

Initiatives and practices of the Czech Republic in the area of prevention of corruption

The fight against corruption is a priority of the Government of the Czech Republic. Concerning awareness-raising policies and practices in the area of prevention of corruption, the Government Anti-corruption Strategy has to be mentioned. The current Strategy for the years 2011-2012 was adopted by Government resolution No. 1 of 5 January 2011 as amended by resolution No. 65 of 19 January 2011. The Strategy has three key pillars – **prevention, transparency, and repression** – and covers the following five areas:

- **Public administration:** measures to be implemented both on the central level and on the level of territorial self-governing units;
- **Procurement:** currently regarded as an area most prone to corruption;
- **Czech Republic Police:** the emphasis is on comprehensive non-legislative preventive measures to complement repression;
- **Judges and public prosecutors:** the approach is similar as in the case of the Police;
- **Law-making:** focused primarily on prevention and transparency of legislators' conduct.

The Strategy strives to reduce corruption opportunities in the Czech Republic by means of gradually introducing individual anti-corruption measures, both preventive and repressive, and by increasing the transparency of the related procedures. The Strategy contains 58 specific measures and 11 key priorities¹. The Strategy promotes anti-corruption education and training of public servants, policemen, judges, and public prosecutors. For each area there are legislative as well as non-legislative measures, each measure has a responsible government authority and a strict deadline.

Half-yearly information on the progress and manner of implementation of the measures contained in the Strategy will be presented to the Government of the Czech Republic on the basis of detailed reports from ministers and other heads of central administrative authorities. Information on the progress under each task in the fourth quarter of 2010 and the first quarter of 2011 was submitted to the Government for consideration on 4 May 2011, the next information is to be submitted by 5 November 2011. The Government of the Czech Republic has instructed the Minister of the Interior to submit, in November 2012, an evaluation of all tasks contained in the Strategy together with a draft new anti-corruption strategy for 2012-2014.

A major role in anti-corruption activities is played by the Interministerial Anti-corruption Coordinating Group, comprising representatives of all ministries and other public administration authorities together with other institutions (such as the Office of the Public Defender of Rights - ombudsman) and non-governmental non-profit organizations (Transparency International Czech Republic and Oživení).

The NGO Oživení operates the anti-corruption hotline 199 (in 2007-2010 the hotline was operated by Transparency International). The hotline provides legal advice to citizens who contact it after

¹ 1. Amendment to the Public Procurement Act, 2. Public Servants Act to enhance performance and stability of public administration, 3. Introduction of stricter rules to manage municipal and regional public property and of stricter liability for damage, 4. Introduction of new conditions pertaining to the management of legal entities established by central authorities or regional self-governing units as well as partially publicly-owned entities, 5. Introduction of reinforced Supreme Audit Office's audit and control powers over territorial self-governing units, 6. Development and completion of the process of digitisation of the public administration, 7. Enhanced free access to information, 8. Reinforced independence and accountability of Offices of Public Prosecution for the execution of their entrusted powers, 9. Draft Corporate Criminal Liability Act, 10. Reinforcement of the restitutive function of criminal proceedings including seizure and forfeiture of proceeds from crime, 11. Analysis of whistleblowing and protection of whistleblowers

having experienced corrupt conduct in public or private sector. Some ministries (e.g. the Ministry of Finance, Ministry of Justice and the Ministry of Labour and Social Affairs) and municipalities operate their own anti-corruption hotlines or e-mail addresses receiving reports of suspected corrupt behaviour at the ministry or municipal authority concerned.

In 2010 the Ministry of the Interior published an anti-corruption manual for citizens. The manual is available at the Interior Ministry website and contains advice how and where to report corruption, how to respond when one is asked for a bribe, and information on the legal protection of whistleblowers.

