



**SLOVENIAN
EXPERIENCE**
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**PREVENTING AND FIGHTING
CORRUPTION IN THE PUBLIC
ADMINISTRATION IN EUROPE**

COLOGNE, 20-21 February 2006



Legal basis:

(2) National laws and regulations:

- Prevention of Corruption Act
- Resolution on the Prevention of Corruption in the Republic of Slovenia (Action Plan)
- Criminal Code





History:

- Law on Incompatibility of Public Function with Profitable Activity (Official Gazette RS, No. 49/92),
- Prevention of Corruption Act- **ZPKor** (Official Gazette RS, No. 2/04),
- Draft Law on Incompatibility of Public Function with Profitable Activity (third reading in National Assembly, February 2006);



Prevention of Corruption Act:



1. General provisions;
2. Commission for Corruption Prevention;
3. Restrictions as regards profitable activity, receiving of gifts and operations;
4. Supervision of the financial situation of officials;
5. Integrity plans;





1. General provisions

Definition of Corruption:

"Corruption" under this Act shall be any violation of due operation of functionary or responsible persons in the public or private sectors, as well as the operation of persons instigating violations or persons who can take advantage of the violation through directly or indirectly promised, offered or given or required, accepted or expected benefit for themselves or for another person.





2. Institutions:

- Police and State Prosecution Service;
Commission of the National Assembly
- OFFICE FOR THE PREVENTION OF
CORRUPTION-September 2001
- **COMMISSION FOR THE PREVENTION
OF CORRUPTION-October 2004;**
- Draft Law: 2006 – Commission of the
National Assembly



Structure of the Commission:



- Chairman,
- Deputy chairman and
- three other members

All appointed by the National Assembly;

- Public servants (5)





Tasks:

- Systemic and analytical

(draft, implement anticorruption policies;
Action plan) – Article 6 of the UN
Convention

- NO investigative powers



Tasks:

- Coordination



Tasks:



Advisory and educational

(provide education, training, advise and cooperate with scientific, professional media and other NGO)

– Article 6 of the UN Convention



United Nations Convention against Corruption:



- Preamble
- Article 6: Preventive anti-corruption body/bodies
- Ensuring the existence of;
- Granting the necessary independence;



3. Profitable activity, gifts and restriction of operations:



Incompatibility of public function:

- with **another function** (*Nemo duobus utatur officiis*);
- with **profitable activity**;

(Preventing conflict of interest – UN Convention Article 7/4)



Restriction regarding an official holding office professionally:



- may not perform activity for the purpose of obtaining income,
- independently or in an employment relationship;
- *Exceptiones non sunt extendendae.*





Restrictions of operations

Contracting authorities operating under the public procurement regulations must not operate

via **public contracts**

with business entities in which the **official or his/her family member** holds (directly or indirectly) a business stake/shares/other rights on the basis of which he/she participates in the **management** or the **capital** of the business entity in an amount **exceeding 20%**.



4. Supervision of the financial situation of officials



- The Commission supervises.
- Submission in a special form
- Within 1 month after commencing office
- Data on his/her entire property





5. Integrity plans

What do you think of when you hear the word “integrity” ?

