

Application of communication and information technology supervising public tenders and management of public assets; Subject of Article 9 of UNCAC

1- In relation to integrity in public procurement and management of public finances (article 9), States parties may wish to provide information on measures that

A- Utilize online platforms for the management and oversight of public procurement to prevent corruption, enhance transparency and ensure competition and objective criteria in decision-making

1- Iran Headquarters System (www.setadiran.ir)

The e-Commerce Development Center, which is one of the organizations of the Ministry of Industry, Mines and Trade, has the main responsibility for entering information related to government transactions in electronic systems. The main electronic government system for supervising public tenders is the government's electronic procurement system called the "Iran Headquarters" system. Government transactions in this system are divided into three categories: partial and medium purchases, tenders and auctions. It is possible to register natural and legal persons applying to participate in these government transactions online, and their information is verified and verified online. Some people are prohibited from registering in the system, including government employees who cannot register in the system under the law prohibiting government employees from interfering in government transactions.

2- National system for managing the structure of executive devices (<https://sakhtar.karmandiran.ir/#!/index>)

This system belongs to the administrative and employment organization of the country. Although this system is not directly related to the entry of information related to government transactions in electronic systems, but it is a prerequisite for entering information by executive bodies in the Iranian headquarters system. In other words, a section entitled "National identity card of legal entities" has been created in the above system, in which government agencies are required to enter their information, and agencies whose information is registered and approved in the national system for managing the structure of executive agencies. If not, they cannot upload their transaction information in the Iranian headquarters system.

B- Utilize information and communications technologies to promote transparency in the management of public finances (art. 9 paragraph 2).

B-1-CODAL system (www.codal.ir)

According to this system, companies listed on the Iranian Stock Exchange are required to provide periodic financial information at

various intervals, all tenders and auctions and a list of real estate assets. Upload yourself regularly in this system. This system has public access.

B-2-SEJAM system of the Stock Exchange and Securities

Organization According to this system, all natural and legal persons who have shares in public companies or intend to buy it, must register in this system and dividends. Companies can be received centrally through this system.

B-3-Capital market stakeholders portal:

In this portal, instantaneous information of shareholders' assets can be seen.

B-4- Transparency system of Tehran Municipality:

This system was launched with the aim of clarifying the actions and contracts of Tehran Municipality and provides information and data on various contracts and activities of the municipality in a free manner to the citizens. At the beginning of this system, it started working with the publication of major contracts of Tehran Municipality, and then the list of names of recipients of journalistic traffic plan, proposed budget budget of 1997, approved budget of 1997, information of managers and employees of Tehran Municipality, information of employees' foreign trips, financial performance report Tehran Municipality, the budget bill of Tehran Municipality proposed in 2009 and the display of urban planning information including the information of licenses issued in gardens and licenses with changes in use in 1997 have been added to it.

B-5-Transparency system of Shiraz Municipality

(<https://shaffaf.shiraz.ir/>)

This system has been set up with the aim of clarifying the actions and contracts of Shiraz Municipality, and all information on public tenders and auctions of Shiraz Municipality is freely available to citizens

B-6- System for selling surplus property of banks (<https://www.fam-bank.com>)

The surplus property sales system is a system that publishes information about banks' surplus assets, which they are a percentage of, to sell through auctions .

C-Utilize information and communications technology to identify and analyse risks of corruption.

Integrated Judicial Judgments System (SIAGH): This system, which is a liaison system between the judiciary and the country's banking network, allows judicial authorities issuing judicial judgments to be instantly connected to the country's banking network. Since the purpose of this system is mainly to deal with those convicted of financial crimes, part of which can be related to corruption-related crimes, it can be used to identify and assess the risk of corruption.

D-Good Practice

The best practice of the Islamic Republic of Iran in this regard is the possibility of the intervention of the Administrative Court of Justice as one of the administrative judicial organizations under the supervision of the judiciary to invalidate Government regulations and instructions have been aimed at restricting the entry of public and government transaction information in the Iranian headquarters system:

The unanimous decision of the Administrative Justice Court with the lawsuit number 245 under the title ((Cancellation letter No. 177025 V37185-28. Head of Coordination and Legal Dispute Resolution of the Executive Bodies of the Vice President) has done:

According to the above-mentioned legal criteria, the bodies subject to other financial and transaction laws of the public sector and all public sector traders, including public non-governmental organizations, are required to register in the e-government procurement system and conduct their transactions through the system. According to paragraph 1 of the single article of the Law on List of Non-Governmental Public Institutions approved in 1994, municipalities are examples of public non-governmental organizations and rural areas are considered as public non-governmental organizations according to the single article of the law establishing self-sufficient villages in the country. Letter No. 177025 V37185-Head of Coordination and Legal Dispute Resolution of the Executive Bodies of the Vice President for Legal Affairs The culture of the Islamic Republic of Iran in relation to municipalities and villages is limited to the registration of tender information only in cases where the said institutions use the budget of the entire country, is against the law and out of authority. And is based on paragraph 1 of Article 12 and

Article 88 of the Law on the Organization and Procedure of the Court of Administrative Justice approved in 2013.

