

Information in relation to the interlinkages between preventive and law enforcement approaches (resolution 9/6 of the Conference of the State Parties to the United Convention against Corruption)

1. Please describe (cite and summarize) the measures / steps your country has taken, if any (or is planning to take, together with the related time frame) to implement the Convention and to promote the implementation of paragraph 5 and 8 of resolution 9/6.

The main law enforcement agency, especially with regards to investigation of corruption offences, is the Cyprus Police (hereinafter the Police). This is so because the Police, by law, is the only organization which consists of sworn officers authorized to carry weapons, use force, carry out searches and arrests, and investigate and prosecute crime, amongst a vast range of other powers.

Additionally, there are several government services that are considered law enforcement authorities (hereinafter: LEA), each in its own field, such as, the Customs and Excise Department which operates under the auspices of the Ministry of Finance, the Unit of Combating Money Laundering (F.I.U.) which operates under the auspices of the Attorney General's Office, the Tax Department, municipalities, and others.

In 2022, an independent Anti-Corruption Authority (hereinafter: IAAC) was established having as a mission to undertake all necessary initiatives and actions to ensure the coherence and effectiveness of public service actions, the broader public and the private sectors in the prevention and fight against corruption.

The IAAC has both a preventive and an investigative role. Preventive, by educating and training the private and public sector on issues of corruption, it engages with risk management, makes suggestions for the improvement of laws and procedures that are likely to enable acts of corruption etc. Investigative, by its competence and by having the necessary legal powers to receive complaints or information regarding acts of corruption against the public sector and to assess and investigate them.

An anti-corruption taskforce for the investigation and prosecution of corruption offences was also created in 2022 under the competence of the Attorney General. ~~office~~. It consists of specialized officers from relevant institutions such as the National Law Office of the Republic, the Anti-Money Laundering Unit, and the Police and ad-hoc experts from other authorities such as the Taxation Department and the Department of Customs and Excise or organizations of the public or wider public sector where their participation is deemed necessary.

Although there is no mechanism in place or a designated body within the relevant authorities / bodies with mandate to prevent and/or detect corruption can share intelligence, evidence or information internally, according to the provisions of the newly adopted Law on the protection of whistleblowers which

entered into force in February 2022, each competent authority has established an independent and autonomous external reporting channel for receiving and handling information and in case where the said information is reported to a channel which does not have the competence to address it, the said channel transmits it to the competent authority.

Information in relation to good practices, lessons learned and challenges in periodically evaluating the efficiency and the effectiveness of anti-corruption measures and policies (resolution 9/6 Conference of the State Parties to the United Convention against Corruption)

1. Please describe (cite and summarize) the measures / steps your country has taken, if any (or is planning to take, together with the appropriate time frame) to implement the Convention and to promote the implementation of paragraph 6 of resolution 9/6.

Establishment of the Independent Authority against Corruption

On March 4th 2022, an Independent Authority against Corruption was established according to the Establishment and Operation of the Independent Authority against Corruption Law, 2022 (Law 19(I)/2022). In accordance with the provisions of the Law, on May 3, 2022, the names of the Members of the Authority were announced, while the assumption of duties of the Members took place on July 8, 2022.

The mission of the Authority, according to article 6, “**is the undertaking of the necessary initiatives and actions for ensuring the coherence and effectiveness of the actions of the services of the public sector, the wider public sector and the private sector in matters of prevention and combating of acts of corruption, as well as for ensuring, in the best and most efficient manner, the implementation, progress, management and assessment of the National Strategy against Corruption from time to time**”. Furthermore, the Authority investigates, “on its own motion, or upon submission of a complaint, any acts of corruption in the public sector, in the wider public sector and in the private sector”. It is clarified that, “with regard to persons of the private sector, complaints may be submitted to the Authority, solely in connection with acts of corruption by persons of the private sector in which persons of the public sector or of the wider public sector are directly involved and/or acts of corruption by persons of the public sector or of the wider public sector in which persons of the private sector are involved.”

