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**THE FORTY SIXTH PLENARY SESSION OF THE PABSEC GENERAL ASSEMBLY  
LEGAL AND POLITICAL AFFAIRS COMMITTEE**

**REPORT\***

**ROLE OF PARLIAMENTS IN PROVIDING LEGAL FRAMEWORK  
FOR COMBATING CORRUPTION**

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## I. INTRODUCTION

1. At the Forty Fifth Meeting of the Committee held in Baku on 5 May 2015 it was decided to attribute more attention to the problem of corruption, to analyse causes and consequences as well as to examine the basic principles of the fight against corruption and their application at national, regional and international levels.
2. In the framework of this decision the PABSEC Legal and Political Affairs Committee has prepared the Report “Role of Parliaments in Providing Legal Framework for Combating Corruption”. The Report is submitted to the Forty Sixth Meeting of the Committee in Varna on 5-6 October 2015, and the Forty Sixth Plenary Session of the General Assembly in Bucharest on 26-27 November 2015.
3. Corruption in varying degrees takes place in any society. Its nature, causes and consequences, the fight against it, as well as anti-corruption measures are the topic of ongoing debates among politicians, public figures, journalists and population. Corruption holds back countries’ economic development and erodes the quality of life of their citizens. Millions of people around the world encounter administrative corruption in their daily interactions with public services. Corruption imposes a heavy burden on citizens’ and firms’ time and resources, creates dissatisfaction with public services, undermines trust in public institutions, and stifles business growth and investment.
4. The present report highlights the role of parliaments in the fight against corruption and stresses that with the growth of corruption law and order are less effective. It is generally accepted that corruption is one of the most serious threats not only to the economy and social development of individual countries but also to national and international security.
5. The Report benefited from the contribution by the national delegations of all twelve member states. In addition, the reference material has been obtained by the PABSEC International Secretariat through other related sources on the Internet.

## II. ROLE OF PARLIAMENTS IN PROVIDING LEGAL FRAMEWORK FOR COMBATING CORRUPTION

6. As said by Aristotle “the most important task for the politician is, in the role of lawgiver, to take the appropriate measures to prevent developments which might subvert the political system and prevent the officials to profit from it”<sup>1</sup>. The safety and welfare of the people depend on good governance, that is, the ability of the political power to effectively manage the state affairs. Corruption undermines the rule of law and weakens the institutional basis of political stability, social cohesion and hampers economic development.
7. Corruption shapes corrupt consciousness and sets wrong guidance for the public. Corruption makes management at all levels rather inefficient and distorts the working relationships. Usually, corruption is associated with worsening of the economic situation, aggravation of social problems, increasing in inequality and injustice in society, undermining public trust in the authorities and the deterioration of the country’s image on global arena. Corruption leads to higher crime rates, negatively affects investments, destroys trust in democracy and the rule of law. Therefore, the fight against corruption is in the centre of the attention in all the states of the Black Sea region and the world at large.
8. The international community has always been expressing its concern and willingness to fight against corruption. In the late 1990s, a number of documents were adopted at the level of the United Nations and the Council of Europe to combat corruption.

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<sup>1</sup> Aristotle, Collection in four volumes, Vol 4

9. On 27 January 1999 the Council of Europe adopted the Criminal Law Convention on Corruption<sup>2</sup> emphasising that corruption threatens the rule of law, democracy and human rights, undermines good governance, fairness and social justice, distorts competition, hinders economic development and endangers the stability of democratic institutions and the moral foundations of society.
10. The Preamble of the UN Convention against Corruption of 2003 stresses the spheres of life that are endangered by serious threats of corruption, which is no longer a local matter but a transnational phenomenon that affects all societies and economies. Threats to the stability and security of societies, undermining the institutions and values of democracy, ethical values and justice and jeopardizing sustainable development and the rule of law are main results of corruption. 9 December - the day the UN Convention was opened for the states to sign – became the International Anti-Corruption Day.
11. Corruption covers a wide range of activities and is generally defined as the use of official position for personal assets. Corruption exists in different forms. Among them could be identified bribery (the most common form of corruption), the so-called “payoff” often present in the relationships between the business sector and government officials, misappropriation of public funds, nepotism and commonly practiced extortion<sup>3</sup>. The consequences of corruption vary in size and form.
12. While bribe has an ad hoc nature, corruption is a complex and elaborate system of relations at different levels both within the state machinery and between state structures and private sector. Therefore, the fight against corruption is a complex process, which should involve all segments of the population, from the ordinary citizen up to the senior officials.
13. Abuse of authority and the enrichment of government officials at the expense of public resources cannot leave indifferent the people with active social position who actually elect the government. Corruption is a serious problem, consequences of which affect common future both in the framework of a single country and within the framework of the entire region. The roots of corruption lie deep in bureaucratic and political structures and basically depend on social conditions, characteristics of the formation of national consciousness and historical tradition of a country.
14. Corruption is a complex phenomenon having economic, social, political and cultural dimensions that cannot be eliminated by simple one-time measures. Causes of corruption lie in the politics and bureaucratic traditions of a country as well as political and historical development of a society. Respectively, the effect of corruption and its consequences on economic growth, political development and reforms change with country conditions.
15. In economic terms, corruption is a product of economic relations and directly affects their development. The economic nature of corruption emerges in terms of discrimination of entrepreneurs by state authorities as a result of embezzlement by officials. This leads to a decrease in tax revenues and weakening of national budgets since the funds that are assigned to the budget end up in the pockets of the officials. State loses financial leverage in economic management, social problems become aggravated due to budget failure. Competitive market mechanisms are distorted since often the winner is not the one who is competitive but the one who got advantage thanks to bribes. This entails decrease in the efficiency of the market and discrediting the very idea of competition. The enhancement of efficient private ownership slows down due to the fact that source of competitive advantage is not technological innovation and effective management but building skilful relations

