

Report on the similarities and differences in the mandates of the members of the Network of Anti-Corruption Authorities (NCPA)



NETWORK OF CORRUPTION
PREVENTION AUTHORITIES



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Drafted by the Supreme Audit Institution of Ecuador
Version (September 2022)

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OFFICE OF THE COMPTROLLER GENERAL OF THE STATE OF ECUADOR

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National Direction of International Affairs

Design and layout
National Direction of Communication



Preface

“The anti-corruption approach, our purpose”

This document presents the results of the investigation conducted by the Office of the Comptroller General of the State of Ecuador, on the similarities and differences of the mandates of the members of the Network of Corruption Prevention Authorities (NCPA), made up by 30 countries.

The book looks at a cross-section of mandates that make up the NCPA community, with an anti-corruption focus on diverse geographic backgrounds.

Now more than ever it is important to recognize the existence of an international forum such as the NCPA, because it allows strengthening the capacities of anti-corruption agencies through the exchange of experiences and technical information.

The motto of the International Organization of Supreme Audit Institutions, “mutual experience benefits all”, represents my feeling regarding the fight that we must exercise against international corruption.

I strongly believe that these types of projects, in addition to exposing the hard work of NCPA members, nationally and internationally, to the public, are also a step towards improving public governance .

In this perspective, we seek to improve the quality of life of the countries, since the vast resources that are lost due to corruption would be used to invest them in education, health and public works, for the benefit of our societies.

Eng. Carlos Riofrío González, Deputy Comptroller General of State of Ecuador

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Background

The Global Mapping of Anti-Corruption Authorities issued in 2020 by¹ the Network of Corruption Prevention Authorities (NCPA), demonstrated the variety of competencies that these organizations have around the world.

For example, of 171 entities surveyed, 63% are authorized to conduct criminal investigations and/or prosecutions. In fact, 82 out of 171 institutions surveyed indicated that they have sanction mechanisms, which represents 48% of the total participants in the global mapping. These mechanisms are mainly administrative, finding that 56 authorities out of the 82 respondents have sanctioning powers.

Similarly, most of the institutions in this study claimed to maintain powers to develop or contribute to anti-corruption strategies, however, only half of that group said that their organization leads these strategies.

In addition, of 171 entities surveyed, 39% receive and verify declarations of assets and/or interests of senior public officials. The report also revealed that in the countries of the institutions consulted there is an obligation to issue codes of ethics, although mostly only for the public sector. Finally, 56% of the entities surveyed indicated that in the regulatory frameworks of their countries there is an obligation to carry out programs for the evaluation and management of corruption risk.

Considering those enlightening findings, the Office of the Comptroller General of Ecuador, proposed by the end of 2020 to conduct similar research, narrowing the sampling to the members of the network; with the intend to identify the particularities² of the corruption prevention authorities and recognize a cooperation agenda tailored to those needs.

¹ The analysis report of the Global Mapping of Anti-Corruption Authorities can be accessed here: https://www.agence-francaise-anticorruption.gouv.fr/files/files/NCPA_Analysis_Report_Global_Mapping_ACAs_0.pdf

² Ecuador's Supreme Audit Institution joined the NCPA in July 2020.

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Purpose of the
study and data
collection

The objective of the study was to identify similarities and differences on the mandates of the NCPA's members. Out of the 30 organizations, 11 ratified their interest in the research. Those members were the Civil Service Bureau of Georgia, the Romanian Ministry of Justice, the Commission for the Resolution of Conflicts of Interest of Republic of Croatia, the State of Palestine Anti-corruption Commission (PACC), the Tunisian National Anti-corruption Authority, the National Anticorruption Centre of the Republic of Moldova (NAC), the Serbian Agency for Prevention of Corruption (APC), the Permanent Anticorruption Unit of Québec (Canada), the French Anti-Corruption Agency (AFA), the Office of the Comptroller General of Chile, and the Office of the Comptroller General of Ecuador. With that in mind, the study is not representative of the entirety of the Network; nonetheless, it offers a deeper recognition of the commonalities of these institutions, both in their mandates and their struggles to fulfill those objectives.

To collect the data, a questionnaire was run from December 2020 to March 2021, requesting information

on: a) the description of competences, b) the regulatory framework, c) the power of government in which the unit is located, d) the size of the institution, e) the administrative units, f) the academic training of the staff, g) the activities undertaken, h) the actual and desired stakeholders, i) the topics or areas for working with the desired stakeholders, j) the constraints on carrying out their mandate and their measures to counter them; and, k) the expected cooperation within the NCPA.

These results were organized into an Excel sheet sent to members for review. After giving time for clarifications, a final version was issued in May 2021. To further explore the implementation of similar activities, exchange sessions were organized with two or three keynote speakers, leaving a space for questions and answers.

In addition to the discussion on the most prominent areas of work, other topics were recognized taking into account the provisions of the United

Nations Convention against Corruption (UNCAC); as it constitutes a common framework for study participants. Finally, a methodology was agreed with the participants to define the content of the session.

The final document that consolidated the findings of the study was sent to the participants at the end of 2021, collecting the observations and adjustments of all the agencies until the first half of 2022.

3

Overview of participants'
mandates, institutional
design and cooperative
interest

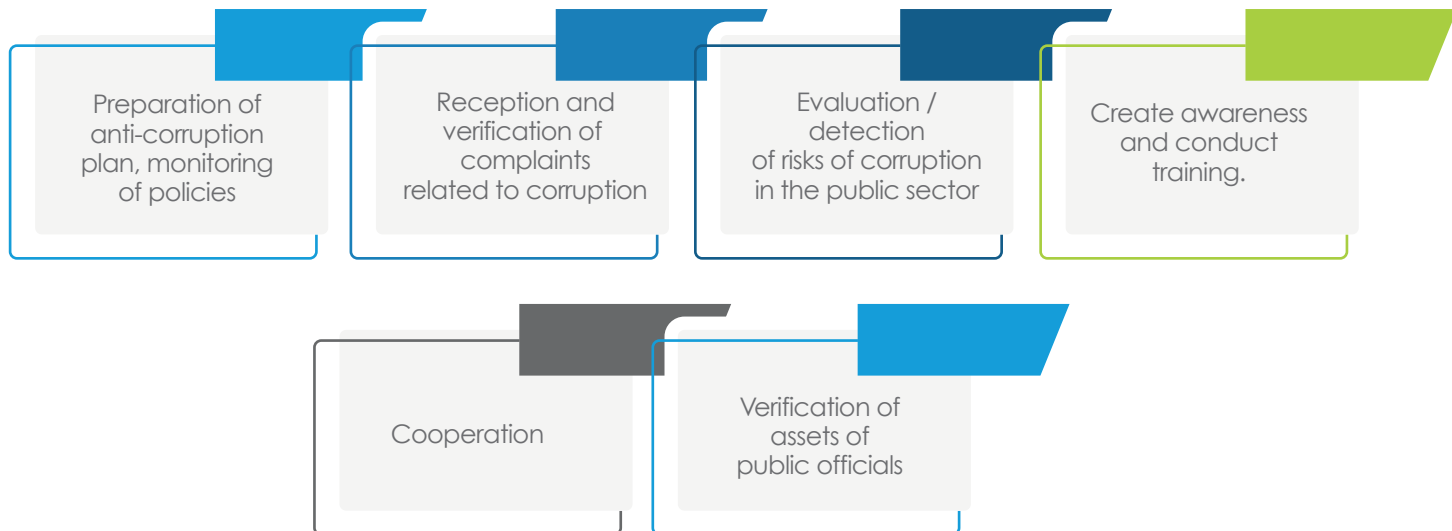
From the survey carried out, the following results were found:

a) Description of competences

The mandates of the NCPA members that were part of this study are wide-ranging, in which some organization have a comprehensive scope of anticorruption competences (e.g. the State of Palestine Anti-corruption Commission, the Tunisian National Anti-corruption Authority, the National Anticorruption Centre of the Republic of Moldova

and the Serbian Agency for Prevention of Corruption); meanwhile, others focus on specific areas (e.g. Civil Service Bureau of Georgia, Permanent Anticorruption Unit of Québec, Romanian Ministry of Justice). In addition, two organizations have a different mandate (in public audit) where competences focused on the fight against corruption are also contemplated (e.g., the Supreme Audit Institutions of Chile and Ecuador).

