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*Analysis of international experience of the activities of anti-corruption bodies, and suggestions on
establishing a similar body in Armenia*

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1. INTRODUCTION

In recent decades several countries have given greater importance to the establishment of specialized anti-corruption bodies (commission, committee, agency, bureau etc.) in the fight against corruption, since the experience of leading states shows the effectiveness of these anti-corruption bodies in the difficult and important process of combating corruption.

Prior to the establishment of a specialized body for the fight against corruption (from now on "Body") by the state, it is necessary for the state to rightly estimate and review its policy in the fight against corruption, evaluate its internal resources, capacity and efficiency criteria.

This body should not be of a formal nature. The issue concerns forming a new institutional body in the state structure which will implement new functions.

Generally, specialized anti-corruption bodies have been established in states where corruption has been a serious issue. Therefore all similar bodies function mainly in Asian countries where there are high levels of corruption risk.

It is important to set constitutional and legislative foundations for the establishment of an independent anti-corruption body. In many countries constitutional reforms have been carried out for the establishment of the body, followed by passing a law and only then, based on the law, the anti-corruption body is established.

The need to establish such a body is stated in the respective international legal documents which have been ratified by the Republic of Armenia. **Thus, according to article 6 of the UN Convention against Corruption, "1. Every State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies, as appropriate, that prevent corruption by such means as:**

a) **Implementing the policies referred to in article 5 of this Convention and, where appropriate, overseeing and coordinating the implementation of those policies;**

b) **Increasing and disseminating knowledge about the prevention of corruption.**

2. Each State Party shall grant the body or bodies referred to in paragraph 1 of this article the necessary independence, in accordance with the fundamental principles of its legal system, to enable the body or bodies to carry out its or their functions effectively and free from any undue influence. The necessary material resources and specialized staff, as well as the training that such staff may require to carry out their functions, should be provided.

3. Each State Party shall inform the Secretary-General of the United Nations of the name and address of the authority or authorities that may assist other State Parties in developing and implementing specific measures for the prevention of corruption."

Article 36 of the same convention states: "Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies or persons **specialized in combating corruption** through law enforcement. Such body or bodies or persons **shall be granted the necessary independence**, in accordance with the fundamental principles of the legal system of the State Party, to be able to carry out their functions effectively and **without any undue influence**. Such persons or staff of such body or bodies should have the appropriate training and resources to carry out their tasks."

According to Article 20 of the Council of Europe Criminal Law Convention, "Each Party shall adopt such measures as may be necessary to ensure that persons or entities are specialised in the fight against corruption. They shall have the **necessary independence** in accordance with the fundamental principles of the legal system of the Party, in order for them to be able to carry out their functions **effectively and free from any undue pressure**. The Party shall ensure that the staff of such entities has **adequate training and financial resources** for their tasks."

The necessity of establishing an independent anti-corruption body is also stated in the Inter-American Convention against Corruption and in the respective international documents on the African regional level.

It is necessary to note that the mentioned UN and Council of Europe Conventions are binding documents for implementation. Therefore it is necessary to establish

- Specialized bodies of corruption prevention, and
- Specialized bodies or staff/persons which have the responsibility of combating corruption through the functions of law enforcement bodies.

At the same time there are certain international criteria for specialized anti-corruption bodies. These criteria encompass **independence and autonomy, presence of specially trained and qualified staff, ensuring the necessary functions and resources**.

It is quite important to understand **to whom the Body will be subject**. Therefore it is necessary first of all to solve the issue of the Body's status: whether it will function independently from administrative bodies, or whether it should be attached to a state body. (For example in the case of Hong Kong, the Commission is subject only to the governor of Hong Kong).

There should be a legislative foundation for the establishment and functioning of the Body – for example a law on the anti-corruption body, and not a Presidential decree or Government resolution.

The usage of the Body for political purposes should be excluded. Attachment of the Body to any ministry or to the head of state, as this dependence will put undue pressure on the impartial and unprejudiced operation of the Body. The effectiveness of the Body is exclusively dependent also on the appointment and dismissal mechanisms of the head and members of the Body. The appointment procedures vary from country to country, but every state should ensure that the appointment mechanism is sufficiently protected. Such a mechanism should ensure the appointment of an independent, honest professional with experience in the anti-corruption field and with high moral values, and the appointed person should have sufficient protection while implementing his/her duties. Dismissal of the head of the Body should be possible only in the cases specified by the respective laws. International practice shows that the top officials of the Body should be appointed by not one, but at minimum two state bodies. For example, Head of the Body can be appointed by the legislative body on the President's proposal. Preference is given to the model of RA Ombudsman, which provides his/her accountability to the legislative body. Practice shows that if the body is subject only to the President, the Body does not achieve serious successes in the fight against corruption in higher state bodies.

