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Corruption and Transparency in the Visegrad Region

The Young Leaders' Perspective

"The exercise of power is determined by thousands of interactions between the world of the powerful and that of the powerless, all the more so because these worlds are never divided by a sharp line: everyone has a small part of himself in both." – Vaclav Havel, *Disturbing the Peace* (1986).

Since the fall of communism twenty four years ago, the Czech Republic, Hungary, Poland and Slovakia have all made remarkable progress in the fight against corruption, striving to break with one of the biggest and deeply rooted woes of the communist regimes in Central Europe. However, the problem of corruption is still haunting the nations of what we now know as the Visegrad Four. Research in this domain demonstrates that corruption costs the relatively small Slovakia more than half a billion Euro per year.¹ The survey shows that only 20% of Czechs would trust the judicial system to decide in corruption cases² and 96% of Hungarians agreed that corruption is a major problem in their country.³ Another survey revealed that startling 84% of respondents think that nepotism is common in Poland.⁴

This research paper is authored by a group of young experts whose aspiration is to address the above-mentioned problems and contribute to the elimination of corruption in the V4 countries.

The aim of the publication is therefore not restricted to the voicing of concerns by those who will in the future steer the reins of decision-making in their respective countries, but also to offer solutions in order to adequately tackle the problem of corruption.

The main objective is to demonstrate that bringing the anti-corruption policy making to the international level may be beneficial. As the paper explains, due to similar historical background and experiences of transition, the Visegrad Group is a suitable platform for establishing common anti-corruption policies. Furthermore, the publication identifies policies which bear the greatest potential to be productive if adopted in the framework of international cooperation across the V4 region.

The first section of the paper introduces the problem of corruption in each of the V4 countries, presenting a brief overview of the current situation and reviewing some of the most famous corruption scandals of the last years in each country. The first part also analyzes progress with regard to the anti-corruption policy, i.e. what the governments have done in order to fight corruption. Secondly, on the basis of the aforementioned case studies, the paper

identifies parallels between the corruption cases and ways to handle them in all the states. It thus sets a common basis for the anti-corruption policy guidelines. The latter are the object of the final section which provides policy recommendations aimed at enhancing anti-corruption and transparency cooperation within the Visegrad Group as efficiently as realistically possible.

While the recommendations are primarily addressed to policy makers, they are equally applicable outside the world of politics and public administration, targeting society as a whole. Our belief, which we share with the eminent politician and writer Vaclav Havel, is that the exercise of power is determined by the interaction between the powerless and the powerful. Thus, in order to achieve positive results in combating such a complex and resistant malady as is corruption, all the involved parties need to be engaged in the process.

Authors of this paper are citizens of the Visegrad Group countries: members of think tank and non-governmental organizations, policy experts, public administration employees and media makers. Our research and policy proposals are inspired by the principles established by the leaders of the aforementioned Velvet Revolution, as well as the other Central European revolutions of 1989. Therefore, we aim to eliminate the remaining consequences of the communist regime, the issue of corruption being one of the most pressing ones.

CORRUPTION IN THE V4: current trends, challenges and policies

CZECH REPUBLIC

Trends and challenges

It can be inferred without any doubt that corruption in the Czech Republic is one of the problems threatening the basic principles of modern democracy and its society. The Czech Republic, which earned the denomination "the state of corruption"⁵ in the international media and displays deteriorating results in global corruption perception indices, reached a point where no further delay in addressing the current situation is desirable.

Corruption is, by its nature, a subjective phenomenon: based on their cultural backgrounds, individuals may draw very different conclusions about the level corruption

in the given society. However, common understanding of the meaning of 'corruption' is vital for any sound analysis of the issues at hand. The Anti-Corruption Strategy for the years 2013 and 2014 of the Czech Republic defines corruption from the perspective of its negative and harmful effects on the society. Thus corruption can be regarded as a "shift from the pursuit of public interest and abuse of public resources in order to achieve individual or group interests (...). The motive is to gain unjust advantage for the person itself or someone else, who is not entitled to it".⁶ The Strategy uses the Czech Criminal Code as a basis of the legislation which dates back to 1961 but has been amended several times in recent years. The most important amendment was the introduction of the new Criminal Code in 2009, which came into force at the beginning of 2010.⁷ Despite the long existence of the Code, corruption is still not well defined in the legislation and corruption related crimes are scattered around the Criminal Code under different sections. The crimes related to corruption range from bribery to arranging advantages in public contracts during a public tender or auction, among many others. Corruption in the Czech Republic can be divided into two main types: petty corruption (e.g. giving gifts to doctors for better care) and the systematic abuse of public resources.

In order to understand the corruption climate in the Czech Republic, the first look should be directed at the opinions of Czech citizens. The vast majority sees corruption as the most serious problem that needs to be addressed. The Corruption Perception Index (CPI) is calculated every year by Transparency International. In 2012, the TI ranking of the Czech Republic was worse than the rankings of Poland and Hungary. The country thus made it only to the same level as Latvia, Malaysia or Turkey (these countries obtained the 54–57 places with their score of 49 in the CPI).⁸

The Eurobarometer surveys from 2011 reveal a clear public perception of the situation.⁹ Compared to the EU average of 74% answering in the affirmative to the sentence that corruption is a major problem in the country, the Czech respondents show themselves much more critical with 90% of them attributing corruption the label of a major problem.¹⁰ This is related to the 70% who responded that the corruption level has increased in the past three years, compared to the EU average of 47%.¹¹ What is more, 53% (EU average 36%) think that politicians do not do enough to fight corruption.¹² These figures highlight that corruption is seen as a crucial problem and that more should be done by policy-makers. The Eurobarometer results indicate that only 20% of the Czechs would trust the judicial system to provide a solution in a corruption case (which is less than half of the EU average).¹³ In a modern democracy, this is a frightening result. Furthermore, 82% of Czechs agree that corruption is linked to organized crime in the country (again for reference: the EU average is only 57%).¹⁴