The study showed which faculties are the most common, the following being the ones with the greatest recurrence:



b) and c) Regulatory framework and governance

These mandates are supported by constitutional provisions, as well as anti-corruption/integrity laws or other specific regulations, for example, on conflicts of interest, assets declarations, among other matters. Most agencies are independent of the legislative and executive branches, but do not necessarily have financial autonomy. Finally, it must be recognized that there are exceptions where the entity is not part of either the executive or the legislative branch. For example, the Office of the Comptroller General of the

State of Ecuador is attached to a different branch of government, called the “Transparency and Social Control”.

d) and e) Size of the institution and administrative units

In terms of the size of the organization, besides Supreme Audit Institutions, most of the agencies have less than five hundred employees and in some cases, they work with a staff of fifty professionals. Regarding the administrative units of these institutions, at least five of them have the following areas:



f) Academic training of staff

About the training of the staff working in these institutions, the hiring of lawyers and public administrators / economists stands out. To a lesser extent, anti-corruption agencies also provide for the linking of social scientists, data analysts, communicators and auditors.

In the case of Supreme Audit Institutions, the main profile used is in the audit areas, although these are not only public accountants but also specialize in the various areas of control.

g) The activities carried out

The activities carried out by anti-corruption agencies are in accordance with their legal mandate previously described in subparagraph *a) framework of competences*. However, at this point the study participants added other specific actions such as conflict of interest resolution, guidance through

manuals and other publications in the field of integrity and inter-institutional coordination.

h) Real and desired stakeholders

The international organizations cited as the main stakeholders with which respondents currently work are: the United Nations Office on Drugs and Crime (UNODC), the United Nations Development Programme (UNDP), the Organization for Economic Cooperation and Development (OECD); and, the NCPA.

Having said that, the participants of the study stated their cooperation with regional organizations such as the European Union, the Group of States Against Corruption (GRECO), and the Latin American and Caribbean Organization for Supreme Audit Institutions (OLACEFS) and an Arab organization (not specified). In addition, the national chapters of Transparency International, embassies, research centers and INTERPOL were mentioned as relevant actors.

i) Topics or areas to work with desired stakeholders

Overall, NCPA members who are part of the research felt that cooperation with the private sector, citizens, and local institutions should focus on:

- Monitoring the implementation of strategic instruments and anti-corruption activities.
- Assistance in strengthening measures such as: protection of complaints.
- Exchange of information on issues such as integrity, transparency, open government, among others.
- Investigations into the nexus between development and corruption, environmental crimes.
- Mediation of corruption.

j) Limitations to carry out its mandate and measures to counteract them

In respect to the main limitations faced to conduct their mandate, the respondents pointed out: budget constraints and a mismatch between broad functions and their available human resources/workload; in addition to having an incomplete legal mandate that does not allow to cover all acts of corruption or access to public information, delays in the operations of other institutions in cases of corruption and the need for computer tools.

Additionally, a different challenge was encountered for the Anti-Corruption Commission of the State of Palestine, due to not having full international recognition.

However, no single solution was identified to counteract the constraints in which the study participants are immersed, so that, depending on the national context, one organization could cooperate

with its government to improve its budget and legal mandate, while another could opt for *advocacy/lobbying activities*.

a) Expected cooperation within the NCPA

While participants mentioned the NCPA as one of their main stakeholders, they also expressed their vision for consolidating more bilateral and multilateral projects within the NCPA; especially to develop or improve different tools; as well as measures to prevent and combat corruption.

4

Exchange sessions

Through the exchange sessions, the study participants shared their experience in: drafting and monitoring anticorruption strategies, assess corruption risk, conducting public audits, receiving and examining assets declarations and resolving conflict of interest as well as implementing whistleblowers protection measures. The exchange sessions provided a more specific legal framework corresponding to the activity discussed, the main results of the actions undertaken and the challenges faced. The exchange session also foreseen a space to provide questions and comments.

4.1 Elaboration and follow-up of the estrategia anticorrupción

The first exchange session was held on June 23, 2021, with the topic of drafting and monitoring anticorruption strategies. The National Anticorruption Centre of the Republic of Moldova (NAC), the Tunisian National Anti-Corruption Authority and the

Romanian Ministry of Justice were the lead speakers of this session. The main findings of the interventions are detailed below; synthesizing at the end of this section the discussion held with all attendees.

4.1.1 National Anti-Corruption Centre of the Republic of Moldova (NAC)

In the Republic of Moldova, the National Integrity and Anti-Corruption Strategy (NIAS) is the main public policy to prevent and combat corruption. For the definition of this document; the National Anti-Corruption Center of the Republic of Moldova (NAC) conducted a participatory process from 2015 to 2017. As a result, 73% of 183 proposals coming from civil society and high-level advisers, they were accepted. Likewise, 92% percent of 1018 proposals from other relevant interested parties (stakeholders), were partially or fully considered as part of the NIAS.

The 2017-2020 strategy is based on Transparency International's integrity pillar approach, which identifies key institutions to be considered in anti-corruption strategies. These pillars are the parliament, the government, the public sector and local public administrations, the specialised justice and anti-corruption bodies, the central authorities and political parties, the Court of Auditors, the Ombudsman's Office and the private sector.

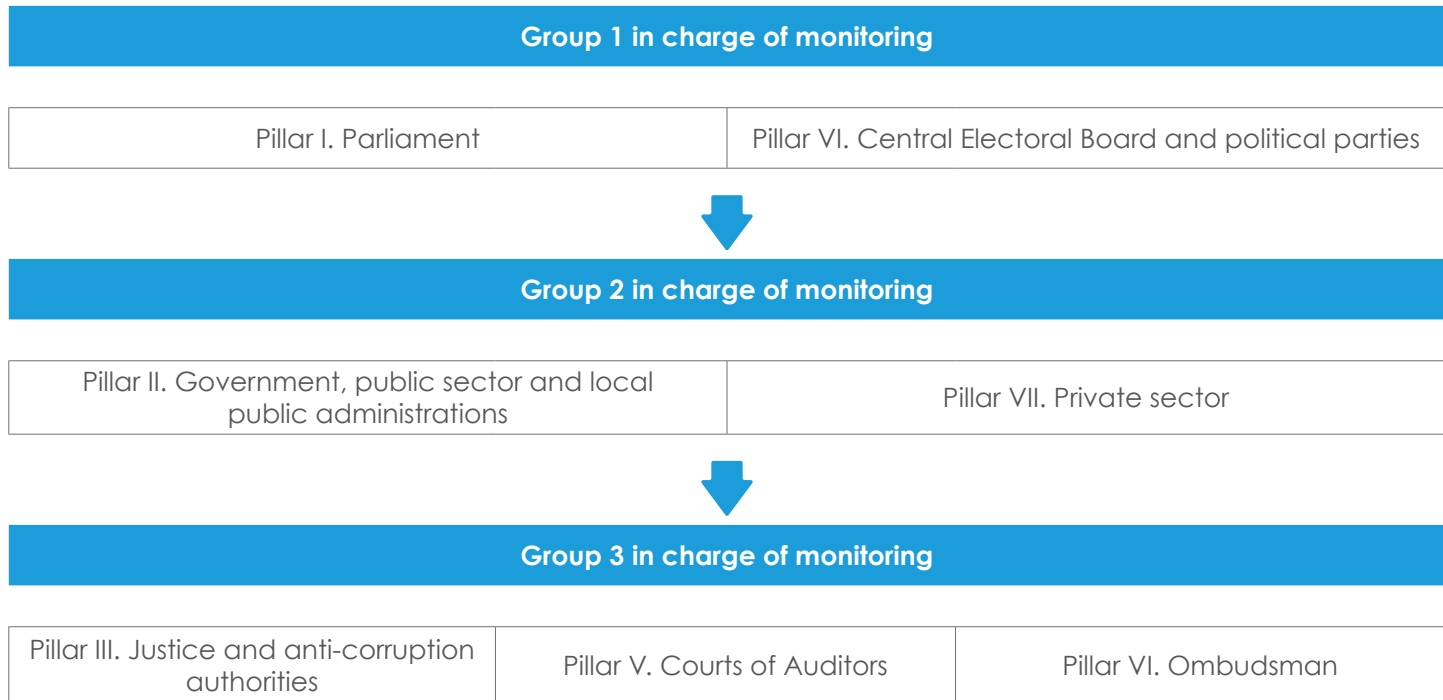
The latter sector was first involved in both strategy development and integrity law enforcement. For its part, civil society acts as an additional pillar with the role of co-monitoring and evaluation of the implementation of the strategy.

