



OECD Public Governance Reviews

OECD Integrity Review of the Slovak Republic

DELIVERING EFFECTIVE PUBLIC INTEGRITY POLICIES



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POLICIES

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Foreword

The Government of the Slovak Republic has a strong mandate to translate the current political momentum on anti-corruption into impactful reforms. The concern over corruption was a key campaign issue in the 2019 Slovak presidential election and the 2020 parliamentary election, and remains at the forefront of public debate. In 2018, thousands of Slovaks took to the streets to protest corruption in response to the murder of an investigative journalist and his fiancée. Moreover, the 2020 Eurobarometer Survey showed that 87% of individuals consider corruption to be widespread in the Slovak Republic, compared to an EU average of 37% (European Commission, 2020). In addition, 52% of Slovaks believe that corruption has increased over the last three years.

Having taken office in 2021, the Government of the Slovak Republic has made it clear that anti-corruption and integrity efforts require bold action. This OECD Integrity Review forms part of that action, and aims to support the Government Office of the Slovak Republic in delivering on its democratic commitments and to help strengthen the Government's measures to combat corruption.

The Review builds on the longstanding co-operation between the Slovak Republic and the OECD on public integrity and analyses key elements of the Slovak Republic's integrity system, namely the anti-corruption strategy, integrity standards, risk management, a whole-of-society approach against corruption, and lobbying. It provides recommendations in line with international good practices and the 2017 *OECD Recommendation on Public Integrity*, such as ensuring coherence in strategic anti-corruption policy measures, strengthening corruption risk management practices, and improving the regulatory framework for interactions between the public and private sectors.

The review was approved by the OECD Working Party of Senior Public Integrity Officials (SPIO) on 14 January 2022 and declassified by the Public Governance Committee on 14 February 2022.

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Under the direction and oversight of Julio Bacio Terracino, Head of the Public Sector Integrity Division in GOV, this review was co-ordinated by Jeroen Michels and Carissa Munro, and the chapters were written by Pauline Bertrand, Elisabeth de Vega Alavedra, Lisa Kilduff, Jeroen Michels, Carissa Munro, and Gavin Ugale. The report greatly benefitted from the insights and comments from Santiago Wortman Jofre, Laura Thomas, Sam Brown, Emma Cantera and Carla Musi. The review was prepared for publication by Meral Gedik. Charles Victor provided valuable administrative assistance.

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Executive summary

Public integrity is a cornerstone of democracy. By safeguarding the public interest and restoring confidence in the policy-making process, public integrity helps make economies more productive, public sectors more efficient, and societies more inclusive. Recognising the necessity of public integrity, the Government of the Slovak Republic has introduced strategic measures – outlined in the Anti-Corruption Policy of the Slovak Republic for 2019-2023 – to combat corruption and promote integrity across the whole of government and society. With a clear roadmap in place, the Slovak Republic can now invest in closing gaps in the existing legislative and policy frameworks, and ensure implementation of public integrity measures across government and society.

Main findings and recommendations

The Slovak Republic has made significant progress towards a strategic approach to public integrity by developing the “Programme Statement of the Government of the Slovak Republic for the period 2020-2024”, the “Anti-Corruption Policy of the Slovak Republic for 2019-2023”, and the national and sectoral anti-corruption programmes. Together, these documents provide a solid basis for addressing a wide range of integrity risks across government and society. To ensure they deliver the desired impact, the Slovak Republic could fine-tune the strategic objectives by applying a risk-based approach, allocating appropriate financial resources, and strengthening the monitoring and evaluation framework. Moreover, to keep these documents relevant and incorporate emerging integrity risks, the Slovak Republic could establish a strategic steering group to guide modifications. While the government has engaged stakeholders in the design of the anti-corruption measures, a formal procedure could be established to ensure that such consultations are regular and inclusive.

Efforts are ongoing to strengthen a culture of public integrity in the public sector, but gaps remain. To close these gaps, the Slovak Republic could merge the separate Anti-Corruption Co-ordinator and Ethics Advisor functions into one role to improve clarity and avoid duplication. Awareness raising and training on integrity standards for civil servants could be expanded, with clearer guidance on how to manage and prevent conflicts of interest. The Slovak Republic could also strengthen standards on pre- and post-public employment in the Act on Conflict of Interest and the Civil Service Act, and support implementation with tailored guidelines. It could continue the preparation of a Code of Ethics for political and appointed staff, and support implementation by strengthening parliamentary oversight. Other measures to improve the integrity culture in the public sector include strengthening merit-based recruitment and integrity leadership; enhancing institutional capacity to process, verify and audit asset declarations; and continuing to develop new ways to ensure the effective protection of whistleblowers.

The Slovak Republic has also put in place measures to strengthen corruption risk management in government agencies. The Corruption Prevention Department (CPD) plays a critical role in implementing these measures, overseeing the identification and mitigation of corruption risks, guiding government agencies in their own efforts to manage corruption risks, and assessing corruption risks across government. To effectively carry out these functions, the CPD could make better use of external audit

reports and risk registries from government agencies in assessing risks. In addition, the CPD could broaden its assessments to include emerging anti-corruption risks, and could illustrate the value of its assessments by disseminating the results more widely. The CPD could also develop targeted training activities for government agencies, and provide materials such as risk matrices and templates to help government entities improve risk evaluation. To enhance individual risk assessments and coherence across agencies, the CPD could also consider establishing corruption risk management working groups made up of government officials. Furthermore, the CPD could devise communication strategies to raise awareness among citizens and draw greater attention to the CPD's work. Finally, the CPD could develop a guide for government officials to explain how to carry out risk assessments, including the use of internal audit reports.

A cornerstone of the Slovak Republic's strategic approach is exploring new ways to engage society in the fight against corruption. This "whole-of-society" approach to public integrity calls on companies, civil society organisations and individuals to ensure that their engagement with the public sector respects the shared ethical norms, principles and values of society. Given that public integrity is essential for well-functioning civil society organisations, the Slovak Republic could establish proportionate rules and controls on financial transparency for civil society organisations. To help businesses improve integrity in their operations, the Slovak Republic could set legal standards, sanctions and incentives for business integrity, and prepare guidance to help companies implement business integrity practices. Building on past projects to mainstream integrity values in the school curriculum, the government and civil society could establish a multi-stakeholder working group with responsibilities for strengthening current efforts on education for integrity. This working group could develop training for educators, along with a monitoring and evaluation framework to assess the impact of the training.

Access to information legislation, the inclusive participation of stakeholders in policy making, and integrity and transparency in lobbying are all important for ensuring a level playing field for business and for promoting informed public decision making. To strengthen stakeholder participation, the Slovak Republic could build on its existing legislative framework for access to information, extend coverage of its law to all relevant actors, establish an oversight body, and include public interest and harm tests. Moreover, it could ensure that mandatory public consultations are adequately implemented. Finally, with a new lobbying bill under preparation, the Slovak Republic could ensure that the lobbying framework covers all efforts to influence the policy-making process across all branches of government. To be comprehensive, the framework could stipulate that information on lobbying activities be made publicly available, assign clear responsibilities for monitoring compliance with the lobbying regulations, establish sanctions for non-compliance, and ensure sufficient resources are provided to achieve the objectives of the law.

1 Delivering a strategic approach to public integrity in the Slovak Republic

This chapter considers how the Slovak Republic can bolster its strategic policy objectives on integrity and anti-corruption. In particular, it addresses channels through which strategic decision making can be achieved, such as by engaging in dialogue with civil society and private sector stakeholders and by developing and integrating anti-corruption measures at the subnational level. This chapter also highlights the need to incorporate risk-based problem analysis into the design of the strategic objectives, and considers the benefits of creating budget and monitoring and evaluation frameworks. Finally, this chapter emphasises the necessity to communicate about the anti-corruption strategy to build trust in government efforts to promote public integrity and accountability.

Introduction

A strategic approach for public integrity is essential for directing and supporting a coherent and comprehensive fight against corruption. As such, it is not an end in itself but rather a means to an end, and in order to serve its cause and be relevant, a strategic approach needs to be underpinned by evidence on integrity risks and drivers of corruption, and by objectives and measurement framework. As the OECD Recommendation on Public Integrity stipulates: adherents should “develop a strategic approach for the public sector that is based on evidence and aimed at mitigating public integrity risks, in particular through:

1. Setting strategic objectives and priorities for the public integrity system based on a risk-based approach to violations of public integrity standards, and that takes into account factors that contribute to effective public integrity policies.
2. Developing benchmarks and indicators and gathering credible and relevant data on the level of implementation, performance and overall effectiveness of the public integrity system” (OECD, 2017^[1]).

The process of strategy development is as important as the resulting strategy. An inclusive and rigorous strategy development process can help select relevant strategic objectives that are meaningful to citizens and businesses; prioritise and sequence actions in an open manner to address the most crucial integrity risks; and provide the necessary evidence for the interventions that are most cost-effective and likely to have the greatest impact. Strategies are also a way of demonstrating commitment and can be used to establish institutional responsibilities. If however, strategies do not lead to visible gains – for example, due to inadequate implementation – they can at best become irrelevant and at worst erode public confidence in national authorities (OECD, 2020^[2]).

In recent years, the Slovak Republic has advanced its strategic approach for fighting corruption and promoting integrity through a number of strategic policy documents:

- The Programme Statement of the Government of the Slovak Republic for the period 2020-2024, also called “Government Manifesto”.
- The Anti-Corruption Policy of the Slovak Republic for 2019-2023.
- Anti-Corruption Programmes: A National Anti-Corruption programme developed by the Office of the Government, and Sectoral Anti-Corruption Programmes by respective ministries and government agencies.

The Programme Statement of the Government of the Slovak Republic for the period 2020-2024, or “Government Manifesto”, sets out the key priorities of the current coalition government, which was formed on 21 March 2020 following parliamentary elections on 29 February 2020. The fight against corruption was the most prominent theme in the election campaign in the wake of the murder of an investigative journalist and his fiancée in February 2018, which had sparked mass protests. This priority is strongly reflected in the Programme Statement: the first two chapters are dedicated to the fight against corruption and the restoration of rule of law respectively (see Box 1.1).

Box 1.1. 2020-2024 Programme Statement of the Government of the Slovak Republic Anti-corruption highlights

In the 2020-2024 Programme Statement, the Government of the Slovak Republic has set the following objectives and policy measures:

Chapter 1: Fight against corruption

- Zero tolerance approach to corrupt behaviour.
- Goal to improve the position in the Corruption Perception Index of Transparency International by 20 places (the Slovak Republic currently ranks at 59th place out of 180 countries).
- Asset declarations for public officials: revision of the law on asset declarations; introducing an effective tool for sanctioning illegal income; establishment of an independent institution for asset declarations.
- Adopting legislation on lobbying, including a lobbying register, a code of conduct, and policy measures to resolve conflicts of interest and so-called “revolving door practices”.
- Strengthening the powers of the Supreme Audit Office and the Public Procurement Office.
- Building professional and transparent state administration, with a focus on ethics, integrity, qualified personnel, and fair and transparent processes.
- Adopting a strategic plan for human resources in the civil service, including policy measures to promote fair and transparent recruitment.
- Adopting transparent selection procedures for top posts in State-Owned Enterprises.
- Strengthening the position and independence of the Public Procurement Office.
- Adopting policy measures to promote open government at all levels, including in regions and municipalities; revision of the Freedom of Information Act.

Chapter 2: Rule of law

- Reform and modernisation of the judiciary system, with a focus on fighting corruption and bribery in the judiciary system.
- Initiating ethical committees and tools for solving ethical dilemmas in the legal profession.

Source: Government of the Slovak Republic (2020), <https://www.teraz.sk/download/135/programove-vyhlasenie-vlady.pdf>.

The Anti-Corruption Policy was adopted in December 2018 and provides a policy framework for corruption prevention, with a focus on public administration, for the period 2019-2023 (see Box 1.2). The Policy applies and promotes a risk-based and evidence-based approach for integrity policies. Moreover, it lays the foundations for a whole-of-government approach, involving line ministries and central authorities in the formulation and implementation of the Policy. Implementation arrangements include the appointment of Anti-Corruption Co-ordinators in all line ministries and central authorities, which together form the Board of Anti-Corruption Co-ordinators, a working group facilitated by the Corruption Prevention Department (CPD) of the Office of the Government of the Slovak Republic. Furthermore, it sets a number of definitions (e.g. on public interest), which provides clarity regarding the terminology.

Box 1.2. Anti-Corruption Policy of the Slovak Republic for 2019-2023

The Anti-Corruption Policy has been drawn up by the Corruption Prevention Department (CPD) of the Office of the Government of the Slovak Republic and focuses on corruption prevention at the national level. Based on an analysis of strengths, weaknesses, opportunities and threats (SWOT) related to the anti-corruption context in the Slovak Republic, the priorities of the Anti-Corruption Policy are:

1. To promote and protect the public interest by reducing the room and opportunities for corruption.
This includes policy measures in the area of asset declarations, whistleblowing, conflict of interest management, risk assessments, public employment, anti-corruption awareness-raising and promotion of a culture of integrity.
2. To improve the quality of the legislative and regulatory environment.
This includes policy measures to prevent policy and regulatory capture, regulate lobbying, increase transparency in the legislative process.
3. To improve conditions for entrepreneurship.
This includes policy measures to promote integrity in the interface between private and public sectors, such as in public procurement, licensing, concessions, subsidies.

The Anti-Corruption Policy also sets out a number of institutional and implementation arrangements, including:

- CPD will draw up and implement the National Anti-Corruption Programme.
- Each line ministry and central authority is required to draw up and implement its Sectoral Anti-Corruption Programme.
- Each line ministry and central authority is required to appoint an Anti-Corruption Coordinator.
- A Board of Anti-Coordinators (“Board”) should be set up and facilitated by CPD, to bring the Anti-Corruption Coordinators together for knowledge sharing and implementation support.
- CPD will co-operate with business organisations and civil society in the area of corruption prevention.
- The establishment of an Office for the Protection of Whistleblowers as an independent organisation.

Source: Resolution of the Government of the Slovak Republic No. 585 of 12 December 2018 on the Proposal for Anti-Corruption Policy of the Slovak Republic for 2019-2023.

As stipulated in the Anti-Corruption Policy, the Policy is implemented through Anti-Corruption Programmes. A government-wide National Anti-Corruption Programme (NACP), developed by CPD in 2019, guides the implementation of policy measures that are not sector-specific and typically involve two or more institutional partners. The NACP lists 14 objectives, corresponding with 14 policy measures. For each policy measure, a description is provided, together with a designated responsible government entity, supporting partners, and a timeframe for implementation. In addition to the NACP, Sectoral Anti-Corruption Programmes are being developed by each line ministry and government agency, listing policy measures within their area of competence, also with specific timeframes for implementation. The ministries and agencies are responsible both for the formulation and implementation of their respective Sectoral Anti-Corruption Programme.

Increasing impact and coherence of the strategic policy documents

The Programme Statement, the Anti-Corruption Policy and the Anti-Corruptions Programmes are mutually supporting documents, each serving a complimentary role at the political, policy, and implementation level respectively. They provide a solid basis to effectively address a wide range of integrity risks and contribute to the current policy reform momentum on anti-corruption in the Slovak Republic. Moreover, they reflect a whole-of-government effort to fight corruption and also mobilise stakeholders from the private sector and civil society. Last but not least, the network of functioning and responsive Anti-Corruption Coordinators is a significant institutional policy response to strengthen co-ordination and policy coherence.

Notwithstanding these significant strengths, the strategic impact and coherence of these policy documents could further be optimised through: 1) fine-tuning the strategic objectives, applying a risk-based approach; 2) matching budget allocations for policy implementation; and 3) setting up a measurement framework.

The Slovak Republic could deepen the problem analysis to identify key risk areas and to inform strategic policy objectives on anti-corruption

The Anti-Corruption Policy lays out the conceptual and institutional approach for corruption prevention in a comprehensive manner, however, in its current version, the analysis of corruption risks is limited, hindering the identification and prioritisation of thematic and sectoral priorities.

In order to be effective, a national anti-corruption strategy should be based on an accurate assessment of the problems and challenges that the particular country faces in combating corruption. This preliminary diagnosis, sometimes termed a “problem analysis” or “situation analysis”, consists of two main elements: an assessment of the nature, extent and impact of the country’s corruption problems; and an assessment of the obstacles that may hinder the implementation of effective anti-corruption reform (OECD, 2020^[2]; UNODC, 2015^[3]). The latter is reflected in the SWOT analysis of the anti-corruption policy environment, which identifies both elements that are hindering and conducive to the implementation of anti-corruption policy measures.

The former, a problem analysis across sectors, is largely absent in the current strategic framework. Although the Anti-Corruption Policy claims to “[...] respond[s] to current challenges and anti-corruption trends in the Slovak Republic [...] (Anti-Corruption Policy, section 2)”, it remains unclear what those challenges and trends are in practice. A small number of corruption risk areas are mentioned, such as public procurement, EU funds, and lobbying. Reference is also made to reviews by international organisations, to the ranking of the Slovak Republic in the Corruption Perception Index and to the estimated credibility of the actors in the justice system measured by the EU Justice Scoreboard. The Anti-Corruption Policy indicates a number of policy measures and solutions, but an account of the underlying diagnostics is not provided. Thus, a number of relevant questions remain unanswered: What sectors of the economy are most affected? What are the corruption mechanisms at play? In what government agencies is corruption most prevalent? How frequently do integrity violations occur in the public sector? Which forms of corruption have the most negative impact on service delivery or on the business climate? Collecting evidence around these questions informs the strategic approach and enables the government to set priorities, allocate resources, and align the strategic objectives accordingly.

In the current strategic framework of the Slovak Republic, the problem analysis is planned for at sector level, as one of the first steps for implementing the Anti-Corruption Policy. Identification of corruption risks at sector level is delegated to line ministries and central authorities through the risk assessment tool that is currently being rolled out across public institutions. It is expected that these risk assessments “[...] shall provide an evidence base for designing efficient and realistic anti-corruption programmes across sectoral bodies and for the development of effective anti-corruption measures” (Anti-Corruption Policy, section 7.3).

Although these risk assessments will yield valuable information about corruption risks at sector level and can inform the Sectoral Anti-Corruption Programmes, it remains unclear how this information will be translated at an aggregated level into government-wide anti-corruption priorities. Moreover, the evidence base may still lack information on the bigger picture, beyond the sum of the sectoral risk assessments, which is necessary to prioritise efforts, identify emerging risks across sectors, as well as understand which groups in the population are affected more than others.

Furthermore, there is no official body or platform mandated to conduct a strategic government-wide situation analysis nor to drive a strategic policy discussion and provide strategic guidance and direction to the Anti-Corruption Policy across line ministries and government agencies. (These institutional issues will be further elaborated on and addressed below).

Without a strategic-level government-wide problem analysis and policy co-ordination platform, a risk of a silo approach may emerge and become institutionalised, with each line ministry identifying (through the sectoral risk assessment) and (through the Sectoral Anti-Corruption Programme) the corruption issues within their sector and mandate. This may further lead to issues in terms of policy coherence, such as sub-optimal or incompatible policy measures across sectors, or inefficient government spending due to duplication of efforts.

Therefore, the Slovak Republic may conduct a problem analysis to inform a strategic policy discussion on anti-corruption and to inform future updates of the National Anti-Corruption Policy. The problem analysis can be based on the sectoral risk assessments, an assessment of the country's current experience in combating corruption, an analysis of corruption emerging from corruption cases and investigations, assessments of international partner organisations (such as EU, GRECO, OECD), academic reports, reviews by civil society organisations and private sector organisations. Across the OECD, 45% of existing strategies were based on thorough problem analysis and integrity risk assessment, while four countries took a comprehensive wide sweep of the whole public integrity area by setting up an inter-institutional body to prepare an analysis on public integrity risks (see Figure 1.1).

Figure 1.1. Use of evidence-based problem analysis and diagnostics when developing integrity strategies, 2020



Note: Data for Belgium, Chile, Denmark, Estonia, Greece, Ireland, Israel, Italy, Korea, Luxembourg, New Zealand, Slovenia and the United States are not available.

Source: OECD Public Integrity Indicators (2020).

StatLink <https://stat.link/8bjo7l>

Some examples of such problem analysis are the assessment of the corruption environment in the United Kingdom, (Box 1.3), which informed the United Kingdom Anti-corruption Strategy 2017-2022.

Box 1.3. Setting a strategic approach to integrity and anti-corruption in the United Kingdom

The United Kingdom Anti-corruption Strategy 2017-2022 seeks to provide a long-term framework for ensuring a safer, more prosperous and more confident future based on concerted UK action against corruption. The strategy is informed by a detailed analysis of key corruption risk areas, based on data from the following sources:

1. Data of sociological surveys, such as the Ipsos MORI Veracity Index, 1993-2016, the Control Risk 2015 International business attitudes towards corruption, and the PWC 2016 Annual Global CEO Survey.
2. Results of the implementation of the 2014 UK Anti-Corruption Plan.
3. Analysis of the impact of anti-corruption laws in the public and private sectors, based on the results of the London Anti-corruption Summit of 2016.
4. Political and legal factors, such as the effects of Brexit or the leading role of the United Kingdom on pushing for a beneficial ownership transparency agenda, which details the efforts of the United Kingdom to implement international standards on anti-corruption.

Based on this situation analysis, the Strategy identifies priority areas for anti-corruption, including strengthening the integrity of the United Kingdom as an international financial centre; reducing the insider threat in high-risk domestic sectors; promoting integrity across the public and private sectors; reducing corruption in public procurement and grants; improving the business environment globally; and working with other countries to combat corruption.

Source: The United Kingdom Anti-corruption Strategy 2017-2022, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/667221/6_3323_Anti-Corruption_Strategy_WEB.pdf

Building on this, a problem analysis may help fine-tune the strategic objectives of the Anti-Corruption Policy in the Slovak Republic. The Anti-Corruption Policy currently identifies 3 priority areas:

- Priority 1: To promote and protect the public interest by reducing the room and opportunities for corruption.
- Priority 2: To improve the quality of the legislative and regulatory environment.
- Priority 3: To improve conditions for entrepreneurship.

Each of these priority areas lists a number of objectives, ranging from “creating an environment that emphasises the protection of the public interest and rejects corruption-related practices” to “reducing the adverse impact of corruption risks on business and investments in all sectors of the economy”. The priority areas and objectives are formulated in broad terms, which may inhibit prioritisation and allocation of resources. Also here, much of the prioritisation is outsourced to line ministries and sector-level agencies and authorities, which is useful for issues within their direct scope or mandate, but does not provide sufficient direction at government-wide level.

