

## **1. dia** *Title*

### The effectiveness of the anti-corruption measures in practice

Ladies and Gentlemen, dear Colleagues!

If you consider the title of my presentation, I'm sure, most of you envisions a long statistical comparison which should ultimately prove, how effective the judicial and law enforcement authorities were in combating corruption recently. I may disappoint you in such expectations, this field is not really suitable for such an exercise, because of reasons we all know. Instead of that, I will be talking about our experiences, problems and ideas on how to fight this type criminality more effectively.

## **2. dia** *Outline of the presentation*

We all know the tendencies how our life becomes more and more international nowadays. Sadly, this is also true to the corruption which is becoming a more and more international phenomenon. And we also have to recognize that corruption - let alone the lowest level of it - is almost always connected to other serious criminality, be it financial crime, fraud in a wide sense, money laundering or even terrorism. Therefore corruption has to be countered with any means and prevented if possible, otherwise its social and economical effects, the price we have to pay for neglecting it, would become enormous and even break the weave of the social institutions in the long run. Let me speak about what we can do in the practice to reach this goal.

## **3. dia** *International legal background*

As to the legal background, the national anti-corruption program acts upon the international expectations, the main source of these is the European Union of course, but equally important are the UN, OECD and European Council initiatives. As you can see in this slide, Hungary is part of all the relevant international agreements and conventions, and the implementation of international standards in the national law is an already finished exercise, at least considering penal law. Implementing common tools and guidelines is a necessary first step, but we all know that legal texts alone will not help us any further. The most important part is always the right application.

## **4. dia** *Statistics*

If we take a look on the actual state of play in Hungary, the public and the media seems to adopt the view recently, that many type of criminality, especially economical and financial crimes has connections to some form of corruption, be it political, economical or office-related, and the competent authorities, the prosecution and the police started a stronger than before offensive against corruption.

Still, criminal statistics show a different picture. The notion of criminal corruption includes only the crimes stipulated in the Penal Code and as such doesn't refer to corruption in a criminalistical, sociological or ethical sense.

As you can see, in the last 35 years the number of the known actual crimes, of the *criminal* corruption cases varies wildly, between 1353 and 225, being the highest in 1979 and the lowest in 1989, the average being approximately 450 cases per year. In the whole picture of criminality however, this means only circa 0,1 percent and therefore, given the small base, the yearly differences are heavily dependent on individual cases. These figures are obviously not in correlation with reality, as we all know, the latency of corruption is very high. Some sources estimate that the real number would be a hundredfold, others claim it can be even thousandfold. Either way, the perspective is scaring and the lack of success embarrassing.

## **5. dia** *Problematic areas*

In general terms, let me mention some of the problems we face in our everyday efforts to fight corruption:

1./ The first important area is the legislation. Preventing and fighting corruption should start with prudent legislation where the measures themselves are constructed to be suitable to prevent abuse. In this field there is much room to improve but alas, as prosecutors we can not really do much to endorse this approach.

2./ The second area to improve is the witness protection and co-operation with private partners. We frequently experience how unwilling individuals and organizations are in sharing their knowledge on actual corruption cases and in aiding the authorities in the procedures. This sentiment is mostly based on fear of being named and having to actively take part in the lengthy procedure and partially of retribution from the criminals. In our view, to lower the previously mentioned high rate of

latency, we should promote our efforts, raise awareness in the public and protect our sources – and not only within, but even beyond the procedure – to encourage co-operation.

3./ Another vital area is the control mechanism of the state itself. In the recent past, the supervisory and controlling state organs often proved to be unable to uncover corruption cases and the need of a working alarm system became obvious. According to our view, with enhanced partnership and improved synergy between these actors the effectiveness of anti-corruption efforts can be multiplied.

4./ Another well known problem is the slow reaction of the judicial and the lack of speed in the court procedure which results in inadequate sentences, further discouraging the public and undermine the trust in the judicial system as a whole. Again, the prosecution service lays stress upon the expeditious execution of the investigations, exercising all its powers towards this end, but after filing the charge can not do much for the timely finishing of the actual cases.

5./ And lastly, we should also aim to shape the mentality of the society. Partly as a result of solving the above mentioned problems, partly as an issue on its own, an important layer of combating corruption would be influencing the public consensus regarding corruption by pointing out the damages it causes to individuals and to the community. In this, the education and the media should and could play a very important role.

## **6. dia** *New developments in the field of combating corruption*

The growing need to increase the effectiveness of anti-corruption efforts has lead to some substantial changes recently, based on the initiative of the prosecutor's office. After studying the practice of other EU member states, the Hungarian prosecution service, with the support of the government took steps to found a new legal and structural background on combating corruption.

In the first step the Criminal Procedure Code should be amended, according to our proposal, all cases related to bribery should fall into the investigating competency of the prosecution service. (Currently only the office-related bribery is investigated by prosecutors, the other forms fall into the competency of the police.) Meanwhile the internal order of the prosecution service was amended.

In the second step, 5 specialized investigating units with regional competency will be established to investigate corruption cases, while the Central Investigating Chief Prosecutor's Office will be

strengthened with additional resources and a special department is formed within it. The personnel of these units should consist of prosecutors experienced to deal with such cases and additional technical equipment and investigating personnel will be added to enable successful operation.

According to our research such a dedicated structure is rather unique, only a few other member states (for example Austria and Slovakia) have specialized prosecutors with investigating authorization. From the concentration of resources we expect to reach at least some of our goals and hoping to achieve good results in our struggle against corruption.

We are also aware that establishing a new structure is not enough at all. There is an urgent need for training of the prosecutors dealing with this kind of investigations. A prosecutor is not an investigator by nature, but a judicial professional. Investigating corruption requires a special approach and in-depth knowledge regarding criminal tactics, technical possibilities, actual field work, etc. We have to train our future specialist to be able to use the most up-to-date methods and best practices in order to create a really hard-hitting unit. To this end, practical training courses are planned with the help of the law enforcement authorities.

I hope that in a couple of years I will be able to demonstrate you the achievements and successes of our efforts.

**7. dia**

Thank you for your attention! I'm awaiting your comments and reflections.