



OFICINA  
ANTIFRAU  
DE CATALUNYA

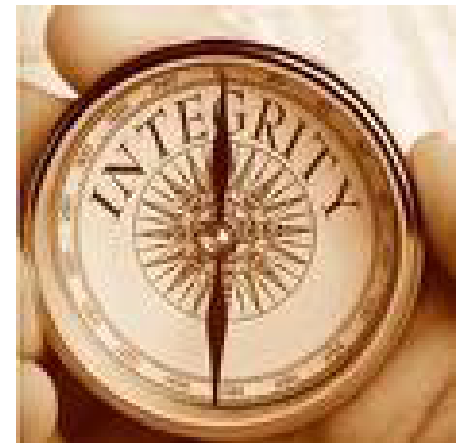
*Integrity Promotion:  
International and National  
legal instruments and  
mechanisms*

Ohrid, Macedonia  
04-05 July

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## What do we understand by integrity?

- Quality of uprightness. Said from a person that has probity, that acts with an irreprocheable behaviour.
- Credibility and reputation of institutions resents when civil servants behave in a corrupt manner or even when they do it within the limits of the law but unethically.
- Erosion of the basic principles of public life.



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## Criminological approach

- Opportunity is a genuine cause of a crime
- Each violation requires necessarily of:
  - a) An offender
  - b) A person or an object that brings an appropriate objective for the offender
  - c) Absence of a guardian that is able to prevent those infractions

THE ABSENCE OF ONE OF THOSE ELEMENTS IS  
SUFFICIENT IN ORDER TO PREVENT SUCH  
INFRACTIONS TO HAPPEN

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## Individuals-Education from high school

- Education projects in high schools (14-18 years old)



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## ***De lege ferenda***

- ▶ Unifying code of conduct of public officials
- ▶ Law in transparency and access to information
- ▶ Lobby
- ▶ Criminalisation of illicit enrichment (art.20 UNCAC)
- ▶ Protection of the whistleblower (art.32 UNCAC)
- ▶ Unified regulation of conflict of interests (Prevention, detection, inspection)

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## Code of conduct for public officials

- Art.8 UNCAC
- **2005**: Code of Good Governance of Members of the Government and High Public officials
- **2006**: Law on Conflict of Interests
- **2007**: Basic Statute of the Public Employee

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# Law on transparency and access to information

- **2008**: Convention on access to official documents, Council of Europe
- Law 30/92 on administrative regime regulates access to documents.



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## Lobby (“Political market”)

- OECD Recommendation on Principles for Transparency and Integrity in Lobbying
- EP Code of Conduct on lobbying





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## UNCAC: Criminalisation of illicit enrichment

### *Article 20. Illicit enrichment*

Subject to its constitution and the fundamental principles of its legal system, each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, illicit enrichment, that is, a significant increase in the assets of a public official that he or she cannot reasonably explain in relation to his or her lawful income.