International indices and reports confirm the views of Czech citizens. According to a recent National Integrity

Study by Transparency International about the corruption risks of the Visegrad countries, Czech prosecution proved to be the weakest institution in the country with the notion that it is highly susceptible to direct political influence.¹⁵ This is in accordance with the 2012 annual report of the Czech Supreme Audit Office which draws attention to possible corrupt behaviour in public procurement processes, with examples of disadvantageous contracts on the side of the state or unnecessary fragmentation of the procurement process in various cases. Another disturbing phenomenon shows that external legal consulting services were highly overpaid for their advice.¹⁶

A similar project was launched by the Academy of Sciences of the Czech Republic entitled "Reduction of security risks related to corruption" which names corrupt practices in public contracting (non-transparency and conflicting interest), among other disturbing methods, the most essential problem facing the country.¹⁷ The Global Integrity Report focuses on analyzing the anti-corruption institutions and mechanisms by looking at both the legal background and the practical implementation.¹⁸ According to its findings, the Ombudsman and the Supreme Audit Office are well-established, but their power in investigations and prosecution remain weaker. It states that perhaps the Czech's most prominent deficiency is political financing and the unclear schemes obscuring it. In the 2010 ranking the legislative framework gained a strong 84 out of 100, while the implementation of this framework showed weak results (64), giving an average of 74 points to the country.¹⁹

Case study: corruption and the collapse of the government

As the government placed more emphasis on fighting corruption, the Anti-Corruption Policy has brought few positive results in the form of several resolved corruption cases. Nevertheless, the most well-known is the one which proved to be the core trigger of the collapse of the government itself. After more than a year of investigations close advisors of the Czech Prime Minister Petr Nečas were arrested in a raid mid-June 2013. Among the arrested were highly positioned officers, politicians and business entrepreneurs including Jana Nagyová who was the Managing Director of the Section of the Prime Minister of the Czech Republic's Cabinet, the chief of the government office, former and current heads of the Military Intelligence Service and former ministers. The police raided the Defense Ministry, the City Hall in Prague, the government headquarters and the offices of a couple of lobbyists as well. The Unit for Combating Crime announced that the arrested people were accused of abuse of power and corruption.²⁰ The investigation also targeted an organized group of lobbyists and state officers who attempted to influence state institutions for their own gain.

The Prime Minister's chief of staff, Ms Nagyová was allegedly involved in bribery: three coalition lawmakers were

offered promising posts in state-owned companies in exchange for ceasing their opposition and supporting the government in an important parliamentary vote. The investigation was country-wide and cost 150 million Czech crowns (about 5.5 million euro).²¹ After futile attempts to regain some of his power by denying any knowledge of the corrupt operations Mr Nečas resigned from his office a couple of days after the scandal broke out. During the election period of 2010 and later on, the new government made an anti-corruption pledge in view of gaining voter support but since then numerous reports showed that this fight was lacking in real engagement from political decision-makers. The praise went to only one achievement: giving more power to police and state attorneys in pursuing serious cases, even when they reached the highest forces. This was an accomplishment in the fight against corruption and at the same time the downfall of the government whose pledge was to do it.

Anti-corruption and transparency policy efforts

The Government's most recent Anti-Corruption Strategy for the years 2013 and 2014 "From Corruption to Integrity" was approved by the Government Resolution No.39 in January 2013.

It is a continuation of the previous Strategy as after the 2010 elections was formed a coalition based on the principles of budgetary accountability, the rule of law and the fight against corruption. The goal of the Strategy is to improve law enforcement, efficiency and functioning of the public service and elimination of the corruption potential in the public administration.²² Although these legal frameworks definitely show a good step forward in the fight against corruption there is still much to be done in their implementation and enforcement in practice. This can be achieved by giving more power to institutions dealing with prosecution, along with the strengthening of their independence. It should be noted again that even though petty corruption crimes are present in the society, the main problem lies in the organised crime and the misuse of public resources. This is the result of the bureaucratized and not very functional supervision system and the lack of power behind the judiciary, as sanctions are not sufficiently enforceable. These findings are supported not only by the surveys of public opinion, but numerous studies, reports by prominent international and national institutions confirm such trends.

In recent years, the watchdog organizations shed more light on corrupt activities with the help of the media. Their actions as well as the power of citizens should not be forgotten. A new initiative named "Reconstruction of State" came into being as a result of cooperation of three NGOs: Transparency International, Environmental Law Science and Oživení (Revival). This campaign aims to make MPs responsible for their pledges by posting their positions on the campaign's website.²³ The campaign focuses on

making the promises of the politicians a reality by passing nine anti-corruption measures in the Parliament. Citizens are encouraged to write to their representatives and ask them for support to the new legislation. This involvement of civil society in decision-making can be an example of how democracies are built: using the power of citizens for getting anti-corruption measures across in the legislation.

HUNGARY

Trends and challenges

According to the Eurobarometer survey of 2011, 96% of the population agreed that corruption is a major problem in Hungary.²⁴ This figure not only shows how severe this problem in the country is, but it also underlines how much it is embedded in the society. Besides this statistical introduction giving a shocking overview of the current situation, other facts describe well the framework into which today's Hungarian anti-corruption and transparency policies have to fit. With approximately 850 corruption-related crimes committed per year in a country with no specialized organization dealing with corruption issues, Hungary is stated to be medium affected by corruption based on Transparency International's Corruption Perception Index (CPI) for the period of the last five years.²⁵ This trend is deteriorating both in Hungary and in a regional context.