For the Body to successfully function, it shall have as a minimum the following competences:

- a) *Guaranteed opportunity to freely access information* – ensuring the availability of

information as well as the right to free access to any state body should be considered as the most important competence of the Body.

b) *Right to freeze assets and bank accounts.* – The Body shall have the right to freeze those bank accounts which belong to people under investigation in case of sufficient basis and grounding that the assets and bank accounts should be immediately frozen prior to the court decision to freeze the accounts.

c) *Confiscation of travel documents (passport or other travel document).* – Usually this action ensures prevention of the suspect`s escape from the country.

d) *Competences to protect the people providing information on corruption.* – The Body usually has the right to protect people providing information on corruption; they may be state officials or common citizens. Such people should have not only legislative and juridical, but also physical protection from political and personal persecutions and revenge. The best example is that of Botswana where all the possible measures are undertaken to provide privacy protection through concealing or removing names and personal details from court documents, registries and evidence materials or through other actions.

e) *The right to remove from (participation in) tenders for state contracts those international and local companies which exhibit corruption risks in their activities.*

f) *Right to initiate criminal prosecution of people on the grounds of wealth accumulation from suspicious and unknown sources (illicit enrichment).* – In some countries illicit enrichment – significant increase of an official`s assets exceeding his/her legal income and which can not be reasonably explained – is considered a criminal offence.

g) *Developing, approving and implementing anti-corruption education projects.*

It is necessary that the Body functions in accordance with all the principles of integrity (transparency, accountability, observing rules of ethics, professionalism, prevention of corruption). As practice shows, the Body functions much more effectively when it is endowed with competences to hold investigation, and hold liable, as well as with the most important competence of crime prevention. It is very important to state in the legislation the framework and chronology of cases which can be processed by the commission. Great importance should be given to the interrelationship between the Body and civil society.

In **Armenia** several law enforcement bodies which investigate corruption cases, fight against corruption. Nevertheless, there is no state body which, as required by the Article 6 of the UN Convention, will deal with the prevention of corruption, anti-corruption training and with the sectoral study of the reasons for corruption.

According to the Concept Paper on the “Fight Against Corruption in the System of Public Administration” approved by the RA Government, the coordination of anti-corruption reforms in Armenia and control over their implementation is reserved to the Anti-corruption Council governed by the RA Prime-minister and comprising several ministers, the RA Attorney General, the president of the Ethics Commission of High Ranking Officials, representatives of parliamentary opposition factions, the president of the Public Council, a Communities Union representative and two civil society representatives.

However, we believe that the Anti-corruption Council, formed like this, cannot be considered independent as required by the international norms based on these factors:

1. Part of its staff are high ranking state officials who, based on their status, will have difficulties in acting independently.

2. Parliamentary opposition faction representatives might try to politicize the activities of the Council and turn it into a platform of political announcements and discussions.

3. The Ethics Commission of High ranking Officials, the operation procedures of which are set by the RA Law on Public Service, is formed by the RA President upon suggestions by the President of the National Assembly, the Prime-Minister, President of the Constitutional Court, President of the Appeals Court and the Attorney General. The RA President can terminate the competences of a member of the Ethics Commission of High Ranking Officials, for example, in case he/she fails in carrying out official duties. The logistics and organizational support of the Commission activities is implemented by the Office to the President. Furthermore, civil society representatives are not included in the structure of the Commission and are in no way included in its activities. Therefore, the Ethics Commission for High Ranking Officials can hardly be presented as an independent body, based on the mechanism of its establishment.

4. The head of the Public Council is appointed by the RA President. The activity of the Public Council is ensured by the Office to the RA President. Therefore, based on its status, Public Council representative will also have difficulties in acting independently.

5. The participation of two civil society representatives in the Council's activities is not sufficient to influence the decision-making procedure of the Council. Particularly since it is not clear how those organisations will be selected. The selection criteria of these NGOs are not established, thus it is possible that NGOs which are "affiliated with the authorities" will be appointed to the Anti-corruption Council.