2-In relation to public reporting (article 10)

-Make available online, including in open data formats, government information relating to the implementation of the Convention, in order to foster greater transparency, accountability and efficiency

Within the framework of the "e-government" strategy, all ministries, government agencies and banks have online websites where all the information related to the organization and organization of the organization is published and all of them have a special section called "Complaints handling". That the client can have absent access to the results of his complaints and comments by registering his comments and complaints and receiving the tracking code.

-Promote the use of online platforms or portals to enhance transparency in public administration, including information on the organization, functioning and decision-making processes of the public administration and on decisions and legal acts.

While each government agency has its own portals in which the organization of that agency is clearly defined, we can refer to three systems at the macro level at the level of the three governing powers in this field.

1-National Information Center for Laws and Regulations of the country (www.dotic.ir):

This system, which is a subset of the Legal Vice President, publishes laws and regulations of the country in various fields in which government agencies They have drafted bills for the Islamic Consultative Assembly.

2-Parliamentary Research Center System:

In this system, all stages of legislation from the beginning to the end are listed in a transparent and documented manner.

3-National Portal of the Judiciary (<https://eadl.ir/>):

The National Portal of the Judiciary is used as the main communication system between the Judiciary of the Islamic Republic of Iran and its citizens. Citizens also have access to the justice systems of the provinces through this portal, and the structure of the judiciary is depicted in this system.

-Outline of the laws, procedures or regulations allowing members of the general public to obtain information on the organization, functioning and decision-making processes of the public administration through information and communications technologies

A-Acts

- Act on Dissemination and Free Access to Information

This Act contains 23 articles and defines various rules through which citizens can access information of government agencies.

-Article 9 of the Act on the Sixth Development Plan of the Islamic Republic of Iran stipulates

By the end of the second year of implementation of the law, the government is obliged to implement the e-procurement system program for the implementation of all stages of medium and large transactions of ministries and agencies subject to the law on tenders approved on 11/3/2004 and other public sector financial and transaction laws except confidential transactions. , In compliance with the Electronic Commerce Law approved on 10/17/2003 and the Law on Holding Tenders approved on 11/3/2004.

- Article 3(B) of the Act on Promoting Administrative Integrity and Combating Corruption stipulates

Text of contracts related to medium and higher transactions subject to the law on holding tenders, which are concluded by tenders, auctions, abandonment of formalities, etc. by the bodies subject to paragraphs (a), (b) and (c) of Article (2) of this law; Also, their documents and appendices and any addition, amendment, termination, cancellation and termination of the contract ahead of time and its change, as well as all payments, must be entered in the database of contracts. Of course, contracts that have a security and military nature are excluded from this regulation and are not entered in the contract database. The important point in this regard is that the guarantee of implementation of the violation of the delay or non-

entry of information on medium and higher transactions, the subject of the law on tenders, is also specified in Note 2 of this article.

Article 50 of the Act on Permanent Provisions of Country Development Programs

The government is allowed to complete the e-procurement system of the government to carry out all stages of various transactions of ministries and agencies subject to the law on tenders and other financial and transaction laws of the public sector, in compliance with the law of electronic commerce and the law of tenders. Other public sector traders, including those whose names are required by law to be mentioned or specified, and all governmental or public non-governmental organizations, must register in this system with a schedule approved by the Cabinet and with a valid electronic signature and compliance with relevant regulations. , All stages of its transactions such as requesting inquiries, calls, distribution and receipt of documents, electronic opening of envelopes or offers, concluding contracts and exchanging funds and guarantees, as well as any addition, amendment, termination, cancellation and termination of contracts through this system and Do it electronically.

B-Regulations

Approval letter 55289/136159 dated 11/25/99 (notification of the regulations on the activity of executive bodies in the electronic procurement system of the government.

According to this decree:

Accordingly, and in line with the general policies of the resistance economy, fiscal transparency, the fight against corruption, the establishment of a healthy competitive environment and economic justice, law enforcement agencies and other public sector traders and all government agencies or public institutions Non-governmental organizations must register in the e-procurement system of the government at www.setadiran.ir according to the schedule announced by the Ministry of Industry, Mines and Trade, and with a valid electronic signature, perform all stages of their medium and large transactions electronically through this system. Give.

Also, the Ministry of Industry, Mines and Trade (e-commerce development center) is obliged to make arrangements so that the General Inspection Organization and the Court of Audit have the necessary access to this system in the process of holding electronic tenders and auctions).

-Description of the type of information to be proactively made available and automatically published by the government through online platforms and websites, including details of: • The types of bodies required to publish information; • The scope of the information that is published; • The means by which the information is published; • How often the information is updated;

This issue is specified in Article 2 of the Law on Dissemination and Free Access to Information as follows:

"Every Iranian has the right to access public information, unless prohibited by law. The use or dissemination of public information shall be subject to the relevant laws and regulations".

In addition, Article 5 of the same law requires government agencies to publish any information other than the information prohibited by law:

"Public institutions are obliged to make information subject to this law available to the public in the shortest possible time and without discrimination".

