption strategies and action plans have been approved since then with the current strategy and action plan covering the period 2009-2013.</p> <p>KNAB has access to all information stored in registered data bases, the registration of which is specified in regulatory enactments. It allows efficient control of conflict of interest and asset declaration. Another important characteristic possibility to obtain, receive, register, process, compile, analyse and store information necessary for the performance of the functions of the Bureau which is important for both the prevention and policy activities.</p>
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ROMANIA

National Anti-corruption Directorate (DNA)

National Integrity Agency (NIA)

Passport

The National Anti-corruption Directorate (DNA) was established in 2002 pursuant to the Strasbourg Criminal Convention on Corruption adopted on January 27, 1999.

Government Emergency Ordinance no. 43 from 2002 regarding establishment of the DNA

The DNA is an independent judicial structure and operates within the Prosecutor's Office attached to the High Court of Cassation and Justice.

DNA jurisdiction covers the whole of Romania with its head office in Bucharest and local offices in 15 territories.

The DNA is headed by a chief prosecutor who is assisted by two deputy chief prosecutors.

There are 145 prosecutors, 170 police officers and 55 experts specialized in economics, finance, banking, customs, and information technology working in DNA.

DNA has wide investigative authorities. The Law no. 78/2000 stipulates that DNA has the duty to investigate suspected corruption committed by social, political, and public officials, including members of the Parliament and public employees.

The Chief Prosecutor of DNA is proposed by the Minister of Justice and appointed by the President of the Republic, after the Superior Council of Magistracy opinion

The Chief Prosecutor of DNA can be removed by the President of the Republic, at the proposal of the Minister of Justice, after the Superior Council of Magistracy opinion

In Romania there is also the National Integrity Agency (NIA) established with the Law no. 144 from 2007 as as an autonomous administrative authority, with legal personality, operating at national level, a unique structure, with headquarters in Bucharest. (Law on the establishment, organization and functioning of the National Integrity Agency, as amended by Government Emergency Ordinance no. 49/2007)

The mandate of the NIA is the activity of verifying the assets obtained during the exercise of a mandate or the discharge of a public function or dignity, as the case may be, of verifying conflicts of interest and incompatibilities shall be carried out by the National Integrity Agency and shall be subject to judicial control. NIA has 200 employees and no regional branches

