

THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED BY AUSTRIA

ARTICLE 13 UNCAC

PARTICIPATION OF SOCIETY

AUSTRIA (SEVENTH MEETING)

In relation to participation of society (article 13), States parties and signatories may wish to provide information on measures that:

The described information is accessible via quite different channels, starting from the internet and computer based access through to brochures right up to software applications for example on smartphones. Established e-government mechanisms have become a main part of the modern citizen-oriented administration. A good overview is presented on the following website:

<https://www.help.gv.at/Portal.Node/hlpd/public/content/221/Seite.2821000.html>

The following website provides subsequent links for public access to relevant anti-corruption bodies for the reporting, including anonymously, of any incidents that may constitute an offence:

https://www.oeffentlicherdienst.gv.at/moderner_arbeitgeber/korruptionspraevention/infos/links.html

Regarding personnel procurement there is no such thing as a possibility of a direct participation of society because of the special rules of procedure. However, Austria's information policy has the goal to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption.

Art 13 (1) UNCAC

• *In relation to enhancing the transparency of and promoting the contribution of the public to decision-making processes (article 13 (1) (a)):*

Apart from the already in outline described measures and programs there are no further federal wide but many particular accesses to this topic. However, it can also be pointed out that within the federal government systems were simplified and unified over the last years. As a result of this development a document management system (DMS) as well as the electronic act (ELAK) are today's standards of a modern administration as well as an e-government and an e-law system. This leads to a faster, more flexible and cheaper administration that is readily comprehensible und transparent. All this together can be seen as another part of the prevention of corruption.

§ 79c ff. BDG 1979, BGBl. Nr. 333/1979, as amended from time to time, regulates in its subsection 5a IKT-usage and control regarding officials. IKT is the abbreviation for information and communication technology or technique and includes all devices for electronic transmission or telecommunications, storage and processing of voice, texts, still and moving pictures as well as

data. § 29n VBG, BGBl. Nr. 86/1948, as amended from time to time, cites § 79c ff. BDG 1979 and regulates that these paragraphs also apply to contract staff. The “I” stands for the information provided to the people, “K” stands for communication. People can communicate with the departments directly and also when implemented via contact form. “T” stands for technology and therefore gives a hint that the virtual department is now implemented and is now accessible via several different channels.

• *In relation to ensuring that the public has effective access to information (article 13 (1) (b)):*

The general rule of § 2 Auskunftspflichtgesetz, BGBl. Nr. 287/1987 as amended from time to time, says that everyone can apply for information telephonically, in spoken or in written form.

• *In relation to undertaking public information activities that contribute to non-tolerance of corruption, as well as public education programmes, including school and university curricula (article 13 (1) (c)):*

Apart from the strong online-presence the Federal Academy for Public Services provides a wide range of courses and events (<https://www.oeffentlicherdienst.gv.at/vab/seminarprogramm/vab2016-zusammenstellung.pdf?59gu05>) with reference to integrity and the prevention of corruption. “PM 003 Korruptionsprävention – Compliance – Integrität”, “Wieso wir sollen? – Ethik im Berufsalltag” and “Lehrgang Personal – Modul 2” are only a few excerpts of the educational programme regarding the topics corruption, preventive measures and integrity. In addition to that frequent interagency events and congresses take place to ensure the discussion of new developments and national as well as international trends.

• *In relation to respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption (article 13 (1) (d)):*

§ 53a BDG 1979 regulates protection for officials against disadvantages that result from reporting occurrences to the responsible organizational units against corruption. The acceptance of gifts (§ 59 BDG 1979), post public employment (§ 20 Abs. 3a BDG 1979) and secondary employment (§ 56 BDG 1979) are also regulated by law. § 5 VBG cites the respective paragraphs of the BDG 1979 and regulates that these paragraphs also apply to contractual staff.

BAK APP – MOBILE APPLICATION ON CORRUPTION PREVENTION

To raise awareness on anti-corruption matters among adolescents and young adults – as members of the civil society – it is recommended to increasingly use the new media. Mobile applications are, especially for this particular target group, an important medium for obtaining and exchanging information.