Informed by a deepened problem analysis, the Slovak Republic may further fine-tune the objectives of the Anti-Corruption Policy. Objectives should be directly linked to the findings of the problem analysis, with major integrity risks identified in the problem analysis clearly addressed through primary objectives.¹ In order to fine-tune the existing objectives, the Slovak Republic may select a number of priority sectors or issues, and formulate measurable strategic objectives to address these issues. The UK Anti-Corruption Strategy 2017-2022 may serve as an example here (Box 1.4).

Box 1.4. UK Anti-Corruption Strategy 2017-2022

Published in December 2017, the UK anti-corruption strategy establishes a longer-term framework to guide UK government efforts to tackle corruption at home and abroad in the period to 2022. It sets out a longer-term vision of anti-corruption action leading to:

1. reduced threats to national security
2. stronger economic opportunities (especially for British business)
3. greater public trust and confidence in institutions.

This strategy sets out 6 priorities, and for each of the priorities, a number of measurable goals are set:

Priority 1: Reduce the insider threat in high-risk domestic sectors such as borders and ports

Goals:

- reduced vulnerability to corrupt insiders in four critical sectors (borders, prisons, policing and defence)
- increased awareness of the insider threat in higher-risk sectors.

Priority 2: Strengthen the integrity of the United Kingdom as an international financial centre

Goals:

- greater transparency over who owns and controls companies and other legal entities
- stronger law enforcement, prosecutorial and criminal justice action
- further enhanced anti-money laundering and counterterrorist financing capability
- stronger public-private partnership, to share information and improve targeting of those who pose greatest risk.

Priority 3: Promote integrity across the public and private sectors

Goals:

- greater public sector resilience against the threat of corruption
- a more open government that is trusted by citizens, with robust protections for whistleblowers
- strengthened UK private sector integrity
- greater integrity in domestic and international sport.

Priority 4: Reducing corruption in public procurement and grants

Goals:

- greater procurement transparency, enabling better identification and mitigation of corruption risks
- strengthened awareness and capability within contracting authorities
- greater confidence in efficient and legitimate contract management.

Priority 5: Improving the business environment globally

Goals:

- reduced impact of corruption on trade and investment internationally

- enhanced international development finance and export finance practices
- increased investment by UK companies in challenging overseas markets with integrity
- strengthened business-led collective action to reduce corruption.

Priority 6: Working with other countries to combat corruption

Goals:

- enhanced international transparency, especially in beneficial ownership, extractives, public finance and contracting
- reduced levels of corruption in partner countries
- enhanced action to address corruption in fragile and conflict-affected states.

Source: UK Government website, <https://www.gov.uk/government/publications/uk-anti-corruption-strategy-2017-to-2022>.

The Slovak Republic could complement the Anti-Corruption Policy with a budget framework

An effective integrity strategy and action plan not only lays out a comprehensive set of substantive reforms, but also indicates the means for ensuring its implementation, monitoring and evaluation (OECD, 2020^[2]). Although the Anti-Corruption Policy sets out a number of policy measures and commits to new initiatives, dedicated and sufficient financial resources have not been assigned. In practice, section 8 of the Anti-Corruption policy requires that the expenses related to implementing the policy and the respective Anti-Corruption Programmes are borne by the respective line ministries and agencies, including the salaries of the anti-corruption co-ordinators. A minimal form of in-kind support (e.g. training venues) is available through CPD, however, there is no additional operational budget for implementation of the Anti-Corruption Policy. The lack of a matching budget framework is problematic for a number of reasons:

- **Budget transparency and commitment:** without cost (and benefit) estimates of the policy measures, it is difficult to gauge what the impact will be on government resources; once adopted, a budget is also reflecting the commitment of the government to the policy.
- **Competing workload:** as the anti-corruption activities have to be absorbed by the budgets and existing work programme of the line ministries and agencies, they will come at the cost of other activities, creating competition and possibly conflict.
- **Incentives structure:** line ministries and agencies may refrain from exploring relevant integrity risks or implementing anti-corruption activities because they will need to pay for policy measures themselves or because they have no budget available; they may delay the appointment of anti-corruption co-ordinators or appoint less expensive junior anti-corruption co-ordinators instead of senior ones because of budgetary interest.
- **Monitoring:** a budget framework can be helpful to monitor the implementation of the policy and to identify which measures are on track or not; moreover, a comparison between the cost estimates and the actual costs can provide lessons to inform future policy discussions.

At a minimum, the Anti-Corruption Policy and the Anti-Corruption Programmes should be accompanied by a cost analysis of the various policy measures. This will provide transparency on the potential budgetary impact of the respective Policy and Programmes in terms of government expenses. For example, in Poland, section 4.4 of the Government Programme for Counteracting Corruption for the years 2018-2020 includes a brief financial plan with an estimate of the overall expenditure.

In addition, an overview of the budget allocation for each policy objective would be helpful to ascertain whether enough resources have been mobilised compared to the estimated costs, and whether additional funding is required. The overview of allocated budget could indicate the allocated funds from the central government and the line ministries' respective budgets, much they provide in-kind, and how much they mobilise through international donors.

Moreover, a budget framework would also allow for monitoring of the implementation of the Policy and Programmes in terms of budget. The actual spending could be reflected in a budget dashboard, showing which parts are on track, whether there are delays or cases of overspending.

CPD would be well-placed to lead the costing exercise, to draw up the budget overview and to collect information on the spending through the network of Anti-Corruption Coordinators. CPD could further analyse the developments related to the budget and spending situation, which would in turn be relevant information for the strategic policy discussion on anti-corruption.

As the process for requesting additional budgets or obtaining budget approvals is lengthy, especially once a policy is already being rolled out, it is advised to request the budget jointly with the approval of the respective Anti-Corruption Policy and Anti-Corruption Programmes. Based on Act No. 523/2004 Coll. on Budgetary Rules of Public Administration, any budgetary update should be part of the consultation process with the Ministry of Finance. If any public institution would like to change or update its budget, this request should be officially sent to the Ministry of Finance in a document named "Request for a Budgetary Measure". This process may take several months to over a year to complete.

The Slovak Republic could strengthen the monitoring and evaluation framework to guide the strategic approach on anti-corruption

A strategic approach requires identifying indicators and establishing their baselines, milestones and targets. Indicators should reflect the strategic objectives, some of which may be part of the strategy document and others part of the action plan. The goal of indicators is to support comparability over time. This allows for benchmarking that can assess the effectiveness of different interventions in the strategy and in other parts of the public integrity system. In a national context, such benchmarks can be established using a before-and-after approach, if indicators are established and data collected well in advance of implementing the strategy, or a with-and-without approach where the performance of a comparison group is measured alongside the treatment group (OECD, 2020^[21]). Without a solid framework of indicators, baseline values and targets, it is difficult to assess which integrity policy issues are effective, and which are not. A lack of this type of information weakens the evidence base for adjusting and updating the strategic approach and for attributing resources.

The strategic approach to anti-corruption refers to a number of indicators and targets.

- The Programme Statement of the Government of the Slovak Republic for the period 2020-2024 stipulates that "The measurable result of the declared anti-corruption measures is to achieve and improvement by 20 places in the ranking of perceived corruption by Transparency International (Corruption Perception Index, CPI)."
- The Anti-Corruption Policy 2019-2023 and the National Anti-Corruption Programme of the Slovak Republic also refer to the CPI: "According to the Corruption Perception Index published by Transparency International, the Slovak Republic ranked 57th of 180 countries in 2018, which is a drop compared to the 54th place in 2017 and the 50th place in 2015." The Programme mentions also another perception indicator: "According to the Eurobarometer survey, 85% of Slovakian citizens in 2017 thought that corruption was widespread, while the EU average was 68%."
- The National Anti-Corruption Programme of the Slovak Republic as well as Sectoral Anti-Corruption Programmes list a number of actions that need to be completed by a certain date.

A number of observations can be made related to this framework. First, perception indicators can indeed help to paint the picture about perceived corruption at a certain point in time in a country. However, using perception indicators for measuring the success of anti-corruption policies is problematic. First of all, there is no direct link between policy measures and perceived corruption. At best, a country may effectively implement anti-corruption measures and actually reduce corruption, but still suffer from a persistent high-level of perceived corruption due to other reasons, such as increased media attention because of improved detection and prosecution, or due to a number of highly visible cases. At worst, a country can score better on perceived corruption, whereas corruption risks and flaws in the governance system have not successfully been addressed. Often, the picture is mixed and attribution impossible because of the complexity. Second, the CPI score is a composite index combining at least three data sources per country. The confidence intervals are relatively large, and as a result, it is not possible to make scientifically reliable comparisons between countries with similar scores. Such large confidence intervals and the variability of measurements in other countries cast doubt on the reliability of the rankings: if a country falls a few places in the ranking, it may not in fact reflect a real deterioration in the conditions on the ground. Moreover, there is the competition element with other countries: if every country in the proximity of the Slovak Republic would improve their corruption perception levels in the same way, the Slovak Republic would still not move up the ladder. Lastly, the CPI score is a national score, and does not reflect regional or sectoral trends and developments. In sum, despite the merits for advocacy at a global level, the CPI is not suitable as a diagnostic tool or for evaluating anti-corruption and integrity policies in a particular country.

Second, the actions listed in the National Anti-Corruption Programme and in the Sectoral Anti-Corruption Programmes can be considered as output indicators, as they are specific, measurable (output completed or not) and time bound (timeframe is set). As such, they allow for monitoring the implementation of the respective Programme, through a dashboard or checklist system.

Third, the framework currently lacks indicators at outcome level. The Anti-Corruption Policy 2019-2023 lists various “achievements” but they do not provide the who, where, what and when of a goal. Outcomes reflect the intended change of the policy measures; outcome indicators measure this desired change at policy level in the short and medium term. For example, a policy can aim at empowering civil servants on ethical decision making; a policy measure is to update the code of conduct and add practical guidance on ethical dilemmas. The updated code of conduct is the output, and checking this output indicator is relatively straightforward. The outcome is an increase in civil servants’ ability to make ethical decisions. This is what the policy actually wants to achieve, and this can also be measured, for example through a survey or competence assessment among a sample of civil servants. Without indicators at outcome level, it is difficult to track progress or to make informed decisions at the strategic level, for example for priority adjustments or allocation of resources.

Furthermore, the current strategic approach to anti-corruption in the Slovak Republic makes no particular distinction between monitoring and evaluation. Under the section “monitoring”, the Anti-Corruption Policy describes the goals of monitoring and evaluation for measuring the achievement of the anti-corruption objectives, and for providing feedback on the anti-corruption policies. The National Anti-Corruption Programme also underscores the need for monitoring “to measure the success rate of the implementation of anti-corruption measures and the degree of assurance on the improvements made”. However, the concepts of monitoring and evaluation are used in an interchangeable manner.

In response, the Slovak Republic may consider a number of actions to strengthen the M&E framework on anti-corruption policy. First, CPD may identify a small number of measurable outcome level indicators for each of the priorities of the Anti-Corruption Policy. This will help to estimate whether the intended “achievements” have been met, or how far the target is still away. The OECD Public Integrity Indicators can serve as inspiration for developing these outcome-level indicators (see Box 1.5).

Box 1.5. OECD Public Integrity Indicators

Since the adoption of the OECD Council Recommendation on Public Integrity in 2017, a Task Force within the OECD Working Party of Senior Public Integrity Officials (SPIO) has been developing a framework of indicators (Public Integrity Indicators) to “measure the successful implementation of the OECD Recommendation on Public Integrity”, as described in the 2017 Roadmap for the Task Force on OECD Public Integrity Indicators. The indicator framework establishes standard indicators for the preparedness and resilience of the public integrity system at the national level to prevent corruption, mismanagement and waste of public funds, and to assess the likelihood of detecting and mitigating various corruption risks by different actors in the system. They complement the Public Integrity Handbook and the OECD Public Integrity Maturity Models.

The value added of the Public Integrity Indicators is to provide policy makers and practitioners with an international perspective on the state of play for relevant parts of the integrity system, and offer a credible alternative to existing indices. The purpose is not to rank countries, but rather to identify the multiple steps that can be taken to strengthen core parts of the integrity system. The indicators combine sub-indicators establishing minimum legal, procedural and institutional safeguards for the independence, mandate and operational capability of essential actors in the integrity system with more outcome-oriented sub-indicators drawing on administrative data and surveys.

The scope of the Recommendation requires data collection from a wide range of actors across the executive, legislative and judiciary branches. Finally, the successful implementation of the indicators will help enhance the capacity of countries to measure corruption, corruption risks, effects of anticorruption interventions and the resilience of the public integrity system and will provide an evidence-based approach to developing and implementing better integrity policies for better lives.

The Public Integrity Indicators for the OECD Recommendation of the Council on Public Integrity were validated for piloting in November 2019 by the SPIO and underwent expert consultations in May 2020. The Slovak Republic is one of the countries where the indicators were piloted for Indicator 3 on the quality of the strategic framework. Data collection for this indicator was completed between September 2020 and June 2021. The Public Integrity Indicators were launched in December 2021.

Source: OECD (2020) Public Integrity Indicators: Explanatory Note, <https://www.oecd-public-integrity-indicators.org/>.

Second, to the Slovak Republic could conduct a baseline measurement for the selected outcome-level indicators. The baseline measurement will set the current values of the outcome indicators, against which progress can be observed through subsequent measurements, for example after 2 or 4 years. CPD could lead this measurement, with co-operation of other institutions for delivering data or facilitating the measurement activity with their sector or organisation. A number of countries have established regular measurement practices on integrity in the public sector, such as the Netherlands (see Box 1.6) and Korea (see Box 1.7). Table 1.1 provides an overview of practices in select OECD countries as well as an adequacy score for monitoring and reporting.

Box 1.6. Integrity Monitor in the Dutch public administration

Since 2004, the Ministry of the Interior and Kingdom Relations in the Netherlands regularly observes the state of integrity in the Dutch public sector. To this end, civil servants (among them political office holders, secretaries-general and directors) are surveyed in all levels of government using mixed methods (including large-sample online surveys and in-depth interviews). The Integrity Monitor, which is a flexible system of integrity assessments, supports policy makers in the design, implementation and communication of integrity policies. The survey's results are reported to Parliament. The Ministry of the Interior and Kingdom Relations uses the Monitor to raise ethical awareness, detect implementation gaps and engage the decentralised public administration in taking responsibility for integrity regulations. Insights from past surveys have helped to identify priorities for anti-corruption efforts and shift integrity policies from prohibition to creating an organisational culture of integrity.

Source: Presentation by Marja van der Werf given at the meeting of the OECD Working Party of Senior Public Integrity Officials (28 March 2017, Paris); (Lambooy and de Jong, 2016^[4]).

Box 1.7. Monitoring and assessing integrity in Korea

The Anti-corruption and Civil Rights Commission (ACRC) in Korea uses two complementary assessment frameworks to monitor and assess the quality of implementation of anti-corruption efforts as well as their results: Integrity Assessment and Anti-corruption Initiative Assessment.

Integrity Assessment (IA)

Korea annually assesses integrity in all government agencies through standardised surveys. Staff from 617 organisations are asked about their experience with and perception of corruption. Furthermore, citizens who have been in contact with the respective organisations are surveyed as well as stakeholders and experts who have an interest in the work of those organisations. The answers, together with other information, are scored into a composite indicator – the Comprehensive Integrity Index.

Anti-Corruption Initiative Assessment (AIA)

The Anti-Corruption Initiative Assessment is a comparative assessment of integrity policies across government agencies in Korea. Agencies selected for assessment submit a performance report on their implementation of integrity policies. On-site visits verify the information, which is then scored by an external assessment team. This allows the ACRC to observe integrity willingness and efforts across the public sector.

Benchmarking and competition

Underperformance in the IA or the AIA does not lead to sanctions. However, the results are made public and the direct comparison of different government entities based on integrity indicators creates competition among these entities. The results also enter the Government Performance Evaluation. In addition, there are institutional and individual high-performance rewards, such as an overseas study programme for the officials presiding over outstanding integrity performance. Continuous improvement of the performance results has indicated that these incentives might be effective.

Source: Presentation by Sung-sim Min, Director, Anti-Corruption Survey & Evaluation Division, ACRC, at the meeting of the Working Party of Senior Public Integrity Officials (SPIO) at the OECD Headquarters in Paris in November 2016.

Table 1.1. Adequacy of implementation structures and reporting

Country	Strategy action plans include objectives with outcome-level indicators	Average implementation rate of activities	Overall adequacy of implementation and reporting (number of criteria fulfilled)
Australia	○	Not tracking	0
Austria	●	Not tracking	6
Canada	●	Not tracking	7
Colombia	●	Not tracking	9
Czech Republic	⊙	80%	13
Finland	○	Not tracking	0
France	○	77%	2
Germany	○	Not tracking	0
Greece	○	46%	4
Hungary	○	100%	6
Japan	○	Not tracking	0
Lithuania	●	80%	13
Mexico	●	40%	12
Netherlands	○	Not tracking	0
Poland	○	58%	11
Portugal	●	Not tracking	3
Slovak Republic	⊙	0%	6
Sweden	○	Not tracking	2
Turkey	○	Not tracking	3
United Kingdom	⊙	48%	6
Total OECD			
⊙ "Yes"	3	Avg. 58%	Avg. 5.15 (out of 15)
● "Yes, including targets"	6		
○ "No"	11		

Source: OECD Public Integrity Indicators (2020).

Third, in order to maximise the benefits of monitoring and evaluation, it is helpful to distinguish both activities (see Box 1.8). Each government institution can lead the monitoring of their respective Sectoral Anti-Corruption Programme, and report on the status to CPD. Therefore, monitoring is suitable to track progress against the timeframe and outputs listed in the Anti-Corruption Programme. As evaluation is a more comprehensive and flexible tool that can be used for selected policy areas or sectors, CPD is well-placed to commission or lead evaluations in partnership with external evaluators to avoid conflict of interest. Evaluation reports on integrity policies should be made publicly available, and it is often useful to include non-state actors either as evaluators or as part of a formal quality assurance process. Monitoring data should be actively used in evaluation reports, along with other data sources. As evaluations are specific activities, they are not for free, so it is helpful to foresee a budget for evaluation purposes. Both the information from monitoring and from evaluations can inform the design and priorities of follow-up interventions.

Box 1.8. Differences in monitoring and evaluation

Monitoring refers to the recurrent process of collecting and analysing information on a policy's direct and intermediary outputs. Outputs are the direct results in the sphere immediately affected by the policy. What functions is the policy expected to implement? This question is typically answered on the output level. In some cases, outputs of a policy are self-evident, to the degree that monitoring them becomes redundant.

Evaluation, in turn, is not a process, but a specific activity. It is an assessment of the performance and impact of a policy, either in its entirety or focusing on specific elements and issues. Evaluations may be undertaken during the lifetime of the policy (often known as reviews, e.g. mid-term reviews), but are most frequently carried out at the end to assess its impact and to learn lessons for similar interventions in future.

While monitoring is often a continuous function, evaluation involves an effort at measurement specifically set up to investigate a given policy's effect, with a causal attribution.

Source: OECD (2017^[6]), "Monitoring and evaluating integrity policies"; Mathisen et al. (2011^[6]), "How to monitor and evaluate anti-corruption agencies: Guidelines for agencies, donors, and evaluators", *U4 Issue*, No. 8, U4, Anti-Corruption Resource Centre, <https://www.u4.no/publications/how-to-monitor-and-evaluate-anti-corruption-agencies-guidelines-for-agencies-donors-and-evaluators-2>.

The Slovak Republic could consider creating a platform for strategic discussion and decision making on anti-corruption policy

Any strategic approach to anti-corruption covering multiple years can be confronted with new integrity risks, challenges in policy implementation, bottlenecks related to funding or the adoption of new legislation. Similarly, new opportunities may emerge, such as financial support by international partners, political momentum in certain policy areas, or new international standards or policy instruments. In order to adapt the approach to the evolving circumstances and to maximise the opportunities, the strategic approach should allow for a certain degree of flexibility.

As much as the Anti-Corruption Policy recognises the need for amendments or updates during the implementation phase, there is currently no formal body that can drive a policy discussion on anti-corruption at strategic level and agree on modifications to the strategic approach. In response, a group of senior officials of key institutions in the fight against corruption may convene once or twice a year, with the following role:

- to review the progress of implementation of the Anti-Corruption Policy and the Anti-Corruption Programmes, based on monitoring data
- to review the implementation in terms of budget, using data on costings and expenses (if available)
- to review the findings from the problem analysis and the sectoral risk mappings
- to review the lessons from policy evaluations
- to interpret and to make sense of the outcome level data ("what is the story behind the data?"; "what are the data telling us?")
- to check whether the strategic orientations and priorities of the respective policy documents are still valid, and agree on refinement of the policy objective and on adjustments in terms and budgets (if applicable).

The strategic-level platform may be composed of the following institutions:

- selected line ministries and other central authorities
- the Slovak National Public Prosecutor’s Office
- the National Criminal Agency
- the Office of the Government’s Plenipotentiary for the Development of Civil Society
- the Judicial Council of the Slovak Republic
- the Association of Towns and Municipalities
- representatives from the Rule of Law Initiative
- academics.

At technical and operational level, CPD and the network of Anti-Corruption Coordinators are well-equipped and well-placed to drive the implementation of the anti-corruption agenda in terms of outputs and activities, and can inform the discussions and decision making at strategic level. In practice, CPD could take up a secretariat role for the strategic-level meetings and underpin the agenda items with evidence and technical data.

The strategic level deliberations and decisions may lead to an annual follow-up report on the strategic approach to anti-corruption. This report may provide a summary of the state of play of the Anti-Corruption Policy, highlight a number of successes and achievements, and provide a justification for the adjustments in terms of priorities and budgets (if applicable). The annual update reports from the United Kingdom (see Box 1.9) may serve as an example. Moreover, to reflect the strategic nature of the platform, the term “board” or “council” may be considered.

Box 1.9. Annual updates of the UK Anti-Corruption Strategy 2017-2022

Published in December 2017, the anti-corruption strategy establishes an ambitious longer-term framework to guide UK government efforts to tackle corruption at home and abroad until 2022.

