

# THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED

BY LITHUANIA

## ARTICLE 6 UNCAC

### PREVENTIVE ANTI-CORRUPTION BODY OR BODIES

#### LITHUANIA (FIFTH MEETING)

I - Information requested from States parties in relation to mandates of anti-corruption body or bodies in respect of prevention (art. 6)

1. Please describe the measures you have taken to implement art. 6 of the Convention. In particular, States parties may wish to cite and describe measures that:

- Allocate responsibility to a specific body or bodies for the development and implementation of preventive anti-corruption policies;
- Outline the institutional structure and approach in relation to the monitoring and evaluation of the national anti-corruption strategy or anti-corruption policies;
- Outline the scope of the mandate of preventive anti-corruption bodies;
- Safeguard the independence of anti-corruption bodies, enable them to carry out their functions effectively and protect them from any undue influence;
- Establish focal points or units within government ministries and departments responsible for the implementation of anti-corruption policies;
- Establish structures to deal effectively with grievances and complaints from citizens, such as an anticorruption commission, ethics office, auditor general's office, ombudsman office, central procurement office, etc.

*Lithuania has put in place a comprehensive institutional framework to address corruption. The main anti-corruption body is the Special Investigation Service (STT), an independent body accountable to the President of the Republic and the Parliament (Seimas), which was established in 1997 and in 2000 received a broad anti-corruption mandate. In 2000, STT became an institution independent from the executive branch, accountable to the President and the Seimas of the Republic of Lithuania. STT competence includes anti-corruption education and awareness raising of the public, corruption risk analysis, anti-corruption programmes and anti-corruption assessment of legal acts or their drafts as well as with pre-trial investigation of corruption-related offences, if the above-mentioned measures fail.*

*Other specialized anti-corruption bodies in the field of prevention of corruption are the Chief Institutional Ethics Commission (CIEC); the Seimas Anti-corruption Commission (SACC); the Interdepartmental Commission for Coordinating the Fight against Corruption (ICCFC). It should be noted that all line ministries and local authorities have an anti-corruption role to play.*

*Article 12 of the Law on Corruption Prevention of the Republic of Lithuania provides for the implementation of corruption prevention by the following bodies: the Government, Chief Institutional*

*Ethics Commission, Special Investigation Service and other state and municipal and non-governmental institutions.*

*When implementing this Law, the task of the Government is to ensure that corruption prevention measures are implemented by the ministries and institutions subordinate to the Government; allocate the funds necessary for an effective implementation of corruption prevention measures; together with the Special Investigation Service develop the National Anti-Corruption Programme and submit it to the Seimas for approval, as well as make proposals as to the amendment of the said programme; make proposals to the Seimas as to the enactment and amendment of the laws and other legal acts necessary for the implementation of corruption prevention.*

*When implementing the present Law, the Chief Institutional Ethics Commission is tasked to analyse ethical problems confronting civil servants, and, seeking to eliminate the factors contributing to a conflict between public and private interests, make proposals concerning adoption and improvement of anti-corruption programmes and legal acts; make proposals to the Seimas, other state and municipal institutions related to the implementation of the provisions of this Law; implement the corruption prevention measures assigned to it together with the other state and municipal institutions.*

*Most of the state and municipal authorities within the scope of their competence implement the measures set down in the Plan of Measures for the Implementation of the 2011-2014 National Anti-Corruption Programme (further — NACP).*

*In order to ensure effective, targeted and useful implementation, administration and application of long-term anti-corruption measures in state or municipal institutions, state and municipal institutions adopt institutional anti-corruption programmes. It is noteworthy that state and municipal institutions regularly (most often at the end of each year) measure the efficiency of the anti-corruption activities they conduct (e. g. assess the quality and efficiency of measures provided for in the Plans of Measures of the Implementation of the anti-corruption programmes approved by their internal legal acts) and provide the public with information on their anti-corruption activities through the mass media (most often via the Internet).*

*STT, pursuant to the Law on Corruption Prevention and Law on Special Investigation Service, together with the Government performs the functions of coordination and control of state and municipal institutions activities in the area of corruption prevention. For example, STT regularly assesses how state and municipal institutions implement the measures provided in the Plan of Measures of the NACP for 2011-2014, Law on Corruption Prevention, their anti-corruption programmes and provide proposals concerning their improvement. Also STT analyses the efficiency of anti-corruption activities conducted by state and municipal institutions (e. g. anti-corruption reports made by the departments of these institutions, etc.) and regularly provides methodical assistance for the staff of state and municipal institutions performing the functions in the area of corruption prevention.*

*Following the practice of many European and world countries, to deal effectively with grievances and complaints from citizens, the Seimas Ombudsmen's Office was established in Lithuania on 8 December*

1994. *The Seimas Ombudsmen investigate complaints about the abuse of office by and bureaucracy of officers or other violations of human rights and freedoms in public administration.*

*NACP is the main inter-institutional action plan (adopted on 17 January 2002). The revised NACP was adopted on 16 June 2011 and covers the period\_ from 2011 to 2014. At present, a new version of the NACP is being developed and is envisaged to cover the period from 2015 to 2025.*

