

Countering corruption *The Bulgarian perspective*

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Law for countering corruption

- Definition for corruption
- Basic principles
- Methods to counteract corruption
- List of persons holding public positions within the meaning of this law
- State body for the implementation of the policy on prevention and countering corruption

Definition for corruption

- **Corruption within the meaning of this law is present when a person holding a public office committed a crime** under Art. 201, Art. 202, para. 1 and 2, Art. 203, para. 1, Art. 219, para. 3 and 4, Art. 220, 224, 225b, 225c, 254a, Art. 254b, para. 2, Art. 282, 282a, 283, 283a, 283b, Art. 294, para. 4 in connection with para. 2, Art. 301, 302, 302a, 304, 304a, 304b, 305, 305a, 307 and Art. 387, para. 3 of the Criminal Code, **as well as any other crime committed in connection with the above.**

PRINCIPLES

- legality, transparency, independence, objectivity and impartiality;
- increased responsibility of persons holding public positions;
- publicity of the property of persons holding public positions;
- **respecting and guaranteeing the rights and freedoms of citizens;**
- proportionality of the interference in private and family life;
- protection of the information and the sources for its acquisition;
- protection of persons who reported a violation;
- coordination and interaction between state authorities;
- political neutrality

Methods to counteract corruption

preventive activities

investigation

verification of
declarations
incompatibility of the
property of persons
holding public
positions

referral to the
competent
authorities

analyzing the
corruption risk

Authority for the Prevention and Counteraction of Corruption

- specialized directorate "Anti-corruption"

- specialized administration, which includes the "Prevention of Corruption" Directorate, the "Public Register" Directorate and the "Conflict of Interest" Directorate

- general administration, which includes the "Administrative-legal and information service" directorate, the "Financial-economic activities and property management" directorate and the Inspectorate

THE COMMISSION

three members

7 years of legal
experience or 7
years of
experience in
security and
public order
services

elected by the
National
Assembly with a
two-thirds
majority of all
the people's
representatives.

mandate of the
members of the
Commission is 6
years

ISSUES

Defining
corruption

Authority
(The
Commission)

Multidisciplinary
approach

Investigation

Basic principles

Definition

One possibility is to adopt the understanding that corruption outside of criminal wrongdoing cannot exist. Then it will only be necessary to revise the norms of the criminal law and at the same time to supplement them with new hypotheses that do not exist at the moment, by rethinking the question of the degree of responsibility for these compositions and taking it into account with their actual public danger.

The other possibility, allowing for the understanding that corruption is a broader phenomenon than the normatively regulated hypotheses in the criminal law, also implies the construction of a complete complex of measures (including administrative and disciplinary) and institutions called to fight this phenomenon on a national scale