In 2018, a first update was published to adjust the strategy taking into account the United Kingdom’s departure from the European Union. The Updates, therefore, prioritises strengthening international co-operation and fostering partnerships to bolster global efforts to tackle corruption. The Update furthermore highlights the action taken since the launch of the Strategy. It details the progress made across the various commitments and demonstrates how the United Kingdom have largely fulfilled the commitments that were due by the end of 2018.

In 2019, a second annual update was published, covering the period up to and including 31 December 2019. The Update highlights progress made against the Strategy Commitments and shows that the United Kingdom continues to make progress in implementing the Commitments. The update highlights those areas where the United Kingdom had a number of notable successes and those where there is more limited progress. It provides detailed descriptions of activity across the priority areas of the Strategy and focuses on a number of key areas; the multilateral work, the Prosperity Fund anti-corruption programme and the beneficial ownership campaign.

Source: UK Government website, <https://www.gov.uk/government/publications/uk-anti-corruption-strategy-2017-to-2022>.

Adopting a strategic approach for policy delivery on public integrity and anti-corruption

Corruption is a complex phenomenon, involving and affecting citizens, business, and government. Therefore, anti-corruption action needs to go beyond government, and involve individuals and the private sector. Action should also cross all jurisdictional borders. Integrity does not only concern the national government but should permeate all the way down to municipalities where individuals experience integrity first hand (OECD, 2017^[1]). Because of the interconnectedness of corruption risks, a whole-of-government and whole-of-society approach is needed, both in terms of strategy development and policy implementation. This section addresses the former.

The Slovak Republic could set up a structural dialogue on public integrity with civil society and private sector stakeholders

Stakeholder consultation was part of the development process of the Anti-Corruption Policy. Line ministries and central authorities were consulted through the Inter-Sectoral Consultation Procedure, a mandatory online consultation process seeking comments on policy proposals. Furthermore, government institutions, municipalities, professional associations, private sector and civil society organisations and citizens could provide their comments and observations directly through the Slov-Lex web portal. Beyond these obligatory consultations, CPD held a series of informal consultations with external stakeholders to collect views and feedback. As a result, various comments from ministries and government agencies as well as from external stakeholders such as the American Chamber of Commerce and the Association of Employees were received and integrated into the draft Policy. For example, CPD has received around 15 comments from the Rule of Law Initiative, after the inter-sectoral consultation procedure 7 of these comments are part of the draft of the National Anti-Corruption Policy 2021.

As much as external stakeholders have been consulted in the development process of the Anti-Corruption Policy, they have no former role in the implementation of the Policy. Nevertheless, civil society organisations and the business sector do have a role to play in the fight against corruption and restoring trust in government, as recognised in both the Anti-Corruption Policy and in the National Anti-Corruption Programme. Therefore, CPD could build on the ad-hoc consultation and on initiatives such as the Rule of Law Initiative² to set up a structural dialogue with representatives from civil society and the private sector. This dialogue could take the shape of a series of meetings in which information is shared on the implementation of the Anti-Corruption Policy and the Anti-Corruption Programmes, on emerging risks, and on initiatives by civil society private sector organisations. This dialogue could also serve as consultation platform for selected policy initiatives that need to be implemented through the Anti-Corruption Policy. This dialogue could be set up in partnership with the Office of the Plenipotentiary of the Government of the Slovak Republic for the Development of the Civil Society, to facilitate the identification of interlocutors on the civil society side.

Beyond the dialogue, civil society organisations and academia could also take up third-party roles in support of the Anti-Corruption Policy, for example for conducting the baseline measurements or for conducting policy evaluations. They could also serve as an external partner for communication, civic education and awareness raising.

The Slovak Republic could strengthen anti-corruption efforts at the subnational level and further integrate efforts into the strategic approach to anti-corruption

The strategic approach to anti-corruption may benefit from integrating the facilitation of integrity policies at subnational level. In terms of institutional context, the Slovak Republic has a two-tier system of subnational government, whose autonomy is recognised in the 1992 Constitution and then by the 1990 municipal

autonomy Act and the 2001 Act on Local Governments of Higher Territorial units. This latter created the self-governing regions. The municipal level includes cities (*mesta*), rural municipalities, city districts in Bratislava and Košice as well as three military districts. The statute of city is granted by the Parliament to municipalities which are an administrative, economic and cultural centre providing public services to neighbouring municipalities. They have, however, the same responsibilities as other municipalities.

Since 2002, regional responsibilities include regional roads and public transport, education (secondary, professional and vocational education), territorial planning, regional economic development, social welfare (children's homes, social policy), health (hospitals of second category and specialised services), and culture. Municipal tasks, extended in 2002 (416/2001 Act), include education (pre and primary schools), social welfare (elderly, children, social aid), local roads and public transport, environmental protection, utilities (water and sewerage, waste), parks, local planning and development, tourism, housing, culture, municipal police, fire-fighting, and health (hospitals of first category and medical centres, first aid).

In the Slovak Republic, the level of subnational government spending in GDP amounts to 6.4% of GDP and to 15.7% of public spending. The role of subnational governments as public employers is significant, which is explained by the fact that subnational governments are responsible for paying teacher salaries on behalf of the central government. In terms of public investment, subnational governments account for 56.4% of public investment in 2013, representing 2% of GDP. Tax revenues only represent a small share of municipal and regional financial resources, however, other revenues such as user charges and fees such as municipal fees for waste collection or for the use of municipal property account for 17.6% of subnational government revenue. They also include operating surpluses of public enterprises controlled by subnational governments and assets sales (OECD, 2016^[7]).

Subnational integrity may deserve a more prominent place in the strategic approach against corruption in the Slovak Republic. First, given the prominent role of subnational governments in service delivery and public investment, integrity risks are prevalent at subnational level. On the one hand, a number of risk areas identified in the Anti-Corruption Policy are present at the subnational level, such as conflicts of interest, licences and permits, lobbying, and public procurement. On the other hand, a number of corruption risk areas are more pronounced at subnational level due to their mandates, such as fee collection, environmental protection, and territorial planning.

Second, increasingly subnational governments are implementing integrity policies and adopting tools and innovations to mitigate corruption risks. In some instances, the most successful tools are created at the subnational level; in other instances, the application of national tools is more suitable. In both cases, subnational governments may benefit from sharing of good practices, which may also lead to enhanced policy coherence.

Third, subnational government plays an important role in the general perception of corruption and in the restoration of public trust, as this governance level is in closest proximity to citizens. Local integrity initiatives may contribute to a regained trust in government more broadly, and, similarly, local corruption scandals may affect corruption perception levels at the national level.

A number of OECD member states have incorporated the support to subnational anti-corruption and integrity policies in their national anti-corruption strategy. In the United Kingdom, a review into the risks of fraud and corruption in local government procurement was committed to in the UK anti-corruption strategy 2017 to 2022.³ In France, in follow up of a survey on corruption prevention in local governments, support for subnational anti-corruption efforts is one of the priority actions identified in the French National Multi-Year Plan to Fight Corruption 2020-2022 by the French Anti-Corruption Agency AFA (see Box 1.10).

Box 1.10. Support to subnational integrity in the French National Multi-Year Plan to Fight Corruption 2020-2022

Support to subnational anti-corruption efforts is one of the priority actions identified in the French National Multi-Year Plan to Fight Corruption 2020-2022 by the French Anti-Corruption Agency AFA. The proposed action consists of providing guidance for major local government authorities and government-funded institutions in the implementation of their anti-corruption plans, so that they achieve compliance with their legal obligations by 2022.

The action pertains to “regions” and “départements”, along with municipalities and government-funded inter-municipal co-operation institutions serving populations over certain thresholds. Inter-municipal bodies providing technical services are also targeted by the action. This refers to mixed syndicates managing household waste treatment, sanitation, water supply, electricity supply, etc. Similar action will be conducted for these bodies, based on (among other criteria) budget thresholds.

The action builds on the 2018 AFA “Survey on the prevention of local government corruption”. This survey of local governments (3 277 respondents) showed that very few authorities have implemented corruption prevention measures (7.3%). Only 3.5% of local public employees and fewer than 1.5% of local elected officials have had any training in preventing corruption.

Sources: French Anti-Corruption Agency, National Multi-Year Plan to Fight Corruption 2020-2022, <https://www.agence-francaise-anticorruption.gouv.fr/files/files/PlanVAnglais.pdf>; French Anti-Corruption Agency (2018) Survey on the prevention of local government corruption, <https://www.agence-francaise-anticorruption.gouv.fr/files/2019-07/EN%20Survey%20local%20government%20antibribery%20policy.pdf>.

While respecting the self-governance and autonomy of the regions, the Slovak Republic could explore various ways to support anti-corruption efforts at subnational level. In order to deepen the understanding of the integrity risks and the capacity to mitigate those risks, CPD could conduct a survey on corruption prevention at subnational level, in partnership with the Ministry of Interior and the Association of Towns and Municipalities. The results of this survey could be taken forward in an amendment to or update of the Anti-Corruption Policy. In partnership with the Ministry of Interior and the Association of Towns and Municipalities, CPD could also facilitate a systematic platform for dialogue and exchange on anti-corruption policy at subnational level, through which various entities can share knowledge on risk areas and exchange good practices and tools, such as risk mapping instruments, code of conduct, and ethics training modules. This platform may comprise knowledge-sharing events, a network of local anti-corruption focal points, and/or a web-based space for knowledge exchange.

In order to restore trust and promote trust public accountability, the Corruption Prevention Department could strengthen the communication about anti-corruption with the general public

The flow of information between governments, citizens and stakeholders is an essential element of open and inclusive societies. Indeed, it is a prerequisite for government transparency and integrity, and for the ability of citizens to hold themselves accountable and participate in public life. Public communication about the government’s strategic approach to fight corruption is part of that effort. Public communication, understood as any communication activity led by public institutions for the public good, is distinct from political communication, which instead is linked to political parties, debates, or elections. It is a central government function that serves as a main tool of policy implementation and services design and delivery, and allows to listen to and understand citizens.

CPD may strengthen the efforts on public information about the government's strategic approach to anti-corruption and integrity through a number of ways. A communication plan could be drawn up, planning communication moments and opportunities, and linking key messages to target groups and media channels, including social media. A periodic online newsletter, as exemplified by the United Kingdom (see Box 1.11) could be launched, informing the general public on the implementation of the anti-corruption strategy and on relevant documents and data, such as studies, evaluation reports, monitoring data. More advanced options include setting up an interactive electronic portal where citizens can contribute to discussions and comment on proposals. As communication is an activity requiring tools, skills and resources, a dedicated communication budget could be earmarked for this purpose.

Box 1.11. The UK's Anti-Corruption Newsletter

As part of the public communication plan of the UK anti-corruption strategy 2017 to 2022, the UK Government has developed a newsletter on anti-corruption. Beyond updates on the implementation of the National Anti-Corruption Strategy, the newsletter addresses related issues such as the UK international beneficial ownership transparency campaign, a business integrity initiative, the economic crime strategic board and the international partnership against corruption in sport.

Source: UK Government, Anti-Corruption Newsletter <https://www.gov.uk/government/publications/anti-corruption-newsletter-spring-2019/anti-corruption-newsletter-spring-2019>.

Proposals for action

Increasing impact and coherence of the strategic policy documents

- The Slovak Republic could deepen the problem analysis to identify key risk areas and to inform strategic policy objectives on anti-corruption.
- The Slovak Republic could complement the Anti-Corruption Policy with a budget framework.
- the Slovak Republic could strengthen the monitoring and evaluation framework to guide the strategic approach on anti-corruption.
- The Slovak Republic could consider creating a platform for strategic discussions and decision making on the anti-corruption strategy.

Adopting a strategic approach for policy delivery on public integrity and anti-corruption

- The Slovak Republic could set up a structural dialogue on public integrity with civil society and private sector stakeholders.
- The Slovak Republic could strengthen anti-corruption efforts at the subnational level and further integrate efforts into the strategic approach to anti-corruption.
- In order to restore trust and promote trust in public accountability, the Corruption Prevention Department could strengthen the communication about anti-corruption with the general public.

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Notes

¹ Primary objectives are those formally adopted by a council of ministers or similar body, and are applicable across government or across a sector (OECD, 2020^[2]).

² Rule of Law Initiative aims at monitoring and commenting on issues of the rule of law in the Slovak Republic, including on corruption. Facilitated by the American Chamber of Commerce, 14 business associations, employers' associations, and chambers of commerce have launched the joint initiative through which the business community wants to respond professionally to the deteriorating state of justice, fight corruption and promote a transparent and systematic legislative process in the Slovak Republic.

³ UK Local government procurement: fraud and corruption risk review, <https://www.gov.uk/government/publications/local-government-procurement-fraud-and-corruption-risk-review>.

2

Cultivating a culture of integrity in the public sector in the Slovak Republic

This chapter analyses the Slovak Republic's measures to foster a culture of public integrity in the public sector. In particular, this chapter explores the necessity of clear contact points for public integrity in each ministry and agency, and identifies where gaps in the existing conflict-of-interest and post-public employment regimes could be closed. This chapter also explores the potential of technology to improve efficiency and reduce error through the processing of asset declarations. Additionally, this chapter identifies measures to strengthen integrity skills and knowledge, as well as merit-based recruitment and integrity leadership. This chapter furthermore highlights how a code of ethics for political and senior officials, with appropriate oversight functions, can help strengthen integrity standards at the political level. Finally, this chapter reflects on the role of the Office for the Protection of Whistleblowers in raising awareness, fostering institutional co-operation, and optimising systems for anonymous reporting.

Introduction

Cultivating a culture of integrity in the public service requires clarifying common values and concrete standards of conduct, and setting out the necessary mechanisms and tools to support implementation. To help public officials personalise and adopt integrity values and norms, socialisation and communication measures can be adopted. In doing so, governments can help ensure a common understanding of the behaviour public officials are expected to observe in their daily tasks, especially when faced with ethical dilemmas or conflict-of-interest situations.

The OECD Recommendation on Public Integrity sets out the building blocks for cultivating a culture of interest in the public sector, including:

- assigning clear and coherent integrity responsibilities
- setting clear standards and procedures
- investing in integrity leadership and a merit-based recruitment
- raising awareness and building capacity for public integrity
- ensuring an open organisational culture and clear guidance for the protection of whistleblowers (OECD, 2017^[1]).

To support the Slovak Republic in cultivating a culture of public integrity, this chapter examines the legal framework and associated policies and tools. Specifically, it will examine responsibilities for public integrity, standards, with particular emphasis on conflict of interest and asset declarations, training, merit-based recruitment and whistleblower protection.

Assigning clear and coherent responsibilities for public integrity

Assigning clear responsibilities to the actors in the integrity system facilitates co-operation, avoids overlaps and prevents fragmentation. Responsibilities include developing, implementing, monitoring and evaluating integrity standards and tools, and are carried out by actors across the whole-of-government (legislative, executive, judicial) and across levels of government (national and subnational). Responsibilities for public integrity are also found within each public sector organisation. Moreover, all public officials at all levels of government are expected to carry out their duties in the public interest (OECD, 2020^[2]).

To prevent fragmentation and overlap in the public integrity system, the OECD Recommendation on Public Integrity recommends that adherents “clarify institutional responsibilities across the public sector to strengthen the effectiveness of the public integrity system, in particular through:

- establishing clear responsibilities at the relevant levels (organisational, sub-national or national) for designing, leading and implementing the elements of the integrity system for the public sector
- ensuring that all public officials, units or bodies (including autonomous and/or independent ones) with a central responsibility for the development, implementation, enforcement and/or monitoring of elements of the public integrity system within their jurisdiction have the appropriate mandate and capacity to fulfil their responsibilities
- promoting mechanisms for horizontal and vertical co-operation between such public officials, units or bodies and where possible, with and between sub-national levels of government, through formal or informal means to support coherence and avoid overlap and gaps, and to share and build on lessons learned from good practices” (OECD, 2017^[1]).

The Slovak Republic could consider merging the functions of Ethics Advisors with the functions of the Anti-Corruption Coordinators

In the Slovak Republic, the responsibilities for designing, leading and implementing the integrity system are laid out in the Anti-Corruption Policy of the Slovak Republic. The Corruption Prevention Department (CPD) of the Office of the Government is the central contact point in the field of corruption prevention for all authorities and levels of public administration. The CPD performs a co-ordinating function and oversees the implementation of the Slovak Government's anti-corruption agenda. Box 2.1 provides an overview of the CPD's key responsibilities.

Box 2.1. Responsibilities of the Corruption Prevention Department

The CPD is the main body responsible for co-ordinating anti-corruption measures amongst public administration bodies. In particular, the CPD is responsible for:

- proposing measures and guidelines to prevent corruption, in particular by identifying and removing factors, opportunities and conditions that facilitate corruption and corruption-related practices
- co-operating with relevant expert departments in identifying, assessing and evaluating corruption risks and designing effective measures to reduce and eliminate them
- assessing and proposing measures to deter both natural and legal persons from committing corruption, corrupt-related practices and creating conditions for corruption
- assisting in ensuring an effective and functioning legal system to prevent corruption
- establishing an adequate mechanism for introducing, implementing and monitoring corruption prevention measures, in particular the measures' effectiveness and efficiency
- involving public and private sector organisations as well as civil society organisations in corruption prevention activities
- enhancing and promoting a culture of public integrity in public authorities, in particular by supporting harmonisation of personal ethical values, principles and standards with the common ones and encouraging their incorporation into the exercise of public authority
- contributing to raising anti-corruption awareness of the harmful effects of corruption and on corruption prevention
- monitoring the effectiveness of practical trainings/education organised by individual public administration bodies
- organising the Anti-Corruption Coordinators Board's activities.

Source: Anti-Corruption Policy of the Slovak Republic for 2019-2023

At the organisational level, the Anti-Corruption Strategy requires each ministry and central body to assign an Anti-Corruption Co-ordinator, who is responsible for co-ordinating the corruption prevention activities, including risk management, within its respective institution. The key responsibilities of the Anti-Corruption Co-ordinator include:

- co-ordinating anti-corruption activities
- preparing the sectoral anti-corruption programme and catalogue of corruption risks
- supporting senior management in promoting and implementing the organisation’s anti-corruption programme and demonstrating a ‘tone from the top’
- taking part in regular trainings provided by the Corruption Prevention Department
- providing advice and guidance in the following areas: corruption risks, corruption prevention and public integrity
- Receiving reports on breaches of Slovak and EU Law.

In addition to the Anti-Corruption Coordinators, a second integrity function – the Ethics Advisor – exists. The Civil Service Act assigns responsibility to Ethics Advisors for assessing the compliance of civil servant’s conduct in line with the Code of Ethics. Moreover, Ethics Advisors can propose measures to facilitate ethical behaviour in the civil service and prevent breaches to the Code of Ethics. While their responsibilities are set out in the Civil Service Act, it is not mandatory for departments or agencies to appoint an Ethics Advisor. In practice, this means that Ethics Advisors serve on a voluntary basis, and often carry out their functions part-time. The Civil Service Council, which is responsible for implementing the Code of Ethics, oversees the functions of Ethics Advisors. Currently, there are 70 appointed Advisors, about one third of the target of 200. These advisors are usually located in the human resources office of the respective organisation.

Having two functions with similar responsibilities for anti-corruption and public integrity within an organisation, who report to different central bodies, can create confusion amongst staff and lead to duplication in roles. Given the mandatory requirement to appoint Anti-Corruption Co-ordinators, the institutional anchorage with the Corruption Prevention Department, and the broad scope of their existing responsibilities, the Slovak Republic could consider merging the functions of the Ethics Advisors with the functions of the Anti-Corruption Co-ordinators, and renaming the function to “Ethics and Integrity Co-ordinator”. In addition to the responsibilities currently held by the Anti-Corruption Co-ordinator, the new Ethics and Integrity Co-ordinator function could also be responsible for providing ethical advice on integrity issues, including managing and preventing conflicts of interest and conducting integrity training and awareness raising (see below). Depending on the size of the organisation, one full time staff member, or several could carry out the function. A dedicated budget and appropriate human resources should be assigned to ensure implementation. Box 2.2 provides an overview of similar integrity functions in Germany and Austria.

Box 2.2. Establishing integrity functions within ministries: examples from Germany and Austria

Germany’s Contact Persons for Corruption Prevention

Germany, at federal level, has institutionalised units for corruption prevention as well as a responsible person that is dedicated to promoting corruption prevention measures within a public entity. The contact person and a deputy have to be formally nominated.

The “Federal Government Directive concerning the Prevention of Corruption in the Federal Administration” defines these contact persons and their tasks as follows:

- A contact person for corruption prevention shall be appointed based on the tasks and size of the agency. One contact person may be responsible for more than one agency. Contact persons may be charged with the following tasks:
 - serving as a contact person for agency staff and management, if necessary without having to go through official channels, along with private persons
 - advising agency management
 - keeping staff members informed (e.g. by means of regularly scheduled seminars and presentations)
 - assisting with training
 - monitoring and assessing any indications of corruption
 - helping keep the public informed about penalties under public service law and criminal law (preventive effect) while respecting the privacy rights of those concerned.
- If the contact person becomes aware of facts leading to reasonable suspicion that a corruption offence has been committed, he or she shall inform the agency management and make recommendations on conducting an internal investigation, on taking measures to prevent concealment and on informing the law enforcement authorities. The agency management shall take the necessary steps to deal with the matter.
- Contact persons shall not be delegated any authority to carry out disciplinary measures; they shall not lead investigations in disciplinary proceedings for corruption cases.
- Agencies shall provide contact persons promptly and comprehensively with the information needed to perform their duties, particularly with regard to incidents of suspected corruption.
- In carrying out their duties of corruption prevention, contact persons shall be independent of instructions. They shall have the right to report directly to the head of the agency and may not be subject to discrimination as a result of performing their duties.
- Even after completing their term of office, contact persons shall not disclose any information they have gained about staff members' personal circumstances; they may however provide such information to agency management or personnel management if they have a reasonable suspicion that a corruption offence has been committed. Personal data shall be treated in accordance with the principles of personnel records management.

The Austrian Integrity Network

In Austria, the Federal Bureau to prevent and fight corruption (Bundesamt zur Korruptionspraevention und Korruptionsbekaempfung, BAK) created the Austrian Integrity Network (Integritaetsbeauftragten-Netzwerk) with the purpose to strengthen integrity by firmly anchoring integrity as a fundamental element in public sector. To this end, the BAK trains civil servants to become experts in the field of integrity and corruption prevention within the framework of the Integrity Network. These integrity officers provide advice and guidance in their entities to strengthen integrity within specific entities. The integrity officers can access further information on compliance, corruption, ethics, integrity and organisational culture.

