

PROVISION OF TECHNICAL ASSISTANCE BY G20 ANTI-CORRUPTION WORKING GROUP COUNTRIES

INFORMATION PROVIDED BY ITALY

The 2017-2018 G20 Anti-Corruption Implementation Plan recognizes that, through provision of technical assistance¹, G20 countries can assist other countries in becoming States Party to, and effectively implementing, relevant international instruments such as the United Nations Convention Against Corruption (UNCAC).

1. National anti-corruption programmes/tools that could be shared with other countries:

Italian Ministry of the Interior - Project on Confiscated Assets



The project "Confiscated Assets" is part of the National Security Operational Program (PON Sicurezza) for the Convergence Regions (development of the Mezzogiorno), to strengthen and optimize the instrument of confiscation and asset seizing preventive measures, through the training of more than 600 staff units from various Administrations. The program generated a new era of enforcement in the fight against crime enhancing quantity and quality of confiscated assets re-use and disposal for society.

TYPE OF ASSISTANCE ²



Legislative assistance



Institution-building



Policymaking



Capacity building



Research/data-gathering and analysis



Facilitation of international cooperation with other countries



Others: please specify:

We also underline the e-learning capacity building programs developed by the Italian Ministry of Interior in the training of police operators.

2. Existing anti-corruption technical assistance programmes

PLAN DE APOYO to the Central American Security Strategy through the instruments of seizure, confiscation and destination of assets

The program has set out **capacity building** activities (6 High courses training and interchange experiences for about 450 judges, prosecutors and police officials), **institution building** (contributing to create 3 new agencies), and **law enforcement** (2 new laws) in **the Central American Region** (El Salvador, Guatemala, Honduras, Dominican Republic, Panama and Costa Rica). It is at its third stage.

POTENTIAL OUTREACH:

- Global
- Regional

INSTITUTIONAL FRAMEWORK³:

The program is jointly developed by Italian Ministry of Foreign Affairs and Italian-Latin American Institute (IILA) in coordination with the SICA (Central American Integration System).

Multidimensional Security Program For Latin America

A manifold activity developed by the Italian MOFA with OAS includes Training Programs for Judges, Prosecutors and Police officials on Money Laundering and technical assistance to the regional legal framework.

The program includes a complete introduction to the legal structure for money laundering at the international and local levels, supported by the universal instruments against this crime. It also relies on the discussion of case studies by recognized experts and practitioners in the field.

POTENTIAL OUTREACH:

- Regional
- Multilateral

CONTACT INFORMATION:

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INSTITUTIONAL FRAMEWORK³: OAS

European-Latinoamerican Programa de asistencia EL PAcCTO

The program, funded by EU DEVCO and developed by FRANCE-SPAIN-ITALY and PORTUGAL consortium, will contribute to strengthening regional cooperation in investigation,

judicial and penitentiary, also in the sectors of money laundering and corruption, aiming at increasing existing institutional and operational networks and Latin American-EU intercontinental links. Activities kick off in May 2017.

POTENTIAL OUTREACH: Global
 Bilateral

INSTITUTIONAL FRAMEWORK³: EU DEVCO and, for Italy, Italian Ministry of Foreign Affairs, Ministry of Justice, Ministry of Interior and the coordination of Istituto Italo-Latino Americano (IILA)

TA organised by International Academy for Tax Crimes Investigation (Guardia di Finanza High Schools)

Training courses in the anti-corruption sector, organized by the Italian Guardia di Finanza, at the OECD Ostia Tax Police Academy and the GdF High School in Orvieto (2016-2017) for OECD Countries and non OECD members Countries (292 trainees from 92 Countries were involved).

POTENTIAL OUTREACH: Global
 Regional

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INSTITUTIONAL FRAMEWORK³: Ministry of Foreign Affairs and International Cooperation-DG for Global Issues and Guardia di Finanza General Command, 2nd Department

National Anti Corruption Authority Twinning programs

ANAC has two twinning programs with Serbia and Montenegro. The overall aim of these projects is to support the implementation of integrity measures and to support the Agencies for the Prevention of Corruption (APC) as far as the integrity measure coordination, monitoring, and reporting functions are concerned. The aim is also to strengthen the prevention and the fight against corruption and to improve the overall efficiency of the anticorruption system, by harmonizing the legislative framework of Serbia and Montenegro with the EU and the International policies and best practices. More, the Project can strengthen both countries' national mechanisms for the prevention and the fight against corruption, delivering the tools needed to reduce corruption risk and foster good governance.

POTENTIAL OUTREACH: Regional
 Bilateral

INSTITUTIONAL FRAMEWORK³: National Anti- Corruption Authority

Italian High School of the Judiciary training program for Mexico

A training course for 25 high-level Mexican magistrates entitled “The fight against organized crime and money laundering: compared experiences”.

The course is a follow-up of the visit in Mexico held in November 2015 by the Minister of Justice and the National Anti-Mafia Prosecutor.

It is developed in two phases:

- in Italy (May 15th-24th): study visits to important judicial authorities (Public Prosecutor's office in Reggio Calabria and Naples; the Antimafia and Antiterrorism National Directorate in Rome) will offer best practices on Italian investigating activities and their coordination;
- in Mexico (June 26th- July 1st): Italian experts selected by the High School of the Judiciary will complete the course.

POTENTIAL OUTREACH: Bilateral

INSTITUTIONAL FRAMEWORK³: High School of the Judiciary

Ukraine ANAC support group anticorruption program

Funded by the EU, the program aims at strengthening the institutions that, in Ukraine, fight against corruption and try to prevent it. ANAC provides a list of experts in manifold sectors of prevention of corruption.