The strategy included measures to enhance the meritocratic processes to join the public sector (supervising a regime of incompatibilities, restrictions of hierarchy and limitations of publicity), regime of declaration of assets and personal interests,

regime of conflict of interest, denunciation of acts of corruption and protection of the whistleblower, transparency, professional ethics, among others. In 2020, sixty-six actions to meet the objectives of the plan were fully implemented, forty-nine actions were partially implemented, nine actions were not implemented, and three actions were no longer implemented.

The strategy integrates nine action plans in specific vulnerable sectors such as: the customs sector, tax collection, public procurement, health protection and insurance, education, agri-food, public order, environment; and, administration and change of ownership of public goods. The NAC has also collaborated with local councils to develop thirty-five subnational action plans.

The monitoring of the strategy involves all public institutions, organized in three groups of follow-up as detailed below:



The follow-up groups discuss the monitoring and evaluation reports of the strategy, which are developed biannually and annually by the Secretariat of the NAC Monitoring Groups. The follow-up process also involves recognizing the impact of strategy at the national level, which is done through a survey.

In order to ensure the implementation and participatory monitoring of the strategy, as well as to stimulate and support the involvement of civil society in corruption prevention activities, the Small Grants Program was subsequently launched - "Follow-up of the National Integrity and Anti-Corruption Strategy

through the development of alternative monitoring reports of sectoral and local action plans “anti-corruption”.

It also highlights the integrity mentoring program that aims to ensure methodological support to public entities by offering the possibility of advice on anti-corruption and integrity issues, in order to contribute to the implementation of the strategy.

In addition, to identify and capitalize on the most effective achievements in addition to informing the public about the good practices registered by public entities in the implementation of anti-corruption sectoral initiatives, an innovative exercise was launched to evaluate anti-corruption initiatives through the electronic platform “e-Institutional Integrity”, which contains the Implementation Report module “National Strategy Anti-corruption”, aimed at reporting the progress and deficiencies registered by the public authorities responsible for the process of implementing the strategy.

However, the following deficiencies have been found in the implementation and reporting of the strategy: sending compliance information incompletely or outside the implementation deadline, reluctance to use the e-integrity platform, among others. To mitigate such shortcomings, new measures have been taken, such as stronger communication with focal points, advice and training.

Finally, it should be noted that the period of implementation of the National Integrity and Anti-Corruption Strategy was extended until 2023, through the adoption of Parliament Decision No. 241 of December 24, 2021; that modified the norm where the previous deadline had been approved.

4.1.2 Ministry of Justice of Romania

In Romania, the government's decision on the organization and functioning of the Ministry of Justice states that the institution is responsible for issuing and

monitoring public policies and action plans in the field of justice, prevention of corruption and fight against organized crime.

In this context, the Ministry drafted the national anti-corruption strategy for the period of 2016 to 2020, with the assistance of ninety civil society and private organizations, as well as public institutions. The document has a multidisciplinary approach that involves all branches of government, as well as the private sector and civil society. Likewise, it reflects common objectives such as: promoting a culture of transparency through open government, increasing institutional integrity by making this type of measure mandatory in management plans, and its periodic evaluation as part of the organization's performance. It also aims to reduce vulnerability in corruption risks in the prioritized sectors, these being the health sector, national education systems, the parliamentary system, the financing of political parties, the public procurement system and local administration.

The strategy also contemplates international provisions such as those coming from GRECO, and their actions address the prevention and fight of corruption, as well as educational activities. In respect of preventive policies, these cover a wide array of aspects to promote a culture of integrity and correlating with the legal framework on code of ethics and conducts, assets declaration, declarations of gifts, conflicts of ethics and incompatibilities and whistleblowing protection.

At the end of the period of implementation of the strategy, the Ministry of Justice is making progress in evaluating the efficiency and sustainability of the results of the plan and in preparing a new one for the next four years. It should be noted that the follow-up process of the implementation of the strategy was in charge of the Technical Secretariat of the Ministry. This unit provided sufficient assistance to the corresponding institutions so that they can formulate the corruption risk assessment, integrity plans, among others. In addition, the Technical Secretariat

organized a thematic mission of peer review and evaluation visits.

Five platforms were created to enable the monitoring process: a) the platform of independent authorities and anti-corruption institutions, 2) the platform of the central government administration, 3) the platform of the local public administration, 4) the platform of the private sector; and 5) the civil society platform.

Finally, it was foreseen the preparation of evaluation reports that contain recommendations for the evaluated institution, and that are discussed in the meetings of the platforms. The reports are published both on the website of the institution evaluated and on the portal of the national anti-corruption strategy. In 2017, the Technical Secretariat organized six thematic peer review missions and another twenty missions in 2021. These findings contribute to the overall assessment by the Technical Secretariat.

To ensure the implementation of the strategy in specific sectors and local governments, the Ministry

of Justice signed a collaboration agreement with the Ministry of Development and Public Works and Administrations in 2016. Subsequently, the Technical Secretariat participated in ninety peer review missions for municipalities and other local governments. The Ministry also organized good practice exchange sessions being addressed topics such as the protection of whistleblowers, integrity in the exercise of public management, the code of ethics and other related. Likewise, within the framework of the project to enhance the capacities of the Technical Secretariat, a comparative study was launched on the evaluation of the whistleblower protection and revolving door legislation, a sociological study on the perception of the level of integrity in central public administration institutions, a criminological study determining the causes of corruption from the perspectives of persons convicted for cases of corruption. Trainings were also deemed relevant for both the Technical Secretariat and public institutions on the topics of ethics and transparency, risks, and vulnerability of corruption in public administration, integrity plans, etc.

The main challenge for the monitoring of the strategy was the lack of updated digital information on the platform, not allowing the statistical disaggregation of the data collected. Therefore, the Ministry has initiated a new project to enhance the platform that centralizes all information regarding the implementation of the national anti-corruption strategy.

4.1.3 Tunisian National Anti-Corruption Authority

In 2011, The Tunisian National Anti-Corruption Authority was created, the organization was later ratified in the Constitution of 2014, that contemplated an independent body for good governance and fight against corruption. In 2017, Organic Law No. 59 was approved. That regulation enhanced the mandate of the national authority concentrating on investigation, prevention, advise and research, protection of whistleblowers, transparency of public life through

managing assets declarations and fighting against illicit enrichment.

In that spirit, a national anticorruption strategy was issued for 2016 – 2021, bearing in consideration international conventions and other parameter. The process of developing the plan started in 2011 considering six objectives. The first objective sought to strengthen political will by creating dynamism for good governance and the fight against corruption, the second one looks for citizen participation on the anticorruption strategies, the third focused on improving transparency and access to public information, the fourth aimed to enhance accountability and access to the law, the fifth sought to improve the mechanism of working with all actors with communication plans; and, the sixth aimed to clarify the roles of the actors involved in the implementation of the national plan. In this line, three committees were created at the managerial level for the implementation of strategic action plans and to meet the aforementioned objectives: a Steering

Committee, a Monitoring Committee and a Liaison Committee. In addition, other committees were created already at the strategic and technical level.

The action plan contains the following axes: the legal framework, building capacity, transparency and integrity in service delivery, international cooperation, communication plan, contribution of civil society and media. Regarding the legal framework, in 2017 new rules have been issued in the following areas: economic and financial judicial pole, protection of whistleblowers, declaration of assets and interests, common provisions to independent constitutional bodies and access to information.

In respect of the improvement of capacities, a master's degree was created for students from the representatives of the People's Assembly and the National Anti-Corruption Authority; workshops and parliamentary days for the Parliamentary Academy, trainings for local administrations and investigators from the National Anti-Corruption Authority and a capacity building plans for other stakeholders.