Therefore, and in order to best impart knowledge on corruption to young people, the Austrian Federal Bureau of Anti-Corruption (BAK) is developing a tailor-made mobile application (app) in cooperation with the HTL Mistelbach, a vocational college in Lower Austria with a focus on health technology.

Two project teams of a total of five fourth-grade students (aged about 18) programme the app as part of their final thesis, the prerequisite for admission to the school-leaving examination. In

addition to programming the application, the students' task is to create a visual design corresponding to the needs of the target group.

During the extensive preparation process, the BAK has developed the creative content of the app in close coordination with the students. The app aims to confront its future users with dilemma situations and thus to raise their awareness of corruption, ethics and integrity. The completion of the mobile app is scheduled for the summer of 2016.

ANTI-CORRUPTION TRAINING FOR YOUNG PEOPLE

This workshop is based on a training concept for anti-corruption training courses for upper secondary schools developed by the Austrian Federal Bureau of Anti-Corruption (BAK). It consists of selected case examples, interactive exercises and role playing games designed to increase students' awareness of the phenomenon of corruption. The training is composed of 8 teaching units of 45 minutes each. Therefore, it can be carried out on a single day.

The purpose of the practical cases presented during the course is to increase young people's ability to act correctly in daily professional life, facilitate the recognition and prevention of corruptive situations, and teach specific linguistic and social skills. Furthermore, expert knowledge about the prevention of corruption, economic crime, compliance, the principles of the corruption phenomenon and the legal bases of the fight against corruption is imparted. Another focus is on raising students' awareness regarding values, decisions and actions. Ethical aspects, such as the relation between economic activity and moral values, as well as selected case examples from the field of education are discussed in this workshop.

A definition of the term „corruption“ is given, different forms of corruption (situational, structural) as well as its reasons and consequences are described. Models are used to explain specific corruption phenomena. Information on corruption prevention, anti-corruption institutions and instruments in the fight against corruption will be provided to the students. Relevant topics will be presented by experts in psychology, law and criminology. The workshop aims to promote social ethics and contribute to a more profound understanding of the threat posed by corruption to the rule of law and economic activity.

In addition to imparting knowledge on the phenomenon of corruption, the objective of the workshop is to encourage young people to reflect on the moral dimension of their decisions and actions, in particular in the context of their professional responsibilities as future employees or employers. The anti-corruption trainers of the BAK's Department of Prevention place a special focus on raising awareness of possible "stumbling blocks" in tricky situations of corruption as well as on ways to handle such situations.

In order to ensure the successful and sustainable prevention of corruption, it is indispensable to disseminate information on corruption and increase awareness, especially among the younger generation. Therefore, the BAK is planning to extend the anti-corruption training to other types of school.

Art 13 (2) UNCAC

• In relation to taking appropriate measures to ensure that the relevant anti-corruption bodies are known to the public and providing access to such bodies for the reporting, including anonymously, of any incidents that may be considered to constitute an offence established in accordance with the Convention (article 13 (2)):

The actual structure of the organization and distribution of responsibilities (division of tasks) is laid down by each individual Federal Minister internally, as well as the rules of procedure depicted on the homepages of the respective ministry. The clear focus lies on the fair and transparent procedure. Under the aspect of general prevention this procedure is very effective, because of the quite diverse disadvantages a violation or breach of the given rules can subsequently have (e.g. Bundes-Gleichbehandlungsgesetz, BGBl. Nr. 100/1993 idgF, Bundes-Behindertengleichstellungsgesetz, BGBl. I Nr. 82/2005 idgF, or interpellation).

NATIONAL ANTI-CORRUPTION STRATEGY

Development of a National Anti-Corruption Strategy for the field of prevention

From 2013 to 2014, the Austrian Federal Bureau of Anti-Corruption (BAK) organized a total of ten expert panels on “Current measures and recent developments in corruption prevention”. These round tables were attended by leading anti-corruption experts and senior officials of the Austrian Federal Chancellery, all federal ministries, the Austrian Court of Audit, the provincial courts of audit, the Austrian Association of Cities and Towns, the Austrian Association of Municipalities, the Main Association of Austrian Social Security Institutions, as well as by trade union representatives and experts from the fields of internal audit, human resource management, disciplinary matters, and complaint management.

