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**EUROPEAN UNION POLICY ADVICE PROGRAMME AND
THE COUNCIL OF EUROPE**

**Project
“Russian Federation – Development of legislative and other
measures for the prevention of corruption”
(RUCOLA 2)**

FINAL REPORT

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1 PROJECT SYNOPSIS

The Project on the development of legislative and other measures for the prevention of corruption in the Russian Federation started on 11 July 2006. The present report hence summarises the activities carried out within the reporting period 11 June 2007 till 30 November 2007 as well as the assessment of the overall project achievements, results and impact.

1.1 Beneficiary country and institutions

Russian Federation

Primary counterpart institution: the State Duma of the Federal Assembly of the Russian Federation

1.2 Contracting authority

European Commission (EC)

1.3 Implementing organisation

The Council of Europe was responsible for the implementation of the project and the use of the project funds under the contract with the European Commission. Within the General Secretariat of the Council of Europe in Strasbourg, the Technical co-operation section (Department of Crime Problems, Directorate General I - Legal Affairs) was responsible for the overall management and supervision of the project.

1.4 Project objective

The overall objective was to contribute to the effective implementation of the Council of Europe's Criminal Law Convention on Corruption and the United Nations Convention against Corruption by the Russian Federation. The direct objective was to support the State Duma Anti-Corruption Commission in the development of legislative and other measures aimed at the prevention of corruption.

1.5 Planned outputs

- To develop methodologies for assessing and preventing corruption risks in legislation and test them in pilot areas of legislation (health, education and public procurement). Legislative proposals to reduce such risks in the indicated areas of legislation to be prepared;
- Proposals for a national corruption prevention strategy (including legislative and institutional proposals) to be developed;
- The materials produced within the framework of the Project for Harmonisation of Russian Anti-Corruption Legislation with International Standards (2005) to be published and disseminated.

2 Project Analysis

2.1 Country situation and domestic legislation

According to various surveys, the people of Russia consider corruption to be one of their major problems. It appears that the corruption situation remains serious. At the same time the country's leadership recognises this problem and regards corruption as a major obstacle to further social and economic development of the country, a threat to democracy and national security, and demonstrates a firm intention to fight this problem in a pro-active manner.

Several attempts to improve the domestic legislation on the fight against corruption and preventive measures were made between 1999 and 2005, among them the three framework acts that were consecutively tabled in the State Duma: the draft federal law on Fight against Corruption, the draft federal law on Combating Corruption, the draft federal law on Fundamentals of Anti-Corruption Policy. However, none of these draft laws has gone further than the first reading.

Another recent piece of legislation that was adopted is the Federal Law on State Civil Service of 27 July 2004 (No. 79-FZ) that contains a number of provisions for the prevention of corruption among public officials. However, the State Duma has subsequently voted down a Code of Conduct for Public Officials in March 2005. The question of adopting such a document is still being discussed.

All in all the Russian legislation in its current state is regarded as non-systematic and fragmentary, demonstrating many gaps and loopholes and thus creating high risks of corruption in many areas.

2.2 International instruments

In 1999, the Russian Federation signed the Council of Europe Criminal Law Convention on Corruption, and in 2003 the United Nations Convention against Corruption. Both treaties have now been ratified.

In March 2006 the Russian Federation ratified the UN Convention against Corruption. The respective Federal Law on the Council of Europe Criminal Law Convention on Corruption was adopted by the Duma in July 2006. The Russian Federation became a member of the Group of States against Corruption (GRECO) in February 2007 and thus became a full member of this important common European anti-corruption mechanism.

2.3 Institutions for the prevention of corruption

In April 2004, supported by the absolute majority of its members the State Duma established its Anti-corruption Commission. Its main tasks are as follows:

- to analyse the current and draft legislative acts for corruption opportunities they offer;
- to develop legislative and institutional measures that would facilitate the prevention and elimination of corruption;

- to participate in the control exercise of the State Duma provided by law through receiving complaints and other information from the public and through addressing on this basis inquiries to the respective government bodies.

The Commission consists of a Chairman and 14 deputies. It is assisted by a Council of experts that includes, along with renowned law academia, representatives from the Supreme Court, the Office of Prosecutor General, the Ministry of the Interior, other ministries and non-governmental organisations.

The Council of the President of the Russian Federation to Fight Corruption was established by decree No.1384 of 24 November 2003. This Council was to be a consultative body called upon to provide assistance to the President in identifying primary directions of state policy in the fight against corruption and its implementation.

The Decree also provided for the establishment of two Commissions under the auspices of the Council: an Anti-Corruption Commission and a Commission on the Conflict of Interest. The aim of the first Commission is to elaborate proposals for preventing and fighting corruption in the public bodies at the federal level, the level of the subjects of the Russian Federation and bodies of local self-government. The second Commission is called upon to consider situations when individual interests of persons holding public offices of the Russian Federation (except for the servicemen) and public servants, appointed to and dismissed from their posts by the President or the Government of the Russian Federation, can influence them in performing their official duties.

However, the Council and the Commissions are currently not operational.

2.4 Project for Harmonisation of Russian Anti-Corruption Legislation with International Standards (2005)

In 2004, the Anti-Corruption Commission of the State Duma of the Federal Assembly of Russia approached the Policy Advice programme of the European Commission proposing to organise a joint project to support the implementation of the above mentioned legal instruments into Russian law. A policy advice Project "Harmonisation of Russian anti-Corruption Legislation with International Standards" was subsequently funded by European Commission (with co-funding from the Council of Europe) and implemented by the Council of Europe in 2005.

In 2005, the Project provided support to the Anti-Corruption Commission of the State Duma in the following three areas:

- examining in detail the current legislative framework, including the identification of needs for amendments or additional legislation;
- obtaining a detailed knowledge as to how the provisions of these Conventions have been implemented in other European countries;
- elaborating proposals to ensure the integration of such provisions into Russian legislation and thus to facilitate the ratification of both Conventions by the Russian Federation.

The legislative proposals that resulted from the Project activity refer to the following:

- criminalisation of certain corruption offences;
- reintroduction of confiscation of criminally derived assets and revenues from such assets as a criminal sanction;

- updating certain legal definitions (particularly those of the domestic and foreign "public officials");
- refining the use of special investigation means and thus improving the admissibility of evidence obtained through it;
- revising the procedure for lifting the judicial immunities;
- introducing the monitoring of operations of public officials with assets;
- enlarging legal provisions for international co-operation in the sphere of recovery of assets.

At the conclusion of the project, these proposals were handed over to the Chairman of the State Duma Anti-Corruption Commission in order to be tabled in the Duma.

Other proposals produced within the framework of the Project encompassed various recommendations of a more general nature concerning inter alia the following areas:

- formulation of a comprehensive corruption prevention policy and programmes of action;
- recommendations on specialised anti-corruption services;
- identifying the corruption risks created by legislation;
- adoption of a code of ethics for public officials;
- participation of the society.

In conclusion, the project was instrumental in supporting the ratification of the UNCAC and the Council of Europe Criminal Law Convention on Corruption. A number of legislative proposals, however, still need to be adopted by the Duma.

3 PROJECT PLANNING

3.1 Project objectives

The present project provided a follow up to the project carried out in 2005.

The **overall objective** was to contribute to the effective implementation of the Council of Europe's Criminal Law Convention on Corruption and the United Nations Convention against Corruption by the Russian Federation. The **direct objective** was to support the State Duma Anti-Corruption Commission in the development of legislative and other measures aimed at the prevention of corruption.

3.2 Expected results and methodology

The expected results were to include a set of recommendations, concepts, methodologies, legislative proposals that were made available to the Project partner – the State Duma Anti-Corruption Commission – in order to permit the fulfilment by the Russian Federation of its obligations under the United Nations and Council of Europe anti-corruption Conventions.

Moreover, by introducing the issues in question through expert meetings and by holding workshops, the Project assisted members of the State Duma Anti-corruption Commission in sharing the international experience. This provided them with additional tools that helped them to design and implement anti-corruption policies and measures beyond legislative questions.

In particular, the method that was used allowed the experts to study and compare the best examples of international practice in the sphere of creation and functioning of a specialised body responsible for the co-ordination of national effort in combating and prevention of corruption and formulate on this basis specific recommendations for a possible line of action.

While the previous project concentrated on the punitive, re-active measures and prosecution of corruption, the current Project concentrated primarily on the elaboration of preventive, pro-active measures against corruption.

3.3 Project outputs

The delivery of the three main outputs were achieved through the main activities as outlined in the following scheme:

Output 1 *Methodologies for assessing and preventing corruption risks in legislation are developed and tested in pilot areas of legislation (health, education and public procurement). Legislative proposals to reduce such risks in the indicated areas of legislation have been prepared.*

Activity 1.1 Organise up to 2 workshops of Russian and international experts to analyse the methods and approaches for assessing and preventing corruption risks in legislation in Russia and other European countries

Activity 1.2 Organise up to 3 meetings of Russian and international experts in order to study the legislative provisions enforced in the Western Europe regulating health, education and public procurement with regard to preventing corruption and make comparative analysis with the provisions of the Russian law in the field, applying the relevant methodology

Activity 1.3 Elaborate and evaluate legislative proposals to strengthen the anti-corruption effort in the indicated areas of legislation

Output 2 *Proposals for a national corruption prevention strategy (including legislative and institutional proposals) developed*

Activity 2.1 Organise up to 2 meetings of Russian and international experts in order to study the experience of European countries in the sphere of development and functioning of the national anti-corruption strategies

Activity 2.2 Organise up to 2 meetings of Russian and international experts in order to study the experience of European countries in the sphere of creation and functioning of a specialised body responsible for the co-ordination of national efforts in the sphere of combating and prevention of corruption.

Activity 2.3 Organise 1 conference in Moscow or a regional capital with participation of a broad circle of specialists and representatives of the civil society to elaborate recommendations on the strategy and measures for corruption prevention

Activity 2.4 Elaborate and evaluate legislative proposals on the basis of the above recommendations for creating a national anti-corruption strategy

Output 3 ***The materials produced within the framework of the Project for Harmonisation of Russian Anti-Corruption Legislation with International Standards (2005) published and disseminated***

Activity 3.1 Compile, edit, publish and distribute a brochure containing a selection of the best materials produced within the framework of Project for Harmonisation of Russian Anti-Corruption Legislation with International Standards (2005)

4 ACTIVITIES DURING THE REPORTING PERIOD (11 June – 30 November 2007)

The following **general activities** were carried out during the reporting period:

- Output 2

Activity 2.5 The experience of European countries in creating and functioning of a specialised body responsible for the co-ordination of national efforts in the sphere of combating and prevention of corruption (19 November 2007).

The project experts that made contributions to the meeting were Drago Kos, Head of the Anti-corruption Commission, Slovenia, Vytas Rimkus, Head of Corruption Prevention Department, Lithuania, Valdas Jacynas, Head of Intelligence Department, Lithuania, Anca Jurma, Chief service prosecutor, the National Anticorruption Directorate of Romania, Vladimir Georgiev, Head of Department and Cvetko Mojsoski, State Commission for the Prevention of Corruption of the former Yugoslav Republic of Macedonia.

The first session of the meeting saw presentations on the activities of specialised anti-corruption bodies of three countries: the Special Investigations Service of Lithuania, the National Anticorruption Directorate of Romania and the State Commission for the Prevention of Corruption of the former Yugoslav Republic of Macedonia.