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<sup>2</sup> All the BSEC states have ratified this Convention

<sup>3</sup> Forms of corruption is described in detail in the Report of the PABSEC Legal and Political Affairs Committee “Legal Framework for Combating Corruption”, adopted by the Sixteenth Plenary Session of the PABSEC General Assembly in Yerevan on 29-30 November 2000; Rapporteur – Mr. Alexander Puhkal (Ukraine)

with government officials. The trust to the government in establishing viable fair market rules vanishes. Investment climate becomes deteriorated.

16. In the sociological context corruption is understood as a multidimensional social phenomenon that covers all areas of social relationships between civil society and the state and is rooted in the community becoming a norm for a society. Income inequality and poverty of the bulk of population sets and increases. Corruption entails unfair distribution of resources in favour of small oligarchic groups at the expense of the most vulnerable segments of population. The law as a main instrument of regulating the state and society is discredited. The public perception of defencelessness of citizens against crime and authorities start to emerge. Corruption in law enforcement structures strengthens organized crime. Increase in social tensions affects the economic development and threatens the political stability within a country.
17. In the political context corruption can be considered as a means for struggle for power or staying in the power and as a part of a political ideology. The policy focus is shifted from national development to realization of the interests of the authorities. Trust in the state authorities decreased and it is alienated from the society jeopardising any good initiatives of the government. Credibility of countries at international arena declines and threat to economic and political isolation of countries grows. Corruption becomes a factor of tension between elite groups and lead to political instability. The citizens become frustrated in democratic values and there is a threat to erode democratic institutions.
18. Corruption can be considered as a phenomenon of culture of a particular society, deeply rooted in the tradition and mentality, as a specific vision of a society or an individual. Corruption is the ideology when government officers serve the interests of their clan, family and themselves instead of the interests of peoples and society.
19. Corruption stems from weaknesses in political and economic structure of a society, its moral degradation, social injustice, inadequate legislation, historical and cultural traditions, political, economic and social instability. In turn, corruption plagues eroding human society from the inside penetrating deeply into the public consciousness. Nevertheless, it should be emphasized that even deeply rooted corruption can be overcome by joining efforts towards changing the system that generates corruption. At the same time fight against corruption contributes to the solution of economic, social and political problems in the society.
20. The incidence of corruption varies among different countries, ranging from rare to widespread, i.e. corruption may be isolated or systemic. Corruption directly affects the level of development of society. In developed countries, the level of corruption is much lower than in developing countries. If corruption is isolated, consisting of a few individual acts, it may be relatively easy to detect and punish. In such cases non-corrupt behaviour is the norm in the society and institutions in both the public and private sectors support integrity. Strengthening of democratic institutions is necessary to return the system to a non-corrupt equilibrium. In contrast, once corruption becomes widespread, i.e. systemic, bribery, on a large or small scale, becomes routine in relations. In this situation the likelihood of detection and punishment of corruption decreases and incentives are created for corruption to increase further. Where corruption is systemic the formal rules remain in place but they are superseded by informal rules. In practice the law is not enforced and informal rules adapted to corrupt practices prevail.
21. Systemic corruption is frequently confined to certain public agencies such as customs, tax authorities, public works and various levels of government. When corruption is systemic in the public sector, private firms or companies that do business with government agencies can hardly escape participating in bribery. The control of bribery and fraud in the public sector can be resisted by strong anti-corruption legislative framework and by encouraging

the growth of professional bodies that set standards in areas like accounting and auditing. In the long run controlling corruption in the private sector requires improvements in business culture and ethics. At the same time, combating corruption in the public sector may become a prerequisite for controlling private sector corruption.