To improve transparency and integrity in service delivery, islands of integrity were created within specific sectors to measure corruption risks, develop a plan, create steering committees to implement the plan, evaluate results, and promote scalability across the sector. The sectors selected were health, customs, local government and security forces.

Likewise, the [TUNEPS](#) digital platform has also been created to manage public procurement; in terms of enhancing communication, awareness campaigns have been promoted in shopping centers and main cultural events. And a hotline was created to enable a secure reporting channel. Similarly, the content of the Law on the Declaration of Assets and Interests and the work of the National Anti-Corruption Authority were disseminated.

The national anti-corruption strategy had a participatory approach in its development, which resulted in encompassing collaboration between public authorities, civil society and the media. The

Civil Society Coalition, which brings together thirty-one organizations, has defined a code of ethics as well as standards of good governance in the non-governmental sector. With regard to the media, an agreement was signed with the Tunisian Union of Journalists, and training was carried out for investigative journalists, and a specific guide on the subject was also issued. To ensure international cooperation, a coordination mechanism was established and a number of agreements have been signed to ensure technical assistance and financial cooperation.

The outstanding challenges have been institutional instability, the absence of funds allocated to each activity, the lack of budgetary oversight of the Steering Committees and the difficulty in improving the capacities of civil society and activist entities.

That said, Tunisia's National Anti-Corruption Authority pointed out that for a current proper implementation of the plan, it is necessary to institutionalize the

guiding structures, to create notification mechanisms between the directive and technical levels, to create a monitoring team, to examine budget expenditure of the implementation of the strategies of the national plan.

4.1.4 Exchange of ideas from session 1

After the speakers' presentations, a brief discussion and question and answer session was scheduled. A key contribution from the representative of the French Anti-Corruption Agency was the announcement that the OECD will soon issue the Public Integrity Indicators and the first part will cover the institutional frameworks of countries, which will analyze what it means to have an effective anticorruption strategy.

Subsequently, two inquiries were presented on how to cooperate with other anticorruption authorities and how do you convince other authorities to

cooperation in the preparation, implementation and monitoring of the national strategy.

The representative of Tunisia indicated that there was only one specialized agency in her country, which facilitated the preparation of the national plan. Collaborating with civil society has been easier having signed a chapter with the Civil Society Coalition and providing funding for their activities, also with journalist organizing training and signing a collaboration agreement. Other agreements have been signed with public institutions to create the integrity islands, which include representatives from both the National Anti-Corruption Authority and the government officials.

In Moldova, the adoption of the national strategy is compulsory for the institutions involved in its implementation, nevertheless, there is a positive attitude towards applying the initiatives anticipated in the plan. In Romania, the relevant authorities are involved in the process of creating the national

strategy, which facilitates their subsequent involvement in implementation and monitoring.

The representative of the Supreme Audit Institution of Ecuador commented on the Ecuadorian experience in the matter, indicating that in that country there is not a single authority in charge of the implementation of the national strategy but a power of the State *avocado* to that mission, and entities of other public branches that also share anti-corruption activities. With that in mind, it was added that *de facto* leadership can emerge and contribute to the promotion of the implementation of anti-corruption plans, as in the case of Chile where the Comptroller General is recognized by citizens as the body that should be in charge of the fight against corruption.

Another question was raised by the Serbian Agency for the Prevention of Corruption regarding how to address the quality of the progress reports of the monitoring phase and how alternative reports were used in the case of the Republic of Moldova.

With regard to the first question, the National Anti-Corruption Centre of the Republic of Moldova (NAC) indicated that the electronic platform facilitates the sending of additional information, when it is incomplete. It also provides for reporting for each indicator in the plan, allowing for a closer monitoring and evaluation process. The alternatives reports are included in the annual evaluation reports, but also authorities can use that information on its own.w

The representative of the Tunisian National Anti-

Corruption Authority requested more information on the virtualization of the reporting phase. For the NAC, the platform facilitated the collection of information from the authorities; since it is segmented by indicators, the reporting becomes more specific, bearing in mind, the mandate of each institution. After that, the NAC analyzed the information and evaluates the state of implementation of each indicator.

At the end of the session, the following findings were found:

Figure 2. Key findings



4.2 Exchange session on corruption risk assessment

The second session was held on June 30, 2021 and focused on the Corruption Risk Assessment. Below are the main findings of the interventions of the French Anti-Corruption Agency (AFA), the Permanent Anti-Corruption Unit of Québec and the Anti-Corruption Commission of the State of Palestine. To then comment briefly on the exchange that took place with all the participants of the session.

4.2.1 French Anti-Corruption Agency

The French Anti-Corruption Agency (AFA)³ was created in 2016 by the Law of Transparency, Anticorruption and Economic Modernization, known

as the SAPIN II Law.⁴ The AFA is under the joint authority of the Ministry of Justice due to judicial cooperation; and the Ministry of Budget, considering that the protection of the public economic interest is fundamental to the fight against corruption. The AFA mission is to prevent and detect offenses against probity like corruption, influence peddling, extortion by public officials, unlawful taking of interest, misappropriation of public funds and favoritism. To do so, the AFA provides guidance and support to public and private entities and audits the effectiveness of the anticorruption programs implemented by these entities. It also facilitates coordination and disseminates information on integrity issues.

In this context, the SAPIN II Law introduced the French Anti-Corruption Standards, being an innovative regulation since it provides for the definition of mandatory anti-corruption programs for large companies. In order to enable the implementation

³ For more information about the AFA, visit: <https://www.agence-francaise-anticorruption.gouv.fr/fr>

⁴ The Sapin II Law can be accessed in French here: <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000033558528>

of the standards, the AFA issued Guidelines that consider three pillars to ensure an effective anti-corruption system. The first pillar is the commitment of senior management, the second pillar is corruption⁵ risk mapping inherent to their activities and then, the last pillar is risk management. This last one can be implemented through preventive measures through the code of ethics, training and due diligence. It can also be applied through detection measures such as the use of an internal complaints system, a control system (internal control and ex-post control), and through sanctions when remediation is required.

Concerning the second pillar which falls into the topic of the session, the AFA follows a six-step method, that involves the clarification of roles and responsibilities, the identification of the risks inherent in the activities of the entity, the evaluation of risk exposure (gross risk exposure), the evaluation of the effectiveness of the

means to manage, prioritize and address net risks; and, formalize and update the risk map.

The first step is to assign roles within the organization. For example, senior management must support the implementation of the activity and provide sufficient resources. The compliance officer or similar department (e.g. ethics unit) should assist in the risk mapping process, in the classification of the same and in the definition of measures to implement them. This role reports directly to senior management.

Management at the operational level updates the risk map and reports the risks identified in its departments. Finally, employees report on the corruption risk-related factors inherent in their duties. All of these roles are relevant to successful risk mapping.

After the recognition of roles and responsibilities, the entity performs a process mapping of the entire

⁵ The AFA guidelines are available in French, English and Spanish here: <https://www.agence-francaise-anticorruption.gouv.fr/fr/recommandations>

organization. Discussions can be organized through workshops or one-on-one interviews with people who have experience in the process, whose goal is to recognize the risk scenario for each process. Examples of risk factors are: geographical, known factors (past incidents), process risk factors (public procurement); and, third-party risk factors.

Subsequently, the gross exposure to risk is evaluated, that is, the risk before applying any mitigation measures. Vulnerability is evaluated through three indicators: impact, frequency and aggravating factors. After that, the organization should focus on measuring the net risks, an activity that is carried out after the introduction of policies to manage the risks. This step allows the organization to identify if there are any residual risks that need to be managed. Later, the institution can rank the risks and prioritize strategies to reduce them, formalized in a risk map. It is important that the risk map is drafted and contains a clear methodology that can be audited later.

In terms of implementation, the AFA has carried out compliance audits finding out that preliminary risk assessment is often lacking and therefore, the risk management culture remains underdeveloped. Moreover, as the AFA mandate covers both private and public sectors, the anti-corruption agency has found that public sector entities' progress on implementation of anti-corruption systems has been slower than that of business entities. This might be influenced by the fact that AFA can sanction companies that do not comply with the law; but do not have that direct faculty for public sector.

