

REPUBLIC OF BULGARIA
MINISTRY OF THE INTERIOR
NATIONAL POLICE SERVICE
CHIEF DIRECTORATE “CONTER ORGANISED CRIME”
1407 Sofia, Bulgaria, 45 “Cherni Vrah”Bvld.

REPORT

Cooperation among the state institutions in the fight against and prevention of corruption in all areas of economic and administrative sector

In all areas of the social and economic life of the country corruption causes huge material and moral damages. The result of the corruptive activities exercises substantially affects the authority of the state institutions, the confidence in them and the motivation of the state officers to work in favour of the social interest, which in fact is their main vocation. The effect it exercises on the citizens is extremely negative. In community consciousness corruption compromises the generally accepted moral values and forms a negative attitude towards civil society as a whole. From these social attitudes suffers also the authority of the state officers, who being reduced to the effect of the “common denominator”, because of their unscrupulous colleagues, without taking part into corruptive activities, are accepted by the society with distrust. This additionally serves as a de-motivation for the state officers and combined with the bad example of their colleagues, who have turned their official quality into welfare source, deteriorates the state machinery and fully distorts the perception of official ethics, moral and good practice. A strong accelerator of that de-structuring in the state bodies are the tolerance and the impunity of such activities or the deliberate creation by normative, institutional, administrative or organisational way of suitable conditions for forming a corruptive pressure on state officers or for developing corruptive practices.

The direct result of its showing up is the delay of the social and economic development of the country as a consequence of the embezzlement of considerable proceeds from the public funds, reducing of the living standard and negative influence on the middle class development process, which is in the basis of the public and economic prosperity. It causes bankruptcy of the little and middle enterprises, which all over the world are considered the backbone of the economy. It breaks up competition environment, which is the basis of the market economy and creates monopolies in entire branches of the economy. As a result the monopoly profit forms large amounts of money proceeds – object of

corruptive embezzlement. The final result is delay in the normal capital and fund market and obstruct the investment abilities of the state.

Having in few words gone through the social evil that this phenomenon presents, we must confess that whatsoever material losses corruption causes in all areas, the most dangerous are its forms in the law-enforcement and judicial state authorities, health institutions and the structures that monitor the fund from European programs, public finances, education, local authorities and social activities. These areas are directly connected to the social and economic development of our country and without decisive activities directed to prevention and countering corruption our country will slow down its own development and the distance separating it from other EU member-states will constantly increase. Taking all this into consideration we should also agree with the conception that prevention and countering corruption is main task for the whole society, state and institutions, bodies and structures. That is why there should be united action and co-ordination among all law-enforcement, judicial and right protecting institutions, which are normatively involved in this fight or it is officially proclaimed in their statutory documents.

In this direction the activities of the MoI are purposeful, successive and appropriate with the functions, rights and obligations granted to the MoI bodies in conformity with MoI Act, the Regulations for its Implementation and the procedure articles of Criminal Procedure Code. According to the provisions of Article 52, line 1, section 4 from MoI Act, the National Police Service and its subdivisions are called upon to tackle organised crime and corruption with all legally based measures and methods. According to Article 75, section 13d from the Regulations for the Implementation of MoI Act, the staff of Chief Directorate “Counter Criminality, Maintaining of Public Order and Prevention” is granted functions on prevention, interception, uncovering and investigation of crimes related to forms of corruption in state and municipal administration and their regional structures. In conformity with Article 80 from the same Regulations Chief Directorate “Counter Organised Crime” is granted the responsibility to uncover and investigate the organised criminal activity of domestic and transnational criminal groups involved in using corruptive mechanisms in order to exercise influence for realisation of profits and for escaping criminal pursuit. The provision of this article substantiates the objects that are of operative interest for CDCOC, namely corruptive activities of officers working in favour of organised criminal groups and corruption among judicial authorities.

In conformity with the provisions of MoI Act all units of the MoI have tasks on interception, prevention and uncovering of corruptive activities having structures within the chief directorates specialised in this field of action. At the MoI there is a specialised structure created – “Internal Security”, which along with the “Inspectorate” Directorate is engaged in the work on these tasks and

both units have specific concrete functions and are closely specialised in the fight against corruption inside the system of MoI.