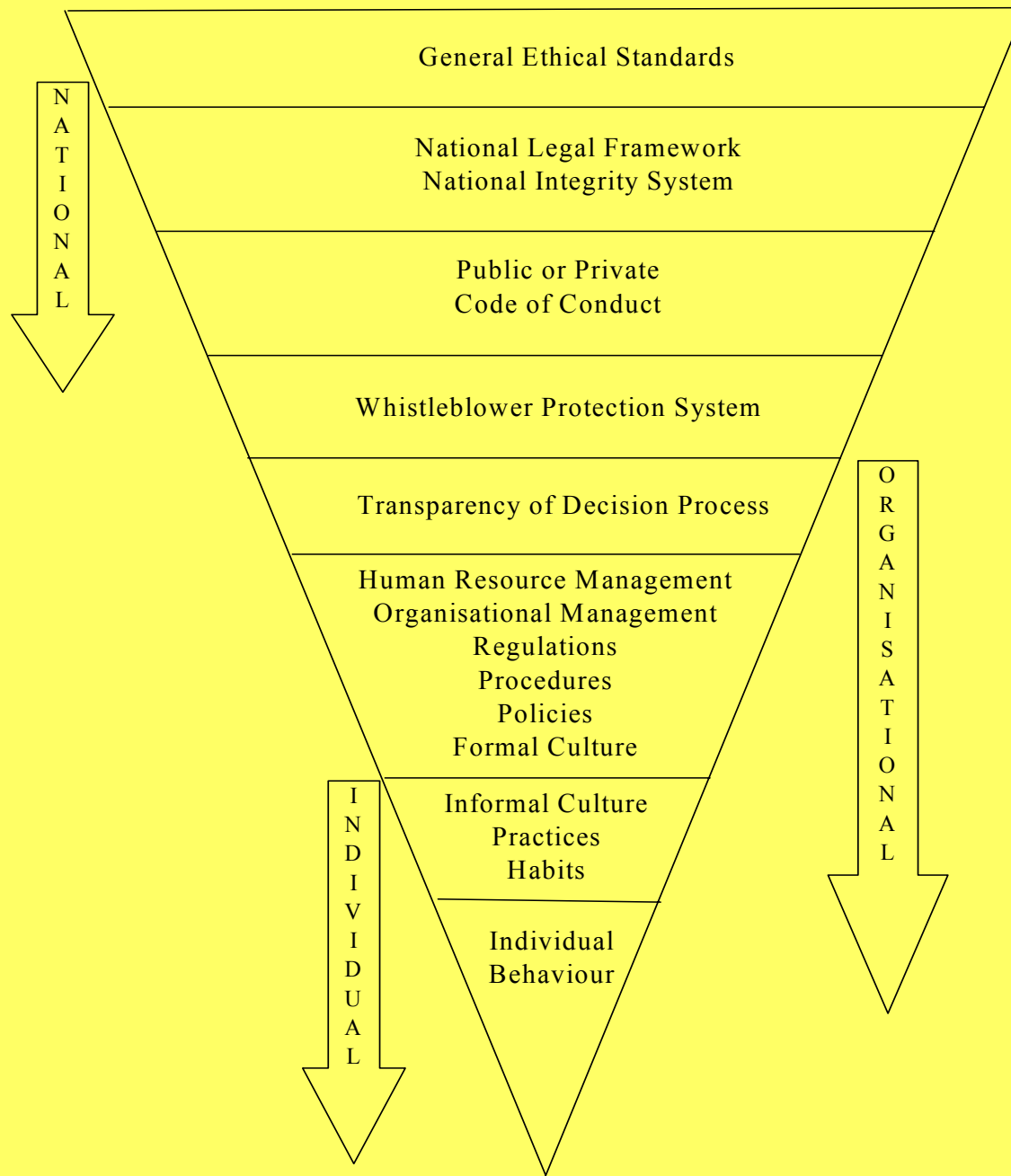




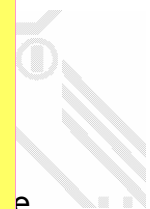
Roots:

- “Integrity” derives from Latin word “*integritas, integritatis*” and means wholeness.
- faith, trust
- on the outside what is on the inside