Case study: the "Nokia box"

As for serious corruption cases, Hungary such as the other V4 partner countries can look back at a rather rich history rooted probably in the times of the communist regime. One of the most emblematic cases is the so called "Nokia box" case which indeed introduced a completely new meaning for the packaging material of mobile phones within the Hungarian society. This expression refers to a scandal involving the former deputy mayor of Budapest, the public transport company of Budapest (BKV), fourteen other people being also suspected of aiding and abetting. More precisely, according to the authorities the former deputy mayor, who was in charge of supervising BKV, instructed the companies' managing director at the time to pay him 15 million forints annually, which had been handed over in a box of a Nokia mobile phone. Additionally, between 2007 and 2009 disadvantageous contracts concluded rather for own business interests than for that of the city and mismanagement of public funds caused approximately 1.5 billion forints (EUR 5.5m) of damages to the public transport company. The former deputy mayor resigned under pressure in March 2010, his party suspended his membership, the State Audit Office conducted an investigation of the suspicious contracts and reported the matter to the police in January 2010. He was detained and placed in pre-trial detention in May 2010, and under house arrest from February to June 2011. Corruption charges have been levelled against him and his hearings are still ongoing, the next one having been scheduled for

December 2013. The case is further complicated by the fact that the European Court of Human Rights – following the application submitted by the former deputy mayor in relation to his pre-trial detention – recently unanimously held that the Hungarian authorities had breached the ban on inhuman treatment concerning the inadequate conditions of his detention. The Court obliged Hungary to pay him EUR 12,500 in respect of non-pecuniary damage and EUR 6,000 in respect of costs and expenses.²⁶

This case seems to confirm what public opinion polls also state: political parties, public administration and the business sector are the most and almost equally affected by corruption problems. The healthcare sector is not much behind either.²⁷ Hence instead of concentrating on reasons and details of emblematic corruption cases looking at how the environment could and should be changed in which they became possible seems more forward looking and constructive.

Anti-corruption and transparency policy efforts

Partly due to the above introduced problematic situation it was evident that when the new Government took office in 2010 it was high time to develop overarching anti-corruption and transparency policies in Hungary. At the beginning they seemed to leave aside the trend which already started in 2001 - including an integrity based approach – and to take the usual way instead: strengthening the legal framework, especially with regards to criminal law. This involved mainly traditional steps such as stronger legal background of accountability, stronger criminal sanctions, appointment of a governmental commissioner responsible for accountability and anti-corruption coordination etc. However, as stricter rules do not always result in desired outcome, from 2011 there has been a “paradigm change” in Hungary: policies started to focus more on prevention of corruption and for the first time the integrity approach has been introduced into the public sphere. Consequently, from 2011 onwards, the Government switched from a traditional rules-based to a new value-based approach in order to tackle more effectively all levels of corruption in a sustainable manner. It is also important to highlight that the new system is using existing frameworks rather than creating new, expensive institutions. This practice shows an innovative way to tackle the specific corruption related problems the Visegrad region is facing. A closer look at the new approach may therefore be of benefit for the development of a common policy proposal for the V4 countries.

In short, the main particularities of the Hungarian system are:

- Value based approach to effectively fight corruption
- Implementation of a Comprehensive Anti-Corruption Programme – in cooperation with NGOs and with overarching educational dimension

- Anti-corruption and transparency measures introduced into the new Criminal Code
- Increasing number of international partnerships in the field of anti-corruption and transparency policies

Value based approach

The above mentioned switch from the primarily rules-based to a value-based system sounds quite self-evident, however in practice it is not that easy to realize. This new approach is definitely more suitable to tackle the corruption problem at all levels of the society than rules alone, but at the same time it is much less tangible and measurable. In fact, it means more emphasis on ethics, integrity and partnerships, and it also concentrates more on individuals who might be affected by corruption, as well as on their attitudes to tackle it. The practical steps to implement this approach include the establishment of the Hungarian Government Officials Corps; a Green Book on Ethics prepared by the Ministry of Public Administration and Justice (hereinafter the Ministry), in June 2013 the adoption of the Code of Professional Ethics and the newly introduced integrity management system as well. Integrity in this context refers to a continuous, preventive process with positive attitude which is more practice oriented than theoretical, and is also flexible in order to fit the different needs and characteristics of various organizations.²⁸

The Anti-Corruption Programme

The Ministry started a comprehensive anti-corruption programme upon the Government Decision 1104/2012 (6 April 2012) following consultation also with NGOs. The programme analyses the Hungarian corruption situation and in relation to this it prescribes measures in nearly twenty fields for implementation by the competent ministers. The programme’s major novelty is that (in addition to emphasizing the importance of criminal prosecution) it puts the main focus on the prevention of corruption and the strengthening of corruption resistance of organisations.²⁹ Government and EU projects funds secure together the financial sources (EUR 2.3 million in total) of this anti-corruption priority project which is currently one of the largest in Europe. Another unique feature of the programme besides its long term strategic vision is that as first it’s designed for two years only. This means that the Government creating it is still accountable for its results, which enhances transparency in itself.