As to the specialized commission to be created under the Anti-corruption Council, it is worth mentioning that the format provided by the Concept Paper does not ensure the effective functioning of the Specialized Commission either, since a commission comprised of a couple of experts will not be physically able to effectively carry out the 7 multidimensional functions set out in the Concept Paper. International practice shows that for the implementation of such functions various states have established independent anti-corruption bodies comprised of a couple of subdivisions and some dozens of workers.

2. ANALYSIS OF THE INTERNATIONAL EXPERIENCE OF THE ACTIVITIES OF ANTI-CORRUPTION BODIES

The specialized bodies of Singapore and Hong Kong are considered as the most effective models in comparison with various other anti-corruption institutions.

There are various types of specialized anti-corruption bodies. There is no one single or best model. Though international structures require existence of a specialized anti-corruption body, nevertheless there are not set any strict requirements in relation to their structure. Furthermore, they do not strictly require establishment of a separate anti-corruption division in the law enforcement bodies. More specifically, international requirements would be considered as implemented if in the system of law enforcement bodies respective divisions or personnel are specialized in the fight against corruption. The selection of the structure is left to the state discretion as it depends on certain factors – national features, level of corruption in the country, system specifics and legal systems.

Taking into account the comprehensive nature of those bodies and functional peculiarities, it is hard to separate the models of all those bodies. Nevertheless, it is possible to separate some of those based on the functions and organizational-structural content.

As such three groups of models can be separated:

1. *Independent and universal specialized anti-corruption body endowed with law enforcement body functions (Model 1)*
2. *Separate anti-corruption subdivision in the system of law enforcement bodies (Model 2)*
3. *Institution on corruption prevention, policy development and coordination (Model 3).*

The first Model represents a more universal approach to the solution of the issue of corruption through combining preventive and punitive foundations in one institute. Such institutes implement the following functions: investigation, development of anti-corruption policy, analytical activities, prevention of corruption crimes, development, approval and implementation of anti-corruption educational programs, cooperation with civil society, gathering and analysis of information, monitoring. It should be mentioned that the endowment of such bodies with law enforcement body functions is connected with the principle of checks and balances in the system (here, in fact, it is necessary to endow the body with necessary functions and independence).

Such a model functions in Hong Kong (the Independent Commission Against Corruption) and in Singapore (the Corrupt Practices Investigation Bureau). The successful experience of these two countries inspired the authorities of several states. Similar agencies function in Lithuania (the Special Investigation Service), Latvia (the Corruption Prevention and Combating Bureau), New South Wales of Australia (the Independent Commission Against Corruption), Botswana (the Directorate on Corruption and Economic Crime) and Uganada. In some countries like Korea, Thailand, Argentina and Ecuador, one can find elements of the Hong Kong and Singapore models.

In the countries adopting the **second Model**, separate anti-corruption subdivisions function in the prosecutorial and police systems. These subdivisions can implement various functions: operative-intelligence activities, investigation of corruption crimes by the criminal

intelligence bodies, implementation of operative-intelligence and investigative functions during the investigation of corruption crimes. These are those law enforcement bodies which in certain cases carry out preventive, coordinating and investigative functions. This is probably the most popular model of anti-corruption body, especially in Western Europe.

This model is adopted by Norway (National Authority for Investigation and Prosecution of Economic and Environmental Crime), Belgium (Central Office for the Repression of Corruption), Spain (Special Attorney General's Office for the Repression of Economic Offences Related with Corruption), Croatia (Office for the Prevention and Suppression of Corruption and Organized Crime), Romania (National Anti-Corruption Directorate) and Hungary (National Bureau of Investigation). Germany (Federal Ministry of the Interior) and Great Britain (Metropolitan Police / Anti-corruption Command) also fall in this category where the law enforcement body personnel is endowed with the investigation of corruption cases.

The third Model includes those institutions which implement one or several preventive functions: study of corruption as a social phenomenon, revealing of contributing factors to corruption, monitoring and implementation and coordination of anti-corruption measures, development of legal acts, collection and analysis of the declarations of state employees, development of Codes of Ethics, implementation of educational programs, consultancy on the ethics of state employees, etc.