Following introductory speeches, the participants engaged in discussions on the above mentioned topics, in particular on experiences made and approaches adopted in the relevant field. In addition, experts from the private sector were invited to give presentations on measures to promote compliance and integrity in their sector.

In each expert panel, the focus was placed on a specific, predetermined issue. The main findings of these plenary discussions were summarized and integrated into the prevention section of the Austrian Anti-Corruption Strategy.

ANNUAL REPORT AND BAK WEBSITE (www.bak.gv.at)

Each year, the BAK publishes an annual report including information on the BAK’s organizational structure and mandate as well as its activities in the field of international cooperation. The report also contains current statistical data and gives an overview of the ongoing work in the area of corruption prevention, such as training courses and concepts as well as publications.

The BAK website provides all important and current information on the Bureau, including the contact details of the SPOC (Single Point of Contact). Similar to the annual report, the website informs about the organization, responsibilities and activities of the Federal Bureau of Anti-Corruption.

PUBLICATIONS

The Publication “Corruption Prevention in Theory and Practice”

In parallel to the development of the National Anti-Corruption Strategy as mentioned above, the

panel speakers provided their presentations for the anthology “Corruption Prevention in Theory and Practice” compiled by the BAK. The book gives an overview on current approaches to prevent corruption both in the public and the private sectors.

Furthermore, the BAK distributes leaflets providing information on corruption prevention for different target groups (e.g. senior officials, police officers, etc.) in the entire civil service. The annual series “Corruption and Abuse of Official Authority” (“Korruption und Amtsmissbrauch”)

In September 2015, the book’s eighth edition was released in cooperation with the publisher “MANZ”. It provides, as has been usual in the previous editions, a comprehensive overview of the content and interpretation of the most important provisions of Austrian criminal law relating to corruption and abuse of authority.

The casebook “The Criminal Law on Corruption: Case Examples” (“Korruptionsstrafrecht in Fällen”)

Together with the Austrian Center for Law Enforcement Sciences (ALES), the BAK worked out a list of questions relevant to corruption from a criminal law perspective. These questions were illustrated with abstract and anonymized case examples and, in 2014, published as a casebook (“The Criminal Law on Corruption: Case Examples”) by the publishing house “Österreich”.

THE BAK AND THE AUSTRIAN ANTI-CORRUPTION DAY

Since 2007, the BAK has organized the Austrian Anti-Corruption Day for the public administration once a year. This inter-ministerial meeting of experts deals with diverse topics related to the prevention of and fight against corruption. It aims to provide a framework for a wide range of anti-corruption experts to discuss current challenges and issues in this field. On 7 and 8 April 2015, the 9th Austrian Anti-Corruption Day with a focus on the topic "Freedom of information vs. official secrecy – Paradigm shift in the Austrian information law?" took place in the Austrian Federal Ministry of the Interior.

SPOC – PUBLIC CONTACT POINT TO REPORT SUSPECTED CASES OF CORRUPTION

The Single Point of Contact (SPOC) is the BAK’s main contact point and receives reports, allegations, complaints, etc. that may be relevant to criminal investigations. It is available 24/7 and can be reached by post, fax, email or telephone.

All reported allegations are treated confidentially. Of course, the allegations can also be reported anonymously. However, persons reporting suspicious circumstances are kindly asked to provide at least one contact detail, because in many cases more detailed information is necessary to carry out the investigation.

WKStA – WHISTLE-BLOWER WEBSITE

The Federal Public Prosecutor's Office for Economic Crime and Corruption (WKStA) offers a completely anonymous “whistle-blower website” to report cases of corruption and white-collar crime. The website is currently run as a pilot project. It has become operational on 1 January 2016 following the amendment to the Prosecution Service Act (Staatsanwaltschaftsgesetz). The website allows persons having knowledge of cases of corruption to provide information and set up an anonymous mailbox. This is one of the key advantages compared to an anonymous

complaint: investigators can directly contact the whistle-blowers and ask them questions. The English version of the system is available at

<https://www.bkms-system.net/bkwebanon/report/clientInfo?cin=1at21>.