It is worth to be highlighted that the new policies are developed in the framework of constant consultation between the Ministry and representatives of competent NGOs. This practice began already with the elaboration of the Anti-Corruption Programme and continued during the preparation of the (Open Government Partnership) OGP Action Plan.³⁰ Another novelty of the Anti-Corruption Programme is the introduction of anti-corruption and trans-

parency related issues at all levels of the national education system. Starting from September 2013 the national core curricula for primary and high-school students create room for values and knowledge related to corruption phenomena, as well as the attitudes and counter-measures that may be applied against them.³¹

Furthermore, anti-corruption and transparency issues reach the higher education as well, since the Government concluded an educational cooperation with the National University of Public Service (NUPS). The main aim of this innovative and unique postgraduate training in Hungary is to significantly increase the number of professionals dealing with integrity and anti-corruption. Graduates of this course ideally will be of direct use in the public sector due to the introduction of a new function: the 'person in charge for integrity'. This will be backed by an integrity control system in state organs which is still in the preparatory phase, however it is already decided that the integrity consultant will be an independent officer operating under the direct supervision of the secretary of state for public administration of the Ministry.

To complete the picture, post-university education is also part of the scope of the Program. These trainings that are part of the annual obligatory training scheme of public servants are specialized in integrity and anti-corruption within the public administration and are already on-going with the involvement of the NUPS.³²

The new Criminal Code

Parallel to this new approach, – since rules are still necessary – the legal framework to further strengthen the fight against corruption is also under development in Hungary. The Criminal Code that entered into force on 1 July 2013 contains several new measures related to the issues of anti-corruption and transparency. Probably the most important to mention is the separate chapter on corruption crimes. Several offences appear with new contents, such as economic fraud or budget fraud. It is worth underlining that upon recommendation from MONEYVAL Committee of the Council of Europe and the OECD working group on bribery the new Criminal Code extends the scope of criminal measures applicable to legal persons as well.³³

International partnerships

It is without doubt that international partnerships help to increase transparency. The Hungarian system therefore concentrates on extending its international relations: from 2010 onwards Hungary concluded various agreements and partnerships, such as the accession as a founding member to the International Anti-Corruption Academy (IACA), as well as to the Open Government Partnership in 2012.³⁴ Very recently (31 October 2013) the secretary of state for public administration presented the new commitments of Hungary in this framework in London, after successfully fulfilling the requirements agreed in first

action plan. Additionally, a framework agreement to jointly organize workshops, professional seminars with the OECD is also ongoing. These active participations show the country's serious engagement concerning anti-corruption and transparency policies at international level as well.³⁵

To conclude, the main message of this long-term strategic vision already in place and already showing some results in Hungary, can be formulated as follows: the fight against corruption is shared responsibility of both the authorities and the society. Hence the integrity approach intends to focus more on individuals – both those already working in the public administration and through the educational dimension also on future generations – to develop stronger ethical and moral resistance against corruption, as well as to provide them with guidance on how to tackle corruption if they encounter it.

POLAND

Trends and challenges

According to the Transparency International (TI) data, in recent years Poland has made a visible progress in terms of fight against corruption. 2001 TI's Index gave Poland score of 4.1 and 44th position among 91 assessed countries. 10 years later, it ranked 41st (out of 183) with score of 5.5. The latest 2012 TI's Corruption Perception Index ranks Poland in the same position (41st out of 176), with the score of 58, a score below 50 indicating serious corruption problem. Poland occupies the highest position among the Visegrad (V4) countries and 3rd among former Central-Eastern European communist countries (after Estonia and Slovenia, 32nd and 37th respectively). Nevertheless, when compared to all the EU Member States, it ranks only 17th out of 27 states. The score gained by Poland is also below the EU average (63) and considerably below the average for the EU-15 (72).³⁶

This demonstrates that although Poland's position has been gradually improving since 2001, there is still the room for improvement. The results of various opinion polls seem to reinforce such view. Despite TI assessment classifying Poland as a country where corruption is not a serious problem, 83% of respondents think that corruption is actually a big problem in Poland, according to the poll taken by the Centre for Public Opinion Research (CBOS) in June 2013.³⁷ This marks an improvement in comparison to the years 2010 and 2006 when the results were 87 and 93% respectively. With regard to the question about the areas where corruption occurs the most often (with a possibility to indicate more than one area) 62% opted for politics, 53% for healthcare system, 31% for judiciary, 27% for local authorities and 18% for central administration institutions.³⁸ To conclude, there is a discrepancy in perception of the current corruption situation in Poland between world's top anti-corruption 'watchdogs' and the Polish society. Institute of Public Affairs (IPA), the

Polish independent think-tank, explains this difference by claiming that the public opinion applies the notion of corruption in a stereotyped manner and often uses it not only as a reference to concrete activities (e.g. bribery), but also as a measure of the quality of authority or even more broadly – the quality of public life.³⁹ From the perspective of a non-governmental organization the picture of corruption situation in Poland is more optimistic. According to the IPA the phenomenon of corruption is to a large extent “controlled” and “handled” and does not constitute a threat to stability of the state or economy. Nevertheless, new solutions or changes in some areas of public life would be “desirable”.⁴⁰