Institutions based on this model exist in France (Central Service for Prevention of Corruption), Former Yugoslav Republic of Macedonia (State Commission for Prevention of Corruption), Albania (Anti-Corruption Monitoring Group), Malta (Permanent Commission Against Corruption), Serbia and Montenegro (United Service of Anti-corruption directorate), India (Central Vigilance Commission), the USA (Office of Government Ethics), Philippines (Office of the Ombudsman) and Bulgaria (Commission for the Coordination of Activities for Combating Corruption).

Set out below are examples of anti-corruption bodies functioning in selected countries, and an analysis of their powers.

Hong Kong's Independent Commission Against Corruption

The Independent Commission Against Corruption in Hong Kong was established in 1974 as an independent multidisciplinary institution. Its competences include:

1. Criminal prosecution of corruption cases through the implementation of operative-intelligence and investigative measures,
2. Elimination of the causes contributing to corruption through the introduction of practices which counteract corruption,
3. Implementation of educational activities among the population to explain the harmful effect of corruption and to enlist society's support.

The Commission functions on the basis of the law on the Independent Commission against corruption. According to that document, the Commission is a specialized anti-corruption institution which is independent of the state and law enforcement bodies. The Commission's independence is guaranteed by Hong Kong's Basic Law, by which the Commission is directly accountable to the Chief Executive. In addition, the Commission has special functions provided by the laws on "the Prevention of Corruption" and on "Elections" (on Corruption and illegal activities).

The structure of the Body is as follows: office, head of the Commission, Department on corruption prevention (studies the procedures and practice of state bodies in corruption prevention and prepares corruption prevention instructions on the basis of requests from private companies), department of community relations (deals with anti-corruption propaganda), Witness protection section, International liaison section, Financial investigation section and Computer forensics and research development section.

The corruption prevention department has 65 employees (lawyers, system analysts, engineers, economists, financial experts and experts of governing systems).

The Community Relations Department is the only department which has regional branches. Through them, information on the public perception of corruption is collected, and campaigns about the problem of corruption are organized for the society, to increase the public interest. As the work of this department is more creative, creative ideas and solutions are demanded and implemented here.

The department orders presentations and anti-corruption films and prepares reports, organizes anti-corruption trainings in schools, hospitals, religious organizations, businesses, and simultaneously introduces the activities of the Commission to the participants.

The annual budget of the Commission constitutes 85 million US dollars.

The activities of the Commission are observed by 4 independent committees with advisory functions and which include local community leaders and popular citizens who are appointed by the Hong Kong Prime-Minister.

These Committees are:

- *Advisory Committee on the fight against corruption,*
- *Operations review Committee,*
- *Corruption prevention advisory committee,*
- *Citizens advisory committee on Public Relations.*

In addition, during the entire period of implementing state programmes, the Commission applies a corruption prevention approach. For example, the Commission took part in the building of Hong Kong's new airport. The airport construction programme included also construction of bridges and railways, tunnel, expressways, a residential district and other infrastructures. During the implementation of this immense programme the Commission applied a corruption prevention policy. The Commission started this activity while the enabling legislation was being drafted, so that it could include anti-corruption mechanisms in the law. The Commission employees established business ties with the leaders of all the organizations involved in the construction in order to have an opportunity to express its opinion and give instructions throughout all the stages of programme development and implementation.

In the first years of its activity the Commission paid special attention to public confidence-raising measures, as well as to increasing its credibility and effectiveness. It is not a coincidence that one of the first cases of the Commission was the imprisonment of a high-ranking corrupted police officer who was suspected of corruption and had fled the country. Society did not believe that he would be convicted, but due to the Commission's efforts the police officer was extradited to Hong Kong within a year, a criminal case was opened and as a result he was imprisoned. In the following year of its activity the Commission revealed a corruption syndicate formed by police officers. These first successes significantly raised the

authority of the Commission and the Police. In the third year of the Commission's activity the proportion of non-anonymous corruption reports exceeded that of anonymous reports¹.

Singapore's Corrupt Practices Investigation Bureau

The Corrupt Practices Investigation Bureau in Singapore was established in 1952 as an independent body to prevent and fight against corruption. It was established on the foundation of Singapore's anti-corruption police department.

The Bureau functions on the basis of Prevention of Corruption Act, Chapter 241. Its functions include investigations and corruption prevention in the public and private sectors.