4.2.2 Permanent Anti – Corruption Unit of Québec – Canadá

The Permanent Anti-Corruption Unit (UPAC) is a police force in Québec established on February 18, 2011. This organization is under the responsibility of the Anti-Corruption Commissioner and coordinates and directs various instances within the government

to combat corruption. For example, it works with the Collection, Construction and Management Agency, the Construction Commission, among others.

In 2015, the Anticorruption Commissioner, in his report on the award and management of public information technology contracts, recommended that the government require the establishment of corruption and collusion risk management plans. In 2016, the Secretary of the Quebec Treasury Board issued a Directive to improve the management of corruption and collusion risks in the public contract management process, through the development of mitigation plans and integrity measures.

This plan must be presented every year, while the review of its application is carried out every three years. It should be noted that the directive was implemented gradually, first in 2016 with 10 of the largest ministries (infrastructure, energy, income, among others), a year later, the UPAC assisted 21 service providers (health care and education systems).

UPAC offers consulting services, shares tools and guides to help organizations design risk management framework, write risk management plan, strengthen accountability, update organizational framework and provide training. The methodology for evaluating the risks is similar to that presented by the AFA. This entity (UPAC), developed a guide consisting of a risk management policy, a list of risk groups including the associated risks, a table that presents the established pre-assessment controls, an information sheet of 45 risks, evaluation sheets for each risk that include automatic calculations, and a model for a plan of mitigation measures. The guide also considered various international standards such as 37001, 31000 and COSO.

The results of the review of the implementation of the directive showed that there was a commitment from the largest public organizations to comply with it. In fact, some already had an integrated risk management tool and rely on compliance audit services. However, a main challenge for these entities

has been to ensure the quality of the anti-corruption and collusion plan. For example, plans are not explicit enough about the methods used to mitigate risks.

As for the smaller public organizations, they consider that the risk assessment exercise is not justified since they manage a less significant budget. In addition, such entities have no previous experience in risk management nor do they have an external audit service. Finally, they have fewer human resources to study their risks, develop a risk management plan and enforce measures.

To counteract these difficulties, the UPAC encourages organizations to follow the DEMIN circle (Plan-Do-Check-Act) that urges planning, execution, verification and action on the areas to be improved. To enhance the planning phase requires the commitment of the highest level of the organization, which facilitates moving to the execution stage by middle and operational managers. After that, it is recommended that the verification step be performed by a third party, in order to objectively

recognize the margin for improvement. The last stage is to act on the areas to be improved.

UPAC helps organizations and provides training to focus on preventive rather than reactive measures. In addition, it is creating more documents, videos and establishing a community of practice.

4.2.3 Anti- Corruption Commission of the State of Palestine

The article 3 of Law by Decree No 7 of 2010, created the State of Palestine Anti-corruption Commission (PACC); through an amendment of the Illicit Gain Law No. 1 of 2005. Its main objective is to prevent and combat corruption, as well as to ensure the effective implementation of the regulatory framework.

Taking into account its institutional mission; in 2020, the PACC incorporated into its organizational structure the National Observatory for the Monitoring of Corruption

Indicators (MARSAD). The goal of MARSAD is to build a database of indicators to produce internal and external indices. To do so, it first performs a corruption risk analysis that also provides a set of indicators. Indicators should be transformed into anti-corruption activities formalized in an action plan. Secondly, a specific approach is applied to assess corruption risks by sector, also reviewing the current regulation and introducing new action plans. To guide this process, the PACC drew on the recommendations of the final report of the UNCAC Implementation Review Mechanism (IRM), which was produced by Burkina Faso and Malaysia, and which was finalized in 2020.

Taking into account this context, the sectors on which the plan focuses are: the Ministry of Local Government, the Ministry of Transport and Communications, the Ministry of Health, the Territorial Authority; and the Ministry of Justice. Then, the risks of corruption in these sectors are identified, analyzing to what extent they correspond to the crime of corruption provided for in the law.

Then, a specific risk system and the necessary preventive measures to prevent their occurrence are identified. In some cases, these might require imposing, amending and nullifying legislation. This process also makes it possible to identify the forms of corruption to which an official in the target sector could be exposed.

As lessons learned, this first attempt at corruption risk assessment has produced a strengthened legislative environment that responds to the various corruption risks identified. It has also highlighted the importance of activating a code of conduct in a general and specific way with regard to the public career (for example, in the field of public health).

Based on the evaluations carried out, the PACC considers it essential to:

- ensure interoperability of information systems between public entities and control bodies;
- promote improvement in the implementation of internal controls;

- strengthen compliance with the regulatory framework.

It should be noted that public entities must consider the recommendations of the Office of Administrative and Financial Supervision, which are subject to periodic reviews.

Likewise, new laws are being considered on: the gift system and another in relation to the conflict of interest. In addition, new workshops and training will be held to ensure better implementation of the Anti-Corruption Law and other secondary measures. A central complaint system will be activated in partnership with the General Secretariat of the Council of Ministers.

In addition, plans are being developed to ensure compliance with the code of conduct; as well as an interoperability system to connect relevant data from various public institutions. Finally, a draft report on how to improve the dissemination of public information will be presented to the Council of Ministers and

periodic studies will be carried out to improve the organizational structure of public entities.

The role of the PACC in risk assessments is to analyze the most prominent risks in vulnerable sectors and prepare a risk map that highlights the type of risk, its degree and its link to corruption crimes.

Regarding the challenges of evaluating and managing risk analysis, the PACC has identified that organizations have difficulties in implementing risk management measures; in addition to having reservations to publish the result of their evaluations. Similarly, financial restrictions constitute another barrier to applying the necessary reforms that would reduce anti-corruption risks in each sector. Sometimes, even the evaluations elucidate problems on legal issues, which implies issuing new legislation and a waiting time until its promulgation.

Considering this, the PACC has other difficulties, such as having the favorable decision of the Council of

Ministers to carry out evaluations; as well as the need to use specialized equipment.

Therefore, it has been considered that the media are a way to spread success stories, among which operational aspects are resolved to measure progress in risk management.

Finally, the PACC cooperates with the State Audit Administrative Control Office (SAACB), where Marsad (Statistics Unit) with the contribution of SAACB (information) develops indicators that help assess compliance with anti-corruption laws.

4.2.4 Exchange of ideas from session 2

After the presentations, the exhibitors had a small exchange in which the value of establishing a community of practice was recognized, considering that the NCPA could become that space for

corruption prevention authorities around the world. Likewise, it was discussed that attention to reports on the implementation of international conventions is another mechanism to point out areas to improve in the mitigation of corruption.

Moreover, the representative from the PACC addressed the maturity of the Palestinian State, indicating the interest of learning the best practices from other anticorruption agencies.

Subsequently, the Supreme Audit Institution of Ecuador asked to know more details about the compliance audits mentioned by two of the exhibitors and if their agencies collaborate with the Supreme Audit Institutions in these aspects. For the UPAC representative, audit services are performed by external private firms; and UPAC is currently reviewing whether they can provide those services to smaller firms or request an independent third-party evaluation. The AFA representative mentioned that they carry out audits to assess the quality and

effectiveness of risk management measures, in compliance with SAPIN II. Audits of compliance with judicial decisions are also planned. As part of these audits, the AFA may request any information related to the review of the process and may conduct visits. Finally, the AFA indicated that they cooperate with the SAI in the exchange of information and good

practices, but they do not have the same mandate. The PACC representative commented that MARSAD has the competence to audit compliance with anti-corruption laws.

At the end of the session, the following findings were found:

Figure 3. Key findings



4.3 Exchange session on public auditing

The third session focused on government control (public sector audit) was held on July 7, 2021, with the main speakers being the Supreme Audit Institutions of Chile and Ecuador. Below are the most important points of the interventions; to then refer to the discussion made by all attendees.

4.3.1 Office of the Comptroller General of the Republic of Chile

Supreme Audit Institutions (SAIs) are supervisory bodies responsible for auditing the income and expenditure of a government, so these types of organizations guarantee transparency and accountability. Through these activities, SAIs also contribute to good governance, the fight against corruption and the rule of law, as established in the last Political Declaration

approved at the UNGASS 2021. The Office of the Comptroller General of the Republic of Chile, being a SAI is part of the integrity system in its country and seeks in its strategic objectives to generate citizen trust through innovation, generate impact and connect with interest groups.

