

## **Measures to implement the United Nations Convention against Corruption in relation to conflicts of interest in the reporting of acts of corruption and the submission of declarations of income**

Federal Law No. 273 of 25 December 2008 on the prevention of corruption (henceforth “the Law”) sets out the basic principles governing anti-corruption action and the legal and organizational framework for preventing and countering corruption and for minimizing or preventing corruption-related offences.

The Law establishes the obligation of State and municipal officials to declare their income, assets and property-related obligations and to declare any approach to incite them to commit a corruption offence or the occurrence of any actual or potential conflict of interest. It also provides for State protection of public officials who inform the representative of a hirer or employer, a prosecution service or other government agency of an approach made to incite him or her to commit a corruption offence or the commission of such an offence by State or municipal public officials. The Law further sets out provisions regarding the responsibility of individuals and legal entities for offences of corruption.

Article 3, paragraph 6, of the Law, states that the priority application of measures to prevent corruption is a basic principle governing action to counter this negative phenomenon.

The measures to prevent corruption set out in the aforementioned article 6 of the Law include the following:

- Promotion among the general public of a culture of non-tolerance of corrupt conduct;
- Analysis of current and draft legislation from an anti-corruption perspective;
- Application, in accordance with the legally prescribed procedure, to candidates for posts in the State or municipal agencies of qualification requirements and verification in accordance with the prescribed procedure of information presented by such applicants;
- Establishment of grounds for dismissal from a post or removal from office in State or municipal government service, in accordance with the list of such posts and offices established under the relevant Russian legislation, or application against such persons of legal penalties for failure to declare information or for the deliberate submission of inaccurate or incomplete information about his or her income, assets or property-related obligations, or the declaration of knowingly false information about the income, assets or property-related obligations of his or her spouse or minor children;
- Comprehensive application in the practice of the federal State agencies, the State agencies of the constituent entities of the Russian Federation and local government bodies of the requirement that long-standing, irreproachable and effective service provided by State or municipal officials be taken into account when considering their appointment to a higher-level post, the awarding of a military or special title or official or diplomatic rank, or the allocation of any financial incentive;
- The development of institutions for civil society and parliamentary control of compliance with the anti-corruption legislation of the Russian Federation.

Article 11 of the Law establishes the procedure for the prevention and resolution of conflicts of interest in State and municipal service.

Article 8 establishes the obligation to furnish information about income, assets and property-related obligations.

Federal Law No. 329 of 21 November 2011 on amendments to individual legislative acts of the Russian Federation improving State management of anti-corruption activities introduces a number of new provisions placing an obligation to declare information about income, assets and property-related obligations on persons occupying specific posts in State corporations, the Pension Fund of the Russian

Federation, the Social Insurance Fund of the Russian Federation, the Federal Fund of Compulsory Medical Insurance and other organizations founded by the Russian Federation on the basis of federal laws, as well as on specific categories of employees occupying posts on the basis of a labour contract in organizations founded to undertake assignments on behalf of federal State agencies.

In addition, the aforementioned federal law introduces into Russian legislation on procedures applicable in different types of State and municipal service a disciplinary penalty of dismissal from work for loss of trust, to be imposed for failure to observe prohibitions and restrictions or non-compliance with obligations established under federal law for State and municipal officials.

In the interests of establishing an effective system of financial control and auditing of the property status and sources of income of officials, the following presidential decrees have been issued:

- Presidential Decree No. 557 of 18 May 2009 approving the list of posts in the federal civil service upon appointment or promotion to which federal civil servants are required to provide information on their income, assets or property-related obligations and information on the income, assets or property-related obligations of their spouse or minor children;
- Presidential Decree No. 558 of 18 May 2009 on the declaration by persons seeking a post in the civil service of the Russian Federation and persons occupying civil service posts of information on their income, assets or property-related obligations;
- Presidential Decree No. 559 of 18 May 2009 on the declaration by federal civil servants upon appointment or promotion to posts in the federal civil service of information on their income, assets or property-related obligations;
- Presidential Decree No. 561 of 18 May 2009 approving procedures for registering information on the income, assets and property-related obligations of persons occupying posts in the civil service of the Russian Federation, federal civil servants and their family members on official sites of the federal civil service and civil service institutions of the constituent entities of the Russian Federation and the dissemination of such information in the national media for publication;
- Presidential Decree No. 1066 of 21 September 2009 on the verification of the accuracy and completeness of information provided by persons seeking a post in the civil service of the Russian Federation and persons occupying civil service posts, and the maintenance of restrictions on persons occupying posts in the civil service of the Russian Federation;
- Presidential Decree No. 1065 of 21 September 2009 on the verification of the accuracy and completeness of information provided by persons seeking a post in the federal civil service and by federal civil servants and on compliance by federal civil servants with the requirements for official conduct.

Thus, in the Russian Federation the legal basis has been provided for ensuring procedures for verifying income, paving the way to the next stage in the implementation of State anti-corruption policy, namely the establishment of verification systems for the scrutiny of expenditure.

In the federal State agencies codes of ethics and official conduct have been drafted and promulgated.

The general principles of official conduct by public officials are set out in Presidential Decree No. 885 of 12 August 2002 (as amended on 16 July 2009) approving the general principles governing the official conduct of public officials.

Violations of the code of official conduct are considered in accordance with the procedure established by the Statute on commissions on compliance by federal civil servants with requirements for official conduct and the regulation of conflicts of interest, approved by Presidential Decree No. 821 of

1 July 2010 on commissions on compliance by federal civil servants with requirements for official conduct and the regulation of conflicts of interest.