The Bureau has the right to investigate those cases which fall under the jurisdiction of the Prevention of Corruption Act. Thus, corruption cases are investigated by the Bureau but, for example, cases of misappropriation of state property are investigated by the Economic Affairs department of the Singapore Police Force. Nevertheless, the Bureau has the right to investigate other serious crimes which are revealed during the course of the corruption case investigation.

In the framework of corruption prevention the Bureau studies the methods of the activities of state bodies in order to reveal those weak points of the administrative system which might contribute to corruption and unfair practices, and gives to the heads of those bodies instructions on eliminating drawbacks.

Besides, the Bureau employees regularly hold lectures and seminars on the hidden aspects of corruption and on methods to overcome it, designed for public servants, especially for those who have contact with citizens. The Bureau also investigates the cases of unethical actions of public servants and directs the heads of the relevant state bodies to apply disciplinary measures. The Bureau is responsible for ensuring the implementation of principles of impartiality in the public service sector, and for stimulating the fair implementation of contracts in the private service sector.

Under this law the Bureau has the right to carry out arrests, inspections of a person and confiscation of objects discovered on him/her, hold investigative and operative-intelligence measures and camera inspections, search any area, confiscate any object or document.

The Bureau also takes part in public service reforms. The Bureau aims at improvement of criminal investigation control mechanisms, first of all through inputting activity indicators. The aim is to review the entire investigative procedure in accordance with ISO 9000 international standards.

The Bureau is under direct subordination to the Office to the Prime Minister. It is led by the director who is directly responsible to the Prime Minister. The President of Singapore directly appoints the Bureau director, deputy-director and special investigators. All the other employees are appointed by the Director. The Bureau comprises of 71 employees, including 49 investigators and 22 administrative employees.

The direct subordination to only the Prime-Minister and his/her Office is a guarantee of independence, and ensures the principle of equality before the law and the court. The

¹ You can find more detailed information on the Commission here: <http://www.icac.org.hk>, <http://www.oecd.org/corruption/acn/39972100.pdf>

independence of the Bureau allows its employees to investigate cases against ministers and other high-ranking officials.

According to the Bureau, the combination of criteria such as legality and inability to evade responsibility constitutes a sufficient basis for the effective fight against corruption, provided that they in turn are based on strong political will².

Latvia's Corruption Prevention and Combating Bureau

In Latvia the Corruption Prevention and Combating Bureau was formed in 2002 as a multidimensional anti-corruption body. Its functions include the investigation of corruption crimes, control over the officials' activities and the financing of political parties, as well as preventive and educational work with the population and officials. The Bureau also conducts the coordination of the national anti-corruption policy. In cases when conflicting situations arise the Bureau checks the results of public procurement tenders. The Bureau is an independent law enforcement body. Its annual budget constitutes about 5 million Euros.

The legal status of the Bureau is set in the Law on "Corruption Prevention and Combating Bureau". The aspects of its activity are also regulated by the Criminal Code, Criminal procedure Law, Code on Administrative Violations, Law on preventing conflict of interests in the public service, Law on financing of political parties.

Ethics rules for the Bureau's employees were adopted in 2004, the implementation of which is supervised by the Ethics Commission. The Bureau has 130 employees. The head of the Bureau is appointed by the parliament on the basis of the government's proposal. The staff of the Bureau is regularly trained. The Bureau reports directly to the Prime Minister, who has the right to annul the Bureau's unlawful decisions, but does not have the right to give instructions to the Bureau staff or in any way intervene in their activities. The parliamentary committee controlling the prevention of corruption, fight against smuggling and organized crime oversees the Bureau's activities. It informs the members of the Parliament about the Bureau's activities, but can not appeal against the Bureau's decisions. Once every six months the Bureau is required to provide to the government and the parliament financial and activities reports.

The structure of the Bureau is as follows: Director, Deputy Director of investigation, Deputy Director of corruption prevention, information centre, legal department, operative information division, financial department, officials' activity oversight division, personnel department, pre-investigation division, department controlling the financing of political parties, internal security service, operative division, assisting body on ensuring the protection of the privacy regime, analytical division, information division, public relations and international cooperation division, internal audit service.

The activities of the Bureau are overseen by the Public Advisory Council. Around 15 NGO representatives compose the Council.