The main power of the organization is to carry out audits to observe compliance with the law, ensure the proper use of public resources and the application of probity in the organization. The entity performs audits: compliance, financial and performance. Through the exercise of the audit, the Comptroller General of the Republic of Chile reviews the internal control systems, controls the application of the regulations related to financial administration, verifies the veracity of the documents, evaluates compliance with the statutory regulations for civil servants and suggests measures to reduce gaps in administration to improve control.

The audit process contemplates, in the first place, the planning of the audits; generally included in

an annual program approved by the Comptroller General that considers the legal and constitutional mandate, strategic objectives, available resources, citizen requests and claims, international standards, among other information. Second, the execution of the audits includes the planning, preparation, execution, closing and follow-up of the fulfillment of the observations. The main results of the audits are observations that constitute infractions, irregularities or gaps in the administration. These observations are then classified according to the degree of complexity: very complex, complex, moderately complex or not very complex. The first two are the ones followed up by the SAI of Chile. Along these lines, the SAI of Chile has created a compliance support program to guarantee the implementation of the recommendations by the auditees.

Before the audit process, the institution can audit accounts to determine non-contractual civil liability of a person that causes a loss or deterioration of public assets; instruct the restitution of funds associated with

the custody, administration, collection, investment or payment of public funds; request more information on expenses before instructing the reimbursement of public funds; inform the Prosecutor's Office about the irregularities detected that may constitute infractions and, finally, instruct disciplinary procedures with administrative responsibility.

The main challenges encountered are lack of staff since auditors' office are full capacity, barriers in access of public accounts of public entities since the SAI must require auditees for the information and the bank has to authorize, indirect actions to sanction wrongdoers.

To counter these barriers, the SAI of Chile has focused on improving the use of data and disseminating audit results on social media. Based on an organizational diagnosis prepared by the World Bank, the institution proposed the change to become a data-driven organization. To do this, it invested in the development of data analysis capabilities, improved

information technology infrastructure and expanded internal and external databases through bilateral agreements. As a result, the organization moves from running sample-based audits to having an overview of broader issues/sectors.

The SAI also focused on communication with a digital approach through participation in social networks. The strategy relies on a character “Contralorito” to report the results of the audits and other services of the SAI. Through this strategy, not only the accounts on the different social networks grew, but also the number of complaints received. For example, in 2014, 4.608 complaints were collected while in 2020, 39.219 were admitted. In addition, the audit reports are published on the website of the SAI of Chile. Regarding the audit results for 2020, the SAI of Chile covered 22% of the total public audited, carried out 2039 inspections, 187 special investigations and 637 audits. It also took 2.913 actions out of the 39.219 complaints received.

The SAI of Chile prepares a report for Parliament, which was under construction at the time of the exchange session. However, the entity presented the results of 2019, considering that most of the observations made by the audit process were complex and included 1.500 million dollars. The actions prior to the audits constitute 39 audits of accounts (4 million dollars), 69 refunds of funds (5 million dollars), 110 requests for more information on expenses (43 million dollars), 244 disciplinary procedures, and 190 observations made to the Public Ministries or other entities.

In the context of the health emergency due to COVID-19, the SAI of Chile used its data-driven approach to prepare an epidemiological report with real-time data, forcing the administration to reveal the real impact of the pandemic. The SAI also carried out a report on the Food for Chile public program, evidencing extra charges for family baskets that were aimed at people in conditions of vulnerability.

Regarding the fight against corruption, the SAI of Chile published the study “Dismantling Corruption ideas

for strengthening integrity in Chile", which followed a participatory approach, receiving responses from 16,807 citizens. The investigation showed that 77% of those surveyed consider Chile a corrupt country; while 64% see the SAI of Chile as the institution in charge of combating corruption. The study constituted a great input for the current national strategy to combat this phenomenon. This strategy was being developed at the time of the exchange session, and had 1.554 participants, 47% of whom were women. For the moment, it covered twenty-five measures related to good administration, safeguarding of public resources, probity and democracy.

4.3.2 Office of the Comptroller General of the State of the Republic of Ecuador

As a brief background, it was mentioned that the literature indicates that SAIs can effectively prevent corruption by guaranteeing their independence, issuing standards to ensure better quality of audits,

continuing to enhance the skills and professionalism of their staff, and pointing out areas for improvement of the government. However, the literature is still not very clear on the obstacles SAIs face in ensuring the detection of corruption. Bearing this in mind, SAIs meet in international and regional forums, with the International Organization of Supreme Audit Institutions (INTOSAI) being the most prominent instance. INTOSAI promulgates professional pronouncements that guide the audit work of these organizations and their anti-corruption contributions, and also includes regional organizations for Latin America and the Caribbean such as OLACEFS.

Regarding the national overview of the SAI of Ecuador, it is important to note that the country has five branches of government, with the SAI being part of the Transparency and Social Control Function. The main mandate of the institution is divided into two areas: first to carry out external government control and second to enforce a liability regime that encompasses administrative, civil and criminal

sanctions and indications of liability. Regarding the first point, the SAI can regulate the internal control system, although its mandate focuses mainly on the external control of public and private institutions that manage public resources. The type of audits provided for by law are financial audits, management audits and public works audits. The institution may also conduct special examinations that are similar to compliance audits.

The control process begins with the national control plan built on three criteria: materiality (the amounts spent by the entity), expiration (the term to be controlled according to the legal authority) and social relevance (its contribution to the country's development plan). Subsequently, each Audit Department defines a work order with the scope of the audit and finally this control action can be effective in a maximum of 120 days. During the execution, several processes are implemented including meetings with the auditees to ensure and communicate the results to ensure the quality and

fairness of the process. Finally, the report is published on the institution's website. By 2020, 1100 audits were performed, with 10946 administrative actions.

In the field of technology, the SAI has automatized some of its main processes but still has not use widespread data analysis as other similar organizations. For that reason, it has partnered with the German Cooperation, specifically the Program Ecuador SinCERO to build a line of experts on big data that can function as boosters of a digital transformation.

Regarding the challenges to carry out public audits, there are operational challenges to completely cover the size of the administration, also requiring a degree of specialization in specific audits. There is also a need to integrate innovative technologies and, on the other hand, improve the execution times of audits regulated by law. Another aspect to consider is the barrier of budget dependency that continues to be governed by the Executive Function.

4.3.3 Exchange of ideas from session 3

Once the interventions were completed, an exchange phase began. The French Anti-Corruption Agency commented that the work of SAIs is impressive in scope, acknowledging a significant difference in the size of these organizations compared to other corruption prevention authorities. He also suggested that future discussion could focus on how SAIs and ACAs can collaborate, for example by using corruption risk assessments to plan audits.

In response, the SAI of Ecuador mentioned that the idea of building a line of cooperation in the measurement of risk assessment as a basis for annual control plans could be based on the methodology presented in the previous session, which can contribute to audits focus on sectors with the highest corruption risks. On the other hand, the SAI of Chile mentioned the constitutional reform process that the country is going through as an opportunity to strengthen the

current national anti-corruption system; since there is no central authority.

The APC of Serbia indicated that in terms of collaboration with their respective SAI, they maintain data exchange in key processes and report or work together when there are irregularities in the control of the financing of political activities.

For its part, the AFA commented that in some scenarios, both the central anti-corruption authority and the SAI have control of the same activities. For example, controlling the structures that will manage the 2024 Olympic Games.

The AFA also consulted the SAI of Chile on how the process of drawing up the national strategy was conceived, considering that it had a broad scope. The SAI of Chile mentioned that the strategy was built from the beginning with the citizens so that they could be key actors in the implementation, it is for this reason that the massive survey was carried out to be able to incorporate their visions in the final instrument.

Finally, the SAI of Ecuador added two points, first on the importance of social networks to improve trust and citizen participation, as is the case of the SAI of Chile, which has a massive presence on the internet; and second, the potential role of SAIs in Latin America as potential central authorities to combat corruption,

as some of them have parallel competencies to ACAs; and even more so with the case of the SAI of Colombia that already has that role.