22. With the progress of economic cooperation and integration in the Black Sea region the effective measures for strengthening the rule of law as the foundation for democratic governments and free markets become a significant priority. Closer interaction among the partner countries through liberalised trade, financial flows, movement of capital, expanded economic relations magnify the potential impact of official corruption, that is corruption of key players in maintaining fair cross-border cooperation and the rule of law - police, border, security, justice officials, prosecutors or judges, government officials, etc.
23. Joint Declaration of the Ministers of Interior of the BSEC Member States of the Organization of the Black Sea Economic Cooperation on Regional Efforts on Preventing and Combating Corruption was adopted in Bucharest on 14 April 2011. The Document stresses the importance of promoting transparent and accountable governance, uncompromising with any manifestation of corruption, promoting cooperation among the national authorities of the BSEC Member States involved in preventing and fighting corruption, on bilateral or multilateral basis and supporting joint regional initiatives in this respect. The Declaration underlines the topicality of taking effective measures to prevent corruption and to include public awareness and promoting ethical behaviour, as well as strengthening cooperation with civil society structures, to reduce tolerance and to enhance the rejection attitudes towards the corruption phenomenon. The commitment for an increased and more active cooperation among the specialised bodies against crime was reiterated and it was decided to reassert the determination to support and increase cooperation between the specialised bodies relevant institutions.
24. For the past years the policy of the Black Sea countries has been focused on the fight against corruption. The economic policy and institutional reform, as well as preventive measures, including establishment of sound macroeconomic policies, strong financial system, good governance and effective anti-corruption mechanisms took significant place in the government activities. At the same time, the efforts to elaborate or improve enforcement and anticorruption legislation were strengthened. Fight against corruption and government reforms are very much intertwined with one another and the countries can make more progress in fighting corruption if the reforms are accelerated and broadened. In addition, the reform of government institutions, civil service reform, improved budgeting, financial management, tax administration, strengthened legal and judicial systems are not of a less importance.
25. National anticorruption efforts depend primarily on the resolve with which they are pursued and on the economic policies and institutions that underpin them. National programmes to discourage and control corrupt practices include identification of ways and means to implement national anticorruption measures, enforcement efforts to control corruption and to join multinational instruments at the international level. The scope of anti-corruption strategies and programmes depend upon a particular threat the corruption has on the effectiveness of the economic and social development of a country.
26. It should be noted that although the general legislative framework is based on the global anti-corruption standards and practices, the reforms are appropriately tailored by each country to its specific political, legal, economic or cultural circumstances.
27. The communications from the national delegations highlight the framework within which fight against corruption proceeds in the BSEC Member States. As corruption endangers the rule of law, the countries elaborate and implement national programmes against it.

28. In Albania a system of the fight against corruption has been formed, which includes the development and adoption of anti-corruption legal and regulatory framework, definition of the mechanism of its implementation, creation and organisation of work of special units in combating corruption. A solid legal framework has been established that includes a whole system of measures and guidelines to combat corruption, the specific organizational and preventive measures and mechanisms to fight against corruption, elimination of the consequences of corruption, as well as envisaging severe criminal liability for corruption offenses. The basic document in the anti-corruption activities in the country is the Criminal Code. Among other important legal acts aimed at combating corruption are Law on the declaration and audit of assets, financial obligations of elected persons and certain public officials; Law on public administration ethics; Law on the prevention of conflicts of interest in the exercise of public functions; and Law on the Internal Affairs Service and Complaints at Ministry of Internal Affairs. The Inter-sectorial Strategy on Anti-Corruption 2015-2020 and the Anti-Corruption Action Plan 2015-2017 were approved by the Decision of Council of Ministers of 20 March 2015. Anti-corruption reforms are aimed at improving the administrative systems, the rule of law, justice, equality before the law and public openness.
29. In Armenia one of the key activities of the government is the fight against corruption as stated in the Decision of the National Assembly of Armenia “On approval of the program of the Government of the Republic of Armenia” of 22 May 2014. Concept of Fighting Corruption in the Municipal Government was adopted in 2014. The new anti-corruption system was established following the Government Decision “On the establishment of an Anti-Corruption Council and the expert group, composition of the Council, rules of the activities of the expert group and monitoring department of anti-corruption programs of the Government of the Republic of Armenia”. The Council is called upon to systematize the process of implementation of the anti-corruption strategy and to control the implementation of the programs. The Anti-Corruption Strategy of the Republic of Armenia and the Plan of action for its implementation in 2009-2012 was adopted by the Decision of the government No 1272-N of 8 October 2009. The draft Resolution of the Government of the Republic of Armenia “On approval of the Anti-corruption Strategy of the Republic of Armenia and the Action Plan for its implementation in the 2015-2018 was drafted and submitted. The draft Strategy aims at elimination of causes and circumstances that promote and stimulate corruption, as well as establishment of sound moral and psychological environment in the country and fight against corruption in the state system.
30. In Azerbaijan the State Program on Fight against Corruption and the National Strategy on Increasing Transparency and Fight Corruption was approved by the President of the Country. The President of Azerbaijan also signed the Decree approving the National Action Plan for the period of 2012-2015 to fight corruption and promote openness in the society. In the sphere of ensuring freedom of information a single electronic government portal has been created through which the public authorities submit the organizational information based on “one-stop window” principle. In 2012 the State Agency for Public Services and Social Innovation under the President of Azerbaijan was established, which provides services through the centers “ASAN Xidmət”. In conformity with Article 4.2 of the Law on Combating Corruption the Commission on Combatting Corruption was established 2005 and the respective statutory act was adopted to determine its functions. Due to high threat posed by corruption crimes to the society, as well as in conformity with the Article 36 of the UN Convention against Corruption and by the Decree of the President of Azerbaijan a special Anti-Corruption Department was set up within the Prosecutor General’s Office in 2004, which is responsible for detecting and investigating instances of corruption. Twice a year, the Department holds press conferences with the participation of all segments of the society and mass media, where the participants receive answers to their questions. The