² You can find more detailed information on the Bureau:
http://app.cpiib.gov.sg/cpiib_new/user/default.aspx?pgID=21,
<http://www.oecd.org/corruption/acn/39972100.pdf>

In addition, an international advisory council has been established which includes representatives of international organizations and diplomatic missions. They discuss the activities of the Bureau and issues regarding its support. Sessions are held twice a year.

As a result of the Bureau's activities the former minister of health, head of one of the public medical institutions, a couple of prosecutors, police officers, state insurance agency employees, soldiers, customs officers etc. have been charged. Cases concerning attempts to corrupt Bureau employees have also been investigated³.

Slovenia's Commission for the Prevention of Corruption

In Slovenia the Commission for the prevention of corruption was established in 2004 as an independent body to prevent corruption in the public and private sectors. The Commission implements coordinating, analytical and preventive functions. The Commission does not have criminal investigative functions but can apply administrative liability for violations of the law on property declaration, accepting gifts and conflict of interests. The Commission is the central body of cooperation with international and non-governmental organizations in the field of corruption prevention.

The legal grounds for the functioning of the Commission are derived from the 2004 Law on the "Prevention of corruption", 2004 Regulation of the Commission and 2004 National strategy of the fight against corruption.

The Commission is an independent constitutional body which is subject only to the Parliament. The Commission implements its functions with regard to any state body, including the Government, Prosecutor's Office, Courts and the Parliament.

The Functions of the Commission are set in the Law on "Prevention of Corruption". Those are:

- monitoring of the national anti-corruption strategy and supporting its implementation,
- collection and analysis of statistical data concerning corruption,
- ordering or carrying out research on corruption topics,
- review of the legislation and development of suggestions,
- cooperation with other state bodies in the prevention of corruption,
- control over the implementation of the legal norms on corruption prevention,
- cooperation with international organizations and NGOs,
- advisory functions for the state on the implementation of duties deriving from international anti-corruption norms,
- cooperation in the field of corruption prevention with mass media, scientific, professional and other non-state bodies,
- advice with regard to the development and application of ethics rules in the public and private sectors,
- conclusion of expert opinions on conflict of interests, accepting gifts and similar issues,

³ You can find more detailed information on the Bureau here: <http://www.knab.gov.lv/en/>, <http://www.oecd.org/corruption/acn/39972100.pdf>

- implementation or support in anti-corruption initiatives in the public and private sectors,
- publication of anti-corruption materials.

As a central body, The Commission gathers information and monitors lawful information on the property of officials, government workers, judges, prosecutors and members of the parliament. Failure to declare property by an official can lead to temporary salary reduction or, if the Commission recommends, to dismissal. The Commission has a “blacklist” of companies that are ineligible to bid for public procurement tenders as an official or his/her family member directly or indirectly holds securities which entitle him to influence the governance of the company. For the implementation of these duties the law grants the Commission special powers to demand information from any state body, demand sight of any state document, as well as the right to invite officials to give explanations.

The Commission head and his/her two deputies are appointed by the President of the Republic through open recruitment, and operate as a collegial body where decisions are made with a majority vote. Candidates are presented by a special election committee comprised of representatives from the Government, Parliament, NGOs, Independent judicial council or Independent council of the officials. The term of the Commission President is 6 years, and of the Deputy heads: 5 years. They can be re-appointed once. They can be dismissed by the President and in certain cases by the Parliament in the case of constitutional or legal violations.

The Commission is composed of a secretary, bureau of investigation and review, prevention and public service integrity center. The staff members are experts in the fields of finance, sociology, jurisprudence and information technologies. Recruitment is direct and appointments are made by the Commission based on open competition. Employees are public servants. The activities of the Commission are financed by the state budget⁴.

Argentina’s Anti-Corruption Body

On the basis of the Inter-American Convention Against Corruption, the Anti-corruption body of Argentina was established in 1999 within the Ministry of Justice to prevent and investigate actions defined as corruption. It is led by the Attorney General on Administrative Control who has the status of state secretary and is appointed by the President on the suggestion of the Minister of Justice.

The functions of the property declaration division are:

- Management of the provided information,
- Checking of the presented declaration in accordance with criteria of illicit enrichment,
- Checking of declarations of possible conflict of interests, and advising the applicants with regard to avoiding conflict of interests,
- Ensuring freedom of information on declarations.

These functions are implemented by various divisions (Property declaration unit, Monitoring unit, Property and income declaration control unit).