*The NACP is aimed at ensuring an effective and targeted system of corruption prevention and control of corruption in the Republic of Lithuania. To achieve comprehensive corruption prevention and control of corruption, anti-corruption programmes adopted by other institutions must be oriented towards the objectives and goals specified in the NACP. NACP measures should attain tangible and measurable results (for example, amendments to the existing legal acts adopted), the NACP specifies clearer criteria of the results (for example, increase of confidence in state institutions, quick provision of public services, simplification of the procedures for issuing licences and other administrative requirements laid down in legal acts, public involvement in the law-making process, etc.). NACP is developed and its implementation is organised and controlled by the Government with the participation of the STT. The implementation of the NACP is coordinated and the control of the implementation of the NACP Plan of Measures is made by the Inter-institutional Commission. As mentioned before, state and municipal institutions are responsible for the implementation of the NACP.*

2. Please provide information demonstrating the impact of the work conducted by national bodies with mandates in respect of the prevention of corruption.

In particular, States parties may wish to provide information such as:

- Key conclusions and recommendations from reports prepared by anti-corruption bodies and institutions;
- Results of public perception surveys regarding the effectiveness and performance of the anti-corruption body or bodies;
- Results from public awareness surveys of the extent of public knowledge about the prevention of corruption;
- Key conclusions and recommendations from evaluation reports on the effectiveness and performance of relevant anti-corruption bodies.

*A summary of the STT 2012-2013 performance results on Prevention of Corruption*

*For STT, it is important to find out the reasons and pre-conditions of corruption, observe changes and anticipate their impact to be able to implement its functions appropriately. In co-operation with other public and private sector organisations STT seeks to create and develop an effective corruption prevention system to be able to detect the systems and procedures contributing to corruption and to eliminate them.*

#### *Corruption risk analysis*

*Corruption risk analysis means an anti-corruption analysis of the activities of a state or municipal body in compliance with the procedure established by the Government and presentation of motivated conclusions about the development of an anti-corruption programme and proposals about the content of the programme. It also includes recommendations concerning prevention measures to state and municipal authorities that are responsible for their implementation.*

*During 2012-2013, STT performed corruption risk analysis in the following fields.:  
In Vilnius city municipality concerning the administration of social housing*

*In the area of waste management and administrative monitoring of Vilnius Region Environmental*

*Department of the Ministry of Environment*

*In the area of purchasing hip and knee endoprosthesis by the State Patients ' Fund*

*In the area of organisation and conducting public procurement as well as implementation of*

*corruption prevention measures in a municipality*

*In the area of issuance of construction and other licences as well as implementation of corruption*

*prevention measures in a municipality*

*In the area of administration and rent of social housing, issuance of licences and permits as well as*

*implementation of corruption prevention measures in a municipality*

*In the area of organisation of social support provision, issuance of licences and permits and*

*implementation of corruption prevention measures in a municipality*

*In the area of organisation of waste management services of one of the municipalities*

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*In the area of execution of conditional release procedures by the Prisons Department under the*

*Ministry of Justice and implementation of corruption prevention measures*

*In the area of administration of immovable state protected cultural heritage of the Ministry of Culture*

*and Cultural Heritage Department*

*Territorial planning and construction permits in six municipalities*

*Permanent construction commission in one of the municipality*

*Organisation of public procurement in two municipalities and Customs Department*

*Administration and use of social housing in Vilnius municipality*

*Issuance of visas and residence permits in the Migration Department*

*Customs offices in performing customs clearance procedures at the Customs Department*

*Waste management services in one of the municipalities*

*Licensing and monitoring of road transport activities in the Ministry of Transport*

*Lithuanian fisheries sector in implementing the 2007-2013 action plan by the Ministry of Agriculture*

*Public health control and administrative proceedings in a territorial public health centre.*

*Analysis of \*tutional anti-corruption programmes*

*The analysis of institutional anti-corruption programmes means examination of anti-corruption programmes developed and implemented by state or municipal authorities in order to identify their deficiencies, make proposals on how they should be improved and find out how STT proposals are followed.*

*During 2012-2013, STT conducted 37 analyses of anti-corruption programmes and their drafts developed and implemented by state and municipal authorities. Such analyses include: 33 municipal programmes or their drafts; 3 ministerial programmes (1 of the Ministry of Culture and 2 of the Ministry of Justice); 1 on the Prisons Department.*

*Anti-corruption assessment of legal acts and their drafts*

*The anti-corruption assessment of legal acts and their drafts means assessment of the existing or proposed mechanism of legal regulation from the anti-corruption point of view as well as identification of shortcomings and preconditions of corruption risk and/or factors.*

*When performing an anti-corruption assessment STT seeks to assess the impact of legal regulation on the scope of corruption; identify legal corruption risk factors (loopholes, collisions, insufficiency of procedures and measures, etc.) and ensure that when a draft legal act is adopted, the possible consequences of its implementation is taken into account.*

*The key anti-corruption assessments have been conducted in the following fields:*

