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UNODC
UNITED NATIONS OFFICE ON DRUGS AND CRIME

Reference: CU 2014/88(A)/DTA/CEB

Subject: UNODC/UNCAC – 5th Meeting of the Open-ended Intergovernmental Working Group on the Prevention of Corruption, Vienna, September 8-10, 2014

We were informed by the Ministry of Foreign Affairs of Bosnia and Herzegovina that the 5th Meeting of the Intergovernmental Working Group on the Prevention of Corruption will be held in Vienna from 8 to 10 September 2014, and that it is necessary to deliver relevant information on initiatives and experiences related to the mentioned topic for the purpose of preparation for the meeting.

In accordance with the above mentioned, we deliver you the following information:

- Bosnia and Herzegovina, as the UN member and signatory to the UN Convention against Corruption, has already successfully played an active role as a state evaluator for the implementation of the mentioned Convention in Azerbaijan, and has also completed activities in defining the Initial report on self-assessment of implementation of the Convention in Bosnia and Herzegovina, which was submitted to UNDOC;
- Ministry of Justice of Bosnia and Herzegovina has prepared the draft Law on Amendments to the Criminal Code of Bosnia and Herzegovina, which is submitted to the parliamentary procedure and includes provisions on corruption under Article 217, 218 and 219 a, and by which compliance with the international standards (GRECO-UNCAC) is made;
- In accordance with the Law on Protection of Persons Reporting Corruption, the Ministry of Justice of Bosnia and Herzegovina has passed the Rulebook on internal corruption reporting and protection of persons reporting corruption in the Ministry;
- In accordance with the current Action Plan for Implementation of the Strategy for Fight Against Corruption, Minister of Justice of Bosnia and Herzegovina has established a Working Group for drafting and implementation of the Integrity Plan, as a set of measures of legal and practical nature that prevent and eliminate possibilities for emergence and development of various forms of corruption behaviour and corruption in the Ministry of Justice of Bosnia and Herzegovina;
- Ministry of Justice of Bosnia and Herzegovina has appointed its representative to the Working Group for drafting the new Strategy for Fight against Corruption 2015-2019.

Sincerely yours,

MINISTER

Bariša Čolak

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

1. The adoption of the Law on the Prevention of Corruption and Coordination of the Fight against Corruption in December 2009. is implemented separate body specialized in combating corruption, provided with an Article 20 of the Criminal Law Convention on Corruption of the Council of Europe and Article 6 of the UN Convention against Corruption. These Conventions require that the Agency will first need to be independent, both politically and financially, and to have knowledgeable and professional staff to effectively combat corruption.

LAW ON THE AGENCY FOR THE PREVENTION OF CORRUPTION AND THE COORDINATION OF THE FIGHT AGAINST CORRUPTION

Article 10

(Responsibilities of the Agency)

The Agency shall be responsible to:

- a) Develop the Anti-Corruption Strategy, and develop the Corruption Prevention Action Plan;
- b) Coordinate and monitor the implementation of the Strategy and the Action Plan, and provide opinions and guidelines on the matter of implementation of the Strategy and the Action Plan;
- c) Coordinate the work of the public institutions in preventing corruption and conflict of interest, and make analyses of the final decisions of the competent authorities in charge of processing conflicts of interest in order to look into the instances of corruptive practices, inform the competent institutions about the situation detected, as well as take all necessary measures as provided by law;
- d) Monitor the instances of conflict of interest, provide recommendations for the strategy of managing the conflict of interest on a case-to-case basis, and issue the guidelines for the policy of managing the conflict of interest in government institutions;
- e) Prescribe a uniform methodology for collection of the data about financial situation of public servants;
- f) In coordination with the competent authorities, analyze the delivered data in order to detect the instances of corrupt practices, and take necessary measures as provided by law.
- g) Collect and analyze statistics and other data, and inform all relevant stakeholders in Bosnia and Herzegovina of the results of the inquiry;
- h) Take action upon receiving the submissions that contain indications of a corruptive conduct pursuant to the applicable regulations;

- i) Coordinate the work of the institutions with public authorities in combating corruption;
- j) Monitor the effects of laws and bylaws aimed at preventing corruption and provide opinions and guidelines on the issue of their implementation, initiate activities in relation to amending the current legislative arrangements and harmonize them;
- k) Cooperate with the national scientific and professional organizations, public media, and NGOs on the issue of corruption prevention;
- l) Cooperate with international organizations, institutions, initiatives and bodies;
- m) Establish and maintain the database containing the data collected in accordance with this Law;
- n) Develop educational programs on the issue of prevention of corruption and fight against corruption, and monitor their implementation;
- o) Issue publications to inform the public about the corruption situation;
- p) Inform the competent institutions and the public of the obligations contained in international legal acts and give recommendations for their realization in relation to corruption prevention;
- q) Prescribe a uniform methodology and guidelines for making integrity plans and providing assistance to all public institutions in their implementation; and
- r) Perform other activities relating to corruption prevention.

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2.

It can be said that some progress in the implementation of the Action Plan of the Strategy has made, and it relates to the fulfillment of the provisions on which all institutions at all levels of government should prepare its own action plan against corruption.

In May 2012. was adopted General Plan of the fight against corruption in the Federation of BiH, which contains very specific tasks and measures to be taken in the next two years. Also, the Brcko District of Bosnia and Herzegovina in February 2012. adopted its Action Plan for the Implementation of the Strategy for the Fight against Corruption (2009 - 2014). A number of institutions also have their own plans to combat corruption or working on their adoption.

Also one of the measures of the Action Plan was implemented in July 2012., when the Council of Ministers gave its approval to the proposal of the Agency's Code of Conduct, the Council of Ministers adopted a Code of ethics for civil servants in Bosnia and Herzegovina, which was also one of the measures of the Action Plan. Since March 2012. became available web page of Agency for the Prevention of Corruption and Coordination of the Fight against Corruption, where one can find all the information on its establishment, mandate and work. Therefore Implementation of the Integrity plans in all institutions at the state level, creating Integrity Plan for all state institutions, online ethics training for all civil servants on the website: www.apik.ba., in Republic of Srpska assignment of Decisions for the company's work within 3 days, with no initial capital. It is in force from 01.12.2013. as a set of three laws. In January

this year was entered into force the Law on the Protection of whistleblowers in the institutions of Bosnia and Herzegovina, which was unanimously adopted by the Parliamentary Assembly, referring to the state institutions and legal entities who establishes institutions of Bosnia and Herzegovina, etc.

3.

Implementation of the Integrity plans in all institutions at the state level as specific challenges.

II Information requested from States parties in relation to public sector legislative and administrative measures, including measures to enhance transparency in the funding candidatures for elected public office and, where applicable the funding of political parties (art.5 and 7).

1. Code of ethics, Integrity plans for all institutions at state level, the Law on the Protection of whistleblowers in the institutions of Bosnia and Herzegovina.
2. Lack of information.
3. Lack of information.