official website of the European Bank for Reconstruction and Development published the results of the Business Environment and Enterprise Performance Survey (BEEPS V), which marked the success of Azerbaijan in fight against corruption. The measures taken by the Azerbaijani government in the fight against corruption, including adoption of new legislation and successful activities of the Anti-Corruption Department within the Prosecutor General's Office were highly evaluated by the Organisation for Economic Cooperation and Development.

31. In Bulgaria, the main law in the fight against corruption is the Criminal Code. In 2008 the State Agency for National Security was set up and in 2010 the Centre for counteraction and prevention of organized crime and corruption was established, the purpose of which was to develop preventive anti-corruption measures. In 2011 the Law on the Judiciary and the Criminal Procedure Code was amended. In April 2015, the Bulgarian Government adopted the National Strategy for Preventing and Combating Corruption and Organized Crime envisaging the establishment of an effective system of anti-corruption authorities, increasing their efficiency and better coordination between them. The Strategy also implies the establishment of a single authority for combating corruption crimes, which is to become operative in early 2016. In June 2015 the Council of Ministers submitted a draft Law on the prevention of corruption among persons occupying high state positions. For the purpose of exercising administrative control and strengthening of internal control in implementation of anti-corruption measures, inspectorates have been established, the independence of which is regulated by law.
32. In Georgia elimination of corruption and bureaucratic practices in concrete spheres of public services included creating the patrol police, strengthening tax collections, cleaning up customs system, ensuring reliable power supply, deregulating businesses, making public and civil registries work, rooting out corruption in university entrance examinations, and decentralizing municipal services. As a result of the reforms in shortest time possible Georgia reached tangible achievements in fight against corruption and in parallel media were used to communicate reforms. The successful reform of the patrol police established instant credibility in the government's reform effort. The reforms were also launched in taxation system, customs office and in the energy sphere. The reformers in the sphere of business regulations eliminated entire agencies creating one-stop windows. Anti-corruption reforms were also implemented in the sphere of public and civil registries, transformation of the entrance examinations in the higher educational establishments. Anticorruption reforms were embedded in the broader reforms of local self-governments and municipal services, which sought to bring government closer to the people by increasing transparency and accountability and strengthening financial discipline. The Government was successful in tackling corruption in many spheres of public services.
33. In Greece the Parliament has the constitutional role in fighting against corruption. The adopted laws are addressed to both prevention and suppression of corruption. The General Secretariat against corruption has revised the National Strategic Action Plan against Corruption which was adopted in 2013 for 3-year period and includes 45 objectives directed towards more effective and efficient prevention and fight against corruption. The major issues embedded in the National Strategic Action Plan are the adoption of a Code of Conduct for the Members of the Parliament and enlargement of composition of the Asset Declaration Audit Committee; enforcement of the new law concerning asset declaration; update of the anti-corruption legislation according to the international standards; amendment of the political party financing law according to the international standards and to GRECO (Group of States against Corruption) recommendations; National Strategic Action Plan against Corruption envisages organization of campaigns in order to raise public awareness in the fight against corruption and implementation of measures towards enhancement of accountability of public authority structures.