Case study: the business – public administration conundrum

In 2012, Transparency International published the “Corruption risks in the Visegrad countries – Visegrad integrity system study” report. Its authors conducted a research on corruption risks in V4 countries. The report, based on the National Integrity System Studies, analyzed major strengths and weaknesses of key institutions relevant to the prevention and fight against corruption. According to the report, corruption risk in Poland is especially high in business activities requiring involvement of public officials.⁴¹ The authors point to cases when public officials extort bribes from businesses or even seize private assets using illegal means. However, only 7,6% of firms have encountered a situation in which bribe was expected.⁴² Still, the corruption risks are higher in the cases of securing public contracts and obtaining import licenses. TI claims that: “(...) one of the main problems in reducing the risk of corruption (...) in public procurement is the lack of a mechanism for punishing dishonest operators. A breach of law during the performance of a contract with a public institution is very rarely an obstacle preventing such an operator from winning another contract.”⁴³ High corruption risk in public tenders in Poland was also noted by the European Commission.⁴⁴ In a report prepared jointly by the European Anti-fraud Office (OLAF) and PricewaterhouseCoopers, a global consulting company, it was stated that from 19 to 23% of all public tenders in Poland have “marks” of corruption.⁴⁴ This result was lower than in other CEE countries which were examined (Hungary, Lithuania and Romania), but much higher in comparison to the Netherlands (1%) or France (3%).⁴⁶ The most recent well-known case of corruption concerning public tender was revealed in 2012 when the Central Anti-corruption Bureau (CBA) arrested the head of IT Projects Center, his wife and two its directors who were allegedly taking bribes for securing public contracts for particular IT companies.⁴⁷ Two executives from these firms were also arrested.⁴⁸ This year it was revealed that officers from National Police Headquarter were also involved in the affair.⁴⁹ The case is still under investigation. As a result, the process of digitalization of key government services aimed at reducing bureaucracy by allowing Polish citizens to apply online for services such as new ID cards, will be delayed.⁵⁰

Another case concerns licenses for shale gas exploration. In August 2013, seven people, including three public servants from the Ministry of Environment, were accused of corruption in a process of issuing licenses for shale gas exploration.⁵¹

Another area with a high perceived risk of corruption are the recruitment processes to public administration or state-controlled companies. According to the opinion poll taken by CBOS in 2010, 84% respondents think that nepotism is common in Poland.⁵² The most recent case from this area was revealed in October 2013 when the media reported that one delegate to the elections for chairman of the regional structures of the ruling party – Civic Platform - was promised to get a job in state-owned KGHM⁵³ in return for support for one of the candidates.⁵⁴ The case will be investigated by the regional prosecutor's office. The problem of corruption also touches the healthcare system and even sport, especially football.

Anti-corruption and transparency policy efforts

Poland has taken a strategic level approach aimed at fighting corruption at the beginning of this century. Its main driver was the necessity to adhere to European standards and regulations, combined with strong coverage of corruption-related scandals by the media and civil society. In 2002, the Polish government approved the first anti-corruption strategy and introduced numerous changes in the legislation in the years after, for example the strengthening of penalties in the Criminal Code.⁵⁵ In 2006, the Central Anti-Corruption Bureau was established. The Bureau has a rank of secret service and focuses primarily on fighting corruption in public administration institutions at both governmental and local level. Scope of its activities include investigation as well as prevention of corruption. Nonetheless, at the beginning of its operation the CBA was not free from political influence and it became involved in politically motivated cases.⁵⁶ Other services that are involved in fighting corruption are: Agency of Internal Security which pursues cases threatening the state security, the Police, Border Guard and Military Police and Military Counterintelligence Service (both deals with corruption cases in the armed forces). Among civil institutions important role is played by the Supreme Audit Office and the Ministry of Interior which since 2002 coordinates anti-corruption efforts countrywide.⁵⁷ In the years of 2007-2011 a plenipotentiary at a rank of minister was responsible for combating the abuse of authority in public institutions. The position was occupied by Julia Pitera, former chairman of the Polish chapter of the TI. She left it allegedly due to insufficient political support and the position was abolished afterwards.⁵⁸ This year (2013) government is expected to approve the second anti-corruption strategy entitled: Government Program to Counter Corruption for years 2013-2018.⁵⁹ The main objective of the program is to reduce the level of corruption

in Poland not only by fighting corruption, but also through prevention and education of the public administration and society at large. Actions in the latter matter have already taken place. In 2012 and 2013 there was a media campaign Corruption, how much YOU will pay for it? with participation of governmental institutions (e.g. CBA, Ministry of Interior) and Anti-Corruption Coalition of NGOs. The document recognizes the role of NGOs in anti-corruption policy and assigns to them a dominant role in the prevention of corruption. The primary measure of the main goal of the program is to increase Poland's score in TI CPI from 58 to 64 by 2018.⁶⁰

SLOVAKIA

Trends and challenges

According to the latest statistics of The Corruption Perceptions Index (CPI) produced by Transparency International Slovakia, Slovakia is the fifth most corrupt country in the EU and was ranked 63rd out of 176 countries worldwide (2012).⁶¹ The score gained by Slovakia (46) is below the EU average (63), as well as below the corruption levels of other V4 states.⁶² According to the public opinion research, Slovakia is equally considered to be the worst placed country within the V4.⁶³ This fact indicates a potential for economic and social problems with regard to the future development of the country because of the damaging impact not only on the democratization as such, but also on the efficiency of the public administration. A secure investment environment and fair conditions for all members of society are basic requirements for democratic growth.