In addition to the Internet platform, the BAK also offers regular follow-up meetings for integrity officers on specific topics such as risk management and ethics and values. For example, during the meeting on ethics and values, participants presented their existing values model. After a discussion in break-out groups and in plenary session, the participants identified good practices for the process of implementing a values statement in an entity.

Source: German Federal Ministry of the Interior "Rules on Integrity", https://www.bmi.bund.de/SharedDocs/downloads/EN/publikationen/2014/rules-on-integrity.pdf?__blob=publicationFile; Austrian Federal Bureau of Anti-Corruption <https://integritaet.info/>

There are several benefits to combining the roles into a single function: first, establishing a single ethics and integrity function will facilitate clarity for staff, for example in terms of who to bring their ethical inquiries to. Second, having a single function facilitates a coherent and comprehensive approach to public integrity and helps allow for genuine accumulation of expertise within the function, as recommendations, insights and good practices are gathered in one point within the organisation (OECD, 2009^[31]). Finally, from a cost effectiveness perspective, empowering a single function is less costly and more efficient in terms of training, exchange of information, network meetings, monitoring, and reporting. To reflect the broad scope of the role, the Slovak Republic could also consider renaming the function to “Ethics and Integrity Co-ordinator”. While seemingly innocuous, given the negative connotations with corruption, changing the name can help make the function more approachable amongst staff.

The Corruption Prevention Department could provide guidance on where ministries and agencies should establish the function of the Anti-Corruption Coordinator

Currently, all ministries and agencies have appointed an Anti-Corruption Co-ordinator, however there is significant diversity in where these functions are established. Some Anti-Corruption Coordinators are linked to the internal control function within the ministry; others are positioned in the cabinet of the Minister. Some line ministries, such as the Ministry of Environment, have created a dedicated unit; other ministries, such as the Ministry of Justice, only have a part-time staff. This is a result of the discretionary power of the line ministers and central authorities to create position with their existing structures, as stipulated in the Anti-Corruption Policy, Section 8.5. “The statutory body shall decide on the incorporation of the position of a co-ordinator into the entity’s organigram/organisational structure. [...] The state entity may decide to establish a separate unit for the performance of the co-ordinating task.”

The lack of consistency in where the Anti-Corruption Co-ordinators are established and the resources attributed to the function may lead to incoherent implementation of certain aspects of their role. For example, an appointment within the Cabinet of the Minister may be subject to discontinuity in case of a ministerial change or to political interference. Likewise, establishing the function within the internal audit function may be suitable for risk management activities but perhaps less adequate for anti-corruption training or awareness raising. Given the cross-cutting nature of the function and the required institution leverage, the position of Anti-Corruption Coordinator should ideally be situated in the proximity of the senior management of the ministry or central authority, for example in the office of the Secretary-General.

In order to promote more coherence, the Corruption Prevention Department could review where the functions have been established to identify good practices and challenges ministries and agencies have encountered. This stocktaking could inform updates and amendments of the Anti-Corruption Policy, in particular by setting out clear criteria and guidance on where ministries and agencies should situate the Anti-Corruption Co-ordinator. On an ad hoc basis, the Corruption Prevention Department could also advise ministries and agencies on where to establish the Anti-Corruption Coordinator function.

The Corruption Prevention Department could provide guidance for the job description and recruitment of Anti-Corruption Coordinators

The selection and recruitment of the Anti-Corruption Coordinators is conducted independently by the respective line ministry or central authority, in line with the Anti-Corruption Policy, which stipulates that “the method of selecting the Coordinator falls within the competence of the relevant statutory body or state entity, regardless of the size of the sector” (Anti-Corruption Policy, Section 8.5). This practice has led to a diversity in selection and nomination processes, as in some ministries the co-ordinator is appointed directly by the Minister, whereas in other ministries there is an open recruitment and selection procedure. Moreover, this also resulted in diversity in the profiles of the Anti-Corruption Coordinators in terms of seniority and familiarity with anti-corruption policy. This diversity could lead to incoherent implementation

of certain aspects of the Anti-Corruption Policy, especially in cases where the Anti-Corruption Coordinator does not hold sufficient institutional leverage or experience to fulfil the required tasks.

In order to support the selection of Anti-Corruption Coordinators, the CPD could identify minimum requirements related to the experience and qualifications of candidates as well as minimum requirements related to the job description and workload in terms of full-time equivalent. In practice, this could take the form of sample terms of reference that could be shared with line ministries and central authorities.

The CPD could also advise line ministries and central authorities on the selection and recruitment of the Anti-Corruption Coordinator on an ad-hoc basis or participate in the selection or recruitment procedure. For example, one challenge that line ministries and central authorities face is identifying suitable candidates. The CPD could help advertise the position within its network and raise awareness among potential external candidates.

The Slovak Republic could expand the membership of the Board of Anti-Corruption Co-ordinators and consider renaming it to clarify its role

To facilitate co-ordination and coherence of the work of the Anti-Corruption Co-ordinators across public organisations, the Slovak Republic has established a Board of Anti-Corruption Coordinators via the Anti-Corruption Policy. This Board is composed of the anti-corruption co-ordinators from line ministries and other central authorities, as well as representatives from the Slovak National Public Prosecutor's Office, the National Criminal Agency, the Office of the Government's Plenipotentiary for the Development of Civil Society, the Judicial Council of the Slovak Republic, and the Association of Towns and Municipalities. The CPD is the informal secretariat to the Board. The responsibilities of the Board include:

- Participating in preparing the Government policy papers on corruption prevention.
- Recommending the adoption of anti-corruption measures, in particular to line Ministries, other central authorities and national administrations.
- Issuing opinions, where appropriate, on anti-corruption documents and measures drawn up and adopted particularly by the Ministries and other central authorities.
- Initiating, where necessary, through the competent authorities, updates and reviews of the anti-corruption documents and measures.
- Initiating, through the competent authorities, justified amendments to selected applicable legislation to improve corruption prevention and fight against corruption.

The Board is a critical function for ensuring coherence and co-ordination of the sectoral anti-corruption policies across the government. Through knowledge sharing, exchange of tools and good practices, and mutual support, the Board also serves as a platform to support the Anti-Corruption Coordinators in addressing common challenges and obstacles. Moreover, through the multi-sectoral perspective, the Board can identify emerging risks or systemic obstacles related to the implementation of the anti-corruption agenda. It is worth noting that the Civil Service Council, a key actor in the public integrity and anti-corruption landscape is not represented on the Board. Given the Civil Service Council's mandate to oversee the implementation of the Code of Ethics, it can bring useful insights related to integrity risk areas. To that end, the Board's membership could be expanded to include the Civil Service Council.

The CPD serves a central role in the Board by convening the meetings and activities, setting the agenda, and providing ad-hoc support for the implementation of activities and instruments such as the risk management tool. Looking ahead, CPD may increasingly facilitate the institutional learning process within the network by taking stock of and communicating about learnings from operational successes and challenges.

The Anti-Corruption Policy uses two terms to refer to the network of Anti-Corruption Coordinators, one is the official “Board of Anti-Corruption Coordinators” and the other is the term “Working Group” (Anti-Corruption Policy, Section 8). As the term “board” may hold a connotation of high-level strategic decision making, which is not the role of the network, it may provide more clarity to systematically use a term reflecting the more operational role of the network, such as “Working Group” or “network”. Beyond a semantical issue, this points to the absence of a high-level strategic decision-making platform.

Setting clear public integrity standards for conflict of interest

Public integrity is institutionalised and mainstreamed through standards that set clear expectations for the behaviour and professional conduct of public officials. These integrity standards are set out in the legal, regulatory and integrity frameworks and provide a foundation for the government to stimulate ethical behaviour. In particular, integrity standards cover issues such as bribery, fraud, trading in influence, money laundering, managing and preventing conflict of interest, asset declaration, managing gifts and gratuities, and pre- and post-public employment. Integrity standards also set out functions related to whistleblower protection, integrity and transparency in lobbying, and financing democracy and political parties (OECD, 2020^[2]).

Preventing and managing conflicts of interest is a central feature of standards on public integrity. When conflict-of-interest situations are not identified and managed, they can seriously endanger the integrity of organisations. Managing conflicts of interest helps level the playing field and ensure stakeholders’ fair and adequate access to policy makers and policy-making processes.

In rapidly changing public sector environments, managing conflicts of interest can be challenging. A too-strict approach to controlling the exercise of private interests may conflict with other rights, or be unworkable or counter-productive in practice by deterring experienced and competent potential candidates. A modern approach to conflict-of-interest policy seeks to strike a balance by:

- Identifying risks to the integrity of public organisations and public officials.
- Prohibiting specific unacceptable forms of private interest.
- Making public organisations and individual officials aware of the circumstances in which conflicts can arise.
- Ensuring that effective procedures are deployed for the identification, disclosure, management, and promotion of the appropriate resolution of conflict-of-interest situations.

In the Slovak Republic, the integrity standards on conflict of interest are set out in the following legislative acts:

- Constitutional Act No. 357/2004 on the Protection of the Public Interest in the performance of offices by public officials, as amended by Constitutional Act 545 (2005) (e.g. “Act on Conflict of Interest”) (Government of Slovak Republic, 2004^[4]).
- Act 55 (2017) on Civil Service and on Amendment to Certain Acts (e.g. “Civil Service Act”) (Government of Slovak Republic, 2017^[5]).
- Act 552 (2003) on Performance of Work in Public Interest (e.g. “Public Service Act”) (Government of Slovak Republic, 2003^[6]).

Table 2.1 details the integrity standards set out in the Act on Conflict of Interest, the Civil Service Act and the Public Service Act. Together, these three acts cover three main categories of public officials: elected officials and political appointees (Act on Conflict of Interest); civil servants (Civil Service Act); and public employees (Public Service Act).

Table 2.1. The legislative framework for conflict of interest in the Slovak Republic

Act	Scope	Integrity provisions
Act on Conflict of Interest (Constitutional Act on the Protection of Public Interest in the Exercise of the Public Officials' Office 357 (2004), as amended by Constitutional Act 545 (2005))	Political appointees in public sector Elected officials	<ul style="list-style-type: none"> • Conflict of interest (articles 4& 9) • Notification of personal interest prior to debate or discussion (article 6) • Asset declaration (article 7) • Post-public employment (article 8) • Gifts • External activities (article 5)
Civil Service Act (Act 55/2017 on Civil Service and on Amendment to Certain Acts))	High level political and management employees (certain provisions) Civil servants	<ul style="list-style-type: none"> • Code of Ethics (section 4) for government office • Conflict of interest (Article 5, section 111 (1d) and (2c). • Asset declaration (section 114) • Gifts (section 112 (1b &c)) • External activities (section 112 (2-10))
Public Service Act (Act 552 (2003) on Performance of Work in Public Interest)	Public sector employees	<ul style="list-style-type: none"> • Conflict of interest

Sources: (Government of Slovak Republic, 2003^[6]; Government of Slovak Republic, 2004^[4]; Government of Slovak Republic, 2017^[5])

The Slovak Republic could consider strengthening standards on pre- and post-public employment in the Act on Conflict of Interest and the Civil Service Act, and could develop tailored guidance to support implementation

Another area of concern for public integrity is conflicts of interest arising from employment before and after the tenure of public officials. Such situations fall under the so-called “revolving-door” phenomenon of mobility between the private and public sectors. On the one hand, it is in the interest of the public and government to attract an experienced and skilled workforce. On the other hand, the revolving door can undermine the integrity of the decision-making process, exposing public officials to the risk of making decisions in the interests of private employers before or after their tenure in public service. Major post-public employment problem areas involve public officials when they seek future employment outside the public service; lobby government institutions; switch sides in the same process; use “insider information”; or are re-employed in the public service, for example, to do the same tasks they performed in the private or non-profit sectors (OECD, 2010^[7]). To avoid conflicts of interest arising before or after public employment, many OECD countries have instituted provisions governing the periods before and after public employment.

There are two frameworks for regulating post-public employment in the Slovak Republic. The first is outlined in the Act on Conflict of Interest, and includes a one-year cooling-off period for senior officials including the President, members of the government, presidents, vice-presidents and secretaries-general of public organisations, as well as presidents of territorial units and mayors. The provisions are narrowly defined and restrict public officials from obtaining employment from those with whom they had particular dealings while in office (e.g. proving subsidies to, taken particular decisions regarding, issuing a public contract to, etc.) within the previous two years. The Act allows for exemptions to the restrictions to be granted, if it is clear that instituting a ‘cooling-off’ period would be disproportionate to the risks. The authority in charge of enforcing the post-public employment measures is the National Council.

The second framework is contained in the Public Service Act, which refers to the related Labour Code provisions. In particular, the Labour Code establishes an option in the employment contract to agree on “competition clause” that contains the restrictions for the employee after termination of his/her contract not to perform the activity (for a maximum of 1 year) that has a “competitive character” for an employer. The

Act on Civil Service, which covers advisors, senior civil servants, and civil servants generally, does not include any pre- or post-public employment restrictions.

To address these gaps, the Slovak Republic could consider strengthening pre- and post-public employment restrictions in the Act on Conflict of Interest. This could include expanding the scope of officials and activities covered, to situations where a senior public official moves from or to a sector covered by their portfolio or where they had previous influence over government decisions. This will help address enhanced risks related to undue lobbying or misuse of insider information (see also Chapter 5 for detailed recommendations on strengthening pre- and post-public employment lobbying regulations).

The Slovak Republic could also clarify the rules regarding exemptions to the restrictions. Currently, the National Council, which is comprised of Members of Parliament, decides on the application of post-public employment restrictions. It is not clear what criteria is used to inform decisions on exemptions, aside from a general statement in the law regarding disproportionality. This lack of clarity leaves gaps for broad interpretations of the rules.

The Slovak Republic could also consider including provisions on pre- and post-public employment in the Civil Service Act, which has remit over advisors and senior civil servants who are not covered by the Act on Conflict of Interest, as well as public officials who have regular contact with the private sector, including officials working in public procurement, regulatory policy, inspections, tax and customs. The provisions could indicate the categories of officials covered, and length of the cooling-off period, taking into account factors such as whether the time limits are fair, proportionate and reasonable, considering the seriousness of the potential offence. In applying restrictions, the Slovak Republic could also ensure a balanced approach – for example, bans on lobbying may be appropriate for a specific period of time, while restrictions related to certain insider information could be applied until the sensitive information becomes public (if at all).

As part of the development of a broader post-employment policy framework, the Corruption Prevention Department and the Civil Service and Public Service Department of the Government Office could develop guidance for public sector organisations to strengthen the effective implementation of the post-public employment measures. This may include explanatory notes about the policy measures, information about the exceptions, appeal procedures and sanctions, and case studies. While responsibility for implementation would rest with the senior management of each department and agency, the Ethics and Integrity Co-ordinator function could be responsible for providing advice and guidance within their respective ministries and agencies. Box 2.3 highlights the Government of Canada's Application Guide for Post-Employment.

Box 2.3. Post-Employment measures in Canada and the Application Guide

In Canada, post-employment measures are included in the Policy on People Management and the Directive on Conflict of Interest to reinforce the integrity of the public service by preventing public servants from improperly benefiting themselves or others after they leave their positions with the government.

As a general principle, all public servants have a responsibility to minimise the possibility of real, apparent or potential conflict of interest between their responsibilities within the federal public service and their subsequent employment outside the public service. Before leaving their employment with the public service, all public servants are to disclose their intentions regarding any future outside employment or activities that may pose a risk of real, apparent or potential conflict of interest with their current responsibilities and discuss potential conflicts with their manager or seek guidance from their designated senior official. If a post-employment risk is determined, public servants must report the risk to their deputy head in accordance with their organisation's procedures.

Public servants may be subject to limitations if the employment outside the public service may constitute a conflict of interest with their public service duties. A "cooling-off" period of one year may be applied in order to limit contacts between the former public servant and private sector organisations with which that person had business dealings.

The online Application Guide for Post-Employment provides detailed information about the policy measures, the risk-based approach, and the responsibilities and duties of staff and managers. Furthermore, the Guide provides guidance on enforcement and sanctions and contains a number of case studies.

Source: <https://www.canada.ca/en/treasury-board-secretariat/services/values-ethics/conflict-interest-post-employment/application-guide-post-employment-under-policy-conflict-interest-post-employment.html>

The Slovak Republic could consider strengthening institutional capacity to process, verify and audit asset declarations for political, senior and at-risk public officials

In the Slovak Republic, the Act on Conflict of Interest was revised on 1 January 2020. The new law expands the scope of public officials who are subject to the Act on Conflict of Interest to the President and members of supervisory boards of legal persons in which the state has a majority interest and city mayors. The new law also extended the scope of assets to be declared by public officials, to include the use of movables and immovables belonging to third parties and the specification of gifts received.

With regards to asset declaration, the Act on Conflict of Interest requires political and senior level officials to submit an asset declaration within thirty days of taking up office, and following that, on an annual basis. Control of these declarations is carried out by the Incompatibility of Functions Committee of the National Council. The administrative capacity to check and verify the completeness of asset declarations is low and insufficient to process all declarations in a timely manner. The capacity to conduct risk-based audits of asset declarations is largely absent, and there have been no reported cases in which illicit enrichment has been detected through asset declarations. Nevertheless, there have been a number of sanctions because of missing information in the declaration, for example related to external employment.

The Slovak Republic has recognised these weaknesses, and the Government Office and the National Council are conceptualising a proposal to establish a unified office for asset declarations (European Commission, 2021^[8]). A dedicated working group has been established with representatives of relevant state authorities, including the Judicial Council, the General Prosecutor's Office and the National Council

as well as two NGOs (European Commission, 2020^[9]). The intention is to establish an independent office with a mandate to receive and verify the asset declarations. In considering the structure of the office, the Slovak Republic could ensure that the office is independent of government, has wide scope of coverage for receiving and verifying asset declarations, and is afforded sufficient human, financial and technical resources. To avoid overlap with other integrity bodies, including the Corruption Prevention Department and the Civil Service Council, the new office should have clearly defined roles concerning the receiving and processing of asset declarations, and a mandate to provide guidance to political and senior management regarding the implementation of the conflict of interest and asset disclosure measures. As explored further below, the new office could also be tasked with responsibility for overseeing compliance with integrity standards for political and senior officials. The French High Authority for Transparency in Public Life (HATVP) may serve as an example of an independent institution implementing a broad public integrity mandate, including asset declarations (Box 2.4).

Box 2.4. Preventing, detecting and managing conflicts of interests in France

Mandate and independence

The High Authority for Transparency in Public Life aims at promoting public integrity in France and was established in 2014. The High Authority controls the integrity of the highest-ranking French public officials, who are required to disclose their assets and interests when taking up their official duties. The High Authority is also in charge of preventing conflicts of interest and monitoring « revolving doors » of certain public officials.

Under French public law, the High Authority is an “independent administrative authority”: it is a permanent body in the administrative structure responsible for guaranteeing integrity amongst French public officials, but it cannot be instructed nor ordered to take specific actions by the Government. The High Authority is affiliated to the Government for budget matters, but has financial autonomy. The institution is not answerable to the executive power and is solely subject to audit by the Supreme Court of auditors and the Parliament (e.g. auditions, parliamentary investigation committees) and control of administrative and judicial courts.

To guarantee its independence, the High Authority is composed of a collegial body of thirteen members responsible for taking the main decisions of the institution. In addition to its President, appointed by the President of the French Republic following a procedure entrenched in the Constitution, six members of France’s highest judicial bodies (Supreme Court of auditors, Court of cassation, Council of State) are elected by their peers. In addition, the President of the National Assembly, the President of the Senate and the Government each appoints two qualified individuals. The High Authority’s members are appointed according to the principle of gender parity. They serve a non-renewable and non-revocable mandate, and can neither receive nor seek orders or instructions from the Government.

Asset declarations

The French High Authority for Transparency in Public Life (HATVP) collects declarations and verifies the exactitude and completeness of the assets and interests declared by the high-ranking public elected and non-elected officials falling within its scope as they enter and leave their functions; these officials number close to 16 000. The High Authority’s yearly control plan is based on risk exposure, the functions occupied and the seniority of the different categories of public officials. It is also guided by legal publication deadlines for the public officials, whose declarations must be published on the website of the authority. All declarations are checked but some are subject to more thorough review.

The effectiveness of verification procedures relies notably on direct access to some of the tax administration databases, and partnerships with the tax administration, the anti-money laundering

service, financial magistrates, etc. to gather and cross-check all available information. In cases of potential conflicts of interest, this verification system allows defining of specific case-by-case proportionate measures that can be adopted by public officials to solve the situation. For the aforementioned 16 000 public officials, not following the HATVP injunction to resolve a conflict-of-interest situation may result in a one-year prison sentence and a EUR 15 000 fine. At all stages, to clarify any step or requirement in the disclosure procedures, a dedicated hotline is available to answer public officials' questions. Beyond the questions on declarative obligations per se, public officials can also benefit from the ethical advice role of the HATVP. The institution must answer any question within 30 days.

Source: High Authority for Transparency in Public Life (2021), <https://www.hatvp.fr/en/>

The new office on asset declaration could have the capacity to receive and process asset declarations digitally, to improve efficiency and reduce error

The current asset declaration system in the Slovak Republic is partly digitalised but there are still a number of steps that are not automated. Online or electronic submission of asset declarations is possible, however paper submissions via postal mail to the National Council are still accepted. The verification process is manual, mainly focusing on compliance and completeness. The declarations are currently not subject to any audits or deeper analysis against other databases (land and property register, tax register, etc.). All declarations are printed and scanned to obtain an electronic format. Although there is a legal obligation to publish asset declarations online, due to a lack of human and technical resources, this is currently not a priority and public scrutiny is limited.

In considering the functions and capabilities of the new office, the Slovak Republic could consider moving to an electronic-based filing system and digitalising the entire process of asset declaration. The declarations could include information from various government databases, such as the tax register and the land and property register. In this way, the annual declaration will be easier for both sender and recipients, as the form will be nearly complete from the beginning, and only additional information needs to be added. Indeed, the benefits are numerous: moving to an electronic system allows for coverage of a broader scope of declarants, simplifies the submission process by making the declaration form more user-friendly, reduces the number of mistakes made in the forms, facilitates further analysis, auditing and verification of declarations, and improves data management and security. Electronic systems have also been shown to increase compliance, and open new possibilities for disclosing data to the public and promoting better accountability and transparency (Kotylar, 2019^[10]). Box 2.5 showcases the Public Ethics Total Information (PETI) system in Korea.