34. In Moldova the legislative framework includes the following laws: Law No 90 on Preventing and Combating Corruption; Law No 239 on Transparency of Decision Making; Law No 252 on Approval of the Regulations on Operating the System of Anti-Corruption Telephone Lines; Law No 231 on the Approval of the Justice Sector Reform Strategy for the years 2011-2016. The National Anti-Corruption Strategy (NAS) for the years 2011-2015 was adopted in July 2011 which aims at decrease of corruption level in public and private sectors. Among the achievements of the above mentioned Strategy are: development and updating of anti-corruption regulatory framework, launching the process the process of anti-corruption expertise of draft legal acts, launching the process of assessment corruption risks in the most of public offices, strengthening of the partnership relations between public authorities and civil society, expansion of international cooperation in this sphere. National Anti-Corruption Centre is a specialized authority empowered with preventing and combating corruption, acts related to corruption and facts of corruptive behavior. The Centre carries out its activity on the basis of principles of legality, impartiality, priority of prevention measures applying instead of combating, observance of basic human rights and freedoms, and cooperating with other public authority bodies, public institutions and individuals.
35. In Romania one of the priorities is to fight against corruption and increase of the level of trust in justice and administration as well as involving civil society in the decision-making process. Romania undertook significant measures aiming at reforming the judiciary system and adopted new measures of fighting corruption. The fight against corruption is monitored by the judicial system through an Inter-Institutional Committee, which is composed of the Ministry of Justice, the Superior Council of Magistracy, the High Court of Cassation and Justice, the Prosecutor's Office, the National Anticorruption Directorate, and the Directorate for Investigating Organised Crime and Terrorism. The Parliament of Romania keenly monitors the strengthening of transparency and accountability in the public institutions. The necessary measures were taken for the adoption of the Code of Conduct for Parliamentarians and it is planned to introduce changes and additions to article 14 of the Law on the Status of Deputies and Senators. This initiative also aims at establishing a parliamentary discipline, containing provisions on the transparency of property, incompatibility and conflict of interests and the duty to take measures for expanding the parliamentarians' knowledge and skills necessary to fulfil the parliamentary mandate. In this respect, the two Committees for Legal Matters of the Parliament and the Joint Committee for the Status of the Deputies and Senators analysed the observations submitted by the European Parliament. For this purpose, the leadership of the Chamber of Deputies took all the necessary measures for drafting a Code of Conduct for Deputies within a working group which involves collaborating with representatives of the Romanian Civil Society also taking into consideration the recommendations and suggestions formulated by the European institutions.
36. In Russia with the ratification of important international instruments in the field of fight against corruption and following the adoption of the principle Federal Law No 273-FL on Combating Corruption of 25 December 2008 a comprehensive system of anti-corruption measures including in the civil service started to develop within the country. The Federal Law No 329-FL of 21 November 2011 on the Amendments to Certain Legislative Acts of the Russian Federation in connection with the improvement of public administration in the field of combating corruption introduced such a mechanism as "dismissal on a loss-of-confidence basis" in the civil service for failure to comply with anti-corruption restrictions and bans. Starting with 2010 regulatory norms set the principles of professional ethics for civil servants creating the necessary conditions for anti-corruption behaviour. In 2012 a package of laws was approved aimed at creating a comprehensive system of control over revenues and expenses of persons employed in the state and municipal authorities. In 2013

the work continued through improving anti-corruption legislation. In the framework of the tasks set by the President of the Russian Federation in his Address to the Federal Assembly the Law on the Prohibition of public officials from opening and maintaining accounts or keeping cash and valuables at foreign banks located outside of the Russian Federation was passed in 2012. The National Anti-Corruption Strategy was approved in 2010, representing the general policy document, the provisions of which are aimed at tackling the root causes of corruption in the society and specify in rigorous way the requirements of the time with due regard to the National Anti-Corruption Action Plan for the relevant period, federal government agencies, public authorities in the Subjects of the Russian Federation and municipalities. These documents define the program of action for the public authorities, local governments, civil society institutions, organizations and individual citizens.