After finishing the discussion on the theme of the session, it concludes:

Figure 4. Key findings



4.4 Exchange session on receipt and verification of asset declaration

The fourth exchange session was held on July 1, 2021, with the participation of the Agency for the Prevention of Corruption of the Republic of Serbia (APC) and the Civil Service Bureau of Georgia as keynote speakers. The most significant findings are detailed, ending with the exchange of ideas carried out by all the attendees.

4.4.1 Agency for the Prevention of Corruption of the Republic of Serbia

The Agency for the Prevention of Corruption of the Republic of Serbia, in accordance with the Law on the Prevention of Corruption, initiates and conducts procedures to determine the existence of violations of the Law and issues corresponding measures. In

addition, it maintains and publishes the Registry of Public Officials and the Registry of Assets and Income of Public Officials in accordance with the law, verifying the report of assets and income submitted by public officials, examining the data of the registries specified in the law, among other things.

There are two periods in which assets must be reported by public officials. First, within 30 days of the day of their election, appointment, or nomination; and, within 30 days following the day of termination of public office. Second, if the assets or income of a public official have changed significantly with respect to the previous year. The body in which the public official works must notify the APC, when he takes office / termination of his mandate. The Agency keeps a register of entities, officials and public assets, ensuring data security and taking into account data protection measures.

The asset report is presented in both printed and electronic versions. It contains general information (name and surname, personal identification number,

permanent and temporary residence, telephone number and email address), public position, other jobs, business activity and membership of association bodies, income (net income for performance from a public office/the budget/other public sources, net income from work, scientific research, teaching, cultural, artistic, humanitarian or sports activities, copyright, patents and other intellectual property rights, provenance and amount of other net income), real and movable property (the right to use an apartment for official purposes, the right to own or lease a real property, the right to own the right to lease a movable property subject to registration).

The report also contains information on deposits in banks and other financial institutions, the leasing of bank safes, credits and accounts payable, shares and participations of legal entities, the data in which the legal entity owns more than 3 percent of the shares, the financial instruments, the commercial activity as an entrepreneur and other data that the public official considers important for the application

of the law. The report must list assets and income in the country and abroad.

The verification of assets and incomes declarations can also be ordinary and extraordinary. For the first, the Agency verifies the accuracy of the information in the report in accordance with the schedule of the Annual Verification Plan for a certain number and category of officials. This plan is established each year according to estimated priorities, taking into account, in particular, the category of public officials, the amount of their income and the amount of budget funds available to the public authorities in which the official public holds office.

The second is carried out if the Agency suspects that a report does not present accurate and complete data. The alerts can be made by other areas of the Agency, other public bodies, citizen complaints and/or the media. To perform the verification of both regular and extraordinary assets, the agency can request electronic information from the Ministry of

Internal Affairs, Tax Administration, Republic Geodetic Authority, Central Security Depository and Clearing House and Business Registers Agency (ownership and management structure). It should be noticed that the information exchange with the Tax Administration can be both printed and electronic.

If irregularities are found, the Agency can initiate proceedings to determine the existence of infractions of the law and dictate measures, request the opening of a misdemeanor procedure, file a criminal complaint and file complaints before the competent Public Ministry and other competent authority. The APC can access data on the assets of officials if there is a suspicion of money laundering through the Administration for the Prevention of Money Laundering.

4.4.2 Georgia Civil Service Office

In Georgia, the Civil Service Bureau (CSB) is authorized to receive and monitor asset declarations. Beginning

in 2017, each return is filed electronically and posted on the Civil Service Office website. The Law of Conflict of Interest and Corruption in the Public Service establishes a list of public officials who must present declarations of assets, such as officials: politically elected, of the central administration, municipal, to name a few. The government administration is made up of around 6,000 public officials who are required to submit it. These declarations must be presented: two months after their appointment or election, after one year and finally, after having taken office. Since 2021, the Civil Service Office has implemented an electronic system that collects information from different sources. For example, when an official is filling in information about his personal property or that of his relatives, when entering his identity card number, the information collected in different public databases will automatically appear. The same will appear for the income or other content of the statement.

The purpose of asset declaration monitoring is to assess the completeness and accuracy of the information

submitted and the identification/prevention of a crime. The declaration requests personal information of the official and his relatives, information about work, real and personal property, securities, bank accounts, deposits, cash for more than GEL 4000, participation in business activities, any paid work, any agreement valued at more than GEL 10,000, any income or expense worth more than GEL 3,000/5,000.

There are three reasons to start tracking a return. First, of the total amount, 5% is selected by the Permanent Commission made up of three NGO representatives and two academics.

This Commission must present its selection until January 15 of each year and consider special factors for its selection such as: being political and state officials, the risk of corruption, public interest and the violation revealed in a previous monitoring exercise. Second, there is a 5% randomly selected by the unified electronic system. This selection is guaranteed to cover other officials who were not included by

the Commission. Finally, the third occurs when an individual submits a reasoned written appeal to the Office. The resource implies an indication of the circumstances of supply of the information that serves as the basis for requesting the examination of the data declaration of a specific official. After the review, the Office can decide whether or not to follow an administrative procedure.

Once the selection process has been completed, the monitoring phase begins in February, accessing, as explained above, public databases. However, there is no feasibility of access to private databases such as those of banks. The results of the control procedure can be the absence of violations or the presence of violations. In the second case, there may be administrative sanctions such as fines or the initiation of criminal proceedings, for which the information is sent to the respective competent authority. The Office publishes an annual report with the results of the asset declaration review during the year.

4.4.3 Exchange of ideas from session 4

The discussion part focused on how the APC of Serbia collects information from private institutions, considering data protection. Regarding the first point, the CPA of Serbia indicated that the law provides for the possibility of requesting information from institutions such as banks, but it is not mandatory for those entities to issue a response.

Then, both institutions reflected on their administrative nature, in which they need to have a close collaboration with the administration of justice bodies to initiate investigations.

On the other hand, the speakers recognized the limitations of the international legal mechanisms to enable the request of data to the declarations of verified assets. Thus, the request for information abroad is restricted to the discovery of criminal acts of corruption such as illicit enrichment or suspicion

of money laundering that is identified by another instance. In that sense, the agencies are resorting to the use of public registries from different countries and translating the information.

Finally, another question was asked about the possibility of random selection by the Georgia Civil Service Bureau and how to avoid selecting the same person multiple times by the electronic system. This aspect is avoided by making sure that the code/algorithm does not choose the same person twice or a previously reviewed official last year. However, if the Commission observes that due to the identification of a previous irregularity, the statement of an official can be analyzed again. It should be noted that the members of the Standing Commission are members of civil society and academia, and are chosen by public call on the CBS website and then chosen at random.

In line with what was discussed in the session, the following findings were found:

Figure 5. Key findings



4.5 Session on conflicts of interest and whistleblower protection

The last session was held on September 29, 2021 and focused on two topics: the first referred to the conflict of interest, which was exposed by the Commission for

the Resolution of Conflicts of Interest in Croatia and the second addressed the protection of whistleblowers discussed by two previous speakers: the Romanian Ministry of Justice and the Anti-Corruption Commission of the State of Palestine. The most important aspects of the interventions are systematized below; concluding with a brief discussion by the attendees.

4.5.1 Topic 1. Commission for the Resolution of Conflicts of Interest in Croatia

The Commission is made up of five members, including its President. Decisions are made collectively, approved by three votes. The Commission is elected by the Croatian Parliament for a term of five years. During the first term, the Commission remained part of Parliament (2013-2018). However, for the second term, this body achieved its full autonomy (February 2018).

The work of the Commission is assisted by the work of 17 professionals, mostly lawyers. Its mandate is extended to officials elected or appointed both at the national and local level. In that sense, the Commission can render decisions on conflict of interest and/or breaches of laws and provide sanctions, give opinions, collect data, and check assets declaration, give instructions and guidelines, offer educational trainings to public officials, and cooperate with national and international agencies.

In terms of conflict of interest, these are understood in Croatian regulation as situations where the private interests of officials are contrary to the public interest. However, in Croatia, an official can hold two posts in the government or parliament, which can lead to conflicting public interests. Likewise, by law, there are three types of conflict of interest: a) real, when a private interest affects his impartiality to exercise his position, b) apparent, when there is a well-founded position that a private interest of an official affects his impartiality, and c) potential, when the private interest of an official may affect his impartiality in the exercise of public office if not managed correctly.