Definition

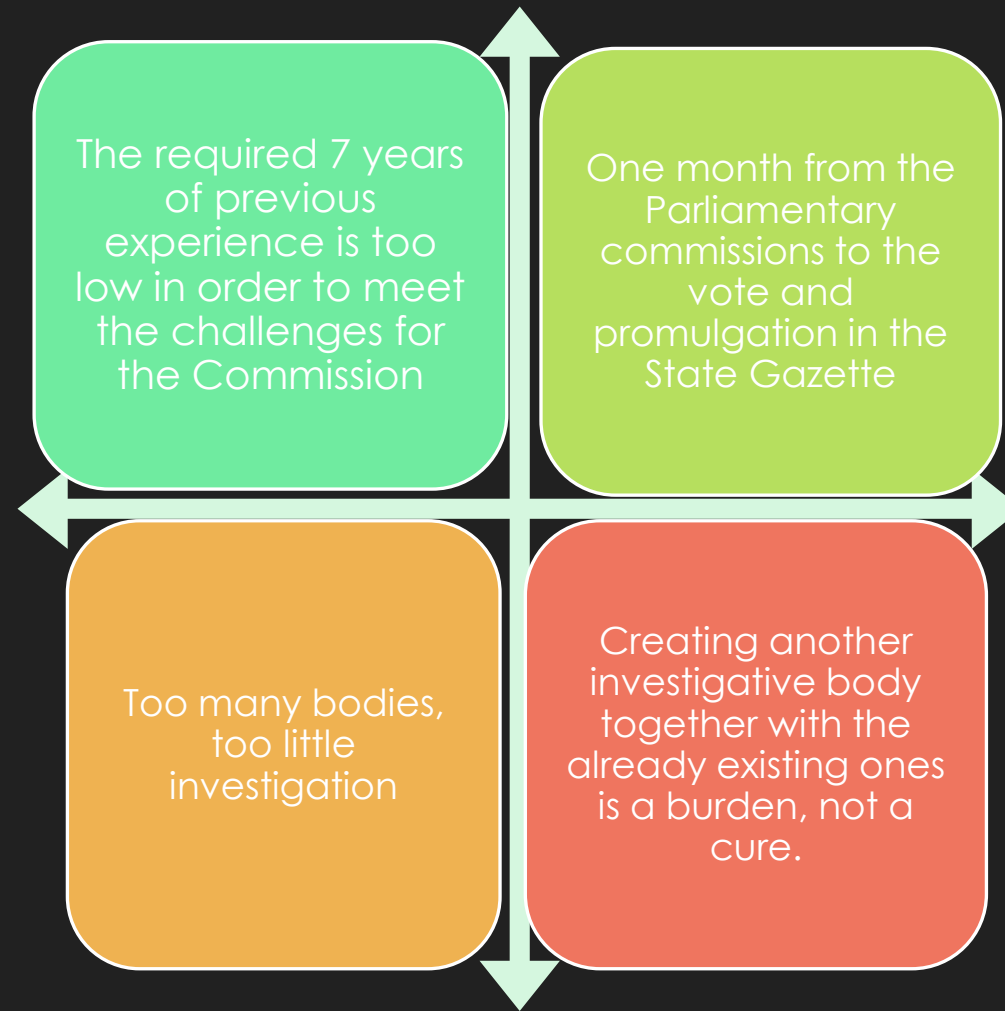


Obviously or legislator chose the approach which enumerates the relevant articles of the Criminal Code related to the actual crimes.

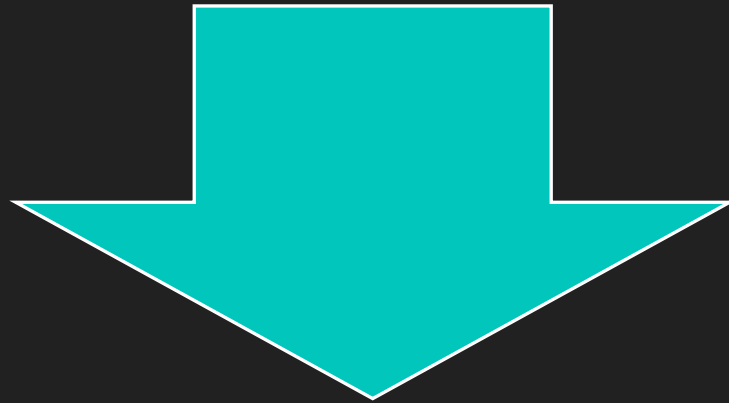


This puts us into a situation where we cannot accept any other activity other than the criminal one envisaged in the Criminal Code for corruption.

The Commission and the investigation activities



Basic principles



Putting the fundamental rights on the 4th place shows the attitude of the national legislator toward the importance of this topic



Furthermore there are no actual guarantees on protecting the rights and freedoms at the actual Law



The image features a teal-colored top section with a fine, repeating diagonal line pattern. Below this is a solid black section. A jagged, white-outlined shape separates the two sections, resembling a stylized mountain range or a decorative cutout. The text "THANK YOU FOR YOUR ATTENTION!" is centered in the black area in a white, sans-serif font.

THANK YOU FOR YOUR ATTENTION!