37. In Serbia the National Anti-Corruption Strategy for the period of 2013-2018 and the Action Plan for the implementation of the National Anti-Corruption Strategy for the period 2013-2018 have been adopted, which envisages the enforcement of anti-corruption legislation. The preventive anti-corruption legislation in Serbia includes the Criminal Code, the Law on Combating Money Laundering, the Law on the Conflict of Interests, the Law on the Establishment of Anti-Corruption Agencies, the Law on Free Access to Information of Public Importance, Law on Seizure and Confiscation of the Proceeds from Crime. The Reform policy in the sphere of fight against corruption is carried out in three main directions: anti-corruption policy, the criminalization of corruption and prevention of corruption. Anti-Corruption Agency of Serbia leads its activities towards the elaboration and implementation of national anti-corruption plans. A separate important role in the fight against corruption in Serbia is played by the public and business organizations.
38. In Turkey the basic laws in the sphere of fight against corruption is the Criminal Code and the Criminal Procedure Code. At the same time, such legislative acts as the Law No 3628 on Declaration of Property and Fight Against Bribery and Corruption; the Public Procurement Law No 4734, the Law No 4982 on the Right to Information, the Public Financial Management and Control Law No 5018, the Law No 5176 on Establishment of the Council of Ethics for Civil Servants, the Banking Law No 5411, The Social Insurance and General Health Insurance Law No 5510, Law No 5549 on Prevention of Laundering Proceeds of Crime. In the framework of the Strategy for the Enhancement of Transparency and the Strengthening of Combating against Corruption and the related Action Plan adopted by the Council of Ministers in 2010 envisage series of measures aimed at ensuring transparency and open public administration. Anti-corruption measures have been introduced in the field of promoting good governance and respective reforms were implemented including the changes in the respective laws. The important role in the prevention of corruption is attributed to the Public Relations Unit at the Prime Ministry.
39. In Ukraine the priority is to establish an adequate legislative framework complying with international standards and terms of preventing and combating corruption. In the process of reforming the law enforcement system it became necessary to changes the system of bodies dealing with the fight against corruption. In October 2014 so called “anticorruption package” of laws was adopted including the Law of Ukraine on the Principles of State Anti-Corruption Policy in Ukraine, the Law of Ukraine on Prevention of Corruption, and the Law of Ukraine on the National Anticorruption Bureau of Ukraine were adopted. The new laws establish the central executive authority with a special status, which ensures formation and implementation of the state anti-corruption policy – the National Agency for the Prevention of Corruption, as well as the new law-enforcement body - the National Anti-Corruption Bureau of Ukraine. The National Anti-Corruption Bureau is vested with prevention, detection, suppression, investigation and solving of corruption offenses, committed by senior officials authorized to perform the functions of the state or local self-government and which threaten national security. The Law of Ukraine on Prevention of

Corruption the anti-corruption measures are systematised introducing the new financial controls, new methods of monitoring and prevention of corruption.

40. Some common factors can be underlined that lead to the success of the anti-corruption reforms. In particular, the critical importance of top-level political will, which enables the prompt implementation of a strategy characterized by mutually reinforcing reforms for corruption prevention, detection, enforcement in a wide range of public services and institutional reforms, attraction of new qualified staff, limiting the role of state and application of unconventional methods.
41. Transparency and accountability of government operations and decision-making is top priority in addressing the problem of corruption. Secrecy should be resisted by information and transparency. The core of accountability is the fusion of information and action on the part of public officials, private citizens, businesses, and non-governmental organisations. Public tolerance to corruption must be lowered. The existence of a free press is of paramount importance. Secretiveness helps to keep corrupt practices under wraps while dissemination of data, analysis and presentation is much effective in raising general awareness. The role of mass media acquires additional importance in this respect.
42. Along with the government reform, one of the important factors is ethical behaviour. This could be understood as an inner accountability of conscience and can become most important tool in the fight against corruption. Reforming public administration by retraining public servants can also help reducing corruption.
43. While specific country strategies vary according to a country's historical, political and social context, certain measures and factors are fundamental to an effective anti-corruption strategy including the adoption of a strong legal framework, the engagement of effective accountability institutions (e.g. parliamentary oversight bodies, an independent and credible judiciary, open and credible electoral processes) and most importantly, the presence of political will to combat corruption.
44. Despite the measures under way in the countries, the efforts in the fight against corruption have to expand and increase. There is still much work to be done in order to establish open and accountable governance practices, enforcement of anti-bribery laws and transparent decision-making; safeguard integrity among justice, security and financial regulatory officials; promote openness and accountability in the private sector; strengthen institutions that ensure public and private accountability including strong and impartial judiciaries, as well as a free and open press.
45. To this end, the number of effective anti-corruption mechanisms can be introduced to enhance good governance, transparency and rule of law and limit the opportunities for corruption to grow. These measures may include encouraging of special organisations to check the use of public funds by officials, ethical standards for government officials, civic educational programs to reform behaviour and increase morality of all citizens, setting up of corruption index on companies, establishment of system allowing nations to exchange experiences of anti-corruption practices, etc.
46. The national legislative framework should encompass a set of basic principles, policies, laws and regulations, codified in a basic anti-corruption acts based on the internationally recognised principles and norms. It is equally important that the BSEC countries adhere to the respective international instruments (conventions, agreements and regulatory norms) in the anti-corruption sector within the framework of the European Union (EU), the Council of Europe, the United Nations, Organisation for Economic Cooperation and Development (OECD), etc.
47. The International Code of Conduct for Public Officials (1996); the UN Declaration against Corruption and Bribery in International Commercial Organizations (1997); OECD

Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (1997), the Council of Europe Civil Law Convention on Corruption, Twenty Guiding Principles on the fight against Corruption (1997), Council of Europe Criminal Law Convention on Corruption (1998); OECD Anti-Bribery Convention (1999); The Convention against Transnational Organized Crime (2000); The UN Convention against Corruption (2003) are the main international instruments for the BSEC member states.