Box 2.5. Korea's Public Ethics and Transparency Initiative (PETI) system

In Korea, public officials liable for property registration include state public officials in political service, such as the President, the Prime Minister, members of the State Council, members of the National Assembly, and public officials in political service for local governments, such as the heads of local governments and members of local councils. For property registration, persons liable for registration should access the Public Ethics and Transparency Initiative (PETI) System and report their current personal and family details, as well as property, online.

In order to provide convenience for property registration to persons obliged to register property and to efficiently support property review work of the person in charge of ethics affairs, the property registration system and property review system were established and operated respectively in 1999, which later evolved into the Public Ethics and Transparency Initiative (PETI) System. Currently, most of registrants (91%) are registering with accuracy owing to a web-based system, PETI. With the PETI system, property registration and review can be processed at the same time, linking HR, finance and real estate data together. It has become more important to analyse the flow of annual asset changes and gather unidentified information on property. Also, diversification of techniques for asset examination is required as circumstances of property registration change.

Source: Government of Korea - PETI (2020) <https://www.peti.go.kr/indexEn.do>

In transitioning to an online declaration system, the Slovak Republic could consider the legal and practical issues that are essential to successful implementation. First, to ensure exchange of data and information between institutions, both from a technical and data compatibility point of view as well as from a strategic policy perspective, the Slovak Republic could ensure that policy dialogue between institutional stakeholders are conducted both at the policy and technical level.

Second, building an online disclosure system requires designing skills and tools. Challenges may emerge from strategic choices with regard to using in-house skills, resources and instruments or externalising the design and creation of the electronic declaration system (Network for Integrity, 2020^[11]). To that end, the Slovak Republic could determine what skills and IT tools are needed, and who will be responsible for providing them.

Third, the Slovak Republic could consider including in the legal framework the mandate to disclose assets via the online system. For example, some countries have a provision in their legislation to mandate online disclosure, which can help incentivise compliance (Network for Integrity, 2020^[11]).

Finally, in setting up the system, the Slovak Republic could be cognisant of data security challenges, and ensure that the appropriate safeguards are in place to protect data. Such safeguards include:

- Data integrity: by adding a “stamp” or digital signature on a declaration, the system can ensure that the data was not altered after its submission.
- Data security: disk encryption, software-based mechanisms to detect malicious programmes, data masking and backups can help better secure information from unauthorised disclosure or loss.
- Data protection: by tracking all processing operations with data in the system and keeping detailed logs, electronic systems can be used to ensure that information is processed lawfully and in compliance with other personal data protection principles and rights of the declarants (Kotylar, 2019^[10]).

Box 2.6 highlights how the HATVP in France has instituted measures to ensure the security of asset declarations.

Box 2.6. Ensuring data security of asset declarations in France

In France, multiple safety measures are implemented to protect public officials' private data on the web-based application for asset and interest declarations (ADEL). To ensure the right people are making the declarations, declarants have to prove their identity when registering, by providing identity documents, by confirming personal information already present in their file, or through a phone call.

Declarations then remain on the online declaration server for a maximum of seven days while public officials are filling them out. This server uses symmetric encryption to secure the data.

Once a declaration is filed, it is removed from the first server and stocked on a secure HATVP server. A detection mechanism prevents intrusions and the internal information system cannot be accessed remotely. Declarations are protected by asymmetric encryption when they are sent to the HATVP, which means intercepting a declaration would not allow ill-intentioned individuals to access the data without the HATVP's private key.

Once they are received by the HATVP, only a few staff members can consult the declarations. Accessing the internal web-based tool for the management of the declarations submitted (ULYSSE) requires an individual certificate, and users are divided into groups with different levels of access corresponding to their role at the HATVP. Every access to the data on this application is traced and recorded.

Source: (Network for Integrity, 2020^[11])

The Slovak Republic could enhance coherence of integrity standards across the public sector by offering guidance on developing sectoral codes of conduct and codes of conduct for at-risk positions

Codes of ethics clearly present and illustrate the diverse legal and regulatory frameworks, and are a useful tool to guide behaviour. A code is clear and simple, logically structured, and linked to all other related documents or legislation that form part of the wider integrity system (Bacio Terracino, 2019^[12]). Including an explicit reference to the formal chain of responsibility and what protection is available in cases of exposing wrongdoing is also recommended. Involving stakeholders in the drafting and validation process helps build a common understanding of expected standards of conduct, and improves the clarity and ownership of the code. In addition to a general code of conduct, standards can be adapted to sensitive sectors and roles within the public administration through tailored codes.

To facilitate implementation of the integrity standards, different codes of ethics exist in the Slovak Republic. The main code of ethics – which covers civil servants – was established with the adoption of Decree No. 400/2019 Coll., and entered into force in January 2020. This code is the guiding integrity framework for approximately 35 000 civil servants at both national and subnational levels, and the body responsible for overseeing its implementation is the Civil Service Council. The Code contains provisions on various risk areas, such as conflict of interest, non-discrimination, gifts and benefits, and use of information. To facilitate implementation of the Code, the Civil Service Council published Guidelines on Code of Ethics for Civil Servants (Civil Service Council, 2019^[13]).

While the new Code of Ethics, and resulting guidelines, contribute to strengthening integrity standards in the Slovak Republic, several gaps remain. For example, public employees who fall under the Public Service Act are not covered by the Code of Ethics for Civil Servants, and the Public Service Act does not include its own code of ethics. Employees covered by the Public Service Act include a range of functions, from drivers and cooks to IT staff, and depend on the ministry. Some ministries have however developed

their own code of ethics for those employed within their ministry under both regimes. For example, the Government Office implemented a Code of Ethics in 2003 which covers both civil servants and public employees. Similarly, the Ministry of Labour, Social Affairs and Family adopted a Code of Ethics in 2013, which covers all public employees working within the ministry. Despite these measures, the lack of formal requirements to establish a code of ethics leads to ad hoc coverage for public employees, and also leads to situations where there are different integrity standards in the same ministry or agency. Moreover, there is no designated entity that such employees can bring their integrity questions or concerns to, or from whom they can seek guidance.

In order to enhance coherence of integrity standards across government-employed staff, the Office of the Government, in particular the Department for Corruption Prevention and the Civil Service and Public Service Department, could provide guidance to line ministries and agencies, by:

- Mapping the various codes that are already in place, and identifying the institutions that have not yet developed a code.
- Providing a blueprint or template for a code of ethics with a proposed list of content reflecting recurrent integrity issues (such as gift policy, conflict of interest, external activities, corruption reporting and whistleblowing), as well as standard provisions on these issues.
- Providing a methodology to develop a code of conduct, including for a risk-based approach (through an integrity risk assessment) and a consultative multi-stakeholder approach.
- Providing a risk assessment methodology and sample provisions for integrity standards for at risk professions.
- Providing advisory services to line ministries and public sector organisations in the process of developing integrity standards.

The Slovak Republic could introduce a code of ethics for political and senior levels and establish appropriate institutional arrangements to oversee adherence to integrity standards

Integrity at the highest political and management level is essential to set the right tone across the public administration. Clarifying integrity expectations in the relevant legislative framework, and ensuring that those responsible for upholding them understand them, are essential for facilitating integrity. Moreover, such expectations should be reinforced by clear and credible sanctions for noncompliance.

In the Slovak Republic, the applicable integrity standards for the political and senior management levels include the Constitutional Act No. 357/2004 Coll or the “Conflict of Interest Act”. State secretaries are covered by the Conflict of Interest Act, as well as Civil Service Act, which has led to confusion over which standards apply (GRECO, 2019_[14]). Moreover, the existing integrity standards remain high level, couched in legal terms with limited guidance to facilitate implementation (GRECO, 2019_[14]).

To address this gap and facilitate implementation of integrity standards at the highest political and senior management levels, the National Council is currently developing a code of ethics. The drafting process was postponed with the election of the new government, as well as challenges related to the COVID-19 pandemic. Going forward, the National Council could ensure that the new code of ethics applies to all political and appointed positions, including ministers, state secretaries, advisers and senior civil servants closely associated with government decision making. The code could cover all pertinent issues (conflict of interest, incompatibilities, gifts, contacts with lobbyists and third parties, post-employment restrictions, asset declarations, confidential information, etc.) (GRECO, 2019_[14]). An example of such a code is the UK Ministerial Code (Box 2.7).

Box 2.7. UK Ministerial Code

The Ministerial Code sets out the standards of conduct and provides guidance to Ministers on how they should act and arrange their affairs in order to uphold these standards and to comply with the law and to abide by the Seven Principles of Public Life, a set of ethical standards which apply to all holders of public office. It also lists the rules which may apply in particular situations, such as related to employment of advisors, conflicts of interest, and impartiality vis-a-vis the civil service. It applies to all members of the Government and also covers Parliamentary Private Secretaries.

If there is an allegation about a breach of the Code, and the Prime Minister, having consulted the Cabinet Secretary, feels that it warrants further investigation, he may ask the Cabinet Office to investigate the facts of the case and/or refer the matter to the independent adviser on Ministers' interests.

New versions of ministerial codes are usually published at the start of each new administration, although in certain circumstances it is updated more frequently.

Source: UK Cabinet Office, Ministerial Code (2019), <https://www.gov.uk/government/publications/ministerial-code>

To support effective implementation of the new code, the administrative structure for overseeing integrity of political officials could be strengthened. Currently, the Committee of the National Council of the Slovak Republic for Incompatibilities of Functions is responsible for reviewing conflict of interest declarations by Members of the National Council. They could also be tasked with receiving reports on breaches of the new code of ethics and determining sanctions. To facilitate a robust oversight structure that builds public confidence, the Slovak Republic could consider assigning responsibilities to the proposed new office on asset declarations to receive and investigate alleged misconduct by political officials. The office could have powers assigned to it in the Act on Conflict of Interest legislation that would enable it to receive complaints of misconduct in relation to the new Code as well as the Act on Conflict of Interest from other members of parliament and the public, and initiate an investigation. To ensure that the independence of the National Council is preserved, the office could be required to report its findings to the Committee of the National Council for Incompatibilities of Functions, who would have enhanced responsibilities for determining appropriate sanctions (OSCE, 2012_[15]). Box 2.8 provides an example of a similar body in the United Kingdom.

Box 2.8. Overseeing integrity standards for politicians in the UK

Parliamentary Commissioner for Standards (UK)

The Parliamentary Commissioner for Standards is an independent officer of the House of Commons. The Commissioner investigates allegations that MPs have breached the rules found in paragraphs 11-18 of the House of Commons' Code of Conduct for Members. UK Parliamentary Commissioners' serve a non-renewable five-year term.

The duties of the Commissioner are embodied in Standing Order No. 150. The Commissioner can provide advice to MPs, investigate allegations that MPs have broken the Code of Conduct, hold a register of Members' Financial Interests, and keep the MP's Code of Conduct under review. The Commissioner cannot accept anonymous allegations for formal inquiry. They must additionally ensure that all investigations are conducted in an independent, impartial, thorough and fair manner. Once an inquiry has finished, the Commissioner decides whether or not an MP has broken the rules.

The Code of Conduct for MPs describes the responsibilities that MPs have as Members of the House and is based on a set of values called the Seven Principles of Public Life, or the Nolan Principles. The code pertains to MPs' obligations to register and declare their financial interests and the restrictions on lobbying for reward or consideration. In July 2018, the House amended the Code of Conduct to include the Independent Complaints and Grievance Policy aimed at tackling bullying, harassment and sexual harassment by MPs.

Parliamentary Standards Committee

The Committee on Standards is a cross-party committee that was appointed in December 2012 under Standing Order No. 149, with the role of overseeing the work of the Parliamentary Commissioner for Standards. It is made up of seven Members and seven lay members. Lay members may take part in proceedings of the committee and of any sub-committee to which they are appointed and may ask questions of witnesses, but lay members may not move any motion or any amendment to any motion or draft report, and may not vote.

The committee's responsibilities include reviewing the content and form of the Register of Member's Financial Interests and any other registers of interest established by the House, to consider any complaints made in relation to the registering or declaring of interests, and to consider any matter relating to the conduct of Members, including complaints in relation to alleged breaches of the Code of Conduct. The Code contains a clause which mandates its review every five years, which is a process that is initiated by the Committee.

The Committee on Standards cannot take on complaints about Members of Parliament. Instead, these are directed to the Parliamentary Commissioner for Standards. The Commissioner for Standards works closely with the Committee, and updates the Committee on a monthly basis to inform it of the Commissioner's proceedings. In the case of investigations into the conduct of MPs, the Commissioner for Standards writes a report that is submitted to the Standards Committee which then reviews and decides on appropriate sanctions.

Sources: UK Parliamentary Commissioner for Standards, [https://www.parliament.uk/mps-lords-and-offices/standards-and-financial-interests/parliamentary-commissioner-for-standards/#:~:text=The%20Parliamentary%20Commissioner%20for%20Standards,Code%20of%20Conduct%20for%20Members](https://www.parliament.uk/mps-lords-and-offices/standards-and-financial-interests/parliamentary-commissioner-for-standards/#:~:text=The%20Parliamentary%20Commissioner%20for%20Standards,Code%20of%20Conduct%20for%20Members;); Committee on Standards, <https://committees.parliament.uk/committee/290/committee-on-standards/role/>;

Raising awareness and building capacity for public integrity through training

In order to institutionalise integrity standards and duly integrate them as part of the organisational culture, a number of communications, awareness raising and guidance instruments can be used. Well-designed guidance and training equip public officials with the knowledge and skills to manage integrity issues appropriately. Building individual capacity contributes to cultivating commitment among public officials, motivating behaviour to carry out their public duties in the public interest. The OECD Recommendation on Public Integrity calls on adherents to “provide sufficient information, training, guidance and timely advice for public officials to apply public integrity standards in the workplace, in particular through:

- Providing public officials throughout their careers with clear and up-to-date information about the organisation’s policies, rules and administrative procedures relevant to maintaining high standards of public integrity.
- Offering induction and on-the-job integrity training to public officials throughout their careers in order to raise awareness and develop essential skills for the analysis of ethical dilemmas, and to make public integrity standards applicable and meaningful in their own personal contexts.
- Providing easily accessible formal and informal guidance and consultation mechanisms to help public officials apply public integrity standards in their daily work as well as to manage conflict-of-interest situations” (OECD, 2017^[1]).

Building knowledge and skills on ethics and anti-corruption is an essential element of a strategic approach for public integrity. To be effective, the timing, content and delivery methods, and target audiences need to be considered. For example, integrity training should be both part of the on-boarding or induction process of new recruits, as well as take place regularly throughout a public official’s career to refresh knowledge and address new or emerging integrity issues. Integrity training should also be interesting and engaging, with different methods used to reach learners (see Table 2.2). Finally, integrity training should be tailored to the audience at hand – for example, to new recruits or those in high-risk positions.

Table 2.2. Main training methods for integrity

Method	Approach	Description
Lecture	Rules-based	Public officials are offered lecture-format courses on integrity standards, rules and administrative procedures to reinforce their understanding of ethical concepts and principles of public service. Trainers are mainly the ones intervening.
E-learning module / online course or massive open online course	Rules-based	Public officials are offered online courses or modules through an online platform or website on ethical standards, rules and administrative procedures to reinforce their understanding of ethical concepts and principles of public service. Trainers are mainly the ones intervening.
Coaching and mentoring	Combined	Through peer feedback and discussions, junior public officials are given the opportunity to partner with a senior manager with proven ethical conduct, motivating ethical behaviour and helping to develop ethical awareness to foresee and resolve dilemmas.
Ethical dilemma case studies and discussions	Combined	Based on a described situation or scenario or on non-didactic support such as a video, public officials are encouraged to identify integrity and ethical issues and discuss how to address and avoid them. The trainer acts as a facilitator with the trainees, sharing views and discussing the dilemmas.
Simulation game, role-playing and scenario	Values-based	Public officials are given a scenario, an issue to deal with or a specific function and they are asked to perform it as if they were in a real case situation. The trainer acts as a facilitator only and trainees do most of the work, acting in an inductive way.

Source: (OECD, 2020^[2])

The Civil Service Council and the Corruption Prevention Department could develop a joint training programme for integrity and anti-corruption to avoid duplication and gaps

In the Slovak Republic, the Civil Service Council and the Corruption Prevention Department are the main providers of integrity and anti-corruption training. The Civil Service Council focuses primarily on ethics training related to the Code of Ethics, with particular reference to topics such as conflict of interest, post-employment activities, gifts, information security and sharing, social media communication and critical communication, political neutrality, as well as interpersonal relationships. These trainings are voluntary, and to date have been provided for:

- Office of the President of the Slovak Republic (onsite training)
- Ministry of Foreign Affairs and European Affairs of the Slovak Republic (onsite training)
- Office of the Public Defender of Rights (onsite training)
- Office for the Regulation of Network Industries (online training)
- Value for money department of the Ministry of Finance of the Slovak Republic (onsite training)
- Nuclear Regulatory Authority (onsite training, 4 trainings)
- The Antimonopoly Office of the Slovak Republic (online training)

The Corruption Prevention Department also carries out trainings on corruption prevention on a by-request basis. In the period of 2017-2019, the Corruption Prevention Department organised 17 voluntary trainings for a total of 962 participants from different Ministries:

- in 2017: 7 seminars for 370 participants – officials from different Ministries
- in 2018: 4 seminars for 235 participants in total, of which 185 were State officials from different Ministries and public bodies and 50 participants from the Financial Administration of the SR
- in 2019: 6 seminars for 357 participants – officials from different Ministries.

The Ministry of Interior has also developed several anti-corruption and integrity training programmes, including an anti-corruption e-learning programme developed by the National Crime Agency of the Police Force Presidium. The Ministry of Interior is currently developing an integrity training with the CSO Stop Corruption Foundation.

While the various training provided by the CSC, the CPD and the Ministry of Interior contribute to strengthening integrity knowledge and capacity in the public sector, the initiatives are relatively scattered, with little connection between them. To facilitate a co-ordinated approach to integrity training, the CSC, as key training provider, and the CPD, as responsible body for corruption prevention, could consider developing a joint programme on integrity and anti-corruption training.

Together, the CSC and the CPD could map the different training mandates and initiatives, to identify existing good practices and gaps. The CSC and CPD could also prepare joint training materials, including training handbooks, case studies, presentations, videos, terms of reference for training providers, and online training modules. Adopting a more coherent approach to integrity training development and delivery has a number of benefits, including:

- stronger alignment by both CPD and CSC with the broader strategic framework on corruption prevention
- cost reduction for training development and delivery, through sharing of training content
- potential for institutional learning from feedback from past training initiatives.

Moreover, a coherent approach could also help both institutions target high-risk sectors or professions with tailored training and avoid duplication and redundancies. The CPD and CSC could also consider partnering with academic institutions and civil society organisations operating in the area of corruption prevention, to engage their expertise for training design and delivery.

The Ethics and Integrity Co-ordinators could support implementation of the conflict of interest regime through awareness raising and capacity building

As has been discussed already, the legal framework and the Code of Ethics are essential aspects of an effective conflict of interest framework. The conflict of interest regime in the Slovak Republic for civil servants is outlined in the Act on Civil Service. According to Article 111 (1d), civil servants must refrain from actions that could lead to a conflict of interest and Article 111 (2c) requires them to report without any undue delay any real or potential conflict of interest to their respective ministry. The Code of Ethics elaborates on these responsibilities and associated guidance has been developed to support implementation. The extent to which civil servants in the Slovak Republic have knowledge about the concept of conflict of interest, and their personal responsibility to prevent and mitigate their conflict of interest, remains limited. To effectively manage and prevent conflicts of interest, civil servants need to know about the policy and have the skills to identify and manage their conflicts-of-interest. Moreover, managers require knowledge and skills to support staff in identifying and managing their conflicts of interest effectively. The Civil Service Council is working to address these limitations through tailored implementation guidance on the Code of Ethics, which includes a section on conflict of interest. Through specific scenarios, the guidance further details what a conflict of interest is, what can lead to conflict of interest, and what civil servants can do to prevent or manage conflicts of interest when they arise.

While the guidance is a helpful resource for raising awareness and building capacity on conflict of interest across the civil service, the Slovak Republic could introduce additional measures to build civil servant's understanding about the concept of conflicting interests, and capacity to identify when they are in a conflict of interest situation. For example, the Civil Service Council, together with the Corruption Prevention Department, could prepare tailored trainings on conflict of interest. The expanded and renamed Ethics and Integrity Co-ordinator function within organisations could be responsible for delivering the training. While the training should raise knowledge about the concept of conflict of interest and the measures in place to manage it, a core focus of the training could be building capacity amongst participants to recognise when they are in a potential conflict of interest situation. As such, the proposed training method could be the ethical dilemma case studies approach (see Table 2.2). Target audiences could include managers (who receive declarations of conflict of interest), civil servants (who are required to declare their conflicts of interest) and new entries to the civil service. The Ethics and Integrity Co-ordinators, could also prepare tailored training for civil servants in at-risk positions, as determined by the corruption risk assessments carried out. A regular training schedule should be prepared to accompany the training, to ensure that both managers and civil servants are reminded of their obligations to manage and prevent conflict of interest.

Beyond training, awareness raising material that reminds civil servants of the value of identifying and management conflict of interest could be developed by the Civil Service Council and the Corruption Prevention Department. These materials would serve as regular reminds for civil servants in between training sessions, and could take the form of posters, brochures, desktop alerts, or intranet campaigns. Measures to raise awareness about managing and preventing conflict of interest could incorporate findings from behavioural insights.

Strengthening merit-based recruitment and integrity leadership

The Civil Service Council and the Civil Service and Public Service Department of the Government Office could strengthen integrity standards in public employment and promote integrity leadership

A public service selected and managed based on merit, as opposed to political patronage and nepotism, presents many benefits. Hiring people with the right skills for the job generally improves performance and productivity, which translates into better policies and better services, which in turn make for happier,

healthier and more prosperous societies. Meritocracy has also been shown to reduce corruption. Having merit systems in place reduces opportunities for patronage and nepotism (OECD, 2020^[2]). While the creation of fake or “ghost” jobs for allies or relatives is rare in OECD countries, a more common version of nepotism may exist in some member countries when managers or politicians appoint people to positions based on their personal ties, rather than on skills and merit.