Regarding evaluation/ assessment practices, of the administrative measures in order to determine their adequacy to prevent and fight corruption, as well as the submission of relevant evaluation reports, the following provisions of the Law are relevant:

The Authority has the following competences according to article 7 of the Law 19(I)/2022: The Authority has been defined as the **competent authority for the coordination of actions of the services of the public sector, of the wider public sector and of the private sector for the prevention and combating of acts of corruption at a national level** and has the following competences and powers:

- (a) **to supervise the actions of the services** of the public sector, the wider public sector and of the private sector **in matters of prevention and combating of acts of corruption.**
- (b) **to assess whether the results of the actions** of the services of the public sector, of the wider public sector and of the private sector in matters of prevention and combating of acts of corruption are compatible with the expected results and the prescribed objectives based on internationally recognized best practices and standards for the prevention and combating of acts of corruption and whether such actions are implemented as these were planned and, if deemed necessary, it shall take measures within its competences for the implementation of the actions as these were planned and for achieving the prescribed objectives;
- (c) **to draw up, on its own motion, reports with opinions, recommendations and proposals for the prevention and combating of acts of corruption** and for the observance of the fundamental principles against corruption, which it shall send to the competent services for update, opinions and/or any actions;
- (d) **to contact and consult with non-governmental organizations and bodies, professional associations, organized groups and with corresponding authorities of the Republic and from abroad**, for the purpose of exercising its powers provided for in paragraph (c);
- (e) to cooperate with the competent professional associations for the **proper implementation of internal control mechanisms of the private sector** for the prevention and combating of acts of corruption.
- (f) **to inform the private sector of the internationally recognized best practices and standards for the prevention and combating of acts of corruption and to provide advice and guidance** for their adoption and proper implementation;
- (g) **to assess the risks related to acts of corruption, to determine the assessment indicators** and, provided it is deemed necessary, **to draw up reports with opinions, suggestions and recommendations** for the prevention and combating of such acts, which it shall send to the competent authorities, as appropriate, for information purposes, opinions and/or any actions;

- (h) **to prepare studies, issue circulars to the competent, in each case, authorities**, take measures within its competences towards ensuring its mission and **issue manuals** for information and education purposes;
- (i) **to deal with issues of overlapping of competences** between services or organizations involved in the prevention and combating of acts of corruption, by submitting recommendations for their effective resolution;
- (j) **to propose, process and plan actions of co-financed, interstate and other, programs**, in which the competent services of the public sector, of the wider public sector and of the private sector, participate;
- (k) **to collaborate with international organizations, institutions and services of the European Union or other states for the preparation, undertaking, use, implementation of programs or strategic plans, the exchange of best practices and the receiving of technical assistance** for the prevention and combating of acts of corruption;
- (l) **to attend meetings or other events** organized within the scope of the United Nations Organization, the Council of Europe and the European Union in which the national anti-corruption organizations participate, to cooperate with other corresponding institutions of the United Nations Organization, the Council of Europe and the European Union, as well as with anti-corruption organizations of other states and to **advise regarding any information or data requested, within the framework of cooperation and/or exchange of information** and/or reply, in case of mutual legal assistance, pursuant to any relevant bilateral agreement between the Republic and another state, which shall be ratified by a Law of the Republic;
- (m) to receive complaints and receive information and personal data which relate to acts of corruption in the public sector, the wider public sector and the private sector;
- (n) to investigate and assess any complaint, information or personal data which come to its attention which relate to acts of corruption in the public sector, the wider public sector and the private sector;
- (o) to investigate on its own motion, within the scope of its mission, any matter related to acts of corruption of any service in the public sector, the wider public sector and the private sector and to submit a report to the competent authority, as appropriate;
- (p) subject to the provisions of the GDPR and the Protection of Natural Persons Against the Processing of Personal Data and on the Free Movement of such Data Law, to collect, record, process, assess, utilize and investigate information and personal data concerning the commission of acts of corruption in the public sector, the wider public sector and private sector;

