Marshall Center Security Forum Transnational Security Threats: Regional and National Contribution to the Regional Security

Strategic and institutional capacity for preventing corruption in Bosnia and Herzegovina

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Content of presentation

• **First part**: Current state of play

• **Second part**: Strategic and legal framework

• Third part: Institutional framework

• Fourth part: Conclusions

Current situation



Country	2012	2013	2014	2015	2016	2017
Bosnia and	42	42	39	38	39	38
Herzegovina						
Macedonia	43	44	45	42	37	35
Slovenia	61	57	58	60	61	61
Serbia	39	42	41	40	42	41
Croatia	46	48	48	51	49	49
Montenegro	41	44	42	44	45	46

Corruption perceptions index -Transparency International 2017

UNODC 2010 – "According to citizens corruption is the 4th most important problem in B&H".

European Commision 2017 – "There remains a gap between the declared political will and the lack of concrete results."

OSCE Mission to Bosnia and Herzegovina 2018 – "Report finds that the BiH judiciary is currently not capable of handling corruption cases".



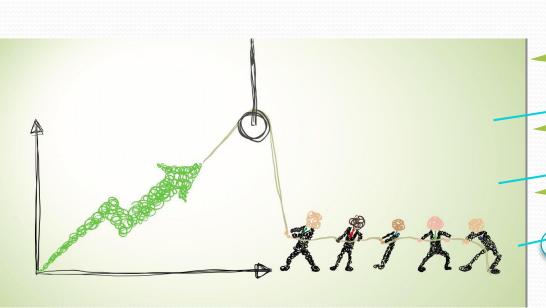
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B&H is on 91 st place of 180 countries

= 38

Strategic framework - 12 Strategies

The Anti-Corruption Strategies, rely on three pillars and five strategic goals:



Pillars:

3. Repression

2. Prevention

1. Education

Plantion

Goals:

Strengthening the legal and institutional framework

Effective use of existing capacities and improvement of cooperation

Strengthening transparency and integrity of the public sector

Ensure adequate use of IT sector

Raise awareness of citizens and the public



<u>Integrity Plans as Preventive Mechanisms of Corruption:</u>

phase – preparation;

2. phase - assessment;

3. phase – proposing measures;

4. phase – monitoring.

Identification and risk assessment

1.General areas:

a) Managing of the Institution

d)
Preservation
and security
of data and
documents

e) Ethical and professional behavior of employees

b) Personnel policy

RCC / RAI instrument 2015 - "Anti/corruption assessment of the laws metodology"

c) Planning and managing with finances

2. Specific areas:

-related to the most important responsibilities of the subject;

- may be obliged by the Commission

Proposed measures may refer to:

- a. legal regulations
- b. personnel management
- c. financial operations and
- d. other questions.

Legal framework

- There are four different criminal legislations in Bosnia and Herzegovina:
- criminal legislation at the level of Bosnia and Herzegovina / state level
- criminal legislation at the level of the Republic of Srpska / entity level
- criminal legislation of Federation BiH / another entity level
- criminal legislation at the level of the Brčko District of BiH / district level.
- There is a Law on protection of whistle-blowers at the state level.
- The Law on protection of whistle-blowers in the *Republic of Srpska* entity entered into the force in July 2017. It defines procedure of reporting corruption as well as obligation and competencies of bodies responsible to provide protection.
- The Federation entity and Brčko District stil need to adopt legislation on conflict of interest as well as on the effective protection of whistle-blowers.
- Also a new Bosnia and Herzegovina Conflict of Interest Law in line with international standards has not yet been adopted.
- There is no legal framework in place to effectively prevent and address corruption in the private sector.

11/11/2018

INSTITUTIONAL FRAMEWORK

Prevention:

- 1. Agency for the Prevention of Corruption and Coordination of the Fight against Corruption state level
- 2. Anti-corruption team of the Government of the Federation of Bosnia and Herzegovina
- 3. Commission for the Implementation of the Strategy for the Fight against Corruption in the Republic of the Srpska and
- 4. Commission for the Prevention of Corruption and Coordination of Activities on the Suppression of Corruption of the Government of the Brčko District of BiH.

Prosecutors investigation in B&H

Special Department for Organized Crime, Economic Crime and Corruption within the Prosecutor's Office

Special departments of the Supreme and in

More than 15 competent LEA



SIPA,

Ministry of Interior of the Republic of Srpska Police of Brčko district of BiH Federal ministry of Internal affairs Cantonal ministries of Internal affairs

Track record

Table 1.	2008–2012	2013- April 2016
Number of applications	402	690
Number of orders to conduct investigations	222	309
Number of confirmed indictments	156	147

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Criminal offences with corruptive character	I-VI 2018.	I-VI 2017.	+ - %	
Total	230	172	33,7	
Number of reports	103	107	-3,7	
Number of registered persons	169	152	11,2	
Damage caused BAM	13.503.000	25.768.000		
Unlawful property gain BAM	19.391.000	31.173.000	Table 2.	

Track record

- In 2017, there were a total of 232 indictments countrywide, with an increase of 18 % compared to 2016 while the number of convictions was 156 (151 in 2016), a majority of which were suspended sentences.
- There was no final conviction in highprofile cases, or at the level of political corruption.
- Most of the convictions were for abuse of authority.
- Proceeds of crime for the amount of EUR 837 000 were confiscated.

- In 2017, there were a **total of 193 investigations** of the State Investigation and Protection Agency into financial crimes and corruption, out of which **125 were finalised**.
- 26 reports against 107 persons (97 people and 10 legal entities) and 11 supplementary reports against 68 persons (52 people and 16 legal entities) were sent to the competent prosecutor's offices.

KEY FINDINGS

- Citizens of Bosnia and Herzegovina rank corruption as the fourth most important problem facing their country.
- The bribery prevalence rate the percentage of citizens paying a bribe among those who had contact with public officials in the 12 months is 20.7 per cent.
- The prevalence of bribery is significantly higher in the Federation of Bosnia and Herzegovina (FBiH) (25.3%) than in Republic of Srpska (RS) (10.5%).
- Almost 80 per cent of bribes are paid in cash, 15 per cent as food and drink.
- The main purposes of paying bribes in Bosnia and Herzegovina are to avoid the payment of a fine (25%) and to speed up a procedure (25%).
- Only 2.4 per cent of citizens with corruption experience report the incident. Citizens do not report corruption experiences because they receive a benefit from this (26%) or because they think that nobody would care (26%).

Thank you for your attention!

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