The presentations underlined the degree of variety existing among such bodies, as later stressed by Drago Kos (Chairman of the Commission for the Prevention of Corruption in the Republic of Slovenia and President of the Group of States against Corruption – GRECO) in his final presentation on the options for Russia in creating an anticorruption strategy and specialised anticorruption body. The three countries alone showed wide differences in, for example:

- the processes of appointment (for example by the President in Lithuania and by Parliament in Macedonia);
- the competencies, with each enjoying a different combination from the mix of policy formation and coordination, screening laws and draft laws, processing complaints, initiating proceedings to investigate alleged violations, investigation with law enforcement powers, and enforcing/monitoring conflict of interest and asset declaration laws.

The Romanian case showed that there can be even two specialised bodies – for example one dedicated to prosecution while the second can monitor adherence to provisions on asset declarations and conflict of interest.

In his presentation Mr Kos underlined the following points:

- Whether an anti-corruption strategy is “overarching and covering all sectors”, or “sector specific and tailor-made”, there must be an action plan for implementation.
- Whether an anti-corruption body has competencies of a repressive, preventative, educational or combined nature, in all cases it needs to be “objective, professional, impartial, honest, effective and efficient”.
- Under the requirements of international legally-binding instruments, such a body must be autonomous, free from undue pressure, equipped with adequate resources and specialised.

- Whether an anti-corruption body should be equipped with law enforcement responsibilities and powers depends on whether existing law enforcement bodies are trustworthy or not. Where there are doubts about the latter, the case for establishing an anti-corruption body with law enforcement powers is stronger.

Mr Kos then suggested that anti-corruption strategies in a large country should be both general and sector specific, and both national and regional/local. The responsibility of the body for implementation of its tasks should ideally be to a professional oversight body that is itself then responsible to political decision-makers.

- Output 3

Activity 3.1 - Compile, edit, publish and distribute a brochure containing a selection of the best materials produced within the framework of Project for Harmonisation of Russian Anti-Corruption Legislation with International Standards (2005).

The experts identified by the Duma prepared a summary for the RUCOLA 1 project based on the experts' reports and the meeting proceedings.

The experts of the RUCOLA 2 project prepared a 20 page summary for each of the 5 project areas (healthcare, education, public procurement, anti-corruption strategies and anti-corruption bodies).

Both booklets were finalised and printed out (500 copies each) in Moscow.

The **project closing meeting** was organised on 19 November 2007 in Moscow thus marking the completion of the Project. The project expert Quentin Reed presented a summary of the activities and results achieved under Output 1 of the project. Mr Drago Kos informed the attending participants on the results achieved under Output 2. This event allowed for enhancing the overall visibility of the project. Closing speeches were made by Mikhail I. Grishankov, Chairman of the State Duma Commission on Combating Corruption, Marc Franco, Head of Delegation of the European Commission to Russia and Svetlana Anisimova, Project Co-ordinator, Council of Europe. It was mentioned that the co-operation within the framework of the project was an effective and an efficient one.

5 ADMINISTRATIVE ISSUES

- The project extension till 30 November 2007 was granted by the European Commission by the Administrative Order V 2 of 6 July 2007. The other terms of the contract remained unchanged.
- In view of the inability to hold an activity 2.3 (Conference with participation of a broad circle of specialists and representatives of the civil society to elaborate recommendations on the strategy and measures for corruption prevention) and an activity 1.4 (A meeting of Russian and international experts in order to study the legislative provisions enforced in the Western Europe regulating electronic bidding in the field of public procurement with regard to preventing corruption and make comparative analysis with the provisions of the Russian law) in October-November 2007 as previously planned both activities were cancelled at the request of the beneficiary by the letter of 14 November 2007 due to their heavy schedule before the parliamentary elections.
- The discussion of further co-operation of the Council of Europe and the State Duma Anti-corruption Commission beyond the end of this project continued throughout the final project phase. By assessing the preliminary results of the project it was possible to identify common points of interest. As a result, a draft proposal for a new project was prepared and discussed following the project closing meeting on 19 November 2007 in Moscow.

6 Assessment of overall project achievements, results and impact

The overall objective of this project was to contribute to the effective implementation of the Council of Europe's Criminal Law Convention on Corruption and the United Nations Convention against Corruption by the Russian Federation. This has been achieved. Although both Conventions were ratified by the Russian Federation in 2006 by the project's start the Russian legislation needed to be significantly amended to put it in line with the international standards. The project activities contributed to the long-term goal of harmonising the legislation to conform with the provisions of the anti-corruption Conventions and to ensure effective implementation of the standards of the two treaties.

The direct project objective was to support the State Duma Anti-Corruption Commission in the development of legislative and other measures aimed at the prevention of corruption. This objective was achieved through the expert meetings and by holding workshops with the participation of a team of Russian and European experts. The results of their work – reports, discussions and proposals are available in separate documents (see Annex V for a full list). The Project partner was provided with additional tools that helped them design and implement anti-corruption policies and measures beyond legislative questions.

Most of the activities initially planned within the framework of this Project were carried out. The overall impact can thus be regarded as positive. During the sixteen months of the Project implementation the Council of Europe and the Project partner – the State Duma Anti-Corruption Commission had developed an excellent working relationship and regular contact established. The project, however, experienced some organisational difficulties in the final phase due to the very busy schedule of the Duma before the Parliamentary elections in December 2007.

The European Commission's role in the legal and institutional reform in the Russian Federation remained clear and visible throughout the project's implementation. The visibility was achieved through applying the EC Visibility guidelines for all the documents produced. Moreover, it was reiterated on every occasion that this Project was funded by the European Commission within the framework of its Policy Advice Programme.

The project received good press coverage by the journalists invited to the project events by the State Duma and the Department of Communications of the Council of Europe. The copies of articles are available in the progress reports.

This project clearly benefited from the participation of a broad range of specialists:

State Duma deputies (primarily members of the Anti-Corruption Commission and the Committee for Security), academia, NGO experts (Transparency International – Russia, INDEM Foundation, Centre for Strategic Development and other), legal experts from various government bodies (The President's Administration, Ministry of Foreign Affairs, Ministry of the Interior, Ministry of Justice, Office of Prosecutor General, Federal Customs Service, Federal Security Service, Chamber of Accounts, Federal Service for Control of Drug Trafficking, Federal Service for Financial Monitoring), members of the judiciary, training institutions for law-enforcement staff. More importantly, the participants delegated by their respective institutions made up a relatively constant group where most of them participated in every activity, thus ensuring a continuity of discussions and consistency of opinions.

The Council of Europe experts involved in the Project came from various countries of Western and Eastern Europe (such as UK, Lithuania, Romania, the former Yugoslav republic

of Macedonia, Slovenia) thus giving the Russian Project partners access to the best and widest knowledge available in the field, providing them with valuable insights into the different national systems of the fight against corruption and domestic legal provisions. Experts from the United Nations Office on Drugs and Crime and the World Bank were also present at the meetings.

The Project also benefited from the high qualification and a strong commitment of the five Russian experts who worked in tandem with the international experts, providing them with valuable insights into the Russian system and later on drafted the proposals for amendments to the current Russian legislation as required by the work plan.

By signing the Criminal law Convention of the Council of Europe Russia became the 44th member state in the Group of States against Corruption (GRECO), thus becoming fully involved in the anti-corruption mechanism in Europe. The project served as a good prerequisite for expanding Russia's co-operation with the Council of Europe in the anti-corruption field. The President of GRECO who acted as an expert to the RUCOLA 2 project had a working meeting with the head of the Inter-agency Working group for the preparation of the legislative proposal to fulfil Russia's obligations under the two anti-corruption treaties ratified. That meeting was useful in the context facilitating the accession of the Russian Federation to GRECO.

According to its purpose and work plan the Project concentrated on the preventive, proactive measures to combat corruption. It is clear that further work is required with regard to corruption prevention where the Russian Federation could benefit from international experience. The discussions held after the end of the project proved the fact that the co-operation was a productive and efficient and that the further assistance is needed.

Through a series of contributions by and meetings of Russian and international experts, the RUCOLA 2 project has produced a number of findings and recommendations in five areas: prevention of corruption in the legislative process; the methodology for corruption risk assessment in legislation used by the State Duma Anti-corruption Committee; and the assessment of corruption risks by both foreign and Russian experts in the education and health sectors and public procurement.

OUTPUT 1

A series of 5 expert meetings were held at the State Duma the objectives of which were defined as follows:

- Methodologies for assessing and preventing corruption risks in legislation are developed and tested in pilot areas of legislation (health, education and public procurement).
- Legislative proposals to reduce such risks in the indicated areas of legislation have been prepared.

Accordingly, meetings were planned to carry out the following tasks:

1. Analyse the methods and approaches for assessing and preventing corruption risks in legislation in Russia and other European countries.

2. Study the legislative provisions enforced in the Western Europe regulating health, education and public procurement with regard to preventing corruption and make comparative analysis with the provisions of the Russian law in the field, applying the relevant methodology.
3. Elaborate and evaluate legislative proposals to strengthen the anti-corruption effort in the indicated areas of legislation.

Corruption in the legislative process

Following on the World Bank's concept of 'state capture' – it is of vital importance to tackle corruption occurring in the process of drafting and passing legislation, as such corruption is one of the main reasons why provisions facilitating corruption find their way into legislation. Indeed, a corrupt legislative *process* will make it impossible or meaningless to tackle corruption in the implementation of legislation.

Accordingly, and drawing *inter alia* on a Council of Europe publication on "Lawmaking in the Russian Federation: Guide to the Preparation and Adoption of Legislation", a set of recommendations was offered, based at core on embedding and applying in the legislative process the principles of institutionalization, professionalism, collective decision-making, justification, consultation and transparency. It was argued that this combined with more standard anti-corruption measures, in particular provisions on conflict of interest, declaration of assets and incomes and regulation of party and election campaign finance, would provide for a process of law making that would maximise the quality of legislation and maximise participation while minimising the probability of corruption occurring.

The senior Russian participants expressed the opinion that the principles outlined above should be used as the basis for drafting a 'law on law-making' to regulate the legislative process in Russia. However, no further activities were developed in this direction within the project.

The existing situation in the Russian Federation reveals that the issues of conflict of interest and asset declarations for public officials, or the regulation of election campaigns and campaign finance to ensure that elections are both free and fair – a key condition for legislation to maintain democratic legitimacy - should therefore be regarded as unresolved to date. However, the framework anti-corruption law should embrace asset declaration for public officials and their family members.

Screening legislative acts for corruption risks

A key instrument employed by the State Duma Anti-corruption Committee has been the 'Guidelines to experts on the initial assessment of a legislative act for corruption risks', a methodology elaborated by a group of experts from the Centre for Strategic Research in order to screen draft or valid legislative acts for provisions that may encourage or facilitate corruption. The methodology identifies various types of such provisions: faulty reference provisions, conflicting legal norms, unclear definitions of powers and duties, provisions allocating excessive discretion to officials, the absence of administrative procedures for implementing a legal act, the establishment of excessive requirements for individuals to fulfil their rights, the absence of competitive procedures, and the absence of provisions to establish effective controls over the actions of officials.

After examining the methodology by the lead expert to the project a revised and clarified structure for the methodology was recommended. In particular, it was recommended to define the objectives of the methodology more clearly to encompass not only provisions that encourage corruption in the implementation of a legal act, but also provisions that are corrupt in themselves because they provide unjustified benefits to particular groups or individuals. The commentary also argued that the methodology should be applied with care, and for example should not assume that discretion is bad by definition. The expert to the project argued that "it is not the *existence* of discretion that is the problem but the *misuse* of that discretion".

