

Rumen GANEV,

director of Internal Security Directorate of Ministry of Interior of Bulgaria Republic, Sofia;

Krasimira VASILEVA,

PhD, expert of Internal Security Directorate of Ministry of Interior of Bulgaria Republic, Sofia

CONTEMPORARY ANTI-CORRUPTION STANDARDS AND PRINCIPLES

Corruption is a global and European problem. This indicates the data from the world study of corruption. The reports of the international organization Transparency International [1], dealing with research and combat corruption, show stability in the corruption problem in Bulgaria. The average corruption index for Europe is 65.4 points, and there is confirms the trend of sustainable increase of the overall assessment of the region.

The European Commission reported in 2014 that corruption is a problem across the EU. 76 % of EU citizens believe that corruption is a widespread problem in their country. Although EU countries have instruments to fight corruption, they are not consistent in them application.

Corruption facilitates organized criminal activities and hindering their prosecution in a criminal way. Reportedly, organized crime use protections by corruption in public administration, judiciary, police and customs, and has significant influence on the economy.

Practice has shown that efforts to combat corruption does not lead to a successful and lasting results. Recognizing this trend, the United Nations issued International Code of Conduct for public officials (1995) and the Convention against Corruption (2006). Within the UN the Global Programme against Corruption was launched. The Council of Europe (CE) held a comprehensive policy for combating corruption. It prepares the Civil Law Convention on Corruption (2000) offers punitive measures and include them in a Convention on Corruption Criminal (2002) establishes a Program of action against corruption.

Member States of CE define Twenty guiding principles in the fight against corruption, which include: adoption of anti-corruption legislation, measures to prevent and fight corruption-raising public awareness, independence of judiciary and prosecution, limiting the immunity of officials, transparency and public administration reform, codes of conduct for employees of the elective positions regulating the financing of political parties and others. The Conventions of UN and of the Council of Europe require to the Member-states, in accordance with fundamental principles of its legal system to guarantee the existence of body/bodies or persons, specialized in combating corruption through law enforcement. They set minimum standards against corruption, control measures and instruments of international cooperation for dealing with corruption.

Anti-corruption policy of the European Union is directed to protecting the financial interests of the Community, the normal functioning of the internal market and competition. The Convention for the protection of the financial interests of the European Communities (1995) and subsequent protocols and agreements adopted by Member States, the active and passive cor-

ruption of Community officials, of involved foreign public officials and persons from the private sector and money laundering, are declared as a crime.

Combating corruption is a key component of all EU policies, both internal and external. At an internal level this means increased judicial and police cooperation and modernized rules on confiscation of criminal assets. Externally, the European Commission continues to monitor policies to combat corruption at EU countries, and also proposes general anti-corruption measures.

In own report (2011) EC presents ways to improve the fight against corruption in the EU. It promotes the political will to the EU countries to conduct an effective fight against corruption and use of existing instruments for addressing the corruption as the UN Convention against Corruption and Civil Law Convention on Corruption of the Council of Europe, Twenty guiding principles for the fight against corruption and also introduce into national legislation appropriately EU legislation on combating corruption.

Recommended strengthening cooperation between the EU and international organizations such as the Council of Europe through EU participation in its group States against Corruption (GRECO). EC supports and anti-corruption cooperation undertaken in the framework of OLAF, Europol and Eurojust and network EPAC (European Partners Against Corruption). Experts of EPAC developed principles and standards of the police anti-corruption body and Criteria for evaluating the effectiveness of police supervisors. The principles include [2]: legal framework, independence, accountability, integrity and impartiality, accessibility, transparency and confidentiality, resources, recruitment, careers and training, collaboration, holistic approach to preventing and fighting corruption.

European principles [2] for the supervision of police are: High standards in policing; Respect for the rule of law and human rights in all police activities; Greater public confidence in the Police; Appropriate systems for police officers accountability and other law enforcement authorities; Effective legal protection for those who are victims of police violation; Greater openness and understanding of police of citizens; Systems to ensure that lessons are learned from incidents and errors; Great respect for the law, the police and reduce the effects in crime and disorder.