In addition, how this information is made available to the public and when this information is updated is specified in Article 10 of the Law on Dissemination and Free Access to Information:

"Each of the public institutions should, except in cases where the information is classified, in the public interest and citizenship rights, at least annually, public information including its performance and balance sheet (balance sheet) using computer facilities and, if possible, in a handbook. Which can include the following: publish and deliver at the request of the citizen for a fee:

A. Objectives, tasks, policies and policies and structure.

B) Methods and stages of completion of services that provide directly to members of the community.

C- Mechanisms of citizens' complaints against the decisions or actions of that institution.

D) Types and forms of information in which the institution is stored and the procedure for accessing them.

E) The powers and duties of its senior officers.

And - all the mechanisms or mirrors by which natural and legal persons and non-governmental organizations may participate in the exercise of the powers of the unit or be otherwise effective " .

- Standards to protect privacy and personal data when considering the disclosure of such information

Article 5 of the Transparency Bill stipulates that information relating to the privacy of individuals must be protected.

3- In relation to participation of society (article 13)

-Use online platforms, smartphone applications, mobile telephone-based reporting, social media or other ICT tools to enhance the effective and efficient participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption;

-The executive structure and protection of intuitions and informants in the field of combating corruption, including in the field of application of communication technologies, is mentioned in the note of Article 17 of the Law on Promotion of Administrative Health. The important point in this regard is that the executive regulations for the protection of witnesses and informants in the fight against corruption should be developed jointly by the Ministry of Information and the Ministry of Justice. Given that the national authority of the UN Convention against Corruption is considered as the national body implementing the Convention in the Islamic Republic of Iran, the legal capacity can be used to comply more closely with the provisions of the UN Convention against Corruption.

1- Whistling system of the Deputy for Social Affairs and Crime Prevention of the Judiciary (SJAM) (<http://sajam.scpd.ir>)

In this system, the identities of all citizens, members of the SJAM system, prevention watchdogs and those involved in following up on reports are completely confidential. In recent months, various facilities have been provided, such as the possibility of public reporting on non-compliance with health instructions in chain stores, fuel stations, bakeries and bread supply centers, according to the items listed in the special page of Quid 19 reports in this system.

2- Whistling Blower of the Ministry of Cooperatives, Labor and Social Welfare (<https://sootzani.mcls.gov.ir>)

This system, which is available on the main website of the Ministry of Cooperatives, Labor and Social Welfare, allows citizens to submit reports of corruption related to any organization or company, anyone can register and cooperate as a professional reporter, Can even record the report without recording any information. The difference between this system and the judiciary cohesion system is that in the corruption-related sector, it only pursues corruption in the government sector, while this system also considers the private sector.

3-Judiciary Whistling System (<http://sootzan.com>)

The "SOOTZAN system" has been set up with the aim of providing in-person services to people who intend to send corruption reports to the judiciary, and has made it possible to send corruption reports anonymously. The judiciary has launched a "whistling system" to prevent corruption in the public and private sectors. In this system, all citizens can report corruption in the public and private sectors online and anonymously.

-Enhance the transparency of, and promote the contribution of the public to, decisionmaking processes, in particular through the use of online platforms to facilitate consultation with the public on issues relating to the prevention of and fight against corruption;

Article 17 of the Act on Promoting Administrative Health and Combating Corruption stipulates:

"The government is obliged, in accordance with the provisions of this law, to provide legal protection and security and compensation to persons who, as informants or reporters, provide their information to the competent authorities for the prevention, detection or proof of a crime, as well as the identification of the perpetrator. Reason to be threatened and retaliatory actions, take action. Support measures include:

A- Failure to disclose information related to the identity and family details and the place of residence or activity of the said persons, except in cases where the trial judge deems it necessary to disclose their identity in terms of religious necessity or a fair trial and securing the right of defense of the accused. The manner of non-disclosure of the identity of the mentioned persons as well as the access of the interested persons shall be specified in the executive regulations of this law.

B- Providing the means for the transfer of the mentioned persons at their request to another suitable place, if they are employed in the executive bodies subject to paragraphs (a), (b) and (c) of Article (2) of this law, the relevant body is obliged to do so. This transfer should not in any way reduce the employee's salary, benefits, job group and earned salary.

C- Compensation for physical or financial damages and damages in cases where it is not possible to compensate it immediately by the person causing the damage or damages. In this case, the government is considered the replacement of the injured party and can claim the compensation paid.

(D) Any discriminatory conduct, including dismissal, redemption, early retirement, change of status, transfer, unfair evaluation, termination of contract, termination or reduction of informant, reporter and source that reflects correct information to the competent legal authorities.

B. Regulations

Article 8 of the Regulation on the Protection of Witnesses and Informants, which gives the judge the authority to, in addition to the possibility of "no face-to-face confrontation" of witnesses and informants, be able to disclose information about witnesses and informants to the plaintiff if there is a risk of disclosure. Refuse. No need for face-to-face confrontation as stated in this article makes it possible to use information and communication technology to report corruption.