One of the main agreed findings of the project was that while the methodology is a valuable instrument for analysing legal texts, it needs to be supplemented by a broader analysis of the sector or area in question in order to identify key types of corruption in the sector/area and make recommendations based on principles such as the clear definition of principles of provision, establishment of clear and adequate systems of financing, identification of key good practices, and targeting of policies to tackle the specific forms of corruption identified.

Vladimir Yuzhakov, a member of the Working Group who had played a key role in developing the methodology reported that some of the recommendations proposed by the project lead expert were adopted in the latest version of the methodology published in June 2007 and the project was given credit in the foreword.

Corruption in the education and healthcare sectors

Within the RUCOLA 2 project the education and healthcare sectors were selected for particular attention, with the objective of identifying corruption risks and making recommendations for legislative changes. In each of the areas Russian experts analysed key laws using the methodology mentioned above as well as general approaches, identifying numerous 'corruption prone' provisions and making numerous recommendations for detailed changes in the relevant laws. Specifically:

- Two Russian experts conducted an analysis of Russian legislation regulating the provision of educational services based on the corruption risk methodology, offering a number of recommended changes. These include the establishment of the provision of educational services as a contractual relationship between provider and pupil/student, the provision of a clear definition/list of educational services that may be provided for payment, and tightening of the regulatory discretion of local authorities and provisions on auditing educational institutions.
- Similarly, two Russian experts also provided separate analyses and recommendations relating to Russian legislation regulating the healthcare sector. The analyses identified contradictions between citizens' universal right to healthcare and restrictions on this right in practice, and unclear procedures for procurement of medicines for state-funded provision. Recommendations included tighter restrictions on the ability of healthcare providers to refuse to provide care, narrowing of the discretion of healthcare providers to define the categories of citizens who are not charged for medical care, and the establishment at the federal level of the main criteria for issuing medical licences.

In the spirit of combining the expertise of Russian and foreign experts, a European expert also presented two papers on corruption in the education and healthcare sectors. His papers

were based on a different premise to that of the methodology for assessing corruption risks in legislation. In particular, they presented a broader view of corruption in both sectors, identifying the following key areas of corruption in the two sectors.

- Healthcare: corruption involving the nexus of government regulator – payer, government regulator – drug/equipment supplier, government regulator – provider, payer – provider, provider – drug/equipment supplier, and provider – patients.
- Education: policy decisions and school accreditation, financing of educational institutions, procurement, the personnel system, and the educational process.

Accordingly, the papers argued that in order to tackle corruption effectively in healthcare and education, wholesale sectoral reform is required based on a clear recognition of the different types of corruption threatening the sector, the definition of clear fundamental principles of provision, the establishment of clear systems of financing, and within this context specific policies designed to minimize the risk of the different types of corruption within each sector. Such an approach inevitably goes much further than a narrow focus on the existing legislative framework.

The two papers also underlined the size of the problem of corruption in both the healthcare and education sectors in post-communist transition countries including Russia, and by implication the scale of reforms required. Healthcare in Russia in particular was identified as a sector suffering from fundamental flaws in approach and design, resulting in corruption scandals reaching to the highest level of administration of the system, and a Federal National Health Project pledging massive increases in investment without tackling the root problems of the system.

The Russian experts broadly accepted the approaches advocated by a foreign expert, seeing them as a complement to the corruption risk methodology approach. The project did not go further in identifying specific policies needed for the Russian education and healthcare sectors, however.

As a result of the work carried out, the final legislative proposals based on the joint effort of national and international experts were drawn up and handed over to the Anti-corruption Commission of the State Duma, the project partner. The proposals elaborated in the course of the project were forwarded by the project partner to the Inter-Agency Working group for the preparation of the legislative proposals on the implementation of the provisions of the UN Convention against Corruption of 31 October 2003 and the Council of Europe Criminal Law Convention on corruption of 17 January 1999 established by the President's Decree of 3 February 2007 and used in their work to prepare anti-corruption legislation in the Russian Federation.

The materials prepared for the education component attracted attention of the editors of the journal "Public education" ("Narodnoe obrazovanie") and will be published in 3 issues in September-November 2008.

Corruption in Public Procurement

One of the three sectors to which the corruption risk methodology was applied during the project was public procurement. Two Russian experts provided two separate assessments of Russian public procurement legislation using the methodology and identified numerous

provisions that might facilitate corruption, for example the lack of clear definition of contracts that may be allocated via sole sourcing. The two assessments were considerably different, underlying the need for corruption risk assessments to be conducted by more than one expert.

The Council of Europe expert presented a contribution on corruption in public procurement from a broader perspective which argued that procurement regulation should attempt to close off opportunities and design incentives to curb corruption, while however avoiding "excessive or inappropriate regulation" that may only make the process more cumbersome without reducing corruption significantly". The European expert underlined the need to strike "a balance between the need to curb the inappropriate use or misuse of discretion in the hands of procurement officers and allowing those same officers to exercise the professional judgment for which they were recruited and trained".

A number of elements of good practice for procurement were described - procedural requirements, transparency and accountability. The importance of effective control mechanisms (review, financial penalties and debarment) and audit was underlined.

The contrast between the assessments based on the corruption risk methodology by two Russian experts and the assessment of a foreign expert indicate the limitations of the methodology as a tool for 'universal application', and underline the need for a balanced approach based on a broader acknowledgement of the objectives of procurement and the specific ways in which corruption may be prevented while encouraging, not obstructing, the achievement of those objectives. The specific recommendations of the Russian experts to address the 'risky' provisions identified should be adopted as a basis for drafting proposals for amendments to Russian procurement legislation, but only after the comments on these recommendations provided by a foreign expert have been taken into account.

Similarly, the final legislative proposals prepared jointly with the international experts were handed over to the project partner that in turn handed it over to the Inter-Agency Working group for the preparation of the anti-corruption legislation in the Russian Federation.

OUTPUT 2

A series of 5 expert meetings were organised under this output the objective of which was to develop proposals for a national corruption prevention strategy (including legislative and institutional proposals)

The meetings were planned to carry out the following tasks:

- to study the experience of European countries in the sphere of development and functioning of the national anti-corruption strategies;
- to study the experience of European countries in the sphere of creation and functioning of a specialised body responsible for the co-ordination of national efforts in the sphere of combating and prevention of corruption;
- to elaborate and evaluate legislative proposals on the basis of the above recommendations for creating a national anti-corruption strategy.

National Anti-corruption Strategies

A European expert presented an overview of the experience of European countries in developing and implementing national anti-corruption strategies, underlining that such strategies need to contain specific action plans with concrete actions rather than being merely declarative, as well as being backed up by a national anti-corruption body with sufficient independence and resources. A national expert spoke to the meeting about Russia's experience with anti-corruption strategies and echoed the same point, arguing that while there have been strong declarations of political will by the President Vladimir Putin, no comprehensive anti-corruption strategy nor national anti-corruption body has yet been established, while some of the democratic foundations for an effective fight against corruption have even been eroded.

It was also noted that it is vital for the nature of the proposed national anti-corruption body to be linked directly to the content of the proposed anti-corruption strategy, since the content of the latter may directly affect the structure, powers etc of the former.

A Russian expert presented an outline of a detailed proposal for a Russian anti-corruption strategy, covering 'repressive' measures such as ensuring full compatibility with international conventions, but also a wide range of preventative policies such as civil service reform. The contribution was well-received by public and a European expert and it served the basis for recommendations produced by the project.

The creation of a national specialised anti-corruption body

A European expert presented a paper on anti-corruption bodies, specifically the main characteristics that must be fulfilled by such a body and what role it may play. There was widespread agreement at the meetings that such a body should play a key role in coordinating currently widely scattered anti-corruption efforts in the Russian Federation, and that this should be its main task at least initially. Russia's obligations were underlined by the expert under the UN Convention against Corruption to establish or have in place an anti-corruption body or bodies fulfilling three tasks: anti-money laundering, implementation of a national anti-corruption strategy, and law enforcement. He also stressed that whatever body is established it should be staffed by professional specialists, and that the worst option that could be chosen would be an ad hoc consultative body.

Both national and international experts gave brief presentations on the issue of what kind of specialised anti-corruption body should be created in the Russian Federation. A European expert outlined the various models available: an independent and specialised anti-corruption institution, a commission composed of representatives of the main stakeholders, or an agency which is attached to one of the already existing law enforcement agencies or services. He stressed the need for the institution itself and the process of its establishment to be governed by the principles of independence (including financial), legitimacy, representation and transparency.

It was agreed that in the Russian context the decision on what kind of body to create should be made by the President. The decision on the type of the anti-corruption body to be established in the Russian Federation was expected to be taken by the government during the project's implementation period, therefore it was agreed that if such a body was not already constituted before the end of the project, the project should outline a range of options

for the location, composition, role and powers of such a body, clarifying the advantages and disadvantages of each option.

It may be concluded that with regard to the objective of Output 2 – to “elaborate and evaluate legislative and institutional proposals on the basis of the above recommendations for creating a national anti-corruption strategy” – the project succeeded in developing general principles for the development of such proposals, but not concrete proposals. However, the project’s recommendations were fed into the work of the Inter-agency Working group. As mentioned by an international expert *“the final decision on the position and structure of the Russian anti-corruption body will be taken at the highest possible level – the President of the Russian Federation. This is a fact inevitably involving inclusion of political considerations and despite the work conducted in the framework of RUCOLA-2 and the work of working group established by the President’s Decree of 2 February 2007 this fact can result in a major surprise when the decision is made”*.

OUTPUT 3

Under this output the materials were to produce on the outcomes of the project for harmonisation of Russian anti-corruption legislation with international standards RUCOLA 1 (2005).

It was agreed with the project partner to publish the results of both RUCOLA 1 and RUCOLA 2 projects. The materials were prepared in Russian based on the experts’ reports and the seminar proceedings. The booklets of 500 copies each were handed over to the Anti-corruption Commission of the State Duma for dissemination.

CONCLUSIONS

The project had:

- made considerable progress in defining the issues relating to corruption in the legislative process and reaching agreement on the basis for reform of the legislative process;
- produced a productive exchange of ideas concerning the corruption risk analysis methodology employed by the Duma Anti-corruption Committee, and broad agreement on clarification of the methodology;
- went some way toward conducting analysis of the legislative and policy framework in three areas – public procurement and the healthcare and education sectors - using the existing methodology;
- confronted the sector analyses conducted and recommendations produced using the methodology on the one hand, with broader approaches advocated by the foreign experts on the other;
- contributed to the preparation of the legislative proposals to domestic legislation that were made available to the project partner, the Anti-corruption Commission, in the spheres of education, healthcare and public procurement in order to permit the fulfilment by the Russian Federation of its obligations under the United Nations and Council of Europe anti-corruption Conventions.

In all of these areas, the project provided clear guidance on the approach that should be adopted in order to generate comprehensive reform recommendations. The outputs of the

project should therefore be seen as a necessary starting point, providing an approach on which the Duma Anti-corruption Commission and other relevant policy actors should build to produce or encourage specific recommendations and policy initiatives.

7 POST- PROJECT DEVELOPMENTS

The Rucola projects (1 and 2) from 2006 to 2007 were aimed at strengthening the anti-corruption legislation as well as preventive and other policies and measures in line with international standards. The impact of the projects was reinforced by developments in 2008.

In May 2008, the President issued a Decree "On measures to be taken for combating corruption". By virtue of this Decree a Council on combating corruption was established with the tasks of:

- designing and implementing a national anti-corruption strategy;
- coordinating the work of the federal bodies of the executive branch as well as the subjects of the Russian Federation and local authorities in realisation of the national anti-corruption strategy;
- supervising activities foreseen by the National Plan to combat corruption.