Main Tasks	<p>The NIA has the following tasks, which it shall carry out in accordance with the principles of legality, impartiality, independence, celerity, right to defense and proper leadership:</p> <ul style="list-style-type: none"> a) to verify the declarations of assets and the declarations of interests b) to control the timely submission of the declarations of assets and declarations of interests by the persons required by law; (c) finding that between the property acquired during the exercise of office and the income acquired during the same period there is an obvious difference that cannot be justified and notifying the competent court in order to establish the part of the property or the particular asset that has been unjustifiably acquired, and requesting the confiscation thereof; d) to ascertain breache of the legislation on the conflict of interests and incompatibilities; e) to close the case when the difference between the obtained assets and the revenues is not obvious or the the assets are justified, or, as the case may be, when the existence of the conflict of interests or the state of incompatibility is not ascertained, f) to notify the authorities responsible for criminal investigation if there is evidence or solid grounds indicating that a criminal offence has been committed; g) to apply sanctions and take measures provided by the law or, as applicable, to notify the competent institutions or agencies, in order to take the measures and to apply the sanctions provided by the law; h) to prepare studies, analyses, draw up annual statistics on declarations of assets, declarations of interests, as well as on their verification by those entitled and to develop partnership relations with persons exercising public dignities and functions stipulated by the present law, including by providing assistance services; i) to elaborate and disseminate practical guides or other documentary materials in the field, by drawing up its own materials, taking into consideration the practice of the judicial bodies. <p>Art. 14 – (1) In fulfilling the tasks it was assigned by law, the Agency shall act in accordance with the principle of operational independence.</p> <p>(2) The Agency is led by a president, assisted by a vice-president, appointed by the Senate, at the proposal of the National Integrity Council, following a competition or an examination.</p>
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History of creation	<p>NIA was created in May 2007. This has led Romania to become the first European country to create a specialized institution to check wealth, conflicts of interests and incompatibility issues. It has to be noted that even though wealth declarations were mandatory since 1996, and that these declarations became public documents in 2003, the control mechanisms were difficult to implement. Moreover, the conflicts of interests were never systematically controlled.</p> <p>The law establishing the NIA is one of the most important pieces of anti-corruption policy in Romania – and one of the most thoroughly debated. In the one to two years after the adoption of the law the ANI must demonstrate important successes if it is to make an impact. The chances of such success should be increased by connecting the institution to other preventive instruments, such as public awareness campaigns, anti-corruption education and whistleblower protection, eventually leading to more coherent corruption prevention.</p> <p>http://www.transparency.org.ro/politici_si_studii/studii/global_coruptie/2008/Articol%20GCR%202008_eng.pdf</p>
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Role	<p>NIA was regulated as an autonomous administrative authority, benefitting from operational independence. The management of the Agency cannot require and cannot be required for any dispositions from any public authority, institution or person. NIA can start an investigation either on the basis of a physical or juridical person's request, or on the request formulated by the president of the Agency. All requests need to be accompanied by the information and proofs which sustain the request. In cases which imply NIA personnel, the requests are submitted to the National Council for Integrity.</p> <p>If an unjustified wealth was discovered (with a difference of at least 10.000 EUR between the value of the wealth and the official incomes), the integrity inspectors had to file a case to the court, asking for the seizure of the illicitly gained wealth. As a complementary penalty, for a three years period, the accused person is forbidden to exercise any public function. In the case of conflicts of interests, any juridical act which was signed, with the infringement of the law is declared null. Also, among the sanctions following an investigation by NIA are the disciplinary actions, which can lead up to dismissal from the public function. Again, the interdiction to exercise any public function for three years is implemented.</p> <p>In the interim report from March 2010 of the EC to the European Parliament and the Council on Progress in Romania under the Co-operation and Verification Mechanism (CVM), it was noted that the progress of the NIA has been consolidated and extended. Its results are clearly stated: "From 22 May 2009 to 4 January 2010, ANI finalized 769 verifications and referred 174 additional files to competent institutions to apply sanctions or pursue criminal investigation. Of these 174 files, two files have been sent to the courts to confiscate unjustified wealth 60 files to disciplinary bodies to sanction NIA's findings of incompatibilities or conflicts of interest, and 112 files have been referred to prosecutors to investigate suspicions of false statements or other crimes. As of 22 February, sanctions have been applied by disciplinary bodies in eleven cases concerning incompatible officials." The Commission report praised the progress in NIA's work, but its results had still to be confirmed.</p> <p>http://www.kas.de/rspsoe/en/publications/20138/</p>
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Success factors and pitfalls

“NIA will continue to be contested and continue to be challenged and its existence will be threatened again,” said NIA general secretary Horia Georgescu in 2010. Once NIA restarts its activity, the Agency expects resistance against its existence to return around November, as this is when cases regarding new disparities in wealth declarations of important public officials will emerge. In August, the Romanian Senate passed a law re-establishing the powers of the agency. The successful functioning of NIA is one of the core demands the European Union placed on Romania, so the country could secure accession in 2007. However many politicians and public figures in Romania deem NIA a threat to their privacy and personal business. In May, the Constitutional Court ruled that many aspects of the law on NIA could be in breach of the constitution, especially regarding privacy laws. In June, against international criticism and the will of President Traian Basescu, the Senate adopted new laws leaving the agency neutered. But in July, the Constitutional Court declared the Senate’s move unconstitutional, opening the door for policy-makers to draft this new National Integrity Agency law, which has revived the agency’s powers.