One of the primary tasks under the Strategy is to introduce a **new Public Servants Act to enhance the performance and stability of public administration**. A consultation paper on the proposed Public Servants Act, making a clear distinction between political appointees and civil servants in public authorities, proposing ways to make the public administration less political and more professional and stable, and determining a system of remunerations, is to be submitted to the Government by the end of June 2011. An articulated version of the new act is to be submitted to the Government by 31 December 2011. The deadline for bringing into effect Act No. 218/2002 on civil servants in administrative authorities, on their remuneration and on the remuneration of other employees of administrative authorities (Service Act) has been postponed several times, the current deadline being 1 January 2012.

A draft resolution introducing a new **Public Servants' Code of Ethics** is to be submitted to the Government in May 2011. It will apply only in the public administration, since government resolutions are not binding on territorial self-governments. Certain ethical standards applicable to territorial self-governments will be included in the planned new Public Servants Act. The present Code adopted in 2001 is far too general and does not contain specific anti-corruption mechanisms and procedures. An ethics code for elected public officials will be developed by the Ministry of the Interior in cooperation with deputies and senators. Provision will be made in the applicable laws to require territorial self-governments to adopt their own ethics codes for members of local councils.

Measures and systems to facilitate the reporting of corruption will be part of the **analysis of whistleblowing and protection of whistleblowers**, which is to be submitted to the Government by the Ministry of the Interior by the end of December 2011.

The duty of public officials to present conflict of interest disclosure statements is established by Act No. 159/2006 concerning conflict of interest (disclosure of personal interests, activities, property and income, gifts and liabilities). The Strategy proposes to establish a central database for record-keeping bodies that hold the data required by the Conflict of Interest Act, in order to facilitate online public access to such data.

Public access to information on the activities of the public administration is regulated by Act No. 106/1999 concerning free access to information. The Strategy requires that an analysis identifying the challenges of free access to information, including proposed solutions, be submitted to the Government by the end of 2011. At the same time, work will proceed on the draft legislation that will enable the Government to ratify the Council of Europe Convention on Access to Official Documents by the end of December 2012.

The Strategy contains the following tasks concerning the private sector:

1. to submit to the Government an analysis of anti-corruption efforts in the public sector, including the key challenges and their potential solutions (December 2011),
2. to submit to the Government a draft amendment to Act No. 320/2001 concerning financial control in public administration, improving financial control as an anti-corruption tool (June 2011),
3. to submit to the Government a draft act on criminal liability of legal persons – the draft legislation has already been presented to the Government and is currently passing through the Parliament of the Czech Republic,
4. to submit to the Government an analysis of measures to ensure that representatives of the public sector appointed as members of statutory bodies of partly publicly owned entities (and representatives of territorial self-governments appointed as members of statutory bodies of partly publicly owned entities) are selected on the basis of their experience and expertise (July 2011),
5. to submit to the Government draft budgetary rules concerning subsidies and grants awarded from the state budget and from the budgets of territorial self-governments in order to introduce principles and rules similar to those guiding the public procurement procedure (e.g. applicants for grants or subsidies will be required to disclose all available information concerning their ownership/control (organizational) structure, including information on persons authorized to act on behalf of the given entity). All data on grant and subsidy procedures, including contracts, will be made publicly available in the internet (June 2011).

The Strategy proposes to amend the Public Procurement Act to ensure i.a. that all data related to tender and evaluation processes are posted on the internet and that electronic marketplaces and electronic auctions are used where appropriate. Closely related to this is the **model authority** project, under which the Ministry of the Interior is to publish all data and documentation relating to its public tenders in accordance with the new public procurement system that has been in place since 1 February 2011 (for organizational units of the state and organizations partly funded from the state budget that are controlled by the Ministry of the Interior, the system will be compulsory from 1 June 2011). The following data and documents will be published:

- Calls for tenders,
- All tender documents,
- Other documentation related to the tender process (e.g. reports on the evaluation of tenders),
- Names and positions of members of the evaluation committee (after the selection process is completed),
- Contracts, including any annexes,
- Bid prices from all bidders.

Additional categories of data and documents will be made public in the coming months, including i.a. valid contracts concluded before 1 February 2011.