The long-awaited National plan to combat corruption was adopted by the President on 31 July 2008. It covers 4 major areas:

- measures aimed at legislative provisions for combating corruption;
- measures aimed at improving the state administration in order to prevent corruption;
- measures to increase the professional standard of legal staff and enhance legal awareness;
- priority measures for the implementation of the National plan.

In line with these priorities, the draft federal law on combating corruption along with a package of amendments to individual legislative acts of the Russian Federation are now going through the first reading in the Duma. The laws should be adopted by the end of 2008, thus establishing a complete legal basis for countering corruption in the country.

The Council of Europe continued assistance to the State Duma, that is, the Committee on Security since the project's closure:

- On 24 May 2008, a roundtable was held on the "International practice of legal regulation of lobbying as an anti-corruption measure. Prospects of using best international practice in the Russian Federation". The event was organised in co-operation with the Security Committee of the State Duma with the support of the Lobbying.ru center. International experts presented an overview of current European practices and looked at the practical experience of Lithuania that had adopted a law on lobbying. Among others the issue of mechanisms of interaction between business and administration was raised which is now high on the political agenda. The meeting underlined that a lot of knowledge on lobbying had been accumulated in the Russian Federation in the last 15 years. Nevertheless, lobbying is still perceived as a very new, foreign notion in the Russian political system, mostly due to its different interpretations. Although attempts to legally regulate lobbyism in Russia so far were not successful, there has been a general understanding that interests of political parties, social groups, physical individuals and legal entities have to be taken into account in the drawing up of federal laws, laws of constituent entities and other legal and regulatory acts of the Russian Federation. The question of preparing a legal and regulatory act on lobbying activities was established as

one of the measures aimed at improving state administration in the National plan to combat corruption.

- On 24 and 25 June 2008, a roundtable on preventing corruption risks when laws are drafted in Russia and other countries of Eastern Europe and Asia took place in Moscow. The event was organised by the Council of Europe together with the Security Committee of the Russian State Duma, Ministry of Economic Development and Centre for Strategic Research. The meeting aimed to discuss techniques for assessing corruption risks to laws and on how to make sure that the legislative process is not vulnerable to corruption. Participants included representatives from different ministries, expert organisations, NGOs and academics, international organisations, regions of Russia as well as representatives from Moldova, Belarus, Lithuania, Latvia, Azerbaijan, Armenia, Kazakhstan and Uzbekistan. As a result of that meeting participants adopted a memorandum on the importance of carrying out anti-corruption reviews of legislative acts and draft laws. The work of law-proofing has been initiated in the framework of the RUCOLA 2 project and still remains one of the priority measures in the National Plan.
- On 12-13 September 2008, the Council of Europe took part in the round table on security issues in the framework of Perm Economic Forum. The experience of setting up an anti-corruption body in Hong Kong was presented by an expert from the UK. The contribution was highly appreciated by local and federal authorities and stirred up a lot of discussion during and after the meeting.

The activities carried out during and after the RUCOLA projects proved to be very timely and contributed to the process of anti-corruption reforms and policies in the Russian Federation.

In April 2008, Russia went through the combined first and second evaluation rounds by the Council of Europe's Group of States against Corruption (GRECO). The report along with the recommendations were forwarded to the Russian authorities in October 2008 for comments and approval. The report is expected to be adopted in December 2008.

The new National plan, the draft law and the results of the GRECO evaluation now generate needs for further support. The RUCOLA projects demonstrated that technical cooperation can make an impact in this field. It therefore seems advisable that a new, more comprehensive project is designed in early 2009 to follow up.

8 ANNEXES

ANNEX I: Project calendar of activities (final version)

Outputs and activities	Description	2007													
		2006						2007							
		Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov
Output 1	Approaches and a pilot methodology for assessing and preventing corruption risks in the legislative process are developed and tested on pilot areas of legislation (health, education and public procurement). Legislative proposals strengthening the anti-corruption effort in the indicated areas of legislation prepared.	1	2	3	1	2	3	4	5	6	7	8	9	10	11
Activity 1.1	Organise up to 2 workshops for experts to analyse the methods and approaches for assessing and preventing corruption risks in legislation in Russia and other European countries.	X						X							
Activity 1.2	Organise up to 3 meetings of Russian and international experts in Moscow in order to study the legislative provisions enforced in the Western Europe regarding health, education and public procurement with regard to preventing corruption and make comparative analysis with the provisions of the Russian law in the field, applying the relevant methodology.			X		X									
Activity 1.3	Elaborate and evaluate legislative proposals to strengthen the anti-corruption effort in the indicated areas of legislation.				X	X		X							
Activity 1.4	To organize a meeting of Russian and international experts in order to study the legislative provisions enforced in the Western Europe regarding electronic bidding in the field of public procurement with regard														X

Project "Russian Federation – Development of legislative and other measures for the prevention of corruption" (RUCOLA 2)
FINAL REPORT

Outputs and activities	Description	2006												2007														
		Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	
	a specialised body responsible for the co-ordination of national efforts in the sphere of combating and prevention of corruption.	1	2	3	1	2	3	4	5	6	7	8	9	10	11													
Output 3	The materials produced within the framework of the Project for Harmonisation of Russian Anti-Corruption Legislation with International Standards (2005) published and disseminated.																											
Activity 3.1	Compile, edit, publish and distribute a brochure containing a selection of the best materials produced within the framework of Project for Harmonisation of Russian Anti-Corruption Legislation with International Standards (2005).	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

ANNEX II: Expert profiles

Council of Europe experts

QUENTIN REED – Team leader to the project and expert Output 1

Date of birth: 10.7.70

Nationality: British

Education

1991-1997 Oriel College, Oxford.

Doctoral dissertation on privatization, corruption and control in post-communist political systems, focusing on the Czech Republic. Awarded D.Phil. (PhD). 1997 British Political Studies Association Walter Bagehot Prize for best British doctoral dissertation on politics and public administration.

1988-1991 Oriel College, Oxford, U.K.

1st Class BA Honors Degree in Philosophy, Politics and Economics.

3rd from over 350 people in final honors school. College scholar. Winner of University economics essay prize.

Languages

Fluent Czech, fluent understanding of Slovak, rudimentary understanding of Russian.

Professional

Member of Board of Transparency International Czech Republic, 1998-2005, Chairman June – December 2004. Member of Organizing Committee for 10th International Anticorruption Conference, Prague, October 2001. Author of several published articles on and chapter contributions to books on corruption.

Work experience

2/2006-4/2006 Consultant to American Bar Association Central European and Eurasian Law Initiative (ABA CEELI), advising on reforms of law enforcement in Ukraine (reform of Prosecutor's Office, international human rights obligations of law enforcement agencies)

3/2004-12/2005 Consultant/editor for Open Society Institute European Advocacy and Monitoring Program (EUMAP)

Editing four of 20 country reports on Television in Europe: Regulation, Policy and Independence

- 1/2003- 12/2005 Consultant to the Open Society Justice Initiative on anti-corruption issues. Projects/tasks included:
- 3/2003 – 11/2004 Writing a 180-page handbook on monitoring election campaign finance (www.justiceinitiative.org/activities/ac).
- 10/2003 – 12/2004 Project manager for monitoring by the Justice Initiative and Center for Anticorruption Research and Initiative – Transparency International Russia of the abuse of public resources in the campaign for December elections to Russian State Duma.
- 1/2004 – 2/2005 Advising Mongolian Foundation for an Open Society on designing a report on corruption and anti-corruption policy in Mongolia, and for a project to monitor the abuse of public resources during the campaign for the June 2004 State Hural Elections (including editing final report).
- 1/2004 – 12/2005 provided advice to election monitoring projects in southern Africa (Zimbabwe, Mozambique) and Serbia.
- 12/2003 – 12/2005 training NGOs on how to monitor corruption and related phenomena.
- 10/2000-6/2003 Program Officer, Corruption, Open Society Institute EU Accession Monitoring Program (EUMAP).
- Editing and researched ten reports on corruption and anti-corruption policy in the EU candidate states of Central and Eastern Europe (www.eumap.org/reports/2002/corruption). Author of the Czech Report and Overview Report. From April/May 2004 editing four of a new round of reports on Monitoring Broadcasting Regulation and Independence of the Media in 21 EU candidate/accession countries and three EU Member States.
- 2/1999-9/2001 Writer/researcher, Economist Intelligence Unit, Business Operations Reports, Czech Republic. Plus other ad hoc freelance work (e.g. Financial Times, Euromoney, European Investment Fund Directory).
- 4/1997-1/1999 Reporter, Prague Business Journal.
- 2/1996-3/1997 Supreme Audit Office of the Czech Republic, Adviser to the Vice-president.
- Involved in organizing 1996 Conference of European Organization of Supreme Audit Institutions, helping with other international visits, aiding construction of a database of audit findings, and extensive translation and proofreading.
- Extensive translation experience (Czech-English).

DRAGO KOS – expert on output 2

Date of birth: 13.01.1961 Nationality: Slovenian

Education

1. State law (bar) exam, Ministry of Justice, Slovenia, 1991
2. Law degree at University of Ljubljana, Slovenia in 1983, major area of study : criminal law

Languages

Mother tongue : Slovenian

Other Languages : English (fluent), German (full working knowledge), Serbian, Croatian, Bosnian (all fluent).

Professional skills and expertise

Fields of expertise: corruption, organised crime, money laundering, economic crime, criminal investigations, special criminal investigative methods (theory and practise), witness protection, drafting of criminal law and police legislation, expertises of foreign legislation .

Credentials: president of the Council of Europe's Group of States against Corruption (GRECO), Vice-President of the European Healthcare Fraud and Corruption Network, former member of the Council of Europe's Group of Specialists on Criminal Law and Criminological Aspects of Organised Crime (PC-S-CO), IMF and Council of Europe law enforcement expert in the field of money laundering (MONEYVAL), appointed expert in other programmes of Council of Europe and European Union (Octopus, PACO, ADAC), member of the Steering Group of the Stability Pact Anti-Corruption Initiative (SPAI), member of working groups for drafting Slovenian penal (substantive and procedural) legislation and national strategies (crime in general, economic crime, corruption).

Drafting of:

- Kosovo Anti-Corruption Strategy (adopted in 2004),
- Kosovo Anti-Corruption Act (pending adoption),
- Resolution on the Prevention of Corruption (national strategy) of the Republic of Slovenia (adopted in June 2004),
- Anti-Corruption Act of the Republic of Serbia.

Assistance in drafting of:

- Law on Financing of Political Parties in Macedonia (FYROM),
- National Anti-Corruption Strategy in Serbia
- Action-Plan for the Implementation of the National Anti-Corruption Strategy in Serbia

Expertise given on the following pieces of documentation:

- Draft Criminal Procedure Code, Ukraine,
- Law on the Fight against Corruption, Ukraine,
- Criminal Code, Ukraine,
- Law on Prevention of Corruption, Federation of Bosnia and Herzegovina,
- Draft Law on the Ratification of the Council of Europe's Criminal Law Convention against Corruption, Russian Federation,
- Draft Law on Internal Affairs, Republika Srpska, Bosnia and Herzegovina,

- Law on the Chamber of Control, Georgia,
- Draft Anti-Corruption Practices Law, Azerbaijan,
- Draft Corruption Bill, United Kingdom,
- Law on Conflicts of Interests, Serbia,
- Law on Financing of Political Parties, Serbia,
- Draft Amendments to the National Anti-Corruption Strategy, Romania,
- Anti-Corruption Documents of the Kyrgyz Republic,
- Position of the National Anticorruption Prosecutor's Office in Romania

and others.