Corruption also causes misdirection of public resources in favor of those with influential connections and financial resources. This situation is also very critical for potential incoming foreign investors to the Slovak market. According to the World Economic Forum Report 2013, corruption is the second most damaging factor for doing business in Slovakia.⁶⁴ For example, the average bribe money in the case of state orders or subsidies is around 13% of its value.⁶⁵ Corruption costs Slovakia more than half a billion euro per year. The most effected sector is considered to be health care, where every fourth Slovak household was involved in bribery.⁶⁷

Case study: "the Gorila case"

The most serious corruption case which profoundly shook the Slovak political scene in 2012 was the so called "Gorila case." The hidden meetings of ministers, parliamentary members and Penta financial group directors were recorded and published, indicating strongly corrupt behaviour within the Slovak politics during the second term of Mikuláš Dzurinda, the Prime Minister in office between 1998 and 2006. It uncovered that decisions about the future of the country were being made by strong finan-

cial groups as opposed to representatives democratically elected by the citizens. Allegedly, very serious topics were involved, e.g. the financing of the Slovak political parties, the privatization of the Slovak airport and strategic plans for the Slovak energy companies.⁶⁸ Around fifty thousand Slovaks joined the street protests.⁶⁹ The representatives of Penta denied involvement in criminal activity and explained the case by the political games surrounding the forthcoming general elections. Voter preferences of the political party SDKÚ, lead by Dzurinda, went from 15.4% to 8.3% as a consequence.⁷⁰ The "Gorila case" also triggered the attention of the OECD which released an evaluative report with recommendations for the case. OECD expected a proactive approach in the investigation process and adequate criminal sanctions.⁷¹ But, in 2013, the investigations were stopped because of the refusal of Slovak politicians to take part in the whole process.⁷² The problem of corruption still remains unsolved because of a shortfall of evidence. It is questionable whether criminal sanctions are enforceable in a case involving those who hold the country's decision-making power in their hands.

Anti-corruption and transparency policy efforts

The Slovak Republic is from 1st July 2006 bound by the Convention of the United Nations Organization against Corruption (UNCAC), the first internationally recognized and acknowledged agreement of its kind.⁷³ The Slovak legislature does not comprise any special act dealing exclusively with the issue of corruption. There are 12 regulations in the Slovak legislature dedicated to the fight against corruption.⁷⁴ The first draft of the National Program for Fight against Corruption was created in 1999 under the supervision of the Deputy Prime Minister Pál Csáky.

The National Program goals were divided into three pillars:

1. Elimination of the situations where corruption can potentially occur
2. Dissuading from corrupt practices via tougher sanctions
3. Enhancing public sensitivity to corruption⁷⁵

The impact of the National Program did not suffice to root out corruption in Slovakia, the corruption level increasing from 1997 to 2005.⁷⁶ The situation significantly changed during the government of Iveta Radičová (2010–2012) which is considered to be the most successful government in terms of combating corruption. New measures were implemented such as the reform of the Slovak judiciary system which included the compulsory publication of contracts, judgments and selection procedures. Additionally, the abolition of judge's bonuses and stricter subsidy conditions in the Slovak Republic Government Office

proved to be effective tools in the fight against corruption. According to the Anticorruption Strategy produced by Transparency International Slovakia, the Radičová government was three times more effective in reducing corruption than the previous Fico government. The biggest issue which remained unchanged due to the Parliament's insufficient support were the excessively extensive privileges of the MPs and judges.⁷⁷

Transparent public acquisition procedures ⁷⁸	Fico government (2006–2010)	Radičová government (2010–2012)
Public acquisition through the competitive practices	58%	73%
Average amount of competitors in the tenders	1.7	2.5

Table 1: Transparent public acquisitions (by governments)

In 2001, the National Program for the Fight against Corruption was replaced with the Strategic Plan for Fight against Corruption requesting the establishment of an interdepartmental expert committee with main functions such as monitoring, controlling and evaluation of achieved progress. The main aim of the above-mentioned plan is to identify the problematic areas and propose specific measures and deadlines for their fulfillment.

The current government headed by Robert Fico (2012–now) is considered to be inefficient and weak in fighting corruption. The priorities of the government are predominantly concerned with social policies and preparation of the big investment projects. The government did not approve its own Anticorruption program, but the new Anticorruption act of the Parliament should be ready in the Fall of 2013.⁷⁹ The act is prepared by the mixed group of the Ministry of Interior, Ministry of Justice, Ministry of Culture and many NGOs, attempting to include all kinds of corruption definitions and tools for combating it. The Ministry of Interior officially includes the corruption issue in its agenda, but the ministry's only current initiative in this regard is "to optimize the performance of the state administration with the emphasis on the effectiveness of managing public funds through the ESO (Effective, Reliable and Open State) Administration reform."⁸⁰ According to the ESO reform analysis, there are more than 400 public administration bodies showing important deficits in an efficient use of public finances. The proposed solution lies in the closing down, transformation or merging of selected state offices. Until 2016, the savings resulting from the reform should reach 414 million euro. It is important to keep in mind that the reform does not specifically address the corruption problem, which is one of the elements adding to the Slovakia's worsening transparency situation.

An important role in combating corruption is played by NGOs which very often struggle with a lack of financial support. The unique initiative of eight companies associated with the Business Leaders Forum enabled the creation of The Fund for a Transparent Slovakia in September 2012.

The Fund runs under the Pontis Foundation and within the first grant program awarded a total of 50.350 euro to four NGOs. The main aim resides in taking "systematic measures which support ethical and economic management of public affairs."⁸¹ The NGOs also appreciated the flexible approach of grant's conditions which is not linked to specific projects. The projects can thus be adjusted to the actual cases linked to corruption in the society and achieve greater efficiency.

CORRUPTION AND TRANSPARENCY IN REGIONAL PERSPECTIVE: the V4 bads' and goods'

The previous section of this paper highlighted that despite the portrayal of the formerly communist countries as the shining examples of successful democratic transitions by the dominant international political discourse, the political, economic and even social systems of the Visegrad countries remain marred by imperfections in the domain of transparency and good governance.