To address these issues and to promote integrity in public employment, the OECD Recommendation on Public Integrity recommends that adherents “promote a merit-based, professional, public sector dedicated to public service values and good governance, in particular through:

- Ensuring human resource management that consistently applies basic principles, such as merit and transparency, to support the professionalism of the public service, prevents favouritism and nepotism, protects against undue political interference and mitigates risks for abuse of position and misconduct.
- Ensuring a fair and open system for recruitment, selection and promotion, based on objective criteria and a formalised procedure, and an appraisal system that supports accountability and a public service ethos” (OECD, 2017^[1]).

In the Slovak Republic, it is prohibited to employ any close relatives in mutual direct subordination or superiority of the close relatives, or if they would be subjected to the control of the financial operations or the control of accounting operations by a close relatives (Act No. 552/2003 Coll., Act No. 55/2017 Coll., Act No. 73/1998 Coll.). Nevertheless, the issue of nepotism in public and semi-public entities remains an area of key concern and relates mainly to political nominations and interference in recruitment procedures, for example in the judiciary. This problem is acknowledged in the 2019-2023 Anti-Corruption Policy of the Slovak Republic which includes an objective to “permanently create conditions to prevent abuse of power, influence and position, clientelism, nepotism and favouritism” as well as to “reduce corruption risks through a fair valuation of the staff proportionally to their allocated responsibilities and performance”.

To achieve these objectives, the Civil Service Council and the Civil Service and Public Service Department of the Government Office could strengthen integrity standards in public employment and promote ethical leadership. A starting point could be to carry out an in-depth study of the strengths and weaknesses of the current public employment practices. To inform this analysis, the following essential components of a merit-based civil service could serve as benchmarks:

- Predetermined appropriate qualification and performance criteria for all positions.
- Objective and transparent personnel management processes which assess candidates against the predetermined qualification and performance criteria.
- Open application processes which give equal opportunity for assessment to all potentially qualified candidates.
- Oversight and recourse mechanisms to ensure a fair and consistent application of the system.

Beyond the personnel management processes for selection and promotion, another key feature of integrity in public employment is ethical leadership. Senior civil servants at all levels exemplify and transmit the public service and organisational values. The leadership fosters credibility in the norms and standards by making the values in the code of conduct applicable to the daily work and acting according to these. Above all, it can build trust in the processes (OECD, 2020^[2]).

To strengthen ethical leadership in public employment, the Civil Service Council and the Civil Service and Public Service Department of the Government Office are preparing a programme to promote the concept of leadership in the civil service. A component of this programme could include reviewing the professional objectives for leaders at all levels in the public sector, and ensure that integrity is formally part of the recruitment, on-boarding, performance appraisal, and career development process of managers, supervisors and team leaders (see for example Box 2.9). Moreover, beyond setting the objectives, the Civil

Service Council and the Civil Service and Public Service Department of the Government Office could develop an integrity training programme to help leaders implement integrity objectives.

Box 2.9. Ethical leadership as one of the key leadership competences in the Canadian Public Service

One of the key leadership competences Canadian executives and senior leaders are measured against is to 'Uphold integrity and respect'. This signifies that leaders model ethical practices, professionalism and integrity. They build an open organisational culture in which employees are confident to seek advice, express diverse opinions and uphold collegiality. Examples of effective and ineffective behaviour to uphold integrity and respect for the different levels are given:

Deputy Minister

- Values and provides authentic, evidence-based advice in the interest of Canadians.
- Holds self and the organisation to the highest ethical and professional standards.
- Models and instils commitment to citizen-focused service and the public interest.
- Builds and promotes a bilingual, inclusive, healthy organisation respectful of the diversity of people and their skills and free from harassment and discrimination.
- Exemplifies impartial and non-partisan decision making.
- Engages in self-reflection and acts upon insights.

Assistant Deputy Minister

- Values and provides authentic, evidence-based advice in the interest of Canadians.
- Holds self and the organisation to the highest ethical and professional standards.
- Models and builds a culture of commitment to citizen-focused service and the public interest.
- Builds and promotes a bilingual, inclusive, healthy organisation respectful of the diversity of people and their skills and free from harassment and discrimination.
- Exemplifies impartial and non-partisan decision making.
- Engages in self-reflection and acts upon insights.

Director General

- Values and provides authentic, evidence-based advice in the interest of Canadians.
- Holds self and the organisation to the highest ethical and professional standards.
- Models commitment to citizen-focused service and the public interest.
- Creates opportunities that encourage bilingualism and diversity.
- Advances strategies to foster an inclusive, healthy organisation, respectful of the diversity of people and their skills and free from harassment and discrimination.
- Exemplifies impartial and non-partisan decision making.
- Engages in self-reflection and acts upon insights.

Director

- Values and provides authentic, evidence-based advice in the interest of Canadians.
- Holds self and the organisation to the highest ethical and professional standards.
- Models commitment to citizen-focused service and the public interest.

- Creates opportunities that encourage bilingualism and diversity.
- Implements practices to advance an inclusive, healthy organisation, respectful of the diversity of people and their skills and free from harassment and discrimination.
- Exemplifies impartial and non-partisan decision making.
- Engages in self-reflection and acts upon insights.

Manager

- Values and provides authentic, evidence-based advice in the interest of Canadians.
- Holds self and the organisation to the highest ethical and professional standards.
- Models commitment to citizen-focused service and the public interest.
- Supports the use of both official languages in the workplace.
- Implements practices to advance an inclusive, healthy organisation, that is free from harassment and discrimination.
- Promotes and respects the diversity of and their skills.
- Recognises and responds to matters related to workplace well-being.
- Carries out decisions in an impartial, transparent and non-partisan manner.
- Engages in self-reflection and acts upon insights.

Supervisor

- Values and provides authentic, evidence-based advice in the interest of Canadians.
- Holds self and the organisation to the highest ethical and professional standards.
- Models commitment to citizen-focused service and the public interest.
- Supports the use of both official languages in the workplace.
- Implements practices to advance an inclusive, healthy organisation, that is free from harassment and discrimination.
- Promotes and respects the diversity of people and their skills.
- Recognises and responds to matters related to workplace well-being.
- Carries out decisions in an impartial, transparent and non-partisan manner.
- Engages in self-reflection and acts upon insights.

Source: Government of Canada, Key Leadership Competency profile and examples of effective and ineffective behaviours, <https://www.canada.ca/en/treasury-boardsecretariat/services/professional-development/key-leadership-competency-profile/examples-effectiveineffective-behaviours.html>

Ensuring effective protection of whistleblowers

As a safeguard for public integrity, an effective whistleblower framework is a core component of any public integrity system. Effective frameworks for whistleblower protection have several common characteristics: clear reporting channels, prohibition of formal and informal work-related sanctions, clear types of protection guaranteed, effective reviews and investigation of complaints, and awareness-raising measures. Whistleblower protection frameworks are a compliment to broader open organisational cultures, where public officials feel safe actively identifying, raising questions, concerns or ideas about, and responding to potential violations of public integrity (OECD, 2020^[21]).

In the Slovak Republic, the whistleblower framework is outlined in Act No. 54/2019 Coll., on the Protection of Whistleblowers (herein the Act on Whistleblowing). Adopted with effect on 1 March 2019, the Act on Whistleblowing replaces the former Act No. 307/2014 Coll., on Measures Related to the Reporting of Anti-Social Activities. The Act on Whistleblowing covers a wide range of functions exercised within the public sector and applies to public servants working in both national and local governments. It also broadens the definition of “complaint” beyond specific corruption offences, and provides clarity to the requirement to report in good faith. Moreover, it increases coherence in the protection accorded to different categories of officials, clarifies the options for simultaneous internal and external reporting channels, and introduces a new set of administrative offences for those who breach certain obligations of the Act (European Commission, 2020^[9]; Pališín, n.d.^[16]).

The Act on Whistleblowing also formally established a new Office for the Protection of Whistleblowers, which is responsible for overseeing compliance with obligations under the Act. The Office became operational in September 2021. It provides guidance on the procedures for making a complaint and supports public administrations and the private sector in setting up effective internal reporting units. Moreover, the Office has an awareness-raising function as well as a mandate to inform legislative and other reforms to improve the public integrity system in the Slovak Republic. Given its recent establishment, it is too early to determine the effectiveness of the Office. Several areas however should be the focus of the Office, and more broadly, the Government of the Slovak Republic, to ensure effective implementation of the new whistleblower protection framework.

The Office for the Protection of Whistleblowers could raise awareness about the whistleblower protection measures in place under the new law

Under the Act, public organisations are required to establish a dedicated unit responsible for administering internal complaints, as well as raise awareness about the disclosure procedures. The Office for the Protection of Whistleblowers, as mentioned above, has a mandate to support public organisations in establishing these units. It is not clear how many line ministries and public agencies have established a dedicated unit, nor how this function will co-ordinate with the existing Anti-Corruption Co-ordinator or Ethics Advisor. To that end, the Office for the Protection of Whistleblowers, with support from the Civil Service Council and the Corruption Prevention Department, could work with all line ministries and agencies to establish an internal unit with the appropriate human and financial resources.

Once established, the Office for the Protection of Whistleblowers could support the internal units to raise awareness about their existence and role within the public organisation. This could be realised through (a) trainings for staff and (b) tailored awareness-raising campaigns. In terms of trainings for staff, the Office for the Protection of Whistleblowers could prepare and deliver a training programme for all government staff employed in the internal units on good practices in complaints handling.

The Office's efforts could also focus on supporting the internal units to raise awareness about the protections afforded to whistleblowers and how, when and where to report. Currently, awareness raising initiatives within line ministries and government agencies are carried out in an ad-hoc and unco-ordinated basis. While government departments do indicate on their websites modalities for whistleblower protection, not all websites contain up-to-date information about the new law or existence of the Office. As a result, many public and civil servants are not aware of the exiting reporting opportunities and of the protection that whistleblowers enjoy. To address these gaps, the Office for the Protection of Whistleblowers could develop a systematic approach to awareness raising and information. The systemic approach could have two focus areas: first on raising awareness within the public sector about existing channels and protections, and second on raising awareness more broadly in society about the measures through which individuals can report on corruption. Good practice from OECD countries on awareness-raising measures can be found in Box 2.10.

Box 2.10. Raising awareness on whistleblower protection: Good practice from OECD countries

United States

The Office of the Whistleblower (OWB) of the US Securities and Exchange Commission (SEC) participates in public engagements aimed at promoting and educating the public concerning the US SEC's whistleblower programme. Target audiences include potential whistleblowers, whistleblower counsel, and corporate compliance counsel and professionals. The OWB also aims to promote and educate the public about the whistleblower programme through its website (www.sec.gov/whistleblower). The website contains detailed information about the programme, copies of the forms required to submit a tip or claim an award, a listing of enforcement actions for which a claim for award may be made, links to helpful resources, and answers to frequently asked questions.

Korea

The Korean Anti-Corruption and Civil Rights Commission (ACRC) Since the entry into force of Korea's Public Interest Whistleblower Act, the Anti-Corruption and Civil Rights Commission (ACRC), the body responsible for its implementation, has undertaken several awareness-raising initiatives, including both in the general anti-corruption context, such as through the annual ACRC Policy Roundtable for Foreign Businesses in Korea, where the ACRC Chairperson invites leaders of foreign businesses operating in Korea to discuss Korea's anti-corruption policy; and in whistleblower protection-focused contexts, including:

- workshops on dealing with whistleblower reporting and protection in the public and private sectors (2012, 2014)
- lectures tailored to different groups in society to raise awareness of public interest whistleblowing and protection: public organisations, businesses, and the general public (about 3 500 participants in 2011, 2012)
- yearly distribution of promotional materials since 2013, including TV commercial, posters, leaflets, banners on internet portals, on-board video materials for train cabins
- update and distribution of PPT materials on whistleblower reporting and protection for training of employees of public organisations (2012, 2013, 2014, 2016)
- distribution and operation of online training on public interest whistleblowing (2014, 2016)
- distribution of the whistleblower protection guide for companies (2015)
- newspaper commercials (2014), e-book on public interest reporting best practices (2015), radio commercials (2016). The ACRC also made efforts to raise awareness on public interest whistleblowing among the youth by publishing web-cartoons and mobile messenger emoticons (2012). About 16% of the public were aware of the whistleblower protection system in 2011, and the figure jumped to 23.6% in 2012 and 28.4 in 2016.

Ireland

Integrity at Work Initiative Partnerships between government and civil society can also promote whistleblower reporting and protection. A recent example of such collaboration is Ireland's Integrity at Work (IAW) Initiative, which aims to assist employers to comply with the Protected Disclosures Act (2014) and foster workplaces where people feel safe to speak up about wrongdoing. The IAW along with Ireland's Transparency Legal Advice Centre (TLAC) – an independent law centre established by TI Ireland that provides free specialist legal advice on protected disclosures – are run by TI Ireland with funding from the Irish Department of Public Expenditure and Reform and Department of Justice and Equality.* Members of the IAW programme come from all sectors: public, private and not-for-profit. To

date, 24 organisations have joined or signalled their intention to join IAW. Two IAW Forums (seminars and workshops) have been delivered to over 100 participants between December 2016 and June 2017, focusing on providing expert guidance to employers on important issues such as assessments and investigations, complying with the Protected Disclosures Act, and related topics. As a result, there has been an increase of over 200% in the proportion of whistleblowers calling the Speak Up helpline since it was established in 2011. TLAC has also been providing free legal advice to clients since March 2016. TLAC's clients are (or were) employed in a variety of sectors including health, social care and government.

Sources: (OECD, 2014^[17]); United States, www.sec.gov/whistleblower, Transparency International Ireland, <http://transparency.ie/integrity-work>; (OECD, 2014^[18])

The Office for the Protection of Whistleblowers could enhance institutional co-operation and knowledge management on corruption reporting and whistleblowing

By indicating where vulnerabilities exist within the public sector, reports on corruption and other integrity breaches are a useful data source for governments to inform broader integrity and anti-corruption policies and measures. To capitalise on this data source, the Office for the Protection of Whistleblowers could support internal units in establishing data collection methods to inform the broader strategic approach to corruption prevention. In particular, these units could collect data on the number of reported cases, the nature of the cases (e.g. bribery, fraud, nepotism), the outcome of the report/investigation, and the management response (e.g. how the reports have led to structural changes beyond the individual handling of the case). The internal units could share this information with the Office for the Protection of Whistleblowers to inform necessary improvements to the system. The Office for the Protection of Whistleblowers could produce an annual report with an overview of the number and nature of corruption reports, together with the respective management responses and the follow-up in terms of further improvements required. This report will not only demonstrate the institutional follow up to corruption reports, it may also encourage whistleblowers to step forward. The Office for the Protection of Whistleblowers could also share the data collected from the internal units with the Corruption Prevention Department, who can use the data to inform its' broader strategic approach to corruption prevention in terms of awareness raising and training, as well as risk assessments.

The Slovak Republic could optimise its system for anonymous reporting

Enabling individuals to report anonymously can help encourage reporting on wrongdoing and strengthen trust in the reporting system. Anonymous reporting is currently possible in the Slovak Republic: for example, through its Anti-corruption Hotline, the Government Office received 69 anonymous reports in 2020; 31 anonymous reports in 2019; and 36 anonymous reports in 2018. However, the current modalities do not allow government entities to follow-up with the anonymous whistleblower for further information or to inform on the status of investigations and sanctions. Moreover, the Law does not currently provide protection for those who make anonymous reports. To facilitate anonymous reporting, the Slovak Republic could consider amending the law to allow for anonymous reporting via an online portal. This portal could allow anonymous whistleblowers to submit their information using a pseudonym and employ encryption technology for follow-up to ensure that the whistleblower remains anonymous. The example of the corruption hotline using double-encryption technology in Austria may serve as an example (see Box 2.11).

Box 2.11. The Austrian portal for corruption reporting

In 2013, the Federal Ministry of Justice in Austria launched a portal to enable individuals to report wrongdoing. The portal can be also be accessed via a link on the Federal Ministry of Justice homepage, where individuals can find and download further information on the portal. The portal is operated by the Central Public Prosecutor's Office for Combating Economic Crimes and Corruption (CPPOCECC).

The whistleblowing system is an online anonymous reporting system, which is especially suited for investigations in the area of economic crimes and corruption. The whistleblower (or "discloser") may report anonymously any suspicion that a crime in the general remit of the CPPOCECC pursuant to section 20a of the Code for Criminal Procedure (CCP) was committed; the investigation authority in turn may make inquiries with the whistleblower, while maintaining his or her anonymity in order to verify the value of the information. Any reports within the focus set forth by section 20a CCP, but outside the CPPOCECC remit, are forwarded to the competent authority (mostly financial authorities).

To ensure that anonymity is guaranteed, when setting up a secured mailbox, the whistleblower is required to choose a pseudonym/user name and password. The anonymity of the information disclosed is maintained using encryption and other security procedures. Furthermore, whistleblowers are asked not to enter any data that gives any clues as to their identity and to refrain from submitting a report through the use of a device that was provided by their employer. Following submission, the CPPOCECC provides the whistleblower with feedback and the status of the disclosure through a secure mailbox. If there are issues that need to be clarified regarding the case, the questions are directed to the whistleblower through an anonymous dialogue. Such verified reports can lead to the opening of investigations or raise concrete suspicions requiring the initiation of preliminary investigations.

As of 31 May 2017, the introductory page of the electronic whistleblowing system was accessed 343 0296 times. A total of 5 612 (possible) criminal offences were reported, less than 6% of which were found to be completely without justification. A total of 3 895 of the reports included the installation of a secured mailbox. About 32% of the reports fell into the scope of other (especially financial) authorities and were forwarded accordingly.

Source: Austrian Federal Ministry of Justice, www.bkmssystem.net/wksta and <https://www.bkms-system.net/bkwebanon/report/clientInfo?cin=1at21&c=-1&language=eng>

Proposals for Action

Assigning clear and coherent responsibilities for public integrity

- The Slovak Republic could consider merging the functions of Ethics Advisors with the functions of the Anti-Corruption Co-ordinators.
- The Slovak Republic could expand the membership of the Board of Anti-Corruption Co-ordinators and consider renaming it to clarify its role.

Setting clear public integrity standards for conflict of interest

- The Slovak Republic could consider strengthening standards on post-public employment in the Act on Conflict of Interest and the Civil Service Act, and could develop tailored guidance to support implementation.
- The Slovak Republic could consider strengthening institutional capacity to process, verify and audit asset declarations for political, senior and at-risk public officials.
- The proposed new office on asset declaration could have the capacity to receive and process asset declarations digitally, to improve efficiency and reduce error.
- The Slovak Republic could enhance coherence of integrity standards across the public sector by offering guidance on developing sectoral codes of conduct and codes of conduct for at-risk positions.
- The Slovak Republic could introduce a code of ethics for political and senior officials and establish appropriate institutional arrangements to oversee adherence to integrity standards.

Raising awareness and building capacity for public integrity through training

- The Civil Service Council and the Corruption Prevention Department could develop a joint training programme for integrity and anti-corruption to avoid duplication and gaps.
- The Ethics and Integrity Co-ordinators could support implementation of the conflict of interest regime for civil servants through awareness raising and capacity building.

Strengthening merit-based recruitment and integrity leadership

- The Civil Service Council and the Public Service Department of the Government Office could strengthen integrity standards in public employment and promote integrity leadership.

Ensuring effective protection of whistleblowers

- The Office for the Protection of Whistleblowers could raise awareness about whistleblower protection measures in place under the new law.
- The Office for the protection of Whistleblowers could enhance institutional co-operation and knowledge management on corruption reporting and whistleblowing.
- The Slovak Republic could optimise its system for anonymous reporting.

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3

Fostering a strategic approach to corruption risk management in the Slovak Republic

This chapter provides insights and recommendations on how the Corruption Prevention Department can improve its risk analysis and guidance to government agencies on preventing corruption risks. In particular, this chapter assesses the role of the Corruption Prevention Department and its capacity to diversify its sources in the risk analysis process. To facilitate a risk-informed culture, this chapter emphasises a number of strategies such as horizontal knowledge sharing, training modules, the development of risk management working groups, as well as guideline materials in the form of risk matrices and templates for assessing and prioritising risks. The chapter also highlights how generating public buy-in, through raising awareness of risk management efforts, is central to a strategic risk management approach and the fight against corruption more generally.

Introduction

Internal control and risk management support public sector organisations in achieving a wide range of policy goals and objectives. In the OECD's Recommendation on Public Integrity, the principle on risk management focuses on aspects of internal control and risk management in the context of preserving integrity and combating corruption in the public sector. Governments must ultimately tailor their approach to their respective legal, regulatory and cultural contexts. This involves embedding integrity objectives into existing internal control and risk management policies and practices. It also entails adapting international standards and concepts for internal control and risk management to local realities and the public sector.

The Anti-Corruption Policy of the Slovak Republic for 2019-2023, approved by Government Resolution No. 585/2018, sets out measures to strengthen the framework for corruption prevention in the public sector. Within the Anti-Corruption Policy, the Government of the Slovak Republic recognises the need to introduce corruption risk management to government agencies. As such, the Corruption Prevention Department (CPD) in the Office of the Government of the Slovak Republic leads and oversees activities targeted at identifying and mitigating corruption risks in government agencies and across the public sector. This chapter provides insights and recommendations on how the CPD can improve its risk analysis and the guidance it provides for government agencies on corruption risk management.

Based on research, analysis of documents and interviews with representatives of government agencies, this chapter provides proposals for action for the CPD to consider. To foster a strategic approach to corruption risk analysis, it identifies room for improvement in how the CPD documents its own risk analysis, and how it can communicate about emerging corruption risks. In addition, it suggests that the CPD make use of a number of resources when analysing corruption risks. To strengthen the capacity to prevent and detect corruption in government agencies, this chapter proposes improvements to the CPD's corruption risk assessment guidelines, namely, to include practical resources and tools to aid the risk assessment process. It also assesses the development of the sectoral anti-corruption programmes, and suggests that the CPD establish a working group to foster horizontal knowledge-sharing and to harmonise the process of developing the programmes. To raise awareness of corruption and to refine messages for a risk-informed culture, the last section of this chapter proposes that the CPD develop a comprehensive communication strategy for both the public and government officials. To engage citizens and non-experts, the chapter provides examples to the CPD of innovative and accessible formats to present its work. Regarding its communication with government officials, the chapter draws attention to the need for clearer messaging around the CPD's guidelines, and in particular the need for government agencies to utilise a wider variety of sources as inputs for their corruption risk assessments. Additionally, it underlines the need for government agencies to consult with internal audit teams to help build a proactive risk culture.

