

Ten Principles of Effective Corruption Proofing

Principle 1: Scope

Corruption proofing should be possible for all draft laws, enacted laws, laws of all regulatory levels (statutes and bylaws), laws of all regulatory sources (central, regional, local as well as parliamentary and executive including presidential acts) and of all sectors (administrative, criminal and private law). It should also include explanatory notes as they can play a decisive role in interpreting law.

Principle 2: Prioritisation

Ideally, laws are subject to review in their entirety. Any necessary prioritisation should be risk-based, such as legislation from corruption prone areas involving corruption prone transactions, or from areas with real incidents of corruption. The entity in charge of corruption proofing should be competent for prioritising laws centrally; however, all other state bodies should still be entitled to select additional laws for review.

Principle 3: Regulatory corruption risks

Corruption proofing reviews mainly cover two categories of regulatory corruption risks: “ambiguity” in language or legal technique and “prevention gaps”, such as a lack of defined timelines for procedures. In addition, the corruption proofing body should take note of any indication that the legislative process itself may have been corrupted.

Principle 4: Timing

Corruption proofing should take place at all stages of the legislative process. This includes above all drafting at the ministerial level and the adoption of the draft by government; it should also encompass a follow-up review during the parliamentary process and at the signing into effect.

Principle 5: Responsible entity

At the law drafting stage, all entities drafting laws, in particular ministries and other executive bodies, have to comply with legal drafting standards that avoid corruption risks. Similarly,

parliamentary committees should take part in reviewing corruption risks. In addition, a specialised body for preventing corruption should be in charge of reviewing draft and enacted statutes and bylaws. The specialised body should coordinate with other state bodies in order to receive early information on draft laws and to obtain background information on legislation. Clearly, citizens should be able to review drafted or enacted laws freely and at their discretion; there should be no qualification or registration requirements hindering their free participation.

Principle 6: Recommendations

The law making institutions should have the obligation to consider the recommendations made by the corruption proofing entity. The law making institutions should also provide feedback as to which recommendations they have incorporated and the reasons for not implementing other recommendations. In cases where civil society has submitted an anti-corruption assessment their representatives should be heard in person at public hearings.

Principle 7: Compliance

The corruption proofing entity needs to monitor compliance with the corruption proofing recommendations. Ideally, the assessment report will have a standardised feedback sheet attached to it in order to facilitate compliance feedback by the law making body.

Principle 8: Online publicity

Online publicity is an essential component of corruption proofing and concerns the methodology, the selection of laws, the assessment reports (including those by civil society), the compliance feedback, the compliance review reports, annual summaries of corruption proofing activities and statistical information.

Principle 9: Broader framework on transparency and integrity

In order to achieve a significant impact, corruption proofing requires a sound regulatory framework. This concerns good general legal drafting, transparent and participatory law making, lobbying, political finance and ethics in the legislative process. It is particularly important that law projects and first drafts are made public as soon as possible and not just tabled to parliament.

Principle 10: Training and public awareness

Interactive, practical training on corruption proofing is necessary for all state bodies in charge of drafting laws of all levels. Furthermore, the public needs to be made aware of the methodology of corruption proofing in order to carry out its watchdog function effectively and to participate in public consultations in a meaningful way.