⁴ You can find more information on the Commission here: <https://www.kpk-rs.si/en/>, <http://www.oecd.org/corruption/acn/39972100.pdf>

The Body also has investigative and corruption prevention functions⁵.

As we see, in some countries (Hong Kong, Singapore, Latvia, Slovenia) the anti-corruption bodies function as independent bodies in an administrative sense, and in some countries (Argentina) as a part of a state body, but in all cases they are anti-corruption bodies. Besides, for example in Hong Kong, Singapore and Latvia, independent anti-corruption bodies also have the power to undertake criminal prosecution, whereas in Slovenia, for example, the independent body only has coordination, analytical and preventive functions, as well as the ability to apply administrative penalties for violating the legislation on property declaration, accepting gifts and conflict of interests.

⁵ You can find more detailed information on the Body here: http://www.iaaca.org/AntiCorruptionAuthorities/ByCountriesandRegions/A/ArgentinaAu/201202/t20120208_800842.shtml, <http://www.oecd.org/corruption/acn/39972100.pdf>

3. SUMMARY AND CONCLUSIONS

Summarizing this analysis we suggest to form an independent and universal specialized anti-corruption body – an Anti-Corruption Bureau endowed with law enforcement body functions (Model 1) in accordance with a respective law. The Anti-Corruption Bureau should comprise of a director, 3 deputy directors, staff and public council. The director shall be selected with a 6-year term from candidates nominated by a special selection committee formed on the criteria established by the RA President, through an open recruitment by the RA National Assembly, with at least 3/5 of the votes of all the members of the parliament. The special selection committee should comprise 1 governmental, 1 parliamentary, 1 judicial sector and 4 NGO representatives from the field of anti-corruption. The Anti-corruption Bureau director can be reelected for a second term of 6 years.

The powers of the Anti-Corruption Bureau director are prematurely terminated only if:

1. A court verdict against him/her enters into force,
2. He/she renounces Republic of Armenia citizenship or acquires another citizenship,
3. Not later than 10 days after presenting a resignation to the National Assembly, he/she confirms the resignation.
4. By a court verdict entered into force he/she has been recognized dysfunctional, missing or dead,
5. He/she dies.

The three deputy directors of the Anti-Corruption Bureau are appointed by the RA President upon the recommendation of the Bureau director, with a term of 6 years. The three deputy directors of the Anti-Corruption Bureau will coordinate the activities of the Bureau`s 3 main sectors: investigation of corruption cases, preventive anti-corruption policy and practice (analysis/reforms of the corruption) and anti-corruption education, as well as other sectors.

There should be a public council comprised of 7 members attached to the Anti-Corruption Bureau. The Public Council shall include representatives of civil society organizations, mass media, international organizations which have contributed significantly to the fight against corruption. The Council members will be appointed for a six-year term by the Director of the Anti-Corruption Bureau in accordance with the selection criteria set by the law.

The Anti-Corruption Bureau should be endowed with these functions:

- investigation of corruption crimes,
- study of corruption schemes and development of anti-corruption reforms,
- development, approval and implementation of anti-corruption educational programs,
- monitoring and support to the implementation of the national anti-corruption strategy,
- gathering and analysis of statistical data in the field of corruption,
- conducting or ordering research on corruption,
- analysis of the legislation and development of respective suggestions,
- cooperation with other state bodies in the fight against corruption,
- control over the implementation of the legal norms relating to the corruption prevention,
- cooperation with international organizations and NGOs,

- providing advice to the state bodies on the implementation of their duties deriving from international anti-corruption norms,
- cooperation in the field of corruption prevention with mass media, scientific, professional and other non-state bodies,
- providing advice on the development and application of the ethics rules in the public and private sectors,
- formulating expert opinions on conflict of interests, accepting gifts and similar issues,
- implementation or support in the implementation of anti-corruption measures in the public and private sectors,
- publication of anti-corruption materials.

The financing of the Anti-Corruption Bureau should be implemented from the RA state budget. The budget of the Anti-Corruption Bureau will be a separate item in the state budget.