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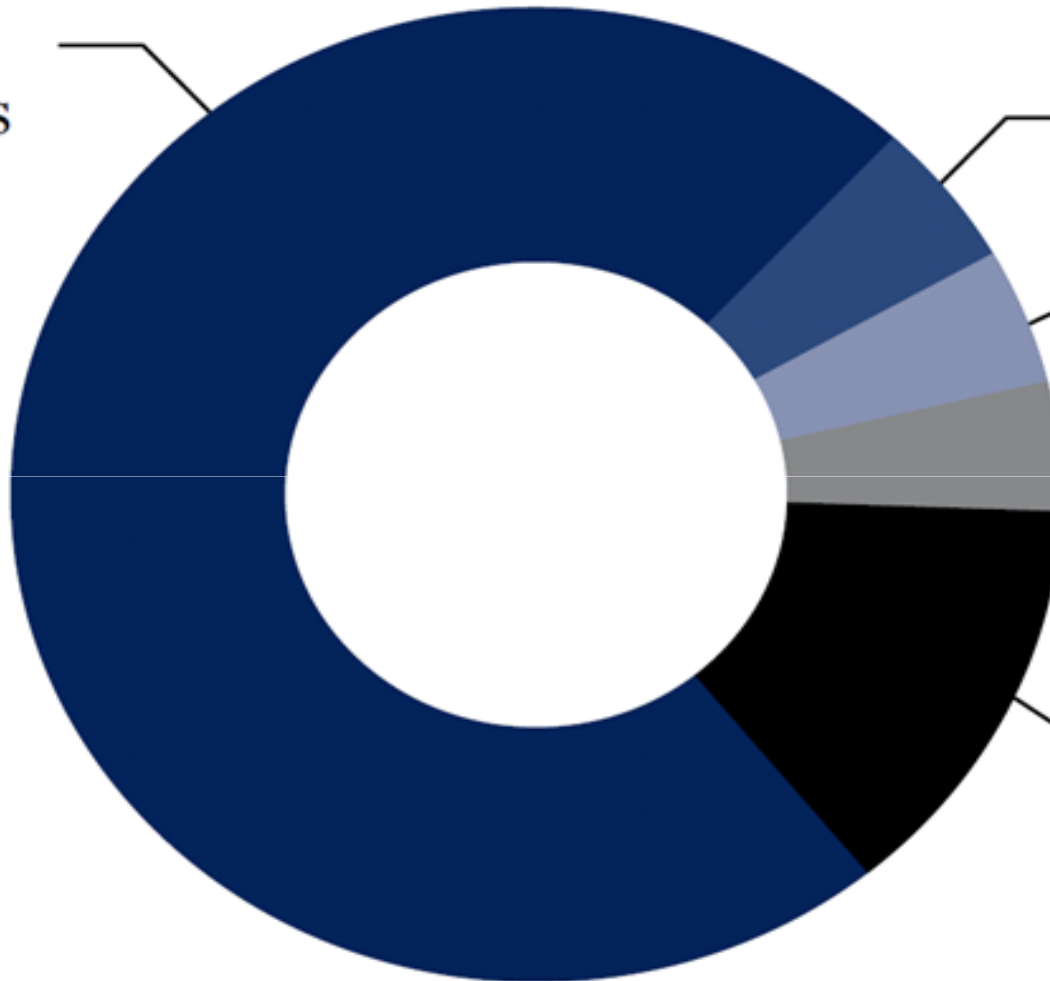
# Protection of the whistleblower

- **1994**: Protection of witnesses in criminal procedures
- **2008**: Law on the Anti-Fraud Office of Catalonia and internal regulations

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## Complaints received by the Anti-Fraud Office

Private  
individuals  
73.3%



Other Entities/  
Institutions  
4.4%

Anonymous  
4.4%

Companies  
4.4%

Political groups  
3.3%

# Reporting System OLAF: Fraud Notification System

EUROPA - OLAF - Contact us - Mozilla Firefox

Archivo Editar Ver Historial Marcadores Herramientas Ayuda

EUROPA - OLAF - Contact us x Questionnaire x EUROPA - OLAF - Press release 2010 - N... x Annual Report - Oficina Antifrau de Catal... x http://www.antifra...a\_2009\_ang\_web.pdf x +

http://www.europa.europa.eu/antifraud/index\_en.html

Catalá Periodicos Traductor de Google Gmail: correo electróni...

To report this, please contact [EUROPE DIRECT](#).

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## REPORT FRAUD

You can report fraud via an online form on our website.  
You can remain anonymous if you wish: our web-based system ensures that you cannot be traced.  
> [More information ...](#)

**Online**

**Phone** Call one of our freephone numbers and leave a message.

**Post** Send us a letter.

**Email** Send us an email.

Inicio ThinkVantage Access ... EUROPA - OLAF - Co... Descargas Presentación1 - Micro... Documento1 - Micro... Memoria\_2009\_ang\_... ES 84% 23:14

# Reporting System OLAF: Fraud Notification System II

Verification - Mozilla Firefox

Archivo Editar Ver Historial Marcadores Herramientas Ayuda

EUROPA - OLAF - En contacto con nosotr... x Verification x EUROPA - OLAF - Press release 2010 - N... x +


europa.eu https://fns.olaf.europa.eu/cgi-bin/captcha\_verify

Catalá Periodicos Traductor de Google Gmail: correo electróni...