In conformity to the legal provisions countering corruption is a priority in the work of judicial authorities. At Supreme Cessation Prosecutor's Office there is a specialised department created, which deals with such issues with priority.

Within the Council of Ministers of R Bulgaria functions an interministerial commission for fight against corruption, which coordinates and manages this activity at the level of the separate ministries where there are internal commissions created in order to counter this negative phenomenon. There are anti-corruption units build up in state and local administration and there are also inspectorates functioning at the central institutions for which these activities are dealt with priority. Unfortunately at present the analytical and preventive activity of these unit is not at the necessary level. Usually their work is putting a stress over the subsequent control without undertaking active measures on diagnosing areas and activities put to corruptive pressure or forming corruptive schemes. It is necessary to change this practice and to overcome the passive position of the inspecting structures. It is necessary to change the attitude from planned and following control to analysis of the current situation and thus determining the risk areas and the narrow places in the administration round which corruptive practices are formed. This will create a possibility to undertake as prevention normative, administrative, disciplinary and personnel measures aiming at changing the bad practice of tolerating such corruption nests. All mentioned before explains the low level of signal function of these units as far as notification of competent authorities for established corruptive practices, legally regulated at first sight via which state officers use to blackmail citizens and companies and receive bribes. The most obvious example for such practices is the use of consultant services for the preparation of documentation and projects related to receiving money Euro funds, licences, permission regimes, accountant services, customs mediation, etc. All these corruptive practices have "a Legal uniform sewn" and they are known among the State and local administration and it is obvious that the inspecting units using their means and methods are not efficient and are not in the position to counter them. And that is the place of their signal function – to analyse the activity, to state the existence of such practices and to inform the competent authorities, which using the specific methods and measures at their disposal to supply with documents the criminal activity and to pass on the persons taking part in these corruptive schemes to the Prosecutor's Office.

At the National Assembly there is a permanent commission for fight against corruption functioning, whose tasks are concentrated in the area of legislative activities and subsequent control on signals for corruption at high levels of the executive power.

For the lawenforcement and judicial institutions the functions and tasks are regulated and they need to coordinate their mutual actions considering the

priority and joint action in direction of guarding public interest. The role of the society and the NGO should not be underestimated. As in all crimes the corruptive activities are connected with harming of interests. The same character of this type of crimes is distinctive with its latency and conspiracy. In the vast number of cases of corruption the mutual benefit for the persons involved in corruptive schemes make the data environment hermetically sealed and these activities stay covered for the public and their existence could be only supposed by the side results. This characteristic feature is mostly sensible when in result of the corruptive activities not the personal but the joint public interests are harmed, namely absence of concrete plaintiff, who is supposed to inform the police or the Prosecutor's Office about the crime perpetrated. MoI units basing on their specific operative means and measures regulated by the MoI Act counter this type of crimes effectively, but it should be pointed out that the countering area could be much more wider if there is an atmosphere build up amongst the administration and the whole society of intolerance and negative attitude towards such socially dangerous activities.

In this direction MoI tries very hard to overcome this apathy and the wrongly perceived tolerance towards such events. In order to achieve this aim a vast information campaign has been undertaken directed to reveal to the public the real dimensions of the harms corruption causes by all its forms. We can stress with optimism that the first positive public reactions following the results achieved in countering corruption and their masmedia reflection are already a fact. These results turned up fight against corruption into public topic No1 and induced an active position in the citizens, strong confidence in police and other lawenforcement authorities, expressed in constant increase number of signals for corruptive practices received received on MoI hot lines.

With the entering into force of the new MoI Act, after having consultations with the Chief Prosecutor, a new section for "Countering corruption in Judicial System" has been created at CDCOC. Officers from this section are working in close cooperation with the Inspectorate and the specialized department for fight against corruption and organised criminality at Supreme Cassation Prosecutor's Office.

In the spirit of Chapter II of the UN Convention for fight against corruption a lot of changes have been made in the provisions regulating the activity of the ministry – the staff of the ministry is recruited by competition and also the human resources policy of the ministry is based on competition grounds. An "Ethic Code" has been accepted, which regulates in details the rights, the obligations and the demands towards MoI officers.