Decisions are carefully drafted, providing reports of 15-20 pages in length. If an official finds himself in a position of conflict of interest, he can request an opinion from the Commission, the latter having a period of 15 days to offer a decision. Although this opinion is not mandatory, the Commission has seen a growth in the number of requests, indicating a more positive attitude towards the prevention of corruption.

Many requests come from new officials, who would like to get their affairs in order before exercising their public duty.

In this sense, the Commission considers three possible measures to manage the conflict of interest. First, an official may resort to evasion/delegation, which means giving up a role to another person, for example by appointing a manager. Second, a public official can disclose or declare when he is in a position of conflict of interest; for example, pointing out when a family member is applying for a job. Third, the official can withdraw from making a decision in favor of his or her family's private interest.

In this context, the Commission reported that Croatia was affected by two crises: the health emergency due to the Covid-19 virus and an earthquake, revealing several violations of integrity, which extended to private officials who made public decisions, such as recommendations on how handle health measures.

In addition, there is a potential new reform that may diminish the Commission's authority.

On the other hand, this organization considers it pertinent to apply the latest GRECO decisions that recommend the disclosure of information regarding the persons in charge of high-level executive functions in situations of conflict of private interests and public functions; as well as the availability of sanctions to counter infractions that could be avoided. Regarding the second decision, it is still being debated how sanctions for conflict of interest can be imposed if the conflict has not yet arisen.

4.5.2 Exchange of ideas in session 5 on topic 1

The discussion began with the PACC representative's question about how to assess the contradiction between two public interests, since they should not

oppose each other in principle. The Commission delegate explained that when a mayor is also a parliamentarian in Croatia, he can influence or dictate decisions in favor of his locality that would not necessarily be beneficial to the general national interest. The AFA commented that although in France the exercise of two elective public mandates is restricted by law; they still have difficulties in making the contradiction between these public interests explicit.

In addition to this consultation, the AFA asked about the possibility of sanctions when a public official takes a position of their interests illegally. For Croatia, such an action constitutes a violation of the law and can be resolved with minor sanctions or referred to criminal courts. He also added that the opinions issued by the Commission are also relevant in terms of reputation, which avoids making decisions contrary to public interests. The final question focused on the timing of disclosing a conflict of interest, which in the case of Croatia should be done throughout an official's term.

4.5.3 Topic 2. Romanian Ministry of Justice on protection of whistleblowers

In the case of whistleblowers' protection in Romania, a specific law on this matter was adopted in 2004, which was followed a year later by a national strategy. The scope of the law covered only the public sector, although this aspect could be modified since a new regulation is being considered. There are several reporting channels, internal, external or additional. This can be used alternatively or cumulatively and can include reporting to a superior, the head of the institution, judicial bodies or the agency that handles conflicts of interest and incompatibilities, parliament, the media and to NGOs.

The law prohibits sanctions for the whistleblowers, considering that the report is made in good faith in the same line, the identity of the whistleblower is protected when he/she/them reports a superior (having powers of control/evaluation) or the report is

related to offenses that harm the financial interests of European Union.

The law also provides for the publicity of the disciplinary process of the complainant in case of having been sanctioned. At the request of the complainant, the Tribunal shall invite the media or the union of the complainant. The announcement must be made within the three business days prior to the start of the disciplinary proceedings. If this protection measure is not complied with, the disciplinary sanction may be rendered null and void. In addition, if a complainant is sanctioned, a Court can annul that act. The condition of protection is provided considering the professional context, the complaint in good faith and the use of the channels provided by law.

For the new law, the non-reversion clause is being considered, as well as expanding the scope of protection to the private sphere. Likewise, there is a debate about whether there should be a single national authority or multiple authorities in charge of

ensuring the protection measure for whistleblowers. For the second possibility, the appointment of a central authority/focal point will be necessary to avoid public confusion.

Subsequently, the AFA consulted on the culture of reporting on Romania, taking into account the possible social stigma of the whistleblower. In this sense, the delegate of the Romanian Ministry of Justice affirmed that it was a public problem since the act of informing is not well accepted.

4.5.4 The State of Palestine Anti-Corruption Commission on Whistleblower Protection

There are two pieces of legislation that inform the experience of the State of Palestine Anti-Corruption Commission regarding the protection of whistleblowers: a) the Anti-Corruption Law, which was enacted in 2010; and b) the Whistleblower Protection

Ordinance and Regulation No. 7 issued in 2019. The first law was ambiguous regarding the details of the protection procedures, the non-existence of deadlines to make the request for protection, the absence of a designated body to deal with protection requests. These aspects translated into a lack of knowledge of the existence of protection and fewer requests. Although the Commission was able to deal effectively with the requests for protection received; it was necessary to adequately regulate the issue of the protection of whistleblowers and witnesses through the proposal of an Ordinance to the Council of Ministers, which approved it at the end of the year.

The new regulation covers several types of protection. The purpose of functional protection is to presuppose the adoption of measures so that the person seeking protection at the functional or labor level does not suffer any harm for denouncing the corruption of any administrative decision that modifies their legal or administrative person, their rights, or any action

that leads to abuse of treatment, status, reputation or discrimination.

In this sense, most of the requests for protection before the Commission fall under functional protection. A problem regarding this protection at a practical level arises when a person seeking protection may be previously denounced by another applicant. Personal protection seeks to guarantee the safety in the place of residence or work of the person seeking protection, so that the person does not suffer any moral, physical or economic harm. However, the provision that governs personal security contradicts the Penal Code that establishes that the identification of the complainant must be known. Legal protection aims to ensure that the person seeking protection is not criminally prosecuted for reporting or testifying about corruption. For the Commission, this last protection should be discussed further.

As for protected persons, two categories are distinguished: a) those who are at risk due to their

affiliation (complainant, reporter, witness, expert), and b) persons who may be at risk due to indirect causes such as relatives or people close to the one seeking protection.

The regulation that empowers the Commission to provide financial assistance and compensation for those who are exposed to harm for testifying/reporting. Economic assistance and life insurance are not mandatory, however, the Commission has sought to adequately review the cases and try to install a sustainable mechanism to provide, when necessary, life insurance. There are no provisions on

awarding remuneration to witnesses or complainants. Regarding the response to COVID-19, electronic means were activated to guarantee the availability of channels to report cases of corruption.

Due to technical problems, the exchange of questions and answers with the PACC could not be carried out; however, said entity sent the information by electronic mail.

After the presentation of all the speakers, the following findings were identified:

Figure 6. Key findings



5

Conclusion

The study demonstrates the areas in which the mandates of NCPA members are similar to prevent and detect corruption, highlighting the power to design anti-corruption strategies and plans, receive complaints, assess corruption risks, conduct training and awareness activities, receive and review asset declarations and conduct cooperation with local, national and international agencies.

The report also reveals the interest in exploring more bilateral and multilateral projects in the NPCA, in the aforementioned areas, through the exchange of information, good practices and training.

Since budget constraints are a common challenge, the NPCA could consider building a stronger relationship with donors, so that they provide not only technical but also financial assistance.

On the other hand, the exchange sessions turn out to be an enriching space to fully understand how another agency implements a similar activity.

In addition, the sessions reveal opportunities for collaboration between Supreme Audit Institutions and other corruption prevention agencies, especially to conduct corruption risk assessments as a basis for audit planning. This cooperation is provided for in Resolution 8/13 of the Eighth Session of COSP-UNCAC, known as the Abu Dhabi Declaration. For this, establishing a relationship with the Global Team of Experts of the International Organization of Supreme Audit Institutions (INTOSAI) could be a measure for the future.

In that sense, the NPCA could become a Community of Practice to further explore how to implement an anti-corruption activity. For those purposes, the use of technology can be beneficial. Along the same lines, the NPCA can conduct a concise annual survey of the mandate and projects each member is working on and disseminate those results internally. In addition, you can determine key areas that require technical support or improvement through the development of guidelines, expert assistance, or the identification of financial support.

Exchange sessions can also be expanded to include external stakeholders' input and support for projects related to the NCPA members' highest-profile mandates. Other methodologies could also be evaluated for the benefit of the Community of Practice.

Report on the similitudes and differences on the Mandates of the NCPA's members