Taking a strategic approach to corruption risk analysis

The CPD could develop a more systematic approach to its risk analysis, including diversifying its sources for identifying corruption risks, and improving how it documents and disseminates results

As part of its activities in centralising policies to prevent corruption, the CPD is responsible for designing and implementing projects and measures aimed at reducing corruption in the public sector. In February 2019, each ministry in the Slovak Republic established the position of anti-corruption co-ordinator. This co-ordinator is responsible for overseeing the anti-corruption activities of the ministry, including the implementation of corruption risk management measures. The introduction of an anti-corruption co-ordinator and the implementation of corruption risk management practices is also recommended to the President of the Judicial Council, the General Prosecutor and the President of the Association of Towns and Municipalities.

In 2019, the CPD established corruption risk assessment guidelines for government agencies. This methodology applies to all departments in the public sector on how to manage corruption risks, in line with the anti-corruption policy of the Slovak Republic for 2019-2023. Departments are required to carry out the corruption risk assessment on an annual basis, in line with these guidelines. In addition, working with a private company, the CPD has developed an IT tool on corruption risk management for all public bodies as part of the project of implementation of ISO 37001:2016 (Anti-Bribery Management System). This IT tool, which consists of an electronic questionnaire, is disseminated to all public authorities. The dissemination to municipalities is also foreseen through the Ministry of Interior's contact point. Filling out the questionnaire, which the CPD first distributed in 2020, is currently not obligatory.

The anti-corruption co-ordinator of the Office of the Government of the Slovak Republic is also the administrator of the electronic questionnaire, and can make adjustments or updates to the questionnaire where necessary. Once the questionnaire has been completed, the anti-corruption co-ordinator provides managers with the results and consults with them on the proposals for measures to mitigate identified corruption risks. Managers shall subsequently prepare a corruption risk register and propose relevant measures.

While the CPD oversees the implementation of corruption risk management practices within government agencies through the guidelines it has developed and the distribution of the electronic survey, the CPD also undertake its own form of risk analysis separately from these activities. This involves assessing at a broader level prevalent corruption risks across the Slovak public sector in order to inform and develop the national anti-corruption programme. The CPD is comparatively advanced in the development of its risk analysis activities. A study carried out in 2020 found that for most Anti-Corruption Authorities (ACAs), overseeing, implementing and undertaking corruption risk analysis is not a widespread practice at the international level, with just over half of respondents reporting that they are obliged to undertake risk mapping or analysis (L'Agence française anticorruption, 2020^[1]). More frequently, ACAs tend to be responsible for designing anti-corruption strategies, codes of conduct and receiving complaints.

As part of its risk analysis to develop the national anti-corruption programme and to inform the development of the sectoral programmes, the CPD notes that it considers the following sources to assess risks:

- information received through the anti-corruption hotline
- responses to the electronic survey/IT tool
- analysis of legislative gaps or shortcomings
- complaints from citizens
- recommendations from international organisations
- consultation with NGOs and civil society actors
- media reports.

While the CPD appears to consult a variety of sources to identify prevalent corruption risks, it could consider other sources that would prove beneficial for evaluating systemic risks across the public sector. For example, the CPD notes that it does not use information from external audit reports; however, these reports are publicly available and could therefore be used by the CPD when evaluating risks. The CPD does not appear to consult risk registries of departments either, noting that it obtains this information from the IT tool. The CPD's guidelines on corruption risk assessment require departments to create and maintain a risk register. As such, the CPD could use these as an additional resource to get a clearer sense of which corruption risks are most prevalent.

Furthermore, the CPD could improve how it documents the risk analysis process and develop a strategy on disseminating results. Representatives from the CPD note that at present, the CPD does not have a documented process or strategy for disseminating the results of its risk analysis, which may hinder the effectiveness of its risk management practices. The CPD shares insights with public organisations on an ad hoc basis, meaning that said organisations may not benefit from findings that could inform improvements to the control environment. The CPD notes that across organisations in the Slovak public sector, there is a stronger focus on enforcement rather than preventive measures for fraud and corruption. By sharing the findings of its analysis and suggesting improvements where necessary, the CPD can demonstrate the value of its risk analysis and the added value for organisations. This can also strengthen risk management practices at the entity level.

While the CPD works closely with government agencies on the development of their sectoral anti-corruption programmes, providing clarity on how it undertakes its own corruption risk analysis and informs actions at the national level can raise awareness of the CPD's risk management efforts and create buy-in across the public sector. This can help to institutionalise corruption risk management and guide government agencies in their risk management activities. In addition, this can serve as a strong basis for the CPD to expand its risk analysis activities beyond the national anti-corruption programme to develop different approaches and outputs, such as identifying emerging corruption risks. In Australia, for example, the Crime and Corruption Commission (CCC) produces materials for government agencies to raise awareness of current and emerging corruption risks (Box 3.1). The CPD could draw inspiration from this practice in order to expand its risk analysis and adopt a multi-faceted approach to identifying trends in corruption risks experienced by government agencies.

Box 3.1. Identifying and communicating about current and emerging corruption risks

The Crime and Corruption Commission (CCC) is an independent Queensland Government entity created to combat and reduce the incidence of major crime and to continuously improve the integrity of, and to reduce the incidence of misconduct in, the Queensland public sector. Within its remit, the CCC provides guidance for public sector bodies on how to identify and prevent corruption, as well as undertaking its own analysis to identify risks that pose the most serious threat across the public sector. As such, the CCC regularly produces short documents on different focus areas within its 'Prevention' series. In 2020, the CCC undertook an assessment to identify of corruption trends to:

- provide a contemporary understanding of corruption and corruption risks in Queensland
- pinpoint current trends, events and practices that are vulnerable to corruption
- identify factors that enable or facilitate corruption and other forms of serious wrongdoing
- inform opportunities to prevent, detect and deal with corrupt conduct within the Queensland public sector.

Following this assessment, the CCC developed a resource targeted at heads of public sector agencies and members of audit and risk committees within them. It aims to alert senior decision makers to current and emerging corruption risks associated with the changing public sector landscape. The information is presented clearly and in an accessible format, and lays out what the CCC did, what it found and the areas of high and emerging risk. Below is a snapshot of the information presented in the document.

Figure 3.1. Snapshot of visual information

Areas of high and emerging risk

Corruption risks have not substantially changed over time; however, some have been heightened through increased engagement with the private sector, current economic events, flawed recruitment and vetting processes and decreased oversight.



Increased engagement and partnerships with the private sector can heighten corruption risks, particularly risks associated with conflicts of interest, procurement fraud and the misappropriation of public funds.



The privatisation of traditionally government services and devolution of direct government oversight without rigorous governance practices has heightened opportunities for motivated individuals and groups to influence government decision-making.



Increased interaction with the private sector can heighten the risk of public sector employees being targeted or “groomed”. Private sector entities may use specific strategies to “groom” or target government employees to gain valuable information or to influence procurement or recruitment decisions.

Source: (Crime and Corruption Commission (Queensland), 2020^[21])

Strengthening capacity to prevent and detect corruption in government agencies

The CPD could further improve the corruption risk assessment guidelines by including materials such as risk matrices and templates for assessing and prioritising risks. The CPD can also develop training modules on using the guidelines

The corruption risk assessment guidelines are a methodology established in 2019 by the CPD for all departments in the public sector on how to manage corruption risks, in line with the anti-corruption policy of the Slovak Republic for 2019-2023. Departments are required to carry out the corruption risk assessment on an annual basis, in line with these guidelines. The guidelines include the following:

- definitions of corrupt behaviour or activity
- responsibilities vis-à-vis corruption risk assessment
- potential causes and sources of corruption risks in the public sector
- risk identification and detection
- assessment and evaluation of identified risks
- how frequently the process should be carried out
- the requirement to maintain a risk register
- monitoring of measures and communicating results.

During interviews with selected government agencies, representatives noted that they have undertaken one corruption risk assessment so far in line with the CPD’s guidelines, and will undertake another at the beginning of 2021. Some representatives report that they consult the corruption risk assessment guidelines regularly, and that they consider the guidelines to be a valuable resource. Indeed, the guidelines provide a strong foundation for corruption risk assessment in public sector organisations in the Slovak Republic,

describing the conditions in which different corruption risks may occur, and designating responsibility for the identification and treatment of risks.

However, the guidelines do not provide practical materials for managers to use to carry out risk assessments. For example, the guidelines do not contain risk matrices that demonstrate how to assess and prioritise risks, nor templates that managers could use. In the United Kingdom (UK), for example, the Home Office committed to publishing a bribery and corruption assessment template in the UK Anti-Corruption Plan. This template is published online and is targeted at government agencies and departments to assess their response to bribery and corruption (Box 3.2).

Box 3.2. United Kingdom Home Office: Facilitating self-assessment with a bribery and corruption risk assessment template

As part of the United Kingdom (UK) Anti-Corruption Plan released in 2014, the Home Office committed to publishing a bribery and corruption assessment template for government departments and agencies to assess their response to bribery and corruption. The self-assessment template takes the user through key questions all organisations will want to consider in order to: better understand and articulate the bribery or corruption threat; establish the risks faced; and assess the organisations capacity to manage and mitigate that risk. The template sets out a series of possible responses to each question accompanied by further guidance to help users identify areas needing improvement and how to make those improvements in order to develop a more robust approach to counter bribery and corruption activity. It also recommends summarising the current activity within the organisation for each question and setting out next steps. Those responsible for dealing with bribery and corruption within the organisation will be responsible for co-ordinating the completion of the form, with the recommendation that it is then signed off by top-level management. Below is a snapshot of the form with the possible responses.

Figure 3.2. Snapshot of a risk assessment template

Do you include the assessment of bribery and corruption risk as part of your regular risk assessment process?

Guidance notes: The risk from bribery and corruption should be captured as part of detailed risk assessment undertaken on individual business areas as set out in the Government Counter Fraud Standards.

The Communications Electronics Security Group (CEGS) which is the national technical authority for information assurance, has published some helpful guidance on [managing information and risk](#). The principles set out in the [Ministry of Justice Bribery Act 2010 Guidance](#) will also be of assistance. Though the corporate failure to prevent offence under section 7 of the Bribery Act covers only 'commercial organisations', the Ministry of Justice Guidance is still valuable for Departments to consider. Furthermore, though Government Departments are not 'commercial organisations' for the purposes of section 7 and have crown immunity from prosecution, elements of their activities may be deemed as commercial when they trade as a commercial entity. Individuals within Government Departments are also criminally liable under the Bribery Act at all levels.

Element	Yes	Developing	No	Don't know
Risk Assessments undertaken by a suitably experienced/qualified person(s)				
Bribery and corruption risks clearly recorded in risk assessment				
Taken account of country risk				
Taken account of sector risk				
Taken account of scope of organisation and its supply chain				

Source: (United Kingdom Home Office, 2016^[31])

Risk matrices, risk registries or simple Excel tables can be useful tools for documenting the results of risk assessments, as well as assessing interlinkages between risks and controls. Regardless of how they are documented, it is critical that the results of risk assessments reflect the acceptable level of risk based on predetermined criteria. Heat maps or other tools that convey scoring of the likelihood and impact of risks without also showing the level of risk management deemed acceptable have little value for decision making or adapting mitigation measures (OECD, 2020^[4]). The CPD can draw from internationally recognised resources and standards to update its guidance material for operational risk assessments at the entity level. For example, the CPD could draw inspiration from existing tools, such as those developed by the Association of Certified Fraud Examiners (ACFE). The ACFE has developed a fraud risk management tool, which is an Excel file containing risk assessment scoring scales, a risk assessment matrix and a heat map, among other factors (Association of Certified Fraud Examiners, 2020^[5]). While targeted at fraud risks, the CPD can adapt and tailor its guidance and tools to the corruption risk management practices in the Slovak public sector.

Should the CPD update its guidelines to include practical tools, it may consider developing targeted training activities for government agencies. While representatives from government agencies noted that overall they find the CPD's training activities to be sufficient, there appears to be an ad hoc approach to trainings within government agencies on the subject of corruption and integrity. For example, one ministry reported that there is a compulsory training module that employees must undertake every two years, whereas in another government agency, this is done every five years. Moreover, the CPD currently does not offer any trainings that focus specifically on using the corruption risk assessment guidelines. While it is not within the CPD's mandate to determine the frequency of training modules within government agencies, it can envision developing training activities on the practical tools included in its guidance. This would contribute to the practical application of CPD's guidance materials in a systematic way. The frequency of such trainings may depend on available resources and other external factors, such as the ongoing COVID-19 restrictions.

To promote a harmonised approach to developing sectoral anti-corruption programmes within government agencies and to facilitate horizontal knowledge-sharing, the CPD can consider establishing corruption risk management working groups

A core element of effective risk management is communication, which means the timely involvement of stakeholders to take into consideration their knowledge, views, and perceptions. This risk management principle implies a systematic approach to communication and consultation, sharing information with targeted audiences, and obtaining feedback from relevant parties to shape risk management processes (OECD, 2019^[6]). In the Slovak Republic, representatives from government agencies report that while they view the CPD's co-ordination and guidance positively, there may be room for improvement regarding how they can exchange practical outcomes with colleagues across the public sector on risk management issues. Given that corruption risk management in the Slovak Republic is quite a recent development, the CPD could help establish working groups to bring together those in government agencies that are responsible for carrying out risk assessments. During meetings, participating government agencies supported the idea of such an initiative, which they agreed could improve interactions and sharing of experiences in managing and assessing risks.

Regular exchanges on corruption risk management practices can help enhance individual risk assessments and improve coherence across agencies while recognising the need for tailoring to different contexts. In addition, establishing risk management working groups can facilitate horizontal knowledge-sharing between entities that may not otherwise have the opportunity to share their experiences. This may be particularly beneficial for agencies that are less advanced in their risk management practices. For example, analysis of the existing corruption risk management practices in the Slovak public sector shows that there is variation across government agencies, with some agencies being relatively more advanced in this regard.

Through a working group, these government agencies can share their insights and provide guidance to others on how to effectively implement corruption risk management and undertake assessments. Furthermore, establishing corruption risk management working groups can benefit those government agencies that are not included in the national anti-corruption programme, such as the Anti-Monopoly Office (AMO) and the Supreme Audit Office of the Slovak Republic. While these entities are not directly included in the national anti-corruption programme, interviews with representatives from the AMO showed that the office is committed to implementing corruption risk management, in line with the CPD guidance. As such, corruption risk management working groups can bring together government agencies that may not have other avenues to exchange on these issues, and foster a bottom-up approach to implementing risk management practices.

Bringing together government agencies in this way can also help to promote a harmonised approach to the development of sectoral anti-corruption programmes. In line with the Government Resolution No. 585/2018 for the national anti-corruption policy of the Slovak Republic 2019 – 2023, all government agencies have made a commitment to adopt a sector-relevant anti-corruption programme based on corruption risk analysis. Regarding the application of corruption risk management, at present there are 14 government agencies undertaking such practices, including the Office of Government. The main output of the corruption risk management practices and assessments by government agencies are the sectoral anti-corruption programmes and the development of the national anti-corruption programme led by the CPD.

Within each government agency, the sectoral anti-corruption programmes are developed in line with the national anti-corruption policy, the requirements of ISO 37001 on anti-bribery systems and the corruption risk assessments of the respective agencies. The sectoral programmes are targeted at employees within the agency, as well as employees of partner organisations. The minister or head of the agency is responsible for the anti-corruption programme and the measures it contains. In general, each sectoral anti-corruption programme consists of the following:

- Definitions of relevant terms related to integrity risks or breaches, such as corruption, conflict of interest, integrity, corruption risk.
- The objectives of the anti-corruption programme and how it contributes to corruption prevention within the agency.
- The tasks and measures determined to reduce the scope for the emergence of corruption risks, including indicators to measure results and a timeframe for the tasks and measures to be implemented.
- Monitoring and evaluation activities of said tasks and measures involving organisational units and partner organisations, which are overseen by the anti-corruption co-ordinator, who is required to develop a summary document detailing these activities.

The existing sectoral anti-corruption programmes provide a strong basis for corruption risk management and mitigation measures. However, there appear to be variations in the content and proposed actions of the programmes, with some providing a greater level of detail on identified risks and internal control vulnerabilities. Others, however, are not as comprehensive in nature and appear to repeat sections of the anti-corruption policy. Currently, the CPD regularly provides consultation to government entities that ask for explanation or clarifications concerning the guidelines or sectoral programmes. The CPD also publishes relevant materials on these topics on its website. The CPD does not have the legal authority to force entities to participate in working groups. Nonetheless, the CPD can promote coherence in this process by inviting willing entities to join working groups, recognising the specific context and environment of each government agency when developing the sectoral anti-corruption programmes.

Raising awareness and refining messages for a risk-informed culture

The CPD can develop a communication strategy to raise awareness among citizens and to draw attention to the actions CPD is taking to tackle corruption

For ACAs, it is essential to promote the activities they undertake to raise public awareness of corruption and the efforts made by governments and agencies to mitigate risks of corruption. The CPD does not make results from its risk analysis public, nor the consolidation of results from the electronic survey, which may hinder awareness-raising efforts. The CPD notes that these results and findings are not made public because the survey and corruption risk management practices are relatively new. However, the CPD also notes that there is a lack of awareness around corruption and fraud risks in the Slovak Republic, and that the public tends not to consider corruption as a pressing issue. Despite this, the CPD notes that fraud and corruption schemes are continuing to evolve, and that it is observing a rise in the number of the following schemes:

- kickbacks and bid-rigging
- avoidance of proper public procurement procedures, such as inflating project costs for goods or services
- collusion between a network of individuals, including those in positions of authority (i.e. members of the police force, prosecutors, judges)
- various form of rent seeking.

Furthermore, the CPD gauges the public perception as somewhat negative towards anti-corruption efforts, which implies that there may be a lack of public support around these efforts. To reinforce the message that there are indeed serious challenges vis-à-vis corruption in the public sector, and to highlight what the CPD is doing to address these challenges, the CPD could develop a communication strategy to raise awareness and inform the public and other stakeholders about its role. The CPD notes that there has traditionally been a formalistic approach to anti-corruption measures in the Slovak Republic, characterised by an over-reliance on sanctions and legal recourse. By developing a comprehensive communication strategy, the CPD can demonstrate its commitment to moving away from this approach towards more effective prevention measures. This is evidenced by the CPD's role in leading and implementing corruption risk management in the Slovak public sector, and specifically in guiding government agencies in undertaking risk assessments. Box 3.3 provides an example of how the French Anti-Corruption Agency (AFA) developed a communication strategy around its activities.

Box 3.3. The French Anti-Corruption Agency's communications and awareness-raising efforts

In 2017, the French Anti-Corruption Agency (AFA) already launched a comprehensive communication strategy, combining press relations, digital communications and outside presentations, in order to provide information about its duties and latest news. This strategy enabled the AFA to take its place in the French institutional landscape by meeting with the various stakeholders affected by its activities, such as professional organisations and companies, public prosecutor's offices, journalists, associations of elected officials, central government administrations, MPs, and civil society actors. On its webpage created in 2017, the AFA publishes daily news and provides access to documents, such as factsheets and a self-assessment questionnaire. Through this web presence, the AFA announced the public consultation on its draft recommendations that it launched in October 2017. It then published the final version of its recommendations in English and French.

In addition, the AFA has maintained an active presence at conferences and seminars, often engaging with university students, allowing AFA the opportunity to raise awareness among students, academics and professionals. The AFA is also invited by companies and law firms to present its activities, which

provides further opportunities to raise awareness of corruption in France and on the efforts undertaken by the AFA and other agencies to tackle corruption.

Source: (L'Agence française anticorruption, 2017^[7])

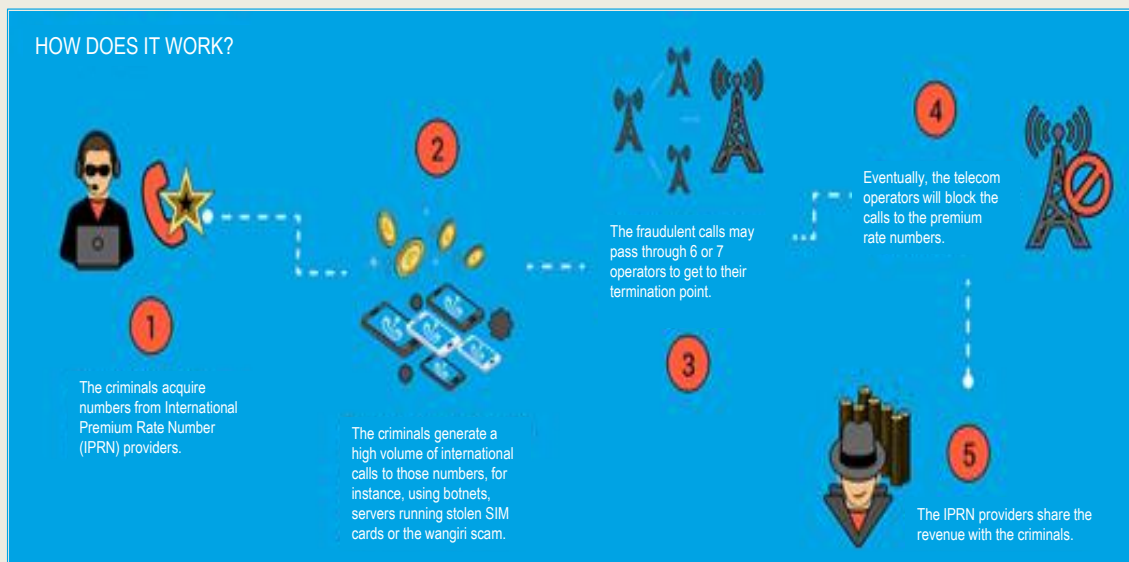
To engage a wider audience and strengthen communication with the public about corruption and prevention activities, the CPD could consider presenting information and materials in more reader-friendly and innovative formats. For example, Box 3.4 provides examples from other institutions that have developed products that present findings in a more concise and visually appealing way.

Box 3.4. Alternative ways to present technical reports and information: The example of illustrated guides on fraud and corruption

Europol's Public Awareness and Prevention Guides

On its website, Europol has published crime prevention guides that contain information that can help citizens identify certain schemes. For each scheme, Europol provides information on the characteristics of the scheme and the impact it may have if successful. The schemes are illustrated with graphics and a small amount of text. The image below shows the illustrated scheme for telecommunications fraud included on the website.