**OLAF** European Anti-Fraud Office English (en)

Home

– Verification

Picture: 

Characters:

**Verification Information**

Please type the characters you see in this picture. There should be between 4 and 6 characters (which may be slightly overlapping). You can click refresh if the letters are too hard to read.

# Reporting System OLAF: Fraud Notification System III

The screenshot shows a Mozilla Firefox browser window displaying the OLAF reporting system questionnaire. The browser's address bar shows the URL <https://fns.olaf.europa.eu/cgi-bin/questionnaire.cgi>. The page header includes the OLAF logo and the text "European Anti-Fraud Office" with a language dropdown set to "English (en)".

The main content area is titled "Home" and contains the following text:

You have 19 minutes to submit this questionnaire.

If you have large amounts of text to send, it may be easiest to put it in a file, and attach that to your questionnaire.

Please complete all of the initial questions and provide clarification in the free text field at the end.

**– Type of Fraud –**

Does this report relate to the EU?  
How do the irregularities, fraud or corruption you want to report relate to the European Union?  
Select one or both of the checkboxes below.

- Irregularities detrimental to EU Budget
- Irregularities committed by persons working for the EU

What irregularities are you reporting?  
Select irregularity ...  
If you select other, give details in text box below

**– When did this occur? Have you already reported it? –**

Dates:

- Do you know when the irregularities occurred?

Reported:  
Have you already reported these irregularities to other bodies or authorities?  
 Yes

Two sidebars provide additional information:

- Basic Details:** OLAF is interested in fraud, corruption and other illegal activity affecting the financial interests of the European Community.
- Dates:** Please select the years in which these events happened. You can use the CTRL key to select more than one year.

The Windows taskbar at the bottom shows the "Inicio" button, several open applications (ThinkVantage Access, Questionnaire - Mozill..., Presentación1 - Micro...), and system icons including the language "ES", a 40% battery level, and the time "22:32".

# Reporting System OLAF: Fraud Notification System IV

Questionnaire - Mozilla Firefox

Archivo Editar Ver Historial Marcadores Herramientas Ayuda

EUROPA - OLAF - En contacto con nosotr... x Questionnaire x EUROPA - OLAF - Press release 2010 - N... x +

europa.eu https://fns.olaf.europa.eu/cgi-bin/questionnaire.cgi

Catalá Periodicos Traductor de Google Gmail: correo electróni...

Reported: \_\_\_\_\_

Have you already reported these irregularities to other bodies or authorities?

Yes

No

No answer

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**Clarification**

\_\_\_\_\_

Please describe the issue in more detail.

We only accept PDF, Word, Excel, HTML, Text and JPG files.

**Clarification**

Please try to be accurate in your statement. Please include project reference, amounts and dates if possible.

**Attachment**

You can optionally upload a single attachment if you wish. It should be smaller than 2Megabytes.

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**Ongoing Communication**

Create a secure Mailbox? \_\_\_\_\_

Create a secure Mailbox

**Ongoing Communication**

If you want us to be able to contact you to verify information, or to provide us with more information relating to this case, you can request us to establish a secure anonymous mailbox

The information you have already provided must be verified before you can use your account.

We will preserve your anonymity

Inicio ThinkVantage Access ... Questionnaire - Mozill... Presentación1 - Micro... ES 41%

22:33

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# IMPLEMENTATION



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## Some concrete measures towards transparency

- Publication of those institution who do not meet their obligations towards control institutions (via Official Gazette, website...) and suspension of public subsidies
- Publication on the website of the institution, its budget and state of the accounts.
- Publication of the externalised services (such as reports or technical assessment contracted externally).

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# Thank you for your attention!

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Anti-Fraud Office of Catalonia



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