Member of international team investigating suspicious death in custody in Uzbekistan, 2005.

Relevant work experience

2004 onwards	First elected president of the Commission for the Prevention of Corruption in the Republic of Slovenia
2004 (first half)	Acting head of the Office of the Government of the Republic of Slovenia for Prevention of Corruption, Ljubljana, Slovenia
2002 – 2004	State Undersecretary at the Office of the Government of the Republic of Slovenia for Prevention of Corruption, Ljubljana, Slovenia. Area of work: international relations in the field of anti-corruption. Type of business: representing Slovenia in international relations;
1999 – 2002	Counsellor to the government at the Office for European Affairs and International Co-operation at the Ministry of the Interior of Slovenia, Ljubljana. Area of work : negotiations between Slovenia (as a candidate country) and European Union in the field of justice and home affairs. Type of business: acting head of a unit, co-ordinating national activities in the field of organised crime, money laundering and corruption, representing (actively) country and Council of Europe at international conferences and seminars (Global Forum II and III, 10 and 11th IACC, Conferences of Specialised Services in the Fight against Corruption..);
1997 – 1999	Counsellor to the government, Deputy Director of the Criminal Investigation Directorate of Slovenian Police, Ministry of the Interior of Slovenia. Area of work : head of criminal investigation operations, Type of business : leading of the operational activities in the criminal cases of national and international importance, co-ordinating all other criminal police activities, building-up systems of special investigative methods and crime analyses in Slovenia. Supervisory experience : supervising operational activities of 700 criminal investigation officers;
1995 – 1997	Counsellor to the Minister, Head of Organised Crime Section, Ministry of the Interior of Slovenia, Ljubljana. Area of work : organising and heading of a brand new section for organised crime. Type of work: leading and co-ordinating investigative activities in the organised crime cases of international and national importance, establishing the systems of special investigative methods and crime analyses in

- Slovenia. Supervisory experience : supervising activities of 100 criminal investigation officers in the field of organised crime;
- 1993 – 1995 Criminal Investigation Inspector in the Investigation Division of the Criminal Investigative Directorate of the Ministry of the Interior of Slovenia. Area of work : investigating in major cases. Type of work : operational police activities;
- 1991 – 1993 Deputy director of the Criminal Investigation Department of the regional Police Directorate in Slovenj Gradec, Ministry of the Interior of Slovenia. Area of work : investigating in major regional cases. Type of work : operational police activities. Supervisory experience : supervising operational activities of 10 criminal investigation officers;
- 1991 Practical experience with Slovenian judicial authorities (criminal and civil courts, public prosecution service,..);
- 1987- 1991 Head of Economic Crime Division of the regional Police Directorate in Slovenj Gradec, Ministry of the Interior of Slovenia. Area of work : investigating major regional economic and drug cases. Type of work : operational police activities. Supervisory experience : supervising operational activities of 3 criminal investigation officers
- 1983 – 1987 Inspector of the regional Police Directorate in Slovenj Gradec, Ministry of the Interior of Slovenia. Area of work: investigating criminal cases. Type of work : operational police activities

Publications and Presentations

Special investigative methods in a concrete case, Seminar on Special Investigative methods, College for Police and Security Studies, Ljubljana, 1996

The fight against corruption, organised crime and money laundering; Essay at the seminar organised by the Council of Europe, Tbilisi, Georgia, 1999

The setting of special national services for the fight against corruption – Slovenia's point of view, A Collection of essays from International conference »Corruption in Central and Eastern Europe at the Turn of Millenium«, Ljubljana, Slovenia, 2000

Priorities of the European policy on crime prevention and suppression, Seminar on Public Law, Faculty of Law Ljubljana, Portorož, 2000

Crime in Slovenia or Slovenia in Crime, Days of Security Studies, College for Police and Security Studies, Bled, 2000

Auditors and Corruption, 6th Annual conference of auditors, Slovene Auditors Institute, Portorož, 2000

Special investigative means, Seminar on "Problems of combating organized crime", Faculty of Law, Krasnoyarsk, 22-23 November, 2000

Efficient "new" police, Days of Security Studies, College for Police and Security Studies, Bled, 2001

Functioning of the Group of States against corruption - GRECO, Essay at the international conference »Corruption within Security Forces: A threat to National Security«, Marshall Center for Security Studies, Garmisch-Partenkirchen, Germany, 2001,

How to make international legal instruments work, 10th International Anti-Corruption Conference, Prague, 2001

Corruption and the media, VI. Conference of Specialised Services in the Fight against Corruption, Portorož, 2001;

Reporting on the financial assets of the public officials, Conference "Are the limits clear?", Agency for management, Otočec, 2002;

Problems of the police co-operation on the basis of the Schengen agreement, Journal "Varstvoslovje", 1/2002

Corruption and Investments, OECD Conference on the investment policies, OECD and Ministry for Economy of the Republic of Slovenia, Ljubljana, 2002

Tackling Corruption through Peer Review, Conference of the Foreign&Commonwealth Office "Tackling Corruption in Africa – Building a new Partnership", London, 20 May, 2002

Die Internationale Zusammenarbeit bei der Bekämpfung Grenzüberschreitender Kriminalitaet, Max-Planck Institute, Bavaria, June, 2002

Identifying deficiencies and developing comprehensive anti-corruption policies in Europe, European Commission Seminar on the fight against corruption, Brussels, November 2002;

Anti-corruption policies – principles or obligations?, Conference "Cross-Border Crime, Terrorism: Law Enforcement, Security and Liberties Equilibria, Faculty of Law, Ljubljana, 18 October, 2002

Means to control / avoid corruption on the national level: need for specialised agencies?, Seminar of the Venice Commission: Standards of Public Life including Means to avoid Corruption, Trieste, 25-29 November, 2002

Will it get better or will it get worse? "The European Criminal Area and the World", International Conference organised by Legal Section of the Institute for European Studies, Brussels, 17-18 March, 2003

How to increase efficiency of the specialised anti-corruption agencies and commissions? Wilton Park, UK, March, 2003

The blue line, 4th ACPO Professional standards in policing conference, Belton Woods, UK, May 2003

Monitoring anti-corruption efforts in Europe, Global Forum III, Seoul, May 2003;

Evaluation respect of international anti-corruption standards, Meeting of regional and sub-regional organisations on fighting corruption and organised crime, Vilnius, June 2003,

Undercover police work, Days of Security Studies, College for Police and Security Studies, Bled, 2003

Monitoring anti-corruption efforts in Europe, Course "Corrupcion, causas, efectos y tratamiento juridico", International University Menendez Pelayo, Valencia, 8-12 September, 2003,

How to prevent corruption in the private sector?, Seminar on Economic Crime, General Police Directorate, Ljubljana, 22 January, 2004,

Instruments of the Council of Europe on the Fight against Corruption and for Promoting Public Ethics, Conference on the European Code of Conduct for Local and Regional Elected Representatives, Rome, 27 February, 2004

Answering new challenges of crime – fight against corruption, Conference "Building an area of freedom, security and justice: the challenges for Europe", Sinaia (Romania), 1-2 April, 2004,

Organised crime markets, structure of criminal organisations and strategies against organised crime, Seminar "State security, trans-national organised crime and illegal immigration", EC Commission for Democracy through Law (Venice Commission), Trieste, 5-6 July, 2004,

Co-operation against trafficking in human beings, Combating Organised Crime – Best Practice Surveys of the Council of Europe, Council of Europe, 2004,

Preventing fraud in the health sector, Conference "Ethics in White", Portorož, 21-22 October, 2004,

Financial and budgetary management at the local level, Seminar "Corruption at the local level", Ljubljana, 18 November, 2004,

Corruption and Human Rights in Europe, Seminar "Corruption and Human Rights", Athens, Greece, 1 st March, 2005,

Fighting Corruption in South Eastern Europe, Expert and Ministerial Conference on Measures to Curb Corruption in South Eastern Europe, Bruxelles, 11-12 May, 2005,

Corruption and Illegal Drugs, Conference "Illegal Drugs in Slovenia", National Council, Ljubljana, 24 May, 2005,

Correlation between Corruption and Open Society, Conference "Modern Public Administration", Portorož, 24 May, 2005,

Building and Evaluating Monitoring Mechanisms, IV Global Forum on Fighting Corruption, Brasilia, 6 – 10 June, 2005,

The Slovenian Experience in Implementing International Anti-Corruption Standards, Conference "Promoting Incorporation of International Anti-Corruption Standards into Serbian Legislation", Belgrade, 20-21 September, 2005,

Does Slovenia Need Prevention of Corruption?, Conference "Capitalism and Violence – Transgressive Criminology", Ljubljana, 30 September, 2005, **and many others.**

PETER TREPTE - Expert on corruption in public procurement

CURRICULUM VITAE

DATE OF BIRTH	21.02.63
NATIONALITY	British
PROFESSION	Barrister
SPECIALISATION	Legal adviser and consultant in the law and practice of public procurement reform

ACADEMIC AND PROFESSIONAL QUALIFICATIONS

- **B.A. (Hons.)** in English and French law from the University of Kent at Canterbury (UK)
 - **Licence en Droit** in public/private law from the University of Grenoble (France)
 - **PhD** in public procurement law from the University of Tilburg (Netherlands)
 - **Barrister:** Council of Legal Education and call to the Bar of Gray's Inn (UK)
-

KEY QUALIFICATIONS

- Provision of legal advice and legal representation to public and private sector clients in a range of public procurement matters subject to national, EU and international procurement regulation: legal opinions; preparation and submission of notifications and complaints to a number of administrative authorities; representation of clients before administrative and legal tribunals (European Commission, EFTA Surveillance Authority; WTO; UK High Court, the courts of other EU jurisdictions and the European Court).
- Extensive and wide geographical experience of drafting national laws and implementing rules and regulations in the field of public procurement; drafting standard bidding and contract documents and guidance; developing appropriate procurement regulatory and institutional frameworks and dispute resolution mechanisms; and the design and implementation of public and private sector procurement training programmes.
- Preparation of study and review contracts for the European Commission on procurement matters, including reporting on the preparedness of the Accession countries to comply with EU procurement directives and re-drafting the Commission's Practical Guide for Community-financed projects and the provision of advice on Phare and Tacis funded projects to the governments of Central and Eastern Europe on the most appropriate means of implementing competition and procurement regulation as well as on preparation for accession to the EU and adoption of the *acquis communautaire*.
- Expertise in reviewing and assessing national procurement systems against

international best practice and the measurement/benchmarking systems of a number of international organizations such as the OECD, WTO, World Bank and Sida as well as UNCITRAL.

- Member of the WTO Dispute Settlement Panel in the first major procurement dispute brought under the WTO Government Procurement Agreement by the USA against South Korea concerning airport construction (DS 163).
- Member of the UK Department for International Development's (DFID) panel of Procurement Fiduciary Risk, Anti-corruption and Capacity Building Specialists.

COUNTRIES OF WORK EXPERIENCE

Afghanistan, Armenia, Azerbaijan, Bangladesh, Belarus, Bhutan, Bosnia, Bulgaria, Colombia, Costa Rica, Czech Republic, Dem. Rep. of Congo, Ecuador, El Salvador, Georgia, Guatemala, Hungary, India, Kosovo, Laos, Lithuania, Malaysia, Maldives, Moldova, Mongolia, Morocco, Peru, Poland, Pakistan, Romania, Senegal, Serbia, Slovakia, Slovenia, Turkey, Tunisia, Ukraine.