Due to their geographical proximity and similar communist past, they are often, mistakenly, perceived as one block displaying more or less similar traits in terms of the persistence of corruption. The prevailing opinion has it that the communist regime is to be identified as the responsible for the lack of accountability of public institutions, special relations between the business and the public administration where preferential treatment is observable and corrupt behaviour discernible. Indeed, we would be mistaken to argue that the communist past has not left any remnants in the way (mostly) public affairs are administered. However, and except few specific areas (such as the judiciary in Slovakia which has not undergone substantial changes since the fall of communism in 1989), rather than engraining un-shakable alliances between public and private actors as some may suggest, the crux of the problem with regards to the communist heritage is embodied in the wide-spread distrust of citizens of the V4 countries towards the state. The accompanying phenomenon is the reluctance to actively participate in the public life, whether through electoral participation (low participation in elections has been the characteristic feature of all of the four political systems) or involvement in initiatives aimed at depoliticization of the public administration, public-private relations and law enforcement mechanisms. The "lack of faith in the integrity of public life" is tellingly reflected in the low Transparency Perception Indexes in all V4 countries cited in the previous sections of the paper.⁸²

Nonetheless, while the defunct communist regime is still a source of some phantom pains, its importance for the present should not be overstated. Many of the current transparency and corruption challenges in the Visegrad countries have more contemporary roots. They require contemporary solutions rather than a simple transfer of responsibility to an unchangeable past.

The states of the Visegrad Group have been suffering from a number of common but also very different illnesses. The first general one which is shared by all of the four countries, albeit to different extents, is the reversal of reforms which the latter undertook as part of the accession process to the European Union prior to 2004. While the conditionality has been considered by some as the most successful instrument of the EU's foreign policy on the basis of the experience of the four Central European states, and has served as an approach to be adopted in relation to the EU's adjacent regions in view of encouraging their democratic transition, it have been the very same countries where one can notice a decline in the respect of EU standards following accession to the Union. Related to this is the practice of "empty shell" legislation, as dubbed by the Transparency International's publication on the National Integration Systems of V4 countries.⁶³ The empty shell relates to the existence of legal provisions which, however, are not sufficiently enforced or sanctioned, therefore remaining shells without the corresponding content. The most pronounced empty shell practice can be found in the field of financial transparency of public officials and institutions where respect of related legal provisions is often superficial and the failure to provide complete information about one's assets, for instance, is punished only mildly, if at all. The discrepancy between the codified norms and actual practice is greatest in Slovakia, although all of the V4 countries have faced a similar challenge.⁶⁴ The fact that in several instances public officials refused or worked against the obligation to provide the required information to the public points to the importance of willingness of these actors to be subject to control, as well as to the need for personal integrity and political culture.

Another widely shared feature across the V4 region is a weak legal framework in the field of party financing, with its somehow stronger overtones in Hungary, where political parties are seen as a "major corruption risk."⁶⁵ Adding to that, Hungary has, along with Poland, faced difficulties in the sphere of business-public administration relations, which have been marked by the efforts of one to siphon off funds away from the other.⁶⁶ On the other hand, Slovakia and the Czech Republic have suffered from political interference in law enforcement institutions, leading to what Fenyk calls "collective irresponsibility" in the two countries.⁶⁷ Finally, access to public information concerning the public institutions, the legislative and decision-making processes and the like, has been rather limited, maybe with the exception of Slovakia where the beginning of 2000s saw a rise in transparency through an open information initiative opening many areas of public

decision-making to public oversight; making documents, parliamentary sessions and other accessible online.

While developments in the mentioned areas may seem alarming, others offer hope for improvement. Concretely, the TI publication identifies ombudsmen and Supreme Audit Offices of all V4 states as the most properly administered institutions with a substantial potential to exercise pressure on other actors to desist from corrupt or non-transparent practices. What is more, even though the civil society has had to deal with a lack of funding and thus difficulties with attracting qualified personnel for longer period of time, it constitutes one of the main avenues for addressing the issue of corruption in V4 countries. Although their number and influence has not been too significant, the impact of their watchdog, monitoring and analytical activities has been substantial relative to their available human, financial, power and other resources. Similarly, the media have in recent years become active in bringing into public light scandals involving public officials and businesses, misuses of public funds or political interference in the judiciary. The Czech media have been most active in this domain, whereas such activities came to be challenged by the limits placed on the media by the legislation adopted under the Orban government in Hungary. Despite this, the media, along with the civil society organizations, constitute the main avenues for positive change in the V4 region with regards to the fight against corruption and in support of transparency. This is combined with the increasing use of technologies to uncover bad practices in both public and private spheres and thus increasing the ability of ordinary citizens as well as more organized actors to monitor and consequently hold accountable the political leadership for misuses of public competences.

The TI publication highlights the role of personal integrity and individual fairness and honesty in good governance. The lack of personal integrity can be identified as the underlying reason for the high levels of corruption in the V4 countries. A response to this situation should therefore be devised if corruption is to have an apt challenger and if transparency is to gain more solid contours in the region.

Recommendations

The detailed country analyses combined with the comparison of similarities and differences regarding the causes and realities of corruption in the Visegrad 4 region create a basis for the formulation of a set of policy recommendations. The latter are intended to be of use to current policy makers when formulating policies and devising anti-corruption and transparency measures. But they also provide a guiding line for actions of future leaders, including the authors of this policy report.

Improving administrative transparency

Administrative systems are characterized by a high level of bureaucratization in practically all of the four countries. Therefore, putting more emphasis on the implementation of existing public information acts as well as streamlining of the e-access and e-government experiences into the public information access laws would be desirable. For illustration, declaration of assets of public officials should be accessible to the public in all countries. In a similar vein, the introduction and enforcement of effective and transparent party and campaign financing regulations are necessary to improve administrative transparency. Furthermore, participation of companies previously charged with accepting/offering bribes in the framework of public procurement processes should be limited in any such future processes.

