"Promoting the use of information and communications technologies for the implementation of the United Nations Convention against Corruption"

The legal framework in Portugal on the prevention and fighting corruption is comprehensive and in addition to the general provisions of the Penal Code (372 et seq) a set of specific legislation is in force.

This is the case of Law nr. 36/87 of 16 July, on the liability of political office holders, the Law nr. 20/2008 of 21 April, establishing the new criminal framework to combat corruption in international trade and in the private sector and Law nr. 50/2007, of 31 August, establishing a new criminal liability for conduct likely to affect the truth, loyalty and correctness of the competition and its outcome in sports activity.

This Law aims the protection of integrity in sports, establishing the regime of criminal liability for unsporting behaviour contrary to the values of truth, loyalty and correctness and likely to fraudulently alter the results of the competitions.

The Law has a wide range of recipients, from sports agents (including players and sports practitioners), sports coaches, sports businessman, sports legal persons, referees and applies to the "sports competition", i.e. the regulated sporting activity organized and carried out under the aegis of sports federations or professional leagues, associations and clubs affiliated to them groups or international bodies of which such entities are part.

Law nr. 50/2007 establishes the crimes of passive corruption, active corruption, trade in influence and organized crime is the sports activity, which are punishable, respectively, with 1 to 5 years of imprisonment (passive corruption), up to 3 years of imprisonment or a fine (active corruption and trade in influence), 1 to 5 years of imprisonment (organized crime). The attempt is punishable in the case of active corruption.
The sanctions provided for in Article 8 (passive corruption) and Article 10 (1) (organized crime) are increased by one third in its minimum and maximum limits if the agent is a sports director, sports referee, sports businessman or a sports legal person. If the crimes referred to in Article 9 (active corruption) and Article 10 (2) (trade in influence) are committed by a sports manager, sports referee, sports businessman or sports legal person, the offender shall be punished with the penalty that the case would fit, increased by one third in its minimum and maximum limits.

In addition, Law nr. 50/2007 provides for additional penalties for the perpetrators of the crimes, as follows:

a) Suspension of participation in sports competition for a period of six months to three years;

b) Deprivation of the right to subsidies, grants or incentives granted by the State, Autonomous Regions, local authorities and other public legal persons for a period of one to five years;

c) Prohibition of the profession exercise, function or activity, public or private, for a period of one to five years, in case of sports manager, sports coach, sports referee, sports businessman or legal entity or equivalent legal person.

Portugal ratified already in 29 September 2015 the Council of Europe Convention on the Manipulation of Sports Competitions, which purpose is to prevent, detect, punish and discipline the manipulation of sports competitions, as well as enhance the exchange of information and national and international cooperation between the public authorities concerned, and with sports organisations and sports betting operators.

Regarding the use of information and communications technologies in order to facilitate, Portugal has focused in the last two decades on the use of information technology (IT) and e-Government (e-Gov) in the framework of electronic Public Administration policies, of simplification and of transparency of the public sector which, in a broader perspective, allow the provision of better services to citizens and also prevent corruption.
As an introductory remark, it should be noted that, according to information provided by the European Union, Portugal is still in the top on the provision of online public services in the EU, according to the results of the European eGovernment Benchmark 2013. The assessment of the performance of European countries led by the European Commission continues to place Portugal among the leading countries in online services provided to citizens and businesses.

The European eGovernment Benchmark is an annual and reference study on the assessment of the performance of European countries as regards the provision of online public services, based on the life event concept, i.e., a set of services provided by various public administration bodies and which are presented to citizens in an integrated manner (e.g. starting a business, registering and driving a vehicle, to loose and to look for a new job, change of residence).

The AMA - Agency for Administrative Modernisation I.P. plays a key role in this area.

The Agency for Administrative Modernisation, I.P. (AMA) is the public institute that pursues the powers of the Presidency of the Council of Ministers in the areas of modernization and administrative simplification and electronic administration, with the mission of identifying, developing and evaluating programs, projects and actions of modernization and administrative simplification and regulatory and to promote, coordinate, manage and evaluate the system for distribution of public services, within the framework of the policies defined by the Government of Portugal.

Some examples of the use of information technology (IT) to facilitate the transparency of public administration are the following:

**Dematerialization of the Prescription of Medicines and Users Electronic Identification of the National Health System and Health Professionals (DRM-IEUP)**

The dematerialization project of the prescription of medicines’ circuit has as main objectives to eliminate the need for paper, increasing the convenience of access to medication by users, increasing the safety of prescription by the prescribers, the promotion of the fight against fraud and corruption and waste through better control at the time of dispensing of medicines and
promotion of best environmental practices. The operation also contributes to the widespread use of the Citizen’s Card as a means of electronic authentication.

E-invoice system

The e-invoice system is an ambitious program to fight fraud and tax evasion in Portugal in order to ensure a fair distribution of the tax effort by all taxpayers. The system implemented mandatory electronic communication of the elements of the invoices to the Tax Authority by economic agents, reinforcing the fight against informality and tax evasion and supporting taxpayers in voluntary compliance with their tax obligations.

CITIUS service

In the field of Justice, the CITIUS service enables electronic submission of documents for use in court cases.

Lawyers are able to present evidence and documents to the courts, check their distribution, look up cases and keep track of fees electronically.

For civil cases and injunctions, most of the correspondence can be conducted electronically. Sets of copies and duplicates are no longer needed.