MEMBERSHIP OF PROFESSIONAL SOCIETIES

- Fellow of the Chartered Institute of Arbitrators
- Member of the Chartered Institute of Purchasing and Supply
- Editorial Board of the Public Procurement Law Review
- Former Chairman, Government Procurement sub-committee (M6), International Bar Association

LANGUAGE CAPABILITY	SPEAKING	READING	WRITING
English	Mother Tongue	Mother Tongue	Mother Tongue
French	Excellent	Excellent	Excellent
German	Good	Excellent	Good
Spanish	Fair	Good	Fair

PUBLICATIONS

- Author: " Public Procurement in the EC " (CCH 1993). Second edition due in Januray 2007.
- Author: "The Government Procurement Agreement" in "A Comprehensive Guide to the WTO" (Springer, 2005)
- Author: "Regulating Procurement" (OUP, 2004)

SUMMARY OF COUNTRY EXPERIENCE

- 2006** **India:** Assistance in respect of procurement reform in Jharkhand and more generally in India for World Bank SARPS team.
- 2006** **Pakistan:** Procurement reviews/assessments in NWFP and Balochistan.

2006	Mongolia: Establishment of procurement challenge procedures, including rules of procedure and selection and training of panel members.
2006	Moldova: Assistance with alignment of procurement law to the WTO's Government Procurement Agreement.
2005-6	Bhutan: Assistance with review of procurement manual and development of future reform programme, including capacity development..
2005	Caribbean: Report on transparency in Government procurement and trade related issues.
2005-6	Ukraine: Assessment of procurement law.
2005	Pakistan: Assistance in respect of procurement reform in NWFP and provinces of Sindh.
2005	Poland: Supervision and drafting of publications for tenderers on the EC directives and practical guidance in respect of target countries.
2005	Maldives: Appraisal of procurement arrangements for the Maldives emergency recovery operation.
2005	Bangladesh: Assistance with procurement performance benchmarking system.
2004-5	South Asia: Participation in review of capacity development efforts in the field of procurement and design of new strategy for the World Bank.
2004-6	Kosovo: Review of public procurement law and institutional arrangements to ensure compatibility with EU provisions and international best practice.
2004	Gabon: Presentations conducted on behalf of the WTO's GPA Secretariat on a number of GPA related issues at the WTO Regional Conference for francophone Africa.
2004	Mongolia: Review and revision of Mongolian procurement law and secondary legislation.
2004	Dem. Rep. of Congo: Diagnostic analysis of the procurement mechanisms put in place under the international emergency rehabilitation programmes.
2004	Morocco: Advice on draft law for the letting of public concessions contracts and comments on procurement dispute resolution system.
2003-2004	Afghanistan: Progress review for the World Bank on performance under the Emergency Public Administration Project and proposals for future action.
2003-2004	Pakistan: Report to the World Bank on the state of progress of public procurement reform in Pakistan and on the actions needed to be taken in the context of the Bank's PRSC program.
2003	Poland: Conduct of review for the World Bank of legislation and capacity of national road agency for purposes of Bank loan.
2003	Europe: Analytical review for the OECD/European Commission of the European Union's Practical Procurement Guide applicable to all procurement through the EU's external aid program with a view to assessing its compatibility with European procurement legislation.
2003	Eastern Europe: Review on behalf of the OECD/European Commission of the preparedness of central and eastern European countries for accession to the EU in terms of procurement legislation

FINAL REPORT

	for inclusion into the Commission's Pre-accession Review. Drafting responsibility for Czech Republic, Slovenia, Slovakia, Poland.
2003	Bulgaria: Outside legal consultant for preparation of the World Bank's CPAR.
2003	Romania: Preparing amendments to Romanian procurement law in preparation for accession to EU. Training of trainers in procurement.
2003	Bosnia: Preparing amendments to Bosnian procurement law in preparation for accession to EU. Strategic advice on reform process.
2003	Georgia: Assistance to Government of Georgia in accession negotiations to the WTO's Government Procurement Agreement.
2003	Serbia: Advice on amending Serbian procurement law; IT development and training.
2002-2003	Latin America and Africa: Review of public procurement laws of a number of countries against the Sida procurement measurement system. Countries concerned: Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Morocco, Peru, Senegal and Tunisia.
2002	Moldova: Outside legal consultant for preparation of the World Bank's CPAR.
2002	Armenia: Outside legal consultant and draftsman for preparation of the World Bank's CPAR.
2002	Azerbaijan: Outside legal consultant and draftsman for preparation of the World Bank's CPAR.
2002	Georgia: Participant in CPAR conference and assistance with finalization and updating of Georgia CPAR.
2001	Turkey: Assistance with drafting new public procurement law, secondary legislation and the establishment of a procurement regulatory authority.
2000	Bhutan: Elaborating an IT based classification system for contractors and website; setting up an arbitration system for the construction industry; training arbitrators.
1999-2000	Mongolia: Team Leader drafting new public procurement law; drafting standard tender and contract documents; designing review system and setting up procurement office.
1998	Malaysia: Presentation on a number of procurement principles to the APEC Group of Experts in preparation for their "Non-Binding principles on Government Procurement"..
1997-1998	Bhutan: Legal consultant drafting new public procurement law; drafting standard tender and contract documents.
1996-1998	Laos: Team Leader drafting new public procurement law; drafting standard tender and contract documents; designing review system and setting up procurement office.
1994-1996	Eastern Europe: Various assignments in Central and Eastern Europe advising on development of new procurement laws and training: Belarus; Czech Republic; Hungary; Lithuania; Slovakia; Ukraine.

Team of Russian experts

Facilitating expert:

1. YUZHAKOV Vladimir

President, Institute for Modernisation of the Public (state and municipal) Administration

Other experts:

2. TALAPINA Elvira

Senior scientific expert, Institute of State and Law, Russian Academy of Sciences, Cand. of Law

Area of expertise: methodology and application of anti-corruption appraisal of laws (in force and draft laws)

3. SANNIKOVA Larissa

Senior scientific expert, Institute of State and Law, Russian Academy of Sciences, Cand. of Law

Area of expertise: Anti-corruption legislation and regulation of education and health

4. SOLOVYANENKO Nina

Senior scientific expert, Centre for Business Law, Institute of State and Law, Russian Academy of Sciences, Cand. of Law

Area of expertise: Anti-corruption legislation and regulation of public procurement

5. PANFILOVA Elena

Director, Centre for Anti-Corruption Research and Initiatives "Transparency International Russia"

Area of expertise: corruption prevention strategies and role of civil society in combating corruption

ANNEX III: Programme

Meeting of Russian and International experts

Moscow

State Duma of the Federal Assembly of the Russian Federation

Room 830 (Georgievsky pereulok 2)

19 November 2007

11.00-11.10 Opening by **Mikhail I. Grishankov**, Chairman of the State Duma Commission on Combating Corruption

11.10-11.20 Opening by **Marc Franco**, Head of Delegation of the European Commission to Russia

The experience of European countries in creating and functioning of a specialised body responsible for the co-ordination of national efforts in the sphere of combating and prevention of corruption

Chairman Mikhail I. Grishankov

Chairman of GRECO Drago Kos

11.20-11.40 **Vytas Rimkus**, Head of Corruption Prevention Department, and **Valdas Jacynas**, Head of Intelligence Department, Special Investigations Service, Lithuania: *The experience of Lithuania in creating a specialised body responsible for the co-ordination of national efforts in the sphere of combating and prevention of corruption*

11.40-11.55 **Discussion**

11.55-12.15 **Anca Jurma**, Chief service prosecutor, Prosecutor's Office attached to the High Court of Cassation and Justice – National Anticorruption Directorate, Romania: *The experience of Romania in creating a specialised body responsible for the co-ordination of national efforts in the sphere of combating and prevention of corruption*

12.15-12.30 **Discussion**

12.30-12.50 **Vladimir Georgiev**, Head of Department, and **Cvetko Mojsoski**, Secretariat of the State Commission for Prevention of Corruption, the former Yugoslav Republic of Macedonia: *The experience of Macedonia in creating a specialised body responsible for the co-ordination of national efforts in the sphere of combating and prevention of corruption*

12.50-13.05 **Discussion**

13.05-13.35 **Drago Kos**, Chairman of the Commission for the Prevention of Corruption in the Republic of Slovenia and Chairman of the Group of States against Corruption – GRECO: *The issue of creating in Russia a specialised body/bodies responsible for the co-ordination*

13.35-13.55 **Discussion**

Closing session for RUCOLA 2 project

“Russian Federation – Development of legislative and other measures for the prevention of corruption”

Chairman Mikhail I. Grishankov

- 13.55-14.25 **Quentin Reed**, expert of the Council of Europe: *Summing up the work of the RUCOLA 2 project on Output 1: Approaches for assessing and preventing corruption risks in the spheres of healthcare, education and public procurement and in the legislative process in general*
- 14.25-14.35 Closing speech by **Mikhail I. Grishankov**, Chairman of the State Duma Commission on Combating Corruption
- 14.35-14.45 Closing speech by **Marc Franco**, Head of Delegation of the European Commission to Russia
- 14.45-14.55 Closing speech by **Svetlana Anisimova**, Project Co-ordinator, Council of Europe
- 14.55-15.10 Final remarks
- 15.15 End of seminar

ANNEX IV: Press coverage on the project closing meeting

 **РОССИЙСКАЯ**
ГАЗЕТА

<http://www.rg.ru/2007/11/19/duma-korupciya-anons.html>

19 ноября состоится заключительный семинар-совещание российских и зарубежных экспертов в рамках совместного проекта Комиссии Государственной Думы по противодействию коррупции и Совета Европы "Разработка законодательных и иных мер предупреждения коррупции".

Как сообщил председатель Комиссии по противодействию коррупции Михаил Гришанков, участники семинара-совещания обсудят зарубежный опыт создания специализированных органов, ответственных за координацию общегосударственной деятельности в сфере предупреждения и противодействия коррупции.

В семинаре-совещании примут участие депутаты, представители Администрации Президента, Верховного и Высшего Арбитражного судов, Генеральной прокуратуры, Министерства юстиции, Министерства внутренних дел, Счётной палаты, Росфинмониторинга, эксперты и правоведа, специализирующиеся в вопросах противодействия коррупции.

Ожидается, что в дискуссии также примут участие руководители специализированных антикоррупционных органов Литвы, Румынии, Македонии.

Подробнее читайте на сайте Госдумы РФ

Опубликовано на сайте "Российской Газеты" 19 ноября 2007 г.

Просим обратить внимание на то, что в разных по времени подписания и региону распространения выпусках газеты текст статьи может несколько различаться. Этот вариант можно использовать только как ориентировочный. Для получения дословного текста публикации воспользуйтесь платной подпиской на получение точных полных текстов газетных публикаций

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<http://www.dp.ru/msk/news/lac/200711/19/247378/>

В России появится антикоррупционная спецслужба

19 ноября 2007; 15:06 Просмотров: [518]

Чиновников и членов их семей заставят сообщать не только о своих доходах, но и расходах. Контроль над толстыми кошельками публичных лиц в скором времени поручат специальному органу по борьбе с коррупцией.

Создание нового спецведомства предусмотрено в законопроекте "О противодействии коррупции", который может быть внесен в Госдуму в ближайшие 2 месяца.

Как пояснил глава думской Комиссии по противодействию коррупции Михаил Гришанков, документ поступит в парламент за подписью президента, а его рассмотрение депутатами запланировано на весеннюю сессию.

У силовиков остался лишь один повод для спора: какой орган возьмет на себя борьбу с коррупцией, пояснил депутат. "Некоторые специалисты полагают, что эти функции следует передать уже действующим ведомствам", – говорит Гришанков. Другой вариант – наделение дополнительными полномочиями Росфинмониторинга.