Prior to the formulation of the final structure and the establishing the functions of the RA Anti-Corruption Body, as an interim solution we suggest:

- *In the staff of the Anti-Corruption Council to be formed by the RA Government draft decision on the “Establishment of the Anti-corruption Council and Commission, and on the approval of the Council staff and operational procedures” which has been circulated by the RA Ministry of Justice, instead of the currently suggested two representatives, increase the number of civil society representatives working in the anti-corruption field, making it 5, as well as provide that the selection of civil society organizations for the Anti-Corruption Council should be on a competitive basis: by a special selection committee to be formed by the RA Prime Minister’s decision, which will conduct its activities under the agenda set by the Prime Minister. The special selection committee will comprise of 5 members, including 1 from the Office of the Government, 1 from the Ministry of Justice and from three NGO representatives involved in the fight against corruption. The Special Selection Committee shall function in accordance with its agenda, and its decisions based on, but not limited to, the following selection criteria.*
 - At least 5 years of experience in performing anti-corruption activities and implementing anti-corruption projects in the whole territory of the RA,
 - Experience of cooperation in the anti-corruption field with RA state bodies, including law enforcement institutions and local governance bodies, as well as organizational capacity (such as memoranda of cooperation, agreements, etc.)
 - Experience of cooperation with international and foreign organizations in the field of corruption and significant experience in implementing large-scale projects,
 - Participation and membership in anti-corruption international organizations and networks, as well as presence of separate divisions in the RA marzes, will be considered as an advantage.
- *In the specialized commission to be formed by the RA Government draft decision on the "Establishment of the Anti-corruption Council and Commission, and on the approval of the Council staff and operational procedures" which has been circulated*

by the RA Ministry of Justice, for the prioritized implementation of anti-corruption programs in each field at least 3 experts should be selected for each field, by setting concrete criteria for the selection of experts.

- *In the draft structure of the 2014-2018 anti-corruption strategy, currently circulated by the RA Ministry of Justice, Chapter 2 (“Effective fight against corruption”) section 2.2. (“Perfection of legislation and initiation of legislative reforms”) there should be a provision which will commit the Anti-Corruption Council to continue joint efforts with civil society organizations working in the field of anti-corruption, including the organizations implementing the EU-funded “Multi-faceted Anti-Corruption Promotion” project (Armenian Young Lawyers Association NGO and partner “Freedom of information center of Armenia” NGO), in order to establish the Anti-Corruption Bureau, an independent and universal specialized anti-corruption body as suggested in the “Summary and Suggestions” section of the current analysis, by developing until July 2016 the legal foundations for the final structure of the Anti-Corruption Bureau and its functions.*

Tranparency International's Corruption Perception Index in respect of the countries examined in this paper

Note that the first number in each cell shows the country's ranking, and the second number shows the country's score. For example, in 2013 Singapore achieved a score of 86 and was 5th out of all the countries rated.

Note also that up until 2012, scoring was on a scale of up to 10. From 2012 onwards scoring is out of 100.

Source: www.transparency.org

Country	2013	2012	2011	2010
Singapore	5/86	5/87	5/9.2	1/9.3
Hong Kong	15/75	14/77	12/8.4	13/8.4
Botswana	30/64	30/65	32/6.1	33/5.8
Slovenia	43/57	37/61	35/5.9	27/6.4
South Korea	46/55	45/56	43/5.4	39/5.4
Lithuania	43/57	48/54	50/4.8	46/5.0
Latvia	49/53	54/49	61/4.2	59/4.3
Argentina	106/34	102/35	100/3.0	105/2.9
Armenia	94/36	105/34	129/2.6	123/2.6

The World Bank “Worldwide Governance Indicators” in respect of the countries examined in this paper

The World Bank operates a “Worldwide Governance Indicators” project (<http://info.worldbank.org/governance/wgi/index.aspx#home>) which measures countries against six indicators: Voice and Accountability, Political Stability and Absence of Violence, Government Effectiveness, Regulatory Quality, Rule of Law, and Control of Corruption.

The combined indicators are based on questionnaires sent out to many organizations, citizens and experts in industrialised and developing countries. The results are based on 32 individual sources of information from research institutes, NGOs, international organizations and private companies.

Countries are rated on a scale of 0 to 100.

Country	2012	2007	2002
Singapore	97.13	98.06	98.54
Hong Kong	93.30	93.69	92.68
Botswana	78.95	79.13	74.63
Slovenia	74.64	81.07	77.56
South Korea	70.3	72.8	69.8
Lithuania	66.0	58.3	59.5
Latvia	62.7	63.6	54.1
Argentina	38.8	41.3	36.6
Armenia	36.8	29.1	34.1