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Preventing Corruption in the Lithuanian Public Service

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Preventing Corruption in the Lithuanian Public Service

Lithuania: Social and Demographical background

Population: 3,4 million

Capital: Vilnius 550,000

Territory: 65 300 sq. km.

Situation of Corruption:

46 place, CPI score 4.8

(Romania 88 place, score 3.1. “Transparency International”)

Most Corrupt:

- Police
- Courts
- Building industry
- Municipalities
- Healthcare



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- 1990-1995, early stage of formation of public service, adoption of new basic laws
Little or no efforts concerning fight against corruption
- Problem of corruption entered political agenda in the end of 1995 with Resolution of Parliament
- 1996 plan of measures for amending legislation concerning fight against corruption; initiative of the President
- 1997 creation of Special Investigation Service
- 1999 Organized Crime and Corruption Prevention Program



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In order to be effective, the system of
prevention of corruption should cover
social sphere as widely as possible

Systematic approach is important

A common strategy is important

All of those qualities were lacking in
documents mentioned before





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National Program on Fight on Corruption (2002)

Three strategic directions constituting systematic approach were fixed in the Program:

- Criminal investigation of cases of corruption,
- Prevention of corruption
- Anti-corruption education of the society





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- Program was designed for the period from 2002 to 2008
- Continuous character of implementation
- Different measures for different institutions
- Subprograms for different spheres and institutions
- Timetable for implementation
- Continuous monitoring of the implementation
- Suggestions for improvement





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- The strong side: single strategy, strong, unambiguous political will
- Weak side: most times bureaucratically simplified approach, officialdom in executing measures, pseudo implementation





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Other laws make significant impact on prevention of corruption and misbehavior in office:

Law on Coordinating Public and Private Interests in State Service (1997)

The Law on Public Service (1999)

The Law on Lobbyism (2000)

The Law on Public Administration (1999)

The Law on State and Service Secrets (1999)

The Law On Financing of Political Parties and Political Organizations and Control of Such Financing, (2004),

The Law on Prevention of Organized Crime (1997),

The Law on Special Investigations Service (2000),

The Law on Statute of Special Investigation Service),

The Criminal Code, Chapter XXXIII Crimes Against Public Office and Execution of Public Interests





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In addition to laws, resolutions by the Government directly regulate some aspects on prevention:

- Resolution of the Government on Decisions Impact Evaluation Methodology
- Resolution of the Government on Corruption Risk Analysis
- Resolution of the Government on The Estimation of the Rules of Persons And Institutions organizing Prevention and Control of Corruption





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- The Law on Prevention of Corruption (2002)
 - Corruption prevention – *detection* and *elimination* of the *causes and conditions* of corruption through the development and implementation of a system of appropriate measures as well as deterrence of persons from the commission of crimes of corruption



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The law introduced particular measures of prevention of corruption:

- 1) corruption risk analysis;
- 2) anti-corruption programs;
- 3) anti-corruption assessment of legal acts or their drafts;
- 4) provision of the information about a person seeking or holding office at a state or municipal agency;
- 5) provision of the information to the registers of public servants and legal entities;
- 6) education and awareness raising of the public;
- 7) public disclosure of detected corruption cases;
- 8) other measures for the prevention of corruption provided for by law.





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The law lists the bodies responsible for prevention:

- 1) The Government;
- 2) The Chief Institutional Ethics Commission;
- 3) The Special Investigation Service;
- 4) Other state and municipal and non-governmental institutions (notably the Commission Of Anticorruption of Parliament)





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- Our experience shows, that regardless legal regulation, effective prevention measures within public service should be implemented from the lowest level and the initiative should be present from all executives





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- The system of public administration regardless of any measures of anti corruption should be “healthy” itself and provide for self regulation, as far as the measures from outside, “from above” will make only a short time effect
- Strategies, legal acts and regulations will not work by themselves
- Political will might end with superficial measures; without support in daily life there will be no positive results





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- For this reason codes of conduct/ethics with fair system of sanctioning would be desirable
- Now there are 22 codes of conduct (codes of ethics) in Lithuania; they present models of self regulation of various spheres and institutions
- However, lack of political will delays the adoption of a single code of ethics of public employees





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- Crucial element in preventing corruption in public administration is the human factor. People working in the system of public administration determine the functioning of the system and various deviations





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- Other social agents, not directly related to the state institutions are relevant in creating the system of prevention of corruption: the media, the non-governmental organizations, and the church are important
- Education of a new generation should be considered as a factor of major importance



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The special measures of prevention
that make a real impact are:

1. corruption risk analysis
2. anti-corruption programs
3. anti-corruption assessment of legal
acts or their drafts
4. provision of the information about a
person seeking or holding office at a
state or municipal agency





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- Corruption risk analysis
 - Is performed by the Special Investigations Service
 - Special procedure applies: any state or municipal institution should establish whether or not a risk of corruption occurrence is high; then it is obliged by the law to inform the Special Investigations Service, which decides to perform corruption risk analysis (or not to),
 - Procedure is finalized by the suggestions for the institution to improve fight or take particular action



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- Anti-corruption programs
 - Three levels of programs
 - National
 - Sectoral
 - Institutional
 - Others
- The common scheme of creation of the programs is: measure - time for implementation – person/institution responsible





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- Anti-corruption assessment of legal acts or their drafts
 - Performed by the Special Investigation Agency
 - On its own discretion
 - On request of the President, Parliamentary committees, commissions, Prime Minister, ministers
 - Elaboration of single methodology is under way
 - It is desirable to have such an assessment by a person who drafts the legal act



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- Provision of the information about a person seeking or holding office at a state or municipal agency
 - Is performed by the Special Investigations Service and presents gathering of the information about an executive candidate





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- The question remains open on how efficient the measures are - as parts of the system and the system overall
- However, little is possible to calculate the true impact; measures might lower the occurrence of corruption, but the constant scandals can worsen the perception index





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- **Summary**

A common anti-corruption strategy is currently implemented which foresees a system of prevention measures and institutions; however the effectiveness of the strategy is not always apparent.

Constant adjustment of prevention system and supervision is required.





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- **Other questions to be raised**
 - What kind of measures could be used in local conditions
 - How can the measures be used to stimulate anti-corruption initiatives
 - What can local bodies implement to lower the risks of corruption
 - What can local private sector do to contribute to prevention
 - How social consciousness should be changed





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Suggestions:

Common strategy of fight and prevention

Consistent legal basis

Creation and implementation of anti corruption programs in various social sectors or institutions

Heightening of social consciousness through the information campaign

Staff and personnel training and education

Improving of administrative system, simplifying of the procedures

Corruption risk analysis could be implemented

Anti corruption assessment of legal acts, regulatory impact analysis

Implementation of a simplified approach to state institutions for individuals (“single window”)

Simplifying bureaucratically barriers as much as possible, implementing procedures with clear and fair requirements

Improving of work ethics of public employees

Declaration of assets, private interests; banishment of living not according to the income; obligation to substantiate property, banishment to keep a particular sum of cash money



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Preventing Corruption in the Lithuanian Public Service

- **Questions**