In 2009 the Government of Bulgaria adopted an Integrated strategy for preventing and combating corruption and organized crime [3], followed by an Action Plan for Prevention and Combating of Corruption for 2011–2012. In September 2013 it presented the Program, which aims to give priority to measures aimed at the causes and conditions for corruption. In recent years it taken a number of initiatives as part of its strategy to combat corruption

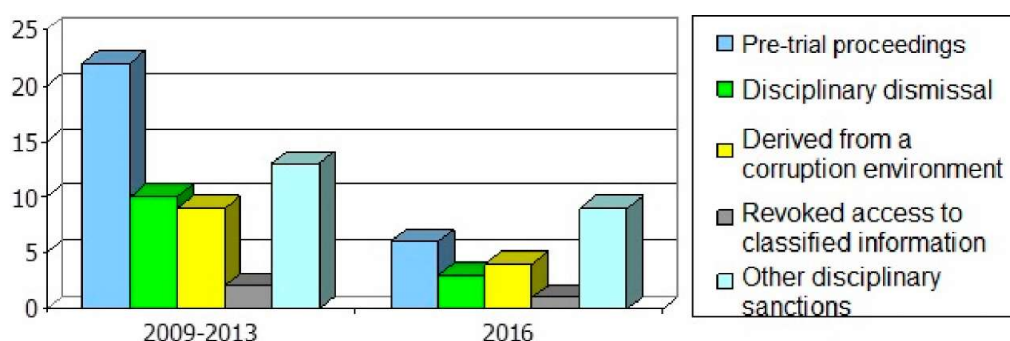
in public administration – preparation of sectoral plans to fight corruption, reform the administrative inspectorates, improving public procurement system.

On the basis of European Commission recommendations, using the main tools and EU mechanisms for preventing and fighting corruption and using European experience, the Ministry of Interior of Bulgaria has developed and adopted a National Strategy for Preventing and Combating Corruption in Bulgaria, 2015–2020, the Integrated Strategy to Combat Corruption and Organized Crime, the Concept of Prevention and Combating of Corruption in the Ministry of Interior 2016–2020, Annual plans for preventing and combating corruption in the Interior Ministry for 2015 and 2016, Annual reports in recent years of done and achieved, created an Interdepartmental Anticorruption Council.

The approach which should the Internal Security Directorate of the Ministry of Interior to fight against corruption is so-called a slippery slope: if they left un-

punished, small disturbances lead to more serious crimes. Hence the need for a policy of zero tolerance. This requires professional standards for monitoring and implementation of quality criteria for assessing the daily police operations for disciplinary proceedings.

For the period 2009–2013 in Internal Security Directorate of Ministry of Interior have been received 2567 signals for violations and have been initiated 555 pre-trial proceedings (22 %), 262 penalties "disciplinary dismissal" were imposed, 228 are derived from a corruption environment (9 %); it is revoked access to classified information of 58 (2 %), and other 321 disciplinary sanctions were imposed (13 %). For 2016 1094 signals are received, 67 pre-trial proceedings are generated (6 %); 30 penalties "disciplinary dismissal" were imposed (3 %); 43 are outlined by corruption environment (4 %); 14 measures according classified information are implemented (1 %); and other 98 disciplinary sanctions were imposed (9 %) [4].



That is why the strategy of the Internal Security Directorate of the Ministry of Interior is to focus exclusively on preventive measures and to introduce appropriate tools for their realization. So anti-corruption Directorate strategy focuses on prevention, interception, counter, cooperation and interaction.

The preventive approach is not to penalize acts of corruption, but to anticipate their manifestation. This approach relies on implicit and indirect methods without legally binding (tests and talk) and parts of explicit methods.

Intersection activities suggest pre-production, which in turn requires assistance for permanent improvement and renewal of the legislative norms. The

successful counter requires a corruption risk assessment, as and impact assessment of the preventive work in the fight against corruption.

Cooperation and interaction take place at the institutional level (other directorates of the Ministry), at local – with other institutions. At regional level, the ISD-MoI is an initiator of the signed memoranda for bilateral cooperation with relevant internal security structures and units of Romania, Greece, Republic of Serbia, FYR Macedonia and the founder of the Network for enhanced regional cooperation with them. Internal Security Directorate is a member of European and international anti-corruption networks and organizations.

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Румен ГАНЕВ,

директор Управління внутрішньої безпеки Міністерства внутрішніх справ Республіки Болгарія, Софія;

Красіміра ВАСІЛЬЄВА,

PhD, експерт Управління внутрішньої безпеки Міністерства внутрішніх справ Республіки Болгарія, Софія

СУЧАСНІ АНТИКОРУПЦІЙНІ СТАНДАРТИ ТА ПРИНЦИПИ