As young leaders, the authors of this publication are particularly concerned about nepotism and non-transparent recruitment processes in the public sector. Hence the introduction and effective implementation of clear regulations in the area of public administration recruitment policy (with particular regards to the declaration of employment of family members) are strongly recommended.

Tackling corruption at all levels

Effective fight against corruption is not realistic without an overarching approach reaching out to all levels of the society. Consequently, national and local administration, businesses as well as school pupils should be involved. In view of achieving a serious commitment from the society as a whole, we recommend the introduction of anti-corruption and integrity related topics into school curricula throughout the whole education system. This as a basis should then be further strengthened by large-scale advertisement campaigns and information posters targeting areas more at risk of corruption, such as public administration institutions and healthcare establishments.

Within the public sector clear codes of ethics and obligatory transparency and integrity trainings should be introduced in order to reinforce the corruption intolerance among public officials, including the Members of Parliament. It is also important to reassure the society that corruption related crimes will not be dealt with in endless court processes and will not remain hidden or without punishment. Thus creation or strengthening of an independent anti-corruption police force together with reducing the level of political influence over law enforcement institutions and bodies (judiciary, prosecution, and police) should ensure credibility of the governments' anti-corruption measures.

Increased support for anti-corruption activities of non-governmental organizations

We strongly recommend the creation of a common special fund with limited resources within the V4 cooperation aimed at offering grants to V4 non-governmental organizations on a competitive basis to engage in the monitoring of compliance with the existing legal rules, advocacy for their improvement and capacity building in the anti-corruption domain, including both public and private entities. Watchdog organizations and think-tanks should consequently gain greater capacities to undertake monitoring and training activities.

Increased public involvement in decision-making through participation in decisions on budget allocations of local public administration entities is another recommended measure to take by policy-makers. The practice from Bratislava has shown the beneficial effects of such policy for the improvement of public administration transparency on local level.

Increased cooperation at V4 level and in international organizations dealing with anti-corruption and transparency

Cooperation between states clearly increases the need for them to open up and to be more transparent. Working together on anti-corruption and transparency policies within the V4 region is therefore desirable. This is especially true in the light of the upcoming EU anti – corruption report which will probably bring these policy fields more into the focus of current EU debates. The intention to strengthen the parliamentary dimension of the Visegrad cooperation - decided at the last meeting of heads of V4 states on 14 October 2013 in Budapest – could provide an ideal framework to put this idea into practice.

The final recommendation is thus to create a joint parliamentary commission/working group specifically addressing these issues. This group could on the basis of each country's own experience identify areas where some countries already are more advanced than others. In these fields V4 countries could develop common programs to exchange best practices, organize common trainings etc. In other fields which are new to all V4 countries this working group could develop common measures, programmes, projects and other activities. The V4 parliamentary working group could also enhance the coordination of efforts and positions of the four countries in order to increase both their weight and visibility not only in the EU but in international initiatives dealing with anti-corruption and transparency, such as the Organization of Economic Cooperation and Development (OECD) Anti-Bribery Convention, the United Nations Convention on Anti-Corruption (UNCAC), the International Anti-Corruption Academy (IACA) or the Open Government Partnership (OGP).

Conclusion

Corruption is costly. Not only in the most basic, economic meaning of the word, though it certainly makes doing any business more difficult, time consuming and expensive through the “corruption tax”. It is costly because it twists and corrodes the economic, social and ethical reality. Corruption is a wasteful allocation of resources, based neither on free market competition nor on the moral principle of helping the poor. The market is, above all, a source of information; thousands of various transactions send uncountable number of signals about the price and quality of products, services and labour. Corruption is a noise that distorts any clear signal. It distorts the natural competition, punishing the industrious businessmen while promoting well-connected crony capitalists. It endangers the very foundations of a market economy.

Corruption warps any institution it touches, from the smallest office of the local government to the top-level ministries which decide on national policies. It hijacks the political process, understood as a struggle for the common good, and subverts it to particular interests, against the wishes of the general public.

Corruption poisons interpersonal and social relations. It undermines mutual trust in society and prompts people to withdraw into semi-closed groups in order to gain protection against a hostile and unjust world. It is a breeding ground for frustration amongst those left behind and a fuel for political populism.

The Visegrad countries, at the same time similar yet different, entered the last decade of the Twentieth Century

with a baggage of shared experiences: that of a deliberate destruction of market mechanisms; a hijacking of the state by a semi-colonial clique striking down on any separation of powers, independent judiciary or accountability; and the persistent erosion of social trust caused

by the fact of living in an authoritarian, oppressive state. The rapid political and economic transformation exacerbated the aforementioned problems. Without doubt, the transition from authoritarian socialism to market democracy was a success story; yet the sheer speed and magnitude of change revealed cracks in which money – and thus corruption – could pour in. The poor quality of political elites, low salaries in the public sector and a deep aversion to administrative transparency remain one of the main corruption factors and still need to be addressed. However, it has to be pointed out that every V4 Member State has carried out comprehensive anti-corruption reforms. While they have sometimes endangered the internal political stability of the country by exposing the corruption of the governing elites, the continuous efforts to improve the honesty of public sphere are to be admired. This paper calls for transparency and open, e-administration procedures, ethics-based code of behaviour for civil servants, citizen activism and institutional independence of the law enforcement agencies. Neither of these propositions is a ground-breaking revolution that would immediately alter the legal landscape of the Visegrad states. Yet it is these incremental, evolutionary changes that could improve the quality of administrative procedures, shed the light on the decision-making process and steadily build the image of Central Europe as a “clean,” corruption-free region.

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