В Европе нет универсальной модели создания спецведомств по борьбе с коррупцией, так что у России в этом плане есть свобода маневра. К примеру, в Румынии с взяточниками борется Национальная антикоррупционная прокуратура (Napo), в полномочия которой входит расследование уголовных дел.

Специальная государственная комиссия в Македонии всего лишь составляет план предотвращения коррупции и занимается экспертизой законодательства в этой сфере. В Литве Специальная следственная служба (STT) работает под надзором прокурора и подотчетна президенту и парламенту.

В проекте закона также предполагается распространить на ряд преступлений действие института конфискации имущества, сообщил Гришанков. Правда, по каким именно статьям Уголовного кодекса будут изымать незаконно нажитое добро, депутат не уточнил.

Сейчас институт конфискации действует лишь в отношении должностных преступлений и пособников террористов.

Елена Земскова



■ Дата публикации: четверг, 19.11.2007



Борьба с коррупцией по-литовски

19.11.2007 / МАРИНА СОКОЛОВСКАЯ

Материал опубликован в "Газете" №217 от 2007-11-20г.

Главный удар по российской коррупции должно нанести новое специальное ведомство по борьбе с коррупцией. Об этом говорил Виктор Зубков, еще когда его утверждала Дума. Вчера там же, в Думе, прошел семинар в рамках совместного проекта думской комиссии по противодействию коррупции и Совета Европы. Было решено рекомендовать

администрации президента и другим заинтересованным ведомствам, где сегодня идет работа над законопроектом о противодействии коррупции, ознакомиться с опытом зарубежных стран по созданию специализированных антикоррупционных органов.

По словам председателя комиссии Госдумы по противодействию коррупции Михаила Гришанкова, президентский законопроект о противодействии коррупции может быть внесен в парламент в течение двух ближайших месяцев. Гришанков предсказывает ему небывалую скорость принятия - сразу в трех чтениях.

Уже сейчас известно, что документ содержит положения, по которым госслужащие, а также члены их семей будут обязаны декларировать свои доходы и имущество. Помимо этого будет введен контроль за расходами должностных лиц. По словам Гришанкова, предполагается внести поправки в УК, предусматривающие конфискацию имущества. В действующем законодательстве институт конфискации имущества за должностные преступления, а также за содействие террористическим организациям уже есть.

Что касается нового антикоррупционного органа, то вопросы его деятельности сегодня уже прорабатываются. По словам Гришанкова, это будет орган «типа финразведки».

Зарубежные эксперты признают: единого способа борьбы с коррупцией не существует. По словам второго секретаря представительства Европейской комиссии Пьера Дибмана, полностью искоренить коррупцию вряд ли удастся, но возможно снижение ее уровня до такого предела, когда она не будет представлять угрозы целостности демократической системы.

По словам начальника отдела по предотвращению коррупции Службы специальных расследований Литвы Витаса Римкуса, профилактике этих преступлений надо уделять не меньше внимания, чем уголовным наказаниям.

Профилактика после искоренения злостных проявлений коррупции должна включать и такое повышение зарплат чиновников, которое избавляло бы их от тяги к дополнительным заработкам. Кроме того, предлагается, чтобы процедура отбора чиновников включала достаточно жесткую проверку на честность. Процесс назначения на руководящие должности

должен быть прописан законом, так же как и гарантии срока пребывания в должности.

В России, где коррупционные скандалы разгораются с завидным постоянством и где только в октябре за превышение служебных полномочий были взяты под стражу сотрудники службы безопасности МЧС и ФСБ, рекомендации о проверке на честность звучат как неуместная шутка. Тем не менее, по словам директора АНО "Центр антикоррупционных исследований и инициатив "Трансперенси Интернешнл - Р" Елены Панфиловой, честных и неподкупных людей даже в нашем заскорузлом варианте вполне можно найти на среднем уровне власти. «Что касается использования чужого опыта, то надо попытаться избежать ошибок и синтезировать удачный опыт других стран», - считает она.

Постоянный адрес статьи: <http://gzt.ru/society/2007/11/19/220032.html>

№212, 20 ноября 2007

ONLINE
ВРЕМЯ
НОВОСТЕЙ

ИД "Вр

№ // 20.11.2007

Несвоевременная тема

Перед выборами власть тормозит инициативы по борьбе с коррупцией

Ни для кого не секрет, что тема борьбы с коррупцией перед выборами обычно в любом государстве используется, что называется, на все сто процентов. Однако сегодня, за две недели до выборов в нижнюю палату парламента, политические силы, претендующие на места в пятой Думе, эту тему практически не эксплуатируют. Впрочем, все может измениться в любой момент. По крайней мере, на столе Владимира Путина, возглавляющего список «Единой России», лежат предложения межведомственной рабочей группы (ее возглавляет помощник президента Виктор Иванов), направленные на активизацию антикоррупционных действий, ход которым может быть дан в любую минуту. «Все готово, готовится Совет безопасности, где будут приняты серьезные решения», -- заявил вчера глава комиссии Госдумы по противодействию коррупции Михаил Гришанков. Он предполагает, что заседание пройдет до нового года, не исключено, что и до конца ноября, то есть прямо накануне выборов.

По словам г-на Гришанкова, первоначально Совет безопасности должен был собраться для обсуждения темы борьбы с коррупцией в октябре, но заседание перенесли на начало ноября. Однако и этот срок выдержан не был. При этом отметим, что предложения межведомственной рабочей группы были представлены президенту еще 1 августа, строго в соответствии с графиком ее работы.

Похоже, срок принятия и обнародования решений по затрагивающей практически всех россиян проблеме зависит от того, захочет ли власть и представляющая ее партия перед выборами широко рассуждать на тему коррупции. Ведь у нынешней власти было целых восемь лет, чтобы исправить ситуацию, но соответствующие антикоррупционные международные рейтинги России за эти годы только снизились. По сути дела, сделан лишь один значимый шаг: Госдума ратифицировала конвенции ООН против коррупции и Совета Европы об уголовной ответственности за этот вид преступлений. Этого явно мало, но продолжения не последовало. До сих пор в России не принят даже базовый закон о противодействии коррупции, о необходимости которого специалисты говорят долгие годы. Не говоря уже о создании специального органа по борьбе с этим социальным злом.

В предложениях межведомственной рабочей группы идет речь как о принятии антикоррупционного закона и внесении соответствующих поправок в уже действующие законодательные акты, так и о создании специализированного органа по борьбе с коррупцией. Причем закон новый, поскольку предыдущий, который даже был принят Госдумой третьего созыва в двух чтениях, на поверку оказался совершенно сырым и содержал огромное количество противоречий. Михаил Гришанков уверен, что закон поступит в Госдуму уже в ближайшее время за подписью президента (утверждать его, понятно, будет уже новый состав палаты). «Убежден, что все предложения межведомственной группы будут внесены Владимиром Путиным. Уверен, что в ближайшее время», -- добавил он.

Законопроект, как отмечает парламентарий, получился гораздо жестче, чем были многие идеи, высказанные экспертами. Например, он предполагает декларирование имущества членами семьи чиновника (сейчас, согласно действующему закону «О государственной гражданской службе РФ», декларировать имущество должен только сам чиновник). Кроме того, если обнаружится недостоверное декларирование имущества, прокурор будет иметь

право направить представление в суд для конфискации незадекларированного имущества.

Решений относительно того, каким будет госорган, занимающийся борьбой с коррупцией, пока не принято. Либо он будет создан на базе действующих правоохранительных органов, либо в России появится специальное ведомство -- может быть, по типу финансовой разведки. Окончательное решение, говорит Михаил Гришанков, должен принять президент.

При формировании уполномоченного органа по борьбе с коррупцией России пригодится опыт других стран, которые уже прошли этот путь. Вчера на семинаре в Госдуме, посвященном именно этой теме, выяснилось, что Россия серьезно отстала от других стран, по крайней мере восточноевропейских. Например, в Литве, Румынии, Македонии, представители которых выступили на семинаре, и антикоррупционное законодательство давно принято, и соответствующие органы созданы. В Литве, например, уже десять лет действует Служба специальных расследований (STT). Причем в ее задачи входит не только выявление и задержание нечистых на руку чиновников, но и профилактика коррупционных преступлений, а также просветительская работа.

Начальник отдела по предотвращению коррупции Службы специальных расследований Литвы Витас Римкус заявил на семинаре, что искоренять причины коррупции путем профилактики и просветительства гораздо дешевле, нежели вести расследования.

Михаил ВОРОБЬЕВ

// читайте тему // Выборы в России

Государственная Дума

Page 1 of 2

История ГД
Состав и структура ГД
Мероприятия в ГД
Законодательная деятельность ГД
Представительная деятельность ГД
Международная деятельность ГД
Информационные и аналитические материалы ГД
Библиотечно-библиографические ресурсы
Экскурсии по ГД



04.12.2007
вторник

Информация о событиях в Государственной Думе

19 ноября 2007г. в Государственной Думе состоится семинар-совещание в рамках совместного международного проекта «Разработка законодательных и иных мер предупреждения коррупции» на тему «Зарубежный опыт по созданию специализированных органов, ответственных за координацию общегосударственной деятельности в сфере предупреждения и противодействия коррупции», а также подведение итогов и церемония официального закрытия проекта. Мероприятие проводит Комиссия Государственной Думы по противодействию коррупции.

Начало в 15.00 в зале № 830 нового здания.
Контактные телефоны: 692-31-09, 692-27-86.

Управление по связям с общественностью и взаимодействию со СМИ

Законопроект "О противодействии коррупции" может быть принят в весеннюю сессию Госдумы

Законопроект "О противодействии коррупции" может быть внесен в Государственную думу РФ в течение двух месяцев. Как передает корреспондент **ИА REGNUM**, об этом 19 ноября заявил журналистам председатель **комиссии Госдумы по борьбе с коррупцией Михаил Гришанков** ("Единая Россия"). Гришанков также выразил уверенность в том, что законопроект будет внесен президентом РФ и в весеннюю сессию будет рассмотрен сразу в трех чтениях. Однако, по словам депутата, пока неясно, какой именно орган будет отвечать за борьбу с коррупцией. По мнению Гришанкова, это будет орган "типа финразведки".

Депутат уточнил, что в соответствии с документом госслужащие, а также члены их семей будут обязаны декларировать свои доходы и имущество, вводится также контроль за расходами публичных должностных лиц. Также, по словам Гришанкова, предполагается ввести поправки в Уголовный кодекс, которыми будет предусмотрена конфискация имущества. Вместе с тем Гришанков отметил, что в соответствии с действующим законодательством институт конфискации имущества за должностные преступления, а также за содействие террористическим организациям уже фактически работает. Так, по словам депутата, летом 2007 года в отношении одного из вице-губернаторов было принято решение о тюремном заключении, а также о конфискации имущества на общую сумму 15 млн руб.

Современную экономическую ситуацию в России нельзя сравнивать с экономической ситуацией в конце 90-х гг., однако рост экономики происходит на фоне роста коррупции, заявил второй секретарь **представительства Европейской комиссии в РФ Пьер Дибманн** 19 ноября в Госдуме в ходе семинара-совещания в рамках совместного проекта комиссии Госдумы по противодействию коррупции и Совета Европы, где обсуждался зарубежный опыт по созданию специализированных органов, ответственных за координацию общегосударственной деятельности в сфере предупреждения и противодействия коррупции. Вследствие роста коррупции Россия теряет свои позиции во всех независимых международных рейтингах, добавил Дибманн.