The system is secure in that the use of personal, non-transferable electronic certificates is required.

Portal BASE

The creation of the portal BASE in the area of public procurements is another key measure for transparency and prevention of corruption.

The Code for Public Procurement (CCP) regulates the procedures required for the formation of contracts and provides for the creation of an Internet portal dedicated to public procurement,
aggregating information on public procurement. The CCP includes six major principles – efficiency, simplification, rigor, innovation, monitoring and transparency. One of the corollaries of the Code application is precisely to promote transparency in transactions carried out by the contracting authorities. They are good allies in this objective the obligation to use electronic platforms in the formation of contracts that, once signed, its publication in the portal BASE.

The legal framework for public procurement in Portugal provides for guarantees of transparency, non-discrimination and fair competition. Amendments to the public procurement code were adopted in July 2012 aiming at improving public contract award practices to ensure a more transparent and competitive business environment. The amendments address, in particular, the system for awarding additional works and services, and eliminate exemptions permitting direct awards.

The e-procurement programme was launched in June 2003 as a centralised and high-quality platform that promotes efficiency and competition through increased transparency, as well as savings in the public procurement process. Through enhanced transparency, the use of e-procurement creates the framework for enhanced prevention and detection of irregularities affecting the procurement process, including potential corrupt practices.

The portal http://www.anpc.gov.pt/EN/Pages/Home.aspx offers the possibility of downloading the entire bid documentation and specifications free of charge. It also disseminates calls for tender, receives suppliers’ queries and manages all information exchange online. A Contract Management Tool allows for uploading of public contracts, the monitoring of contracts concluded and e-invoicing. The Information Management System also helps collect, store and organise statistics on the procurement process.

Since 2008, after the entry into force of the Public Contracts Code, Portugal put in place a national web portal, BASE (www.base.gov.pt) that centralises information on public contracts.

The Institute for Public Procurement, Construction and Real Estate I.P. (IMPIC) is responsible for the management of this portal. BASE receives data from the electronic edition of the
Portuguese Official Journal and from the certified electronic platforms concerning open and restricted pre-award procedures. All public contracting authorities use the reserved area of the portal to record contract data, upload the contracts and record information on their performance.

From 2008 to 2011, BASE only publicised contracts relating to direct awards. Since January 2012, and as a result of measures adopted under the Adjustment Programme, BASE must advertise all contracts resulting from all types of procedures subject to the Public Contracts Code. It also publishes information on contract performance. The publication of contracts in both BASE and in the Official Gazette is now mandatory for direct awards, increases of 15% in the price of already concluded contracts and potential penalties.

Another example of a program in place in the Public administration is the SIMPLEX Program, which combines the electronic administration and simplification policies.

This program had an annual run rate always higher than 80%, with initiatives that decided that structural problems of regulation and decreased context: costs significantly (as in the field of business creation). The progress made in electronic services, not only in the number of services, but also in its functionality and usability, put Portugal in the 1st place of the e-Government Benchmarking in 2009 and 2011, as well as the positive evaluation that citizens and businesses do either of online services, either of the single counters created are facts that demonstrate the added value of this instrument and the importance of deepening, as indeed was recognized and recommended by the Organization Economic Cooperation and Development.

Important to this result was also the participatory aspect given to Simplex, through different instruments, from the program preparation (with employees, companies and citizens), the public consultation and the use of social networks to collect, permanently, new suggestions. For example, the Simplex Exports, the first thematic program was fully organized from suggestions from companies and business associations, thus contributing not only to greater transparency but for the involvement of stakeholders in matters that directly related to its activities.
Citizen’s Portal

The Citizen’s Portal aims to facilitate the relationship between the citizens and the Portuguese State, establishing itself as a privileged access channel to the services provided by the Public Administration. From the Citizen’s Portal, citizens can perform online some of the services provided by the Public Administration, as well as consult information or various contents.

At the same time, the Portal forwards the users to other websites where they can interact directly with the provider of the service. The Citizen’s Portal features over 905 services available for a total of 161 public agencies and entities. Joining the Citizen’s Portal proves the success of this way of service, with a total of about 2 million monthly visits and a volume of active users registered in the order of 300,000.

The portal integrates services such as Online Certificates (about 20,000 requests for certificates of civil registration and property registration), the Change of Address and the Directory of State (SIOE), promoting efficiency, transparency and trust in the Public Administration.

Electronic denunciation of crimes of corruption

Although of a different nature and with different objectives, the possibility of denunciation of alleged corruption crimes using information technologies should be highlighted.

Effectively, it is available on the website of the Prosecutor General’s Office the possibility of electronic reporting of corruption cases. The complaint can remain anonymous. In addition, the complaint will receive a number by which it will be identified and a passkey shall be assigned to the complainant that later will allow him/her to access the communication and take notice and track the status of the investigation and other data that they may be of his/her interest (https://simp.pgr.pt/DCIAP/denuncias/index2.php).
The examples shown are only a few of the many examples of the use of information technologies, not only to modernize Public Administration, provide training to civil servants, improve the functioning and the provision of services by the public sectors services, but also to promote transparency.

These policies are consolidated policy options which have already been applied for many years and continue to be part of public policies and Government programs, such as the Program of the XXI Government of the Portuguese Republic, which devotes an entire chapter to the strengthening, simplification and digitization of the Public Administration at central, regional and local level in order to provide better services to citizens and businesses, reduce bureaucratic costs and promote transparency, this way, preventing and fighting corruption.