- (q) subject to the provisions of paragraph (1) of section 89 of the GDPR and section 31 of the Protection of Natural Persons Against the Processing of Personal Data and on the Free Movement of such Data Law, to collect, record, process, assess and utilise information and personal data concerning acts of corruption in the public sector, the wider public sector and the private sector, with the aim, inter alia, to produce statistics and/or statistical analysis related to its mission:
- (r) subject to the provisions of the GDPR and the Protection of Natural Persons Against the Processing of Personal Data and on the Free Movement of such Data Law, to prepare, keep and manage files and/or registers with information and personal data which are necessary for carrying out its mission and its competences, including a central register with the special interest groups;
- (s) to perform the competences assigned to it pursuant to the provisions of this Law or any other Law and to take measures for the purpose of prevention and combating of acts of corruption which conflict with their provisions; and
- (t) to carry out any other work which falls within the framework of coordination, monitoring and assessment of the mechanisms for the prevention and combating of acts of corruption.

According to article 20

(1) The Authority shall draw up and submit, **quarterly**, to the competent authorities included in the National Action Plan against Corruption in force from time to time, to all the ministries and to every service connected with matters of prevention and combating of acts of corruption, **summary reports with its comments and/or recommendations on matters which concern the coordination of actions, the undertaking of initiatives, the implementation of audit measures, the creation of staff planning, the setting of priorities, the formation and enhancement of the legislative framework in force and any other matter, relevant to the better coordination of matters, as well as the effective prevention and combating of acts of corruption.**

(2) The Authority, after submitting the report provided for in subsection (1), **may consult in any appropriate manner for the implementation of its recommendations** and for the prevention and combating of acts of corruption: Provided that, in the event where a competent authority shall not provide information within the period specified as to its actions relating to the implementation of the proposals, suggestions or recommendations of the Authority or shall not accept their implementation and, provided the Authority shall consider that the proposed reasoning on behalf of the competent authority for not accepting them is not sufficiently justified, it shall submit the result of its consultations to the competent minister

(3) The competent minister, after requesting the necessary clarifications, shall submit, within a reasonable period of time, a report to the Council of Ministers with his comments, for information purposes and for any instructions.

(4) The Commissioner for Transparency shall submit, **quarterly**, to the Council of Ministers and to the House of Representatives a memorandum, with a summary reference to the reports submitted to each competent authority, to its comments and/or recommendations and shall attach thereto the text of every report or circular which, in his opinion, concerns a serious case of corruption.

In addition to the above, according to article 21,

21.-(1) The Commissioner for Transparency shall submit to the President of the Republic an annual report on its work during the immediately preceding calendar year, the latest by the 31st January of each year, within the scope of the exercise of its mission and competences provided for in this Law, which shall include its comments and recommendations on the assessment of the risks from events of corruption.

(2) The annual report of the Authority **shall be submitted to the Council of Ministers and the House of Representatives, immediately after its submission to the President of the Republic and shall be published in the Official Gazette of the Republic.**

(3) Upon publication of the annual report provided for in subsection (2), the Authority, following an invitation, **shall appear before the competent committee of the House of Representatives to discuss the contents of the report, the recommendations and the degree of response from the competent authorities**, as this shall emerge from the summary reports drawn up pursuant to the provisions of section 20.

It must be clarified that, the above competences, do not affect in any way the mission and the competences of ministries, deputy ministries, independent authorities, departments and services of the Republic. It is further clarified that the following shall not fall within the competences and powers of the Authority-

- (a) any matter concerning the relations between the Republic and any other state or international organization or the security of the Republic or which falls within the scope of defensive diplomacy or security policy or foreign policy of the Republic,
- (b) any act for which a criminal procedure is pending before a court or a criminal investigation or inquiry is being conducted.

Having outlined the above provisions of the Law in relation to the competences of the Authority, other than the investigative ones, the following must also be taken into consideration:

The total number of people working for the IAAC, including the 4 Members of the Authority, and the Commissioner for Transparency, amounts to 10. Lack of Staff Recruitment Regulations hinder the timely and proper recruitment of permanent staff at the IAAC. Currently, the Authority, as a priority, is fully engaged in *preliminary examination* of complaints received so far. The Authority will start planning the initiation of specific actions regarding its preventative role, in the second quarter of the current year.