По словам участников семинара, в последние годы в большинстве европейских стран созданы специализированные органы по борьбе с коррупцией. Однако, по мнению экспертов, полностью искоренить коррупцию вряд ли удастся, но возможно снижение уровня коррупции до такого предела, когда она не будет представлять угрозы целостности демократической системы, принципу верховенства закона и социальному и экономическому прогрессу. При этом количество осужденных за коррупцию нельзя считать достаточным показателем успеха. Более весомым показателем является изменение в отношении людей к коррупции, их нетерпимость к ней, полагают эксперты.

Проблема независимости органов по борьбе с коррупцией вызывает большую озабоченность у специалистов. Вместе с тем независимость не означает

неподотчетности органа по борьбе с коррупцией - он должен представлять ежегодный отчет правительству, главе государства или парламенту. Его финансовые документы должны подвергаться аудиту. Органы расследования, обладающие особыми полномочиями, должны подлежать контролю со стороны судебных органов. И хотя некоторые виды деятельности требуют конфиденциальности, их работа должна быть подотчетной общественности, отмечают специалисты.

Особое внимание эксперты уделяют кадрам. В рекомендациях, предложенных ранее на встрече-диалоге Octopus Бертраном де Спевиллем, сказано: "При подборе кадров специализированных органов по борьбе с коррупцией следует руководствоваться только достоинствами кандидата. Процедура отбора должна включать проверку на честность. Процесс назначения на руководящие должности такой службы должен быть прописан законом, так же как и гарантии срока пребывания в должности, зарплата и условия работы должны быть таковы, чтобы сотрудник не нуждался в дополнительных источниках дохода. Сотрудники должны соблюдать особый кодекс поведения, любое нарушение которого карается дисциплинарными санкциями со стороны руководителя службы".

В Госдуме обсуждался опыт по созданию органов по борьбе с коррупцией Литвы, Румынии, Македонии. Вместе с тем очевидно, что в Европе нет какой-то одной универсальной модели, да и самим структурам по борьбе с коррупцией еще только около пяти лет.

В частности, в Румынии орган по борьбе с коррупцией создан по типу правоохранительных органов. Национальная антикоррупционная прокуратура (Napo) появилась в 2002 г, в ее компетенцию входит расследование сложных дел о коррупции в особо крупных масштабах среди чиновников высшего и среднего звена.

В Македонии Государственная комиссия по предотвращению коррупции учреждена в 2001 г. Она составляет национальный антикоррупционный план, предоставляет экспертные оценки по проектам законов о предотвращении коррупции, принимает инициативы по контролю за финансированием политических партий, профсоюзов и гражданских ассоциаций. Госкомиссия состоит из семи сотрудников, которые назначаются президентом на 4 года. При ней имеется секретариат из пяти человек, выделенных Министерством юстиции.

В Литве борьбой с коррупцией с июня 2000 г. занимаются многоцелевые службы. В этой стране Специальная следственная служба (STT) является специализированным правоохранительным агентством под надзором прокурора и подотчетным президенту и парламенту. Служба занимается раскрытием и предварительным расследованием дел о коррупции, сбором и анализом всей информации в этой области, разработкой превентивных мер и просвещением общественности.



20.11.2007

Как искоренить коррупцию?

Главный удар по российской коррупции должно нанести новое специальное ведомство по борьбе с коррупцией. Таковы итоги семинара, прошедшего в рамках совместного проекта думской комиссии по противодействию коррупции и Совета Европы.

Было решено рекомендовать администрации президента и другим заинтересованным ведомствам, где сегодня идет работа над законопроектом о противодействии коррупции, ознакомиться с опытом зарубежных стран по созданию специализированных антикоррупционных органов.

По словам председателя комиссии Госдумы по противодействию коррупции Михаила Гришанкова, президентский законопроект о противодействии коррупции может быть внесен в парламент в течение двух ближайших месяцев. Гришанков предрекает ему небывалую скорость принятия - сразу в трех чтениях.

Уже сейчас известно, что документ содержит положения, по которым госслужащие, а также члены их семей будут обязаны декларировать свои доходы и имущество. Помимо этого будет введен контроль за расходами должностных лиц. По словам Гришанкова, предполагается внести поправки в УК, предусматривающие конфискацию имущества. В действующем законодательстве институт конфискации имущества за должностные преступления, а также за содействие террористическим организациям уже есть.

Зарубежные эксперты признают: единого способа борьбы с коррупцией не существует. По словам второго секретаря представительства Европейской комиссии Пьера Дибмана, полностью искоренить коррупцию вряд ли удастся, но возможно снижение ее уровня до такого предела, когда она не будет представлять угрозы целостности демократической системы.

По словам начальника отдела по предотвращению коррупции Службы специальных расследований Литвы Витаса Римкуса, профилактике этих преступлений надо уделять не меньшее внимание, чем уголовным наказаниям.

Профилактика после искоренения злостных проявлений коррупции должна включать и такое повышение зарплат чиновников, которое избавляло бы их от тяги к дополнительным заработкам. Кроме того, предлагается, чтобы процедура отбора чиновников включала достаточно жесткую проверку на честность. Процесс назначения на руководящие должности должен быть прописан законом, так же как и гарантии срока пребывания в должности.

Tomchin.ru, «Газета»

ANNEX V: List of appended expert reports in separate volumes

Report title	Language in which a report is available
Overview of the anticorruption reform measures undertaken by the Duma by <i>Vladimir Yuzhakov</i>	RUS, ENG
Experience of European countries in the sphere of development and functioning of the national anti-corruption strategies by <i>Drago Kos</i>	ENG, RUS
Russia’s experience in developing and implementing national anti-corruption strategies by <i>Elena A. Panfilova</i>	RUS, ENG
Corruption in the legislative process - an overview of the issues by <i>Quentin Reed</i>	ENG, RUS
Corruption Risk analysis in the Russian Federation: theory and practice by <i>Elvira Talapina</i>	RUS, ENG
The issues of formulating the methods of assessing of corruption risks in specific policy areas by <i>Larissa Sannikova</i>	RUS, ENG
Experience of European countries in the sphere of creation and functioning of a specialised body responsible for the co-ordination of national efforts in the sphere of combating and prevention of corruption by <i>Drago Kos</i>	ENG, RUS
The issue of creating in Russia a specialised body/bodies responsible for the co-ordination of national efforts in the sphere of combating and prevention of corruption by <i>Elena A. Panfilova</i>	RUS, ENG
Corruption in education systems: an overview of problems and solutions by <i>Quentin Reed</i>	ENG, RUS
Corruption risk assessment of the Russian legislation regulating education by <i>Larissa Sannikova</i>	RUS, ENG
The Prevention of Corruption in Public Procurement: Good Practice in Europe by <i>Peter Trepte</i>	ENG, RUS
Corruption risk assessment of the Russian legislation regulating state and municipal procurement by <i>Nina Solovyanenko</i>	RUS, ENG
Perspectives for the development of the corruption risk assessment methodology with regard to the analysis of legislation on public procurement of the Russian Federation by <i>Vladimir Yuzhakov</i>	RUS, ENG
The expert opinion on the results on the anti-corruption expertise of the federal law “On placing orders for procurement of goods, carrying out works and services for state and municipal needs” of 21 July 2005 by <i>Elvira Talapina</i>	RUS
The basis for the national anti-corruption strategy in the Russian federation by <i>Elena A. Panfilova</i>	RUS, ENG
The issue of the development and functioning of the national anti-corruption strategies. Elaboration and evaluation of the legislative proposals by <i>Drago Kos</i>	ENG, RUS
Corruption and anti-corruption strategies in health systems: an overview of the issues and policy solutions by <i>Quentin Reed</i>	ENG, RUS
Assessment of corruption risks in legislation on healthcare of the Russian Federation by <i>Elvira Talapina</i>	RUS
Assessment of corruption risks in legislation on healthcare of the Russian Federation by <i>Larissa Sannikova</i>	RUS
Joint report on Corruption risk assessment of the legislation in the sphere of healthcare by <i>Elvira Talapina, and Larissa Sannikova</i>	RUS, ENG

FINAL REPORT

Assessment of corruption risks in legislation on education of the Russian Federation <i>by Elvira Talapina</i>	RUS
Joint report on Corruption risk assessment of the legislation in the sphere of education <i>by Elvira Talapina, and Larissa Sannikova</i>	RUS, ENG
An expert opinion on 'Guidelines to experts on the initial assessment of a legislative act for corruption risks' and recommendations for approaches to prevent corruption in the legislative process <i>by Quentin Reed</i>	ENG, RUS
Recommendations for further action to assess and address vulnerabilities to corruption in the legislative processes of the Russian Federation <i>by Quentin Reed</i>	ENG, RUS
Opinion on proposed measures to tackle corruption in the healthcare system in the Russian Federation <i>by Quentin Reed</i>	ENG, RUS
Opinion on proposed measures to tackle corruption in the education system in the Russian Federation <i>by Quentin Reed</i>	ENG, RUS
Expert opinion on the legislative proposals in the sphere of public procurement made by the Russian experts to the project <i>by Peter Trepte</i>	ENG, RUS
Proposals on improving legislation on public and municipal <i>by Nina Solovyanenko</i>	RUS, ENG
Proposals on improving legislation on public and municipal <i>by Elvira Talapina</i>	RUS, ENG
Proposals on improving legislation in the sphere of education <i>by Larissa Sannikova</i>	RUS, ENG
Proposals on improving legislation in the sphere of education <i>by Elvira Talapina</i>	RUS, ENG
Proposals on improving legislation in the healthcare system <i>by Larissa Sannikova</i>	RUS, ENG
Proposals on improving legislation in the healthcare system <i>by Elvira Talapina</i>	RUS, ENG
Principles and format of establishing a specialised anti-corruption body in Russia <i>by Elena A. Panfilova</i>	RUS, ENG
Expert opinion on the papers prepared by E. Panfilova concerning anti-corruption strategy and anti-corruption body in the Russian Federation <i>by Drago Kos</i>	ENG
Final proposals on improving legislation in the sphere of education <i>by Larissa Sannikova and Elvira Talapina</i>	RUS
Final proposals on improving legislation in the healthcare system <i>by Elvira Talapina and Larissa Sannikova</i>	RUS
Final proposals on improving legislation on public procurement <i>by Nina Solovyanenko and Elvira Talapina</i>	RUS
The experience of Lithuania in creating a specialised body responsible for the co-ordination of national efforts in the sphere of combating and prevention of corruption <i>by Vytas Rimkus and Valdas Jacynas</i>	RUS
The experience of Romania in creating a specialised body responsible for the co-ordination of national efforts in the sphere of combating and prevention of corruption <i>by Anca Jurma</i>	ENG
The experience of Macedonia in creating a specialised body responsible for the co-ordination of national efforts in the sphere of combating and prevention of corruption <i>by Vladimir Georgiev and Cvetko Mojsoski</i>	ENG

Project "Russian Federation – Development of legislative and other measures for the prevention of corruption" (RUCOLA 2)

FINAL REPORT

Creating a national anti-corruption strategy and a specialised anti-corruption body in the Russian Federation <i>by Drago Kos</i>	ENG
Report on the outcomes under Output 1 of the RUCOLA 2 project <i>by Quentin Reed</i>	ENG
Publication: Combating corruption in the healthcare system in the Russian Federation	RUS, ENG
Publication: Combating Corruption in public procurement in the Russian Federation	RUS, ENG
Publication: National anti-corruption strategy in the Russian Federation	RUS, ENG
Publication: Corruption in education in the Russian Federation	RUS, ENG
Publication: The creation of the anti-corruption body in the Russian Federation	RUS, ENG