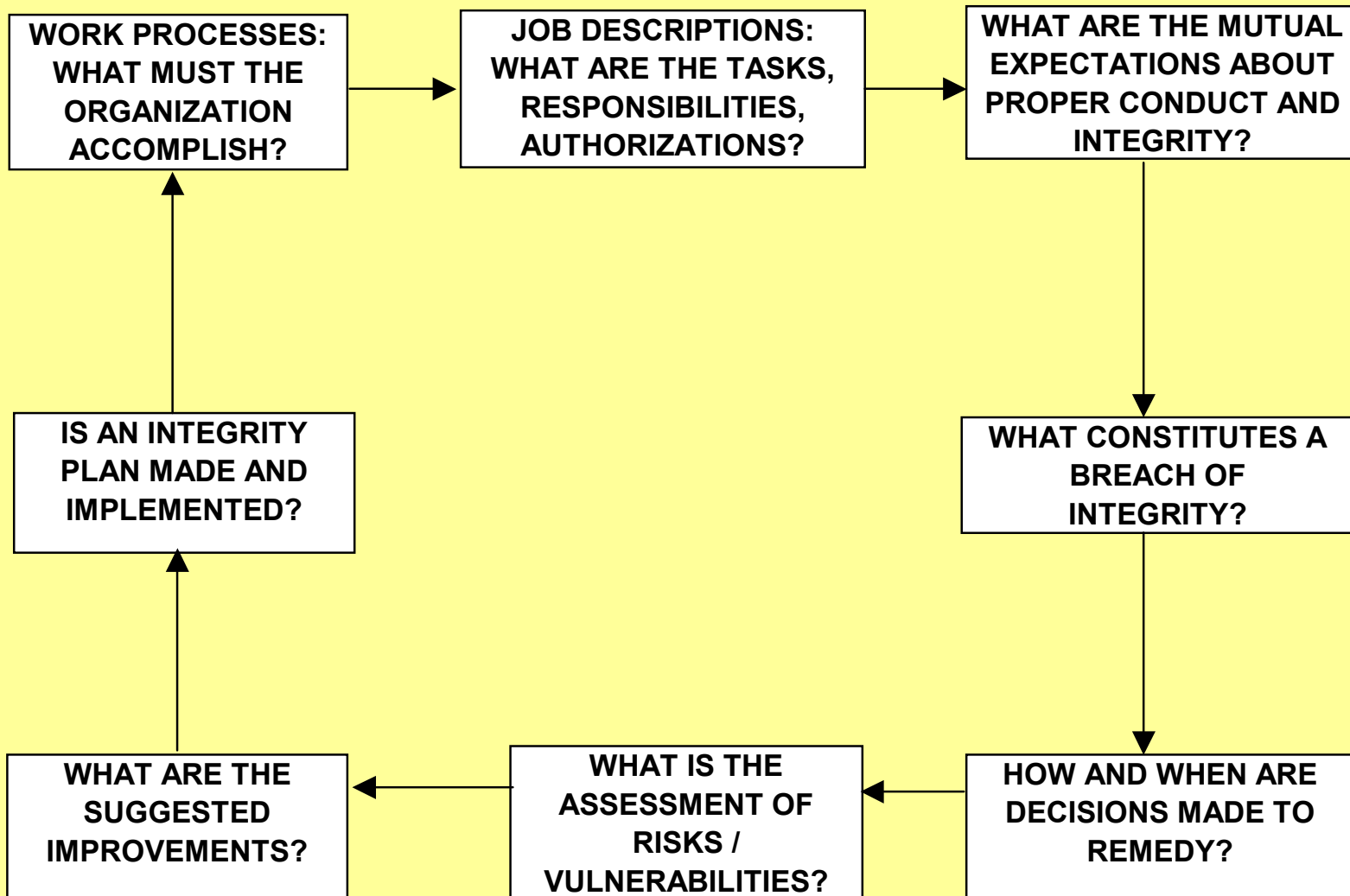




INTEGRITY



THE INTEGRITY CYCLE





Integrity plans

- increasing resistance,
- identifying risk areas,
- raising awareness,
- minimising vulnerabilities,
- self-assessment,
- preconditions: transparency and clarity,
- personal integrity of every staff member;



United Nations Convention against Corruption:



Article 1:

The purposes of this Convention are:

...(c) **To promote integrity**, accountability and proper management of public affairs and public property.

Articles 7, 8, 9, 10 and 12 of the
Convention



Questions or comments?

Thank you for your attention.