48. In modern democracies a certain system of measures is developed to fight corruption based on recognition of the citizen's right to clear execution of public duties. In the interest of the fight against corruption proactive measures are implemented aimed at prevention of corruption and also criminal law measures to punish persons who violate the relevant bans.
49. At present there are various forms of control over the activities of public administration. Firstly, it is the creation of independent regulatory bodies such as Independent Commission against Corruption. Secondly, it is a system of regulatory authorities within the government itself. Thirdly, the intensification of civil initiatives and involvement of certain groups and individual citizens. Ensuring transparency and openness at the level of the government, the increasing level of accountability of public officials significantly prevents abuse of public or personal powers.
50. Corruption has been increasingly becoming the main subject in a number of regional and global fora and the issues of preventing or punishing corruption has been addressed in a growing number of international agreements, resolutions, recommendations and many other similar documents.
51. For instance, the Council of Europe is pursuing a comprehensive approach against corruption (AC) and money laundering (AML) by setting standards in the form of conventions and "soft law" instruments (recommendations and resolutions), and by monitoring their compliance with Council of Europe and global standards through its monitoring mechanisms: the Group of States against Corruption (GRECO) and the Committee of Experts on the Evaluation of Anti Money Laundering Measures and the Financing of Terrorism (MONEYVAL). This approach is often supported through the implementation of technical assistance and cooperation projects and programmes.
52. The Council of Europe legal framework against corruption and money laundering covers the following legal instruments: Criminal Law Convention on Corruption, Civil Law Convention on Corruption, Additional Protocol to the Criminal Law Convention on Corruption, Resolution concerning Twenty Guiding Principles on the Fight against Corruption, recommendation on Codes of Conduct for Public Officials, Recommendation of the Committee of Ministers to member states on Common Rules against Corruption in the Funding of Political Parties and Electoral Campaigns, Recommendation of the Committee of Ministers to Member States on the Protection of Whistleblowers.
53. The responsibility for the conduct of anti-corruption projects of the Council of Europe is vested with the Crime Department and in particular the Anti-Corruption Cooperation Unit. The anti-corruption projects implemented in the BSEC countries include: 2008-2013 Project against Corruption in Albania (PACA); 2008-2010 Project to Support the Anti-Corruption Strategy of Georgia (GEPAC); 2006-2010 Project to Support Good Governance: Project against Corruption in Ukraine (UPAC); 2007-2009 Support to Anti-Corruption Strategy of Azerbaijan (AZPAC); 2007-2009 the Project on Ethics for the Prevention of Corruption in Turkey (TYEC). Within the framework of the activities of the Council of Europe anti-corruption projects have been carried out in Russia, Serbia, Turkey, Armenia, Azerbaijan, Moldova, Georgia, and Ukraine. They are aimed at fighting

corruption, strengthening anti-corruption mechanisms, capacity building of the judiciary, and the enhancement of good governance.

54. Most of these projects are jointly carried out by the European Union and the Council of Europe. Much of the funding comes from the European Union (usually in the framework of the programme Partnership for Modernisation) and the implementation is carried out by the staff of the Council of Europe. In order to combat corruption and reduce its scope, it is necessary to identify existing forms of corruption and the degree of its manifestation in different sectors, determine the structural problems, to understand who benefits from corruption, to investigate the motives of corruption and develop a long-term strategy to combat it. Such an approach helps both lawmakers and law enforcers get a clear idea of how to fight corruption in a particular sphere of life.
55. The Comprehensive Anti-Corruption Policy of the EU is part of the effective measures of the European Union. Concrete European and international anti-corruption measures were presented in the framework of the five-year assessment of the activities of the Council of the EU for the Promotion of extensive research in the fight against financial crime and the protection of the financial system of the European Union on risks of corruption. The process of ensuring the effectiveness of anti-corruption policy of the EU is linked to the need to incorporate stringent anti-corruption measures in the overall reform process of the EU. Introduction of anti-corruption standards in order to ensure “transparency” in the management of public funds and prevent corruption is very important. Improving the functions of the anti-corruption and financial supervision in the EU depends on the clarity of the legal concepts in this field. The European Union has two legal instruments against corruption: EU Convention on the Fight against Corruption Involving Officials of the European Communities or officials of Member States of the European Union of 1997 and the Council Framework Decision on Combating Corruption in the Private Sector of 2003. The fight against corruption within the European Anti-Fraud Office (OLAF) includes assistance to the customs services of the Member States to identify commercial operations which deprive the European budget of the revenues. The provisions of the European laws implying mutual administrative assistance are the basis for the exchange of information and mutual assistance between the European Commission and the Member States.