POTENTIAL OUTREACH: Bilateral

INSTITUTIONAL FRAMEWORK³: National Anti- Corruption Authority

ANAC Visit to Kyrgyzstan

UNDP invited ANAC to carry out a visit to Kyrgyzstan. Purposes of the mission were threefold:

1. To obtain a complete and direct overview of what is happening in Kyrgyzstan with regard to fight to corruption, with the aim to identify the problems and the possible solutions
2. An exchange of information and mutual experiences in the anticorruption issue, in the fight to the phenomenon and its prevention
3. To identify the measures for the prevention of corruption: education of public officers, raising awareness of the public opinion, rotation of the public administrators.

During the visit, Italian anticorruption legislation has been thoroughly illustrated to Kyrgyz counterparts, through meetings with Governmental Authorities, NGOs, press, and further cooperation has been asked to ANAC. ANAC offered the maximum availability to bilateral cooperation with Kyrgyz Authorities, recalling Italian experiences, legislation and its innovations, and Italian action in international fora, particularly in the G7.

POTENTIAL OUTREACH:

Bilateral

INSTITUTIONAL FRAMEWORK³: National Anti-Corruption Authority

3. Recent technical assistance provided

Cooperation with OECD

Organisation for Cooperation and Economic Development (OECD) is at the international forefront in preventing corruption and promoting integrity. In this respect, ANAC has consolidated manifold relationships with the OECD.

In 2014, ANAC and the OECD signed a Memorandum of Understanding related to the supervisory activities and control procedures for contracts of Expo Milan 2015. The results of the cooperation driven by the MoU have been very successful, since President Cantone of ANAC and Secretary General of the OECD Gurría agreed on continuing the cooperation. OECD labeled the cooperation with ANAC in the sector of public procurement as a best practice; lessons learned and innovative procedures in the field of public procurement are commonly adopted worldwide. On 12 May 2016, OECD and ANAC signed a second Memorandum of Understanding, bound to prosecute the cooperation established in the framework of Expo 2015.

MOUs

ANAC has signed 9 MoUs with foreign partners. The MoUs usually recognize the key role of the fight against corruption and of the need of sharing information and experiences in this field. With the MoUs ANAC and its counterparts normally agree to encourage and strengthen cooperation by means of mutual consultations, exchange of information and experience in prevention of corruption and promotion of integrity, detection, prevention and settlement of conflicts of interests and education and training on public ethics and integrity of public officers.

Normally, the mutual cooperation is implemented by means of mutual consultations, exchange of information and best practices, organization of joint seminars, activities of formation and information.

Exchange of information provided under the MOUs

Exchange of information under the provisions of the MoU proved to be particularly effective. MoUs turned out to be viable tools of cooperation in this specific field, ensuring mutual benefits to both Parties.

4. Challenges and gaps in providing technical assistance

- Lack of human resources to comply with all the requests coming from our international partners;
- Hurdles in defining the exact counterparts. Specific Anticorruption (independent) Authorities do not exist everywhere but, even where present, are not endowed with the same competences and powers;
- Misunderstandings on the powers of our Institutions between repression and prevention. Wrong perceptions may sometimes generate misplaced expectations about the cooperation that Italy can give to its partners;
- Difficulty in explaining and understanding the actual concept of prevention of corruption. Italy promotes a combined and complementary approach of both dimensions, which are entrusted to independent bodies (ANAC and the Judiciary).

5. Current anti-corruption priorities

1. Prevention of corruption

Fight of corruption is one of the main objectives of Italian Governments. In the past fight to corruption was focused on repression, and this approach turned out to be very successful. But this did not prevent that corruption got back to Italy in different forms than the past. It is to be excluded that the repressive action was not effective; simply, it was not enough.

That is why now in the fight to corruption Italy deems necessary to couple the repressive approach with the pre-emptive one. Only eradicating the roots of corruption and rendering difficult to corrupt and to be corrupted shall diminish the incidence and the number of corruption phenomena.

Prevention of corruption is now high on the agenda of Italian government, as part of the structural reforms

2. Transparency

Italy considers transparency one of the main tools of fight against corruption, because an enhanced transparency increases the control of citizenship on the conduct of public administrations. A widespread control of the public opinion is one of the best tools to check the use of public money and to avoid corruption.

Transparency is a fundamental instrument for the efficiency and effectiveness of administrative action. It enables understanding of the areas of administration activities and also to raise their ethical conduct, in the perspective of a better accountability to citizens.

3. Public procurement

Public procurement is in Italy the source of frequent episodes of corruption. In this field ANAC enjoys effective and pervasive powers of supervision. Not only the Authority enjoys

special legislative provisions that, in public works, allow to continue the execution of contracts even in presence of episodes of corruption, in case drafting the tenders in collaboration with ANAC, and to protect the work and the employment levels. More, the new Italian Code of contracts introduces a decisive change of perspective: procedures made simpler and more transparent; more effective control mechanisms, supervision strengthened by ANAC. The central choice has been to focus heavily on a secondary control level, largely conferred to ANAC. The Authority is the recipient of significant powers and is drafting multiple guidelines in several areas, such as regulation and supervision powers on the executive planning, execution and works' implementation of public works in Italy.

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- 1 *Technical assistance should be understood in line with UNCAC provisions, and cover relevant programs aimed at strengthening capacities in the prevention and fight against corruption as well as both public and private sectors' integrity*
 - 2 *For further information on each of these forms of technical assistance please refer to <https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/20-24June2016/V1603598e.pdf>*
 - 3 *Institutional framework under which the program is undertaken (e.g, agency responsible for implementing the program, other agencies involved, legal framework, etc).*