

»PREVENTING AND FIGHTING CORRUPTION IN THE PUBLIC ADMINISTRATION IN EUROPE«

PREVENTING CORRUPTION IN SLOVENIA

Nina Radulovic

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When Office for the Prevention of Corruption (abbreviated as OPC) was established¹ in 2001, the government and other state institutions in Slovenia had lost a great deal of citizens' confidence. The loss of confidence is a threat to democracy and a fertile breeding ground for corruption or fraud. There can be no doubt about the enormous material damage corruption causes, and the threat it poses to the rule of law and to the development of democracy. A lot of attention has been devoted to this phenomenon, but there still was and is room for improvement.

At that time Slovenia signed and ratified some international instruments and has been actively involved in the negotiations for UN Convention against Corruption. There were lively discussions regarding new draft Corruption prevention Act at the same time.

Prevention of Corruption Act stepped into force at the end of January 2004. It is a legal base for establishment of the independent state institution outside all three branches of power, called Commission for the Prevention of Corruption. It started to work in October 2004 and continued the work done by OPC. Regarding investigations and prosecutions there are specialized police unit that deals with the investigation of corruption at the state and regional level and the Group of Public Prosecutors for special Tasks, authorized for dealing with organized cases of corruption.

Besides general provisions and provisions related to Corruption Prevention Commission the law (Prevention of Corruption Act) contains restrictions as regards profitable activity, receiving of gifts and operations, chapter regarding supervision of the financial situation of officials and provisions regarding integrity plan, assessment of integrity and examination of operation of institutions in accordance with the adopted integrity plan. Last chapter might be the subject of more interest.

In 2001, within the framework of the Matra Pre-Accession Projects Programme (MPAP), Slovenia submitted a project proposal "The Fight Against Corruption". The MPAP, funded by the Dutch Ministry of Foreign Affairs, aimed to assist candidate member states in Central Europe in meeting the criteria for EU membership, through bilateral cooperation projects focusing on the (consequences of) implementation of European legislation and/or European recommendations.

¹ Governmental Decree was published in the Official Journal of the Republic of Slovenia, nr. 58/01.

Successful anti-corruption efforts must be based on integrity,² credibility, and must be trusted by the general public. When the public perceives that its anti-corruption authorities cannot be trusted, the most valuable and efficient detection tool will cease to function.³ Therefore we started (together with Dutch experts) with a thorough analysis of the present situation and decided to strengthen integrity, starting by ourselves.

Countless decisions that affect citizens' lives are taken within public sector every day. The public service needs to abide by the rules that are democratically formulated and based on individual ethics, professional codes of conduct or ethics, and codified in laws, regulations or internal rules. The public service should lead by example. Besides this we should bear in mind that each and every individual as a part of the public service is seen as such even while not working. Therefore Slovenia adopted special highly preventive tool named Integrity Plans.

Prevention measures could be classified as "situational" or "social". In "situational" prevention anti-corruption measures are directed at the specific situations in which corruption problems occur. In "social" prevention anti-corruption measures are directed at more general social or economic factors with the aim of creating conditions that are less likely to produce or support corrupt practices.⁴ We can classify integrity plans as "situational" prevention.

The integrity plan must be drawn up and implemented by an organisation's personnel in order to maintain its own awareness of integrity risks (identification of risk areas) and potential vulnerabilities for fraud and corruption. An integrity plan is a tool to find vulnerabilities to fraud and corruption in an organisation. When we know about weak spots, we can improve resistance by designing and implementing transparent work processes with clear divisions, and therefore responsibility for tasks, authorisations, and supervision.

² See also United Nations Convention against Corruption, Article 8/1: ...each State Party shall promote, inter alia, **integrity**, honesty and responsibility among its public officials...

³ P. Langseth, Building integrity to curb corruption, National Conference for Cleaner Public Life, Budapest, March 2003

⁴ United Nations Office on Drug and Crime: Anti-corruption Toolkit, Second edition, February 2004.