Some analysts believe the good functioning of NIA is necessary for Bucharest to support as one of the ‘indirect measures’ Romania must introduce in order to assure widespread European support for its accession to the Schengen space in spring 2011. The risk of insufficient human or financial resources may also be a problem. The law provides for a maximum of 200 employees and a central office in Bucharest. These employees face the enormous task of checking the wealth and interest declarations of virtually all persons occupying positions in the public sector. Procedures for overcoming capacity constraints are lengthy and beyond the control of the ANI’s management

<http://www.thediplomat.ro/articol.php?id=1440>

<p style="text-align: center;">Main findings</p>	<p>The most recent national anti-corruption strategy in Romania 2012-2015 was adopted by the Government and endorsed by Parliament in 2012. It is based on a wide consultation process and was welcomed by most stakeholders. The strategy takes a multi-disciplinary approach and requires the development of sector- and institution-specific anti-corruption strategies across the board. A peer-review mechanism, involving civil society, was put in place to monitor its implementation.</p> <p>The National Anti-Corruption Directorate (DNA), a specialised prosecution office, is tasked to investigate high-level corruption cases. The DNA has established a solid track record of non-partisan investigations into allegations of high-level corruption.</p> <p>The National Integrity Agency (NIA) checks conflicts of interests, incompatibilities and personal wealth of public officials. Since its establishment in 2008, the ANI has shown good results overall. In the past five years, the confirmation rate of the NIA 's decisions on incompatibilities, as well as the administrative decisions on conflicts of interest exceeded 80%. Following the NIA 's decisions, over EUR 1 million in unjustified personal wealth was confiscated on the basis of final court decisions. However, over time the follow-up of the NIA s decisions encountered considerable difficulties. The political will to support the independence, stability and capacity of the anti-corruption institutions and the judiciary has not been constant over time.</p>
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Office for Supervision of Corruption and Organized Crimes (USKOK) of Croatia

Croatia has made considerable efforts to improve the anti-corruption framework, although implementation has still to demonstrate sustainable results. In the field of law enforcement Croatia has centralized the fight against corruption under one organization, the Office for the Suppression of Corruption and Organized Crime, with a broad political mandate to investigate, prosecute and prevent corruption based on its establishing legislation.

The competencies for investigating corruption in Croatia are shared by the Office for the Suppression of Corruption and Organized Crime (USKOK) and a specialized unit within the police, the National Police Office for Suppression of Corruption and Organized Crime (PNUSKOK). The two law enforcement bodies are well equipped to carry out effective investigations, and have developed a good track record of investigations into allegations of high-level corruption. The Office for the Suppression of Corruption and Organized Crime enjoys a broad mandate to investigate, prosecute and prevent corruption and organized crime. It is also responsible for international cooperation and exchange of information in complex investigations. USKOK's focus is on middle and high-level corruption cases, with petty corruption cases being investigated and prosecuted by regular prosecutors.

General information

Established: 2001

Structure: USKOK is headed by a Director and Deputy Director and is subdivided into five departments, a secretariat, and support services

Competencies: to investigate, prosecute and prevent corruption

Level of independence

– Permanence: established by Official Gazette no. 88/2001 [Law on the Office for the Suppression of Corruption and Organised Crime](#)

– Appointment: Head is appointed by the State Attorney General, with a previously obtained opinion of the Minister of Justice, and the opinion of the panel of national State Attorney's Office of the Republic of Croatia

– Removal: Office (Official Gazette No. 51/01). (3) Besides the cases from para 2 above the Head shall be relieved of duty: if he or she does not agree to security checks or impedes their implementation, or if he or she does not provide, in due time, data on his or her property status. (4) In cases from para 2 above, unless they refer to the relief of duty for disciplinary reasons, and para 3 above, the Head shall remain Deputy State Attorney General, or County State Attorney, but he or she may not work at the Office.

– Financial Autonomy: The funds necessary for the functioning of the Office shall be provided from the national budget of the Republic of Croatia pursuant to the provisions of the Law on the State Attorney's Office. Besides the purposes specified in the Law on the State Attorney's Office, the special purpose funds also include:

1. witness protection funds, unless they are not specifically determined in the Law on the protection of witnesses,
2. outsourcing funds (expert witnesses etc.).
3. funds for special needs.