### ***The Role of the National Parliaments***

56. The best barrier against corruption is a well-functioning parliament ensuring transparency and accountability. National parliament, institution of public representatives, serves as a main pillar of democratic society. Being a country’s supreme political authority and instance of control, parliament fights corruption through the clear and fair legislation, including efficient public supervision.
57. National parliaments have primary task to streamline and simplify the rules, laws, regulations, administrative procedures and to check compatibility between different normative documents for reducing incentives for corruption. They have to enact legislation providing for adequate and precise sanctions against those who are engaged in corruption and to improve the follow-up mechanisms.
58. Parliaments are also responsible for carrying out civil service reform, thus holding public employees accountable, responsive and honest for all their actions. On the other hand, national parliaments create the environment in which corruption can not flourish. Parliamentarians have a duty not only to obey the laws but to set an example of incorruptibility to the society by implementing and enforcing the ethical norms and the codes of conduct.

59. In order to successfully fight corruption, parliaments have to safeguard the strength of civil liberties, particularly freedom of press and freedom of information as well as to enhance public scrutiny and to protect independence of the judiciary and the mass media.
60. In a view of growing international cooperation, parliamentarians, through their participation in various regional or international structures, can detect imperfection or lack in anti-corruption activities and can promote and develop necessary mechanisms enriched from their experience gained at the international platform.
61. Parliaments should play a leading role in ensuring the implementation of international standards of the UN Convention against Corruption in legal acts in criminal, administrative, banking, budget, tax, customs, and investment legislation spheres.
62. Parliaments have to encourage instrumental international standards in fighting corruption through accession to the relevant multilateral conventions, multinational monitoring mechanisms, participation in various assistance and institutional building programmes, etc.
63. It is necessary to establish appropriate measures to promote transparency and accountability in the management of public funds in accordance with the fundamental legal principles.
64. It is also necessary to consider the possibility of strengthening international cooperation on the conclusion of the new special agreements meeting the requirements of the fight against corruption in the area of trade, customs regime, taxation, etc.
65. The BSEC member states should be encouraged to strengthen cooperation with international organizations such as the UN Convention against Corruption Coordination Committee; The International Association of Anti-Corruption Authorities (IAACA), the Interpol Group of Experts on Corruption (IGEC), and the International Group on Anti-Corruption Coordination.

### III. CONCLUDING REMARKS

66. In its broad sense corruption is abuse by public officials or any other person of their official position, powers, status and authority in their private interest, which is detrimental to political, economic, social, moral, ethical and other interests and values of the state and society and involves the other people in corrupt relations forming a solid system of corruption. Corruption forces in itself all of the society. Corruption extends to the private sector, trade unions, political parties, church, sports, charity organizations, and every individual person. It may not lead to a direct violation of the law but it is revealed in exercising public authority through gaining personal profit against the public interests.
67. The reasons for the prevalence of corruption in contemporary societies may be: the lack of an optimal anti-corruption laws and regulations; significant shortcomings in the conduct of economic and social reforms; creation of a well-developed shadow economy with huge illegal profits, large part of which is the main source of corruption; weak political will of the public authorities; weak human resources policy of a state; unpreparedness of law enforcement bodies to counteract organized crime including corruption at all levels; criminalization of a certain part of the political elite; excessive state involvement in public life encouraging monopoly of the bureaucracy in too many functions; high level of secrecy in the work of government agencies; lack of awareness about the impact of corruption on society; weakness of civil society institutions and lack of strong democratic traditions; lack of truly independence of the mass media; rather solid historical tradition and rooted corruption in the mentality of citizens.
68. Growing corruption in a country indicates to poor governance and weak public institutions. In the fight against corruption it is important that anti-corruption policies and programmes are directed towards necessary reforms of state administration and institutions to achieve

transparency and accountability. The effective anti-corruption strategy should include several basic directions, common for any society: essential structural reform of key state institutions; streamlining the management and improving accountability of public officials; change in moral and ethical standards in the society; dragging government agencies, private business and civil society into the process of implementation of anti-corruption challenges.

69. Corruption being a complex phenomenon with impact upon social, economic, legal and political systems requires comprehensive combating approach, which, in its turn, needs solid parliamentary support. National parliaments together with executives, judiciary, media and the civil society are key actors in the process of fighting corruption. Nevertheless, the role of parliaments and parliamentarians in fighting corruption is central.
70. At the same time, in order to combat corruption it is necessary to ensure a systematic approach envisaging a combination of many factors and elements. A clear anti-corruption strategy is necessary, which will include the development of legal instruments, institutional mechanisms, investigative and prosecutorial units, enhancement of public awareness, education, strengthening of the role of civil society. Fighting against corruption will be effective only if all the factors are applied efficiently coupled with necessary strategies and in the presence of the strong political will.
71. Each country and each individual citizen have to conduct their own fight against corruption in order to retain democracy, rule of law and a just society. At the same time, countries have to take individual and joint actions aimed at more effective and efficient prevention of corruption and fight against it.