The Anti-Fraud Office of Catalonia: strengthening integrity of public institutions through corruption prevention and investigation

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Cooperating against corruption

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Spain: a unitary but “quasi-federal” state

Spanish 1978 Constitution recognizes autonomy for nationalities and regions.

There are **17 autonomous regions** with their own Parliament and Government.
Catalonia: a vigorous Autonomous Region in Spain

Regional and local authorities provide almost all infrastructures and public services, including education, health, social services, police, penitentiaries, public transport, environment, urban planning, economic development,...
The Anti-Fraud Office of Catalonia: a new independent institution

— Created by law

— Public-law entity with own legal personality and full capacity to act.

— Only accountable to Parliament, through specific commission and Annual Report.

— The director is nominated by Parliament for a single period of a nine years and is protected from dismissal.

— The director selects and appoints its personnel.

— The Office enjoys budgetary autonomy.

— In operation from September 2009.

Legal Framework

› UN Convention Against Corruption

› Act 14/2008 of November 5th, approved by the Parliament of Catalonia

› Internal regulations approved by the Parliament of Catalonia
The Anti-Fraud Office: double mission

PREVENTION

INVESTIGATIONS
Anti-Fraud Office develops prevention policies according to UNCAC

- **Art. 5**
  Implementation of coordinated and effective **policies** against corruption

- **Art. 6**
  Existence of a **preventive** anti-corruption **body**

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Anti-Fraud Office of Catalonia

**Prevention**

- Personnel management (art. 7)
- Codes of conduct (art. 8)
- Public procurement and public finance (art. 9)
- Public reporting (art. 10)
- Participation of society (art. 13)
Fields of activity

– Public sector: authorities and public servants
– Private companies
– NGOs
– Individual citizens
Public sector

— Provides support to public organisations in strengthening their integrity systems, through actions in four areas:

1. Training of public servants
2. Technical assistance and best practices
3. Legal framework assessments
4. Advisory opinions
## Other areas of action

<table>
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<tr>
<th>Area</th>
<th>Actions</th>
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<td>Public awareness</td>
<td>- Materials and activities on ethical values for Secondary Schools</td>
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<td>- University Summer Course</td>
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<td>- ...</td>
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<td>Research and studies</td>
<td>- Survey and focus groups about citizens’ values and perceptions on corruption</td>
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<td>- Catalan Observatory of Corruption</td>
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<td>Publications</td>
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<td>Policy coordination</td>
<td>- Proposal of a comprehensive Integrity Program compromising all Catalan public institutions</td>
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<td>International Cooperation</td>
<td>- Coordination, exchanges and mutual support with international organizations and with other Anti-Corruption agencies</td>
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Competencies on Catalan Public Sector and on public funded activities

Public sector of Catalonia, including all depending agencies and enterprises

— Parliament of Catalonia
— Government of Catalonia and its departments and bodies
— Local governments: municipalities, counties, metropolitan areas,...
— Public companies
— Inter-administrative consortiums and public foundations
— Public universities
— Other public and private law instrumental bodies governed or financed by Catalan public institutions

Private companies, NGOs and individuals, when running public services, receiving public subsidies or procuring goods and services or executing works contracted by public institutions.
Investigations’ process

COMPLAINTS AND DETECTION
- Receives complaints from civil servants and citizens
- Detects by its own irregular conducts

INITIAL ASSESSMENT

INVESTIGATION
Guiding Principles
- Confidentiality
- Diligent procedures
- Proportionality

RESULTS
- When... signs of offences, notifies to Public Prosecutor
- When... administrative infringements, proposes disciplinary sanctions to the institution affected
- When... non-punishable conduct, may propose preventive actions to the institution affected
- When... lack of grounds closing of the file

CLOSING OF THE FILE
- Whistleblower’s protection
- Non disclosure of identity
- Multi-disciplinary team
- May urge the adoption of interim measures
Special investigative tools

— Visits to public institutions’ premises, without prior announcement

— Interviews with any person having relevant information

— Requirements to financial entities to obtain bank accounts’ information
During the first 12 months*, the Office has received 145 complaints: 3 per week

* From 1st October 2009 until 30th September 2010
Sources of complaints

- Individual: 64%
- Anonymous: 8%
- Private companies: 5%
- Detection by the office: 1%
- Public Prosecutor and other institutions: 6%
- Political parties: 16%
Channels of entrance of complaints

- In-situ: 37%
- By post: 27%
- By e-mail: 34%
- By fax: 1%
- By courier delivery: 1%
Complainants: disclosure of identity

- Anonymous: 8%
- Identified: 86%
- Identified but demanding non-disclosure of identity: 6%
Investigations: institutions investigated
The Anti-Fraud Office: organisation and resources

- 46 professionals
- 6 M€ annual budget

Diagram:
- Director
  - Private Sector
  - Institutional Relations, Visibility and Participation
  - Prevention
  - Analysis
  - Investigation
**Anti-Fraud Office of Catalonia: which model***?

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<thead>
<tr>
<th>Universal</th>
<th>Investigative</th>
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<td>ICAC, Hong Kong</td>
<td>CPIB, Singapore</td>
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<th>Multi-Agency</th>
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<td>ICAC, New South Wales (Australia)</td>
<td>Office of Government Ethics, US</td>
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*Source: World Bank, *Anti-Corruption Commissions: panacea or real medicine to fight corruption*, 2004
At the service of the integrity of our public institutions

www.antifrau.cat