- Healthcare;*
- Public procurement in culture;*
  
- Public procurement in the activities of political parties;*
  
- Gambling;*
- Compensation of real estate;*
- Territorial planning;*
- Protected territories;*
  
- Social housing;*
- Forests;*
  
  
  
  
  
  
  
  
  
  
- Energy;*
  
  
  
  
  
  
  
  
  
  
- Bailiffs*

*Provision of information about persons*

3. Please outline actions required to strengthen or improve the measures described above and

*The*

*provision of information about a person is a corruption prevention measure, the purpose of which is to prevent unreliable persons or those of bad reputation to hold positions in a state or municipal body, obtain a state award, get access to secret information, purchase shares or long-term assets of public or private companies owned by the state or municipality. During 2012, SIT submitted information about 1,587 persons and during 2013, STT submitted information about 1,974 persons seeking to hold or holding posts in a state or municipal authorities.*

#### *Implementation of National Anti-Corruption Programme (NACP)*

*When implementing the NACP and its action plan STT implemented the following measures: submitted overviews to the IACC, Judicial Council and the Ministry of Justice; provided assistance to the National Courts Administration which developed the methodology for assessing the probability of corruption in judicial activities; summarised information about protection of whistleblowers of corruption related offices and submitted this information to several state authorities; submitted its opinion to the Ministry of Environment about collegiate decision-making in approving detailed plans; submitted its opinion to the Ministry of Justice about integrity testing which would offer opportunities to develop such practice in civil service, etc.*

*Seeking to encourage public intolerance towards corruption and inform the public on how to report potential corruption cases, STT carried out an active awareness raising campaign in 2008-2009, including:*

- broadcasting of video clips on the outdoor screens in major Lithuanian towns and on TV;*
- anti-corruption information stickers on public transport in major Lithuanian towns prompting to report corruption cases to the S71;*
- stickers on headrest casings for police cars with the record warning citizens against bribing police officers;*
- drawing and essay contest for pupils "The World without Corruption" with the participation of 52 secondary schools and gymnasia;*
- legal knowledge contest Themis for pupils;*
- provision of answers by the SIT officers to question related with corruption on the Internet news portal. This measure was very popular with an increasing growth in the number of questions.*

*The implementation of these initiatives resulted in the increased number of people who addressed STT: in 2008, compared to 2007 the number of filed reports increased by 29 %. The STT encouragement not to ignore the problem of corruption was noticed by 34,1 % population of Lithuanian cities. Most of these measures are subject to implementation in the long-run with the achievement of long-term results.*

*With a view to regularly encourage the public to note and report potential corruption-related cases, STT officials take part in TV and radio programmes designated for discussing corruption-related issues. Since 2011, the public has been invited to demonstrate its active resistance and intolerance towards corruption on Facebook. Dissemination of information and anti-corruption ideas in the social network allows reaching a broad audience and communicating with citizens in an accessible and attractive manner.*

*In 2013, the Chief Institutional Ethics Commission (CIEC) adopted 116 decisions concerning the conduct of persons working in civil service. CIEC assessed the conduct of 141 persons and found that 53-of them acted counter the Law on Adjustment of Public of Private Interests in the Civil Service.*

any specific challenges you might be facing in this respect.

Examples of the types of challenges States parties may have faced include:

- Coordination challenges between anti-corruption bodies and other government agencies;
- Communication challenges with regard to raising awareness of the existence, functions and aims of preventive anti-corruption bodies amongst the public;
- Implementation challenges with regard to the mandate of preventive bodies due to the interference of other branches of government; and
- Financial challenges with respect to maintaining sufficient and consistent funding for preventive anticorruption bodies.

*Seeking to improve the coordination of the activity of state and municipal or non-governmental institutions in*

*the area of corruption prevention and detection of corruption-related legal acts, the Government of the Republic of Lithuania set up the Intergovernmental Commission for the Coordination of Fight against Corruption (further — Commission) by Resolution No. 179 of 3 February 2003. The main tasks of the Commission are as follows:*

- *coordination of the outlining and implementation of the National Anti-Corruption Programme;*
- *control of the implementation of the Plan of Measures of the Programme and the activity of state and municipal or non-governmental institutions in the area of corruption prevention and detection of corruption-related legal acts;*
- *deliberation of strategic anti-corruption issues;*
- *improvement of the activity of state and municipal or non-governmental institutions in the area of corruption prevention and detection of corruption-related legal acts.*

*The Lithuanian Government is very proactive in co-ordinating corruption prevention measures and the activities of different stakeholders in this field.*

*The state authorities constantly informs the general public about the anti-corruption policy they pursue and the plan is to use the EU allocations during the period from 2014 to 2020 to strengthen this field, along with the other corruption prevention measures.*

*STT takes part in performing co-ordination and supervision functions of activities of state and municipal institutions in the field of corruption prevention carried out by the Government. STT participates in the development of the National Anticorruption Programme by the Government, makes recommendations concerning the amendments thereto and, together with other state and municipal institutions, implements National Anticorruption Programme and corruption prevention measures.*

4. Do you require technical assistance in relation to the measures described above? If so, please specify the forms of technical assistance that would be required.

*No technical assistance is necessary.*