<http://rai-see.org/croatia-anti-corruption-institutional-framework/>

SNAPSHOT

The office for the Suppression of Corruption and Organized Crime (USKOK) is a specialized department of the State Attorney's Office of the Republic of Croatia. Established in 2001, USKOK has the mandate to investigate and prosecute corruption based on its establishing legislation. It also has the mandate to direct police investigations and conduct prosecutions in corruption and organized crime cases within its jurisdiction. The Office has intelligence, investigative, prosecutorial and preventive functions and is responsible for international cooperation and exchange of information in complex investigations.

Does your government have a single or primary anticorruption strategy?

Yes, there is the Anti-Corruption Strategy issued by the Croatian Parliament

What are the main anticorruption laws of your country?

Criminal Code

Criminal Procedure Act

Act on the Office for the Suppression of Corruption and Organized Crime

Act on Confiscation of Pecuniary Gain acquired by Criminal or Misdemeanor offence

Act on the Prevention of Conflict of Interest in the Exercise of Public Office

Act on the Right of Access to Information

Act on Financing of Political parties and independent candidates

Anti-Money Laundering and Terrorism Financing Act

Is there one agency in charge of coordinating AC efforts across agencies?

Independent Sector for the Suppression of Corruption within the Ministry of Justice of the Republic of Croatia.

Functions	Investigation, Prosecution
Permanent Staff	55
Number of prosecutors (if applicable)	Head of USKOK and 29 Deputy Heads
Number of investigators (if Applicable)	

Number of cases handled annually

Budget Autonomy	No
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Annual Budget of the Agency	21,298,250.00 HRK (for 2013)
Are employees protected by law from recrimination or other negative consequences when reporting corruption (i.e. whistle-blowing)?	Yes
Does your country have freedom of information legislation?	Yes
Does your country have conflict of interest legislation?	Yes
Does your country have a financial disclosure system to help prevent conflicts of interest?	Yes
Who appoints the head of your agency?	State Attorney General with the prior opinion of the minister responsible for judicial affairs and the opinion of the collegiate body of the State Attorney's Office of the Republic of Croatia.
Who has the authority to remove the head of the ACA?	State Attorney's Council upon the proposal of the State Attorney General and with the prior opinion of the collegiate body of the State Attorney's Office of the Republic of Croatia.

Is there any term limit for the head of the ACA?

No , The Head of USKOK is appointed for a term of four years. After the term for which he was appointed has expired, the Head may be reappointed to the Office.

Corruption Eradication Commission (KPK) Indonesian

Established in 2003

In the few years since its establishment in 2003, the KPK has prosecuted and sent to jail for corruption over a hundred high-ranking officials. It has won *all* its cases in the corruption court, with all appealed verdicts upheld by the Supreme Court.

In addition, the KPK has conducted extensive corruption prevention activities and recovered substantial state assets.

As a result, the KPK has become the most highly regarded government institution in Indonesia. It has helped to make corruption a more high-risk and low-reward activity than at any previous period in the country's history. To be sure, the KPK is currently facing serious challenges to its sustainability and effectiveness, but its performance to date has already set unprecedented standards.

- investigation and prosecution function
- tasked to receive and handle corruption complaints, to investigate corruption cases, and to prosecute them before a special anti-corruption court (the *Pengadilan Tindak Pidana Korupsi* or TIPIKOR in Indonesia)
- Risk assessment, also authorised to examine systems and procedures of government agencies for corruption vulnerabilities and to recommend corresponding measures for corruption prevention and education.

Monitoring AC activities

The KPK's mandate extends further into monitoring the corruption prevention performance of government agencies and coordinating such state institutions involved in combating corruption

- The main model followed by the KPK's designers was the Hong Kong Independent Commission against Corruption (ICAC). While other examples were available, the ICAC was considered more compelling than others because of its comprehensive scope and powers