Figure 3.3. Europol's Public Awareness and Prevention Guides



OECD's Spotlight Guide to Fraud and Corruption Risks

This 2019 OECD guide aims to draw attention to the specific fraud and corruption risks and schemes that occur in the project cycle of programmes funded through the European Structural and Investment (ESI) Funds. To enhance the knowledge and awareness of not only fraud schemes affecting ESI Funds, but also the preventive actions authorities can take, the illustrated schemes focus on risks throughout the project cycle to demonstrate the complex nature of fraud and corruption schemes. It highlights who the perpetrators typically are, and what tactics they employ. Furthermore, the guide includes suggested control actions to prevent and detect the risks exemplified in the schemes and outlined in each section.

Sources: (Europol, 2020^[8]) (OECD, 2019^[9])

The CPD can develop a strategy for government officials to communicate how to carry out risk assessments, including how to engage internal audit functions

The CPD's corruption risk assessment guidelines stipulate that when undertaking a corruption risk assessment, government agencies should consult a variety of sources to identify internal and external corruption risks. The sources of information that the CPD suggests government agencies can use include the following:

- questionnaire or survey responses
- public opinion polls using Google Forms, for example
- information from media sources including social media
- historical data on corruption risks or trends
- suggestions or findings from NGOs and civil society actors
- findings from audits and inspections
- reports of corruption through hotlines
- results from monitoring and evaluation activities of preventive controls
- information from the ARACHNE IT tool.

The list of potential sources included in the guidelines is comprehensive. However, a number of representatives from different government agencies note that during the corruption risk assessment undertaken in 2020, they did not consider many sources as inputs for the assessment. While some representatives reported using a variety of sources, such as data submitted by relevant units, media reports and internal audit reports. While this government agency noted that the survey is just one input that is used to verify and confirm the results of their risk analysis, in general there appears to be an over-reliance on the survey to inform risk assessments in government agencies. While a key input, the corruption risk assessment can be strengthened by considering a number of other factors and resources. This will be a vital area to address, as the Government resolution No.585 requires central government bodies to implement corruption risk management in order to inform the sectoral anti-corruption programmes. These programmes determine the implementation of control activities, and therefore should be based on strong and robust risk assessment processes, considering numerous data sources. Moving forward, the CPD can seek to frame this issue in a way that communicates to the ministries that the survey is one key input for the risk assessment, but should not be the sole data source. This is in line with the CPD's guidelines and the extensive list of sources to draw from when carrying out corruption risk assessments.

One of the potential sources listed in the corruption risk assessment guidelines are internal audit reports. Furthermore, the CPD underlines the value of consulting internal audit or inspection reports when undertaking corruption risk assessments, including them in a list of potential sources to draw from. However, representatives from some government agencies reported that they did not consult internal audit reports or liaise with internal audit teams as part of the first corruption risk assessment. One ministry noted that they did consult with their internal audit function when assessing corruption risks, but based on the feedback from other ministries and agencies, this is not yet a standardised practice. Internal auditors' objective, value-based insights and evidence can help public sector organisations better manage and assess integrity risks. In practice, this involves identifying integrity risk factors in the course of internal audit work and assessing whether these risks are being managed effectively, even if the public sector organisation does not have formal integrity risk management programmes in place. For example, internal auditors can red-flag high-risk areas for integrity breaches such as third-party relationships, outsourced activities or procurement. Audit recommendations to improve the control environment in these high-risk operational areas can improve the organisation's efforts to prevent and detect fraud and corruption.

While internal auditors should have sufficient knowledge to evaluate integrity risk factors and the management of risks within an organisation, they are not required to have the knowledge or expertise to take on an investigative role. Internal audit's role with regard to investigations of suspected integrity breaches depends on a number of factors, such as the structure of the organisation and the availability of resources. To ensure that all government agencies undertaking corruption risk assessments can use insights from internal audit teams, the CPD can improve how it communicates about its guidelines and guide agencies on how to effectively engage internal auditors while ensuring their independent and objective assurance. The CPD could also envision including internal audit teams in the corruption risk management working groups, should they be established.

Proposals for Action

Taking a strategic approach to corruption risk analysis

- The CPD could develop a more systematic approach to its risk analysis, including diversifying its sources for identifying corruption risks, and improving how it documents and disseminates results.
 - Diversifying inputs into the risk assessment process, including the use of external audit reports and agencies' risk registries.
 - Providing clarity on how the CPD undertakes corruption risk analysis and informs actions at the national level in order to raise awareness of the CPD's risk management efforts and create buy-in across the public sector.
 - Developing approaches to identify emerging corruption risks and communicating them to government agencies.

Strengthening capacity to prevent and detect corruption in government agencies

- The CPD could further improve the corruption risk assessment guidelines by including materials such as risk matrices and templates for assessing and prioritising risks. The CPD can also develop training modules on using the guidelines.
- To promote a harmonised approach to developing sectoral anti-corruption programmes within government agencies and to facilitate horizontal knowledge-sharing, the CPD can consider establishing corruption risk management working groups.

Raising awareness and refining messages for a risk-informed culture

- The CPD can develop a communication strategy to raise awareness among citizens and to draw attention to the actions CPD is taking to tackle corruption.
 - Considering more reader-friendly formats and accessible products to engage a wider audience.
- The CPD can develop a strategy for government officials to communicate how to carry out risk assessments, including how to engage internal audit functions.

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4

Strengthening a whole-of-society approach to public integrity in the Slovak Republic

This chapter examines the Slovak Republic's efforts to cultivate a whole-of-society culture of integrity. It assesses the current integrity issues facing Slovak society, drawing from perception surveys describing the impact of corruption on society. This chapter clarifies how integrity standards are an essential tool for civil society organisations, and highlights the necessity of providing clear guidance to the private sector on their roles and responsibilities for public integrity. In addition, this chapter explores existing avenues to mainstream public integrity into the curriculum at the primary, secondary and post-secondary levels.

Introduction

Public integrity is not just an issue for the public sector: individuals, civil society and companies shape interactions in society, and their actions can harm or foster integrity in their communities. A whole-of-society approach asserts that as these actors interact with public officials and play a critical role in setting the public agenda and influencing public decisions, they also have a responsibility to promote public integrity (OECD, 2020^[1]). As the 2017 OECD Recommendation on Public Integrity stipulates: adherents should “promote a whole-of-society culture of public integrity, partnering with the private sector, civil society and individuals, in particular through:

- Recognising in the public integrity system the role of the private sector, civil society and individuals in respecting public integrity values in their interactions with the public sector, in particular by encouraging the private sector, civil society and individuals to uphold those values as a shared responsibility.
- Engaging relevant stakeholders in the development, regular update and implementation of the public integrity system.
- Raising awareness in society of the benefits of public integrity and reducing tolerance of violations of public integrity standards and carrying out, where appropriate, campaigns to promote civic education on public integrity, among individuals and particularly in schools.
- Engaging the private sector and civil society on the complementary benefits to public integrity that arise from upholding integrity in business and in non-profit activities, sharing and building on, lessons learned from good practices” (OECD, 2017^[2]).

A “whole-of- society” approach to public integrity requires companies, civil society organisations and individuals to ensure that their engagement with the public sector respects the shared ethical norms, principles and values of society (OECD, 2020^[1]). How this materialises depends on the role each actor has in society. For companies, it can involve complying with environmental and human rights standards when carrying out their business activities, paying their fair share in taxes, refraining from offering bribes, and ensuring that lobbying activities align with the long-term sustainability goals set by the company. For civil society organisations, it can include ensuring that they adhere to standards of public integrity when acting as a service provider or advocating for policy issues. For individuals, it can mean respecting the rules governing interactions with public officials and access to public monies, including respecting public property, not engaging in fraudulent social benefit schemes or avoiding taxes, and reporting corruption and fraud when they encounter it (OECD, 2020^[1]).

Corruption is a major concern of Slovak citizens and they are aware of corruption issues within government and society. According to the latest 2020 Eurobarometer Survey, 87% of individuals consider corruption to be widespread in the Slovak Republic, compared to an EU average of 37% (European Commission, 2019^[3]). In addition, 52% of Slovaks believe that corruption has increased over the last three years (4% decreased from 2017) and 41% of Slovaks believe they are personally affected by corruption in their daily life (-1% from 2017) (European Commission, 2019^[3]). The perception of corruption is thus pervasive and extends into a lack of trust in politicians and the wider governmental system.

Corruption is also a concern of companies doing business in the Slovak Republic. For example, 88% of companies consider corruption to be widespread (EU average 63%) and 53% of companies consider that corruption is a problem when doing business compared to an EU average of 37% (European Commission, 2020^[4]). According to the 2020 Global Competitiveness Report, the Slovak Republic is ranked 42 among 140 countries (Schwab, Zahidi and World Economic Forum, 2020^[5]).

These numbers demonstrate that the government alone cannot eradicate corruption, but that a broader co-operation is needed across sectors, involving CSOs, the private sectors and citizens. The National Anti-Corruption Policy of the Slovak Republic 2019–2023 recognises this challenge and states explicitly: “It is

taken into consideration that the effectiveness and efficiency of the implementation of any anti-corruption policy is increased when it covers all sectors of public authority, civil society and business. Successful implementation of the Anti-Corruption Policy requires active involvement of and co-operation between all stakeholders and shall be supported by their proactive and trustful commitment to act against corruption practices so that room and opportunities for corruption are restricted.” (ACP, p.4)

In line with these objectives, this chapter focuses on fostering integrity in civil society organisations and companies, as well as how the education system can contribute to a cultural change towards public integrity values.

Ensuring public integrity standards in civil society organisations

The impact and credibility of CSOs goes hand in hand with their own adherence to public integrity standards. The lack of transparency in their mission and sources of funding can lead to perceptions that CSOs are a vehicle for the pursuit of private interests, linked to certain industries, companies or political actors. Furthermore, fraud, waste and poor management practices in a CSO can detrimentally affect not only the CSO in question, but also the reputation of the entire civil society sector.

Establishing proportionate rules and controls in line with the civil society organisations’ characteristics

Governments can use legislative frameworks to promote integrity within CSOs in various ways, such as by subjecting them to anti-corruption laws in which they are considered legal persons, and by requiring them to have a sound governance structure. This structure can include clear lines of accountability, integrity standards, internal control and risk management measures, as well as transparency regarding their activities and the use of funds (OECD, 2020^[1]).

At a minimum, CSOs could deploy basic governance structures, such as an elected board, confirm accountability and transparency requirements through financial audits and the issuing of annual reports, establish clear rules for avoiding conflicts of interest, and adhere to their legal statutes and other guidelines of duty (Global Standard for CSO Accountability, n.d.^[6]).

In the Slovak Republic, there are currently no transparency requirements related to funding sources and activities. Some CSOs publish their annual reports and funding sources, while others do not. Ensuring structural transparency in CSOs should be a priority, as failure to do so negatively impacts the CSOs’ credibility as anti-corruption advocates and limits their capacity to represent the interests of citizens.

One way to enhance transparency is requiring CSOs to publish and disclose information relevant to integrity and good governance, including funding sources, annual reports, annual activities, and staff members. In recent years, the Slovak government has taken steps towards establishing audit and financial reporting standards for CSOs. For example, it has imposed restrictions on political donations to CSOs (The Electoral Knowledge Network, 2021^[7]).

In addition, the Slovak government could establish a set of proportionate rules and controls that take into account the size of CSOs. At the moment, CSOs are subject to the same reporting requirements regardless of their size. This approach does not take into account proportionality and may limit the capacity of smaller CSOs as anti-corruption stakeholders due to their lack of expertise, human and financial resources.

Furthermore, the need to establish proportionate rules and controls represents a good opportunity for the Slovak Republic to open a dialogue with CSOs and consult them on transparency and publication requirements. This will enhance co-operation with the sector and enable smaller CSOs to voice their demands to be treated according to their available resources.

Since its establishment in 2011 as part of the Ministry of Interior, the Office of the Plenipotentiary for the Development of the Civil Society has focused on strengthening the participation of CSOs in the public matters of the Slovak Republic. Given its experience and role, the Office may continue to play a leadership role and spearhead the consultation process with CSOs on proportionate rules and controls.

Engaging with the private sector to strengthen public integrity

Corruption negatively affects the business environment, as it distorts markets, undermines competition, and discourages investments. Addressing corruption and integrity challenges in the private sector is beneficial, not only for the business sector itself, but for governments and society at large. In this regard, a whole-of-society culture of integrity requires governments partnering with the private sector to ensure that its engagement with the public sector respects the shared ethical norms, principles and values of society (OECD 2017). This approach involves the close collaboration between the government and the private sector actors to understand each other's needs and demands, and mutually support each other. For these reasons, the private sector plays a key role in the public integrity system.

The business integrity challenges in the Slovak Republic are significant. Commonly faced problems by companies doing business in the Slovak Republic include fast-changing legislation and policies (77%), complexity of administrative procedures (74%), and corruption (53%) (European Commission, 2020^[4]). These challenges, and the high levels of perceived corruption in particular, undermine economic growth and hamper the business environment of companies operating in the Slovak Republic.

These challenges are reflected in the Slovak Republic's fight against corruption. As stated in the "Anti-Corruption Policy of the Slovak Republic for 2019 - 2023", the Slovak Republic has a strong commitment to improve the business environment, by reducing the opportunities for corruption and promoting integrity in the interface between private and public sectors, such as in public procurement, licensing, concessions, subsidies. The following recommendations aim at supporting the Slovak Republic in promoting a culture of integrity in the private sector.

The Slovak Republic could update the legal framework to include incentives for corporate compliance with public integrity standards

Establishing a coherent legislative framework for public integrity is an essential step to support integrity in companies. The legal framework can both set legal requirements and standards for business integrity practices, and provide incentives for companies to implement those practices, for example related to risk management, codes of conduct, whistleblower protection, and compliance systems.

An example of a standard-setting law is the Sapin II law in France (see Box 4.1). The law established the French Anti-Corruption Agency (AFA), which facilitates and controls the implementation of anti-corruption and compliance frameworks under the Sapin II law (OECD, 2020^[1]). The law requires companies of a certain size to establish an anti-corruption programme, to identify and manage corruption risks, and to apply sanctions for non-compliance. Moreover, under specific circumstances the Sapin II law requires the implementation of corporate compliance programmes and permits corporations to enter into a court settlement of public interest (Convention judiciaire d'intérêt public) (AFA, 2021^[8]).

Box 4.1. Sapin II Law in France promoting business integrity

On December 9th 2016, the French government promulgated a new anti-corruption law, called the “Loi Sapin II pour la transparence de la vie économique” (“Sapin II”), to significantly strengthen and improve the anti-corruption framework in France.

Under Sapin II, a compliance programme to fight corruption is a legal requirement for companies of a certain size. It requires these companies to establish an anti-corruption programme and to identify and manage corruption risks. Essential components of a corporate compliance programme include setting the company’s top management’s commitment to preventing and detecting corruption, having an anti-corruption code of conduct, developing an internal whistleblowing system, establishing an internal and monitoring system, and developing third-party due diligence procedures, among others.

Furthermore, the law establishes the French Anti-Corruption Agency (AFA), which operates under the French Minister of Justice and the Minister of Budget. AFA is responsible for monitoring the implementation of anti-corruption and compliance frameworks in the private and public sectors, with powers to control and levy sanctions.

AFA has a three-fold mission: first, to assist to the competent authorities and persons concerned with the prevention and detection of acts of corruption in the broad sense of the term; second, to control the proper implementation of an anti-corruption compliance programmes for companies; and, third, to ensure compliance with the French Blocking Statute (Law no. 68-678/1968), which governs the procedure for communicating sensitive information outside France. Within this scope, AFA can hold companies liable for failure to implement an efficient anti-corruption programme even if no corrupt activity has taken place (OECD, 2020^[11]).

Source: (AFA, 2020^[9])

Furthermore, legal sanctions and incentives both signal to the private sector a government’s commitment to strengthening corporate integrity and reducing the incidence of corruption involving the private sector. Legal sanctions and incentives for business integrity may therefore serve as tools to drive cultural change and promote integrity in the private sector (see Box 4.2; (UNODC, 2013^[10])).

Box 4.2. Legal sanctions and incentives for business integrity

Governments across the world are using both legal sanctions and incentives to promote business integrity practices.

Sanctions

Sanctions need to be “effective, proportionate and dissuasive” and may consist of a mix, including monetary fines, incarceration, confiscation of ill-gotten gains, and remedial measures that compensate victims of corruption. Suspension and debarment can also be used, as a measure to prevent an individual or company from participating in government contracts, subcontracts, loans, grants and other assistance programmes. Other sanctions fall under the category of contract remedies, for example by terminating a contract on grounds of legal breaches.

Taken together, these sanctions should be of sufficient magnitude to deter future misconduct. In this regard, organisational size will often be a critical factor. Measures adequate to deter future violations by a small local business generally would be inadequate for a larger company. Conversely, the substantial penalties appropriate to a large national or multinational company would be disproportionate for a smaller enterprise.

Incentives

Incentives that reward a company for good practice are an important complement to enforcement sanctions. They recognize that meaningful commitment to and investment in anti-corruption programmes and other measures that strengthen corporate integrity are largely voluntary and can be encouraged through inducements that signal their priority to company leadership. Four main types of incentives can be identified:

- **Penalty mitigation:** Companies that have made a significant effort to detect and deter corruption may be rewarded with a reduction in fines, reduced charges or even a defence against liability for the misconduct of an employee or agent. In a settlement context, the perception that a company is serious about countering corruption can substantially ease the conditions for resolving an investigation.
- **Procurement incentives:** Companies that demonstrate a meaningful commitment to integrity practices can benefit in procurement procedures, in the form of an eligibility requirement or and affirmative competitive preference.
- **Preferential access to government benefits:** government benefits can be made available on a preferential basis to individuals and companies that are able to demonstrate a commitment to good practices of business integrity. This incentive may take the form of an eligibility requirement, for example, that an applicant for government benefits meets specified minimum programme standards.
- **Reputational incentives:** These are a type of benefit that encourage corporate integrity, through public acknowledgement of a company’s commitment to integrity and combating corruption.

Source: UNODC (2013^[10]), *A Resource Guide on State Measures for Strengthening Corporate Integrity*, https://www.unodc.org/documents/corruption/Publications/2013/Resource_Guide_on_State_Measures_for_Strengthening_Corporate_Integrity.pdf

In the Slovak Republic, the legal framework for corruption prevention in the private sector is covered in the Slovak Penal Code (Act No. 301/2005 Coll., as amended), and the code of Criminal Procedure (Act No. 301/2005 Coll., as amended). These laws criminalise corruption, extortion, active and passive bribery, bribery of foreign officials, conflicts of interest, facilitation payments, giving and receiving gifts, and money laundering. Furthermore, the Slovak Republic introduced criminal liability for legal entities in 2016 by adopting the Act on Criminal Liability of Legal Persons (Act No. 91/2016 Coll).

However, there is no specific Slovak legislation on the establishment and implementation of anti-corruption and compliance programmes in the private sector. Therefore, the Slovak Republic may update its legal framework to set the legal standards, sanctions and incentives for business integrity, as well as to create the institutional conditions for supporting, controlling and monitoring the implementation of the law. This is in line with the ACP 2019-2023, which stipulates under Priority 3: Improve conditions for entrepreneurship:

- Measure 3.3. In co-operation with the representatives of the Rule of Law Initiative, establish criteria and measures to reduce corruption in companies' commercial relations with State entities and the organisations established thereby.
- Measure 3.4. Entail an anti-corruption clause in contracts concluded with State entities and the organisations established thereby.

As with the example of Sapin II, the legislation may need to take into account the principle of proportionality, as it is for SMEs not feasible to meet the same standards as large companies. The latter benefit from economies of scale to conduct the required legal, administrative and operational work that comes with setting up and running an effective anti-corruption and compliance programme. SMEs often do not have these capacities.

The Slovak Republic could provide guidance to help companies implement business integrity practices

Beyond a set of legal requirements, sanctions and incentives, governments can also provide guidance and support to companies for establishing anti-corruption and compliance programmes. These support measures can take various forms. In France, the AFA offers a wide range of support services, from knowledge products such as guidelines on the legal framework, to training and tailor-made support (see Box 4.3).

Box 4.3. AFA's guidance to support business integrity in France

The French Anti-Corruption Agency AFA holds a double mission to strengthen business integrity. On the one hand, as part of its control mandate, AFA verifies the existence and quality of the anti-corruption and compliance systems set up by companies in accordance with the Sapin II Law. On the other hand, AFA provides assistance and advisory services to businesses, to support them in implementing anti-corruption and compliance measures.

In particular, in line with this second mission, AFA activities include:

- Development of recommendations and practical guides for companies, which, together with the Sapin II law and its implementing decrees, constitute the French anti-corruption framework. All publications aimed at private sector actors have been subject to a public consultation process. Practical examples of these include:
 - The anti-corruption and compliance function in companies.
 - Anti-corruption checks in the context of mergers and acquisitions.
 - Gifts and hospitality policy in private companies, public companies, associations and foundations.
- Awareness-raising and training activities for various types of private actors. These actions are aimed at strengthening the private sector's ownership in the fight against corruption and the challenges it faces when navigating the French anti-corruption framework. Practical examples of these include:
 - General presentations of anti-corruption issues and the French anti-corruption legal framework.
 - Technical workshops organised for professionals (e.g. on internal control systems, corporate gifts and invitations).
 - Workshops organised together with professional organisations and associations and participation at events organised by the private sector (e.g. conferences, seminars).
 - Specialised training courses aimed at both beginner and advanced audiences.
 - Helpdesk-style legal and technical support in response to questions from private sector actors regarding corruption prevention and compliance programmes.
- Tailored, on-demand support to private sector actors in the implementation of anti-corruption compliance programmes on a voluntarily basis. These individual support actions for companies are provided depending on the private sector actor's technical needs and the required scope of the support. Support is offered for free and for a limited time period, ranging from a few months to a year. Independent of its control action, the individual support actions carried out by the agency do not lead to any certification or labelling. Since 2018, AFA has supported around 20 private sector actors of different sizes and sectors of activity.

Source: Information directly provided by the French Anti-Corruption Agency AFA; (AFA, 2021^[8])

Similarly, in the UK, the Business Integrity Initiative targets specifically micro, small and medium-sized enterprises (MSMEs), and offers practical guidance and even financial incentives (see Box 4.4).

Box 4.4. The UK Business Integrity Initiative

The UK Business Integrity Initiative is a cross-government collaboration launched in 2018 to promote integrity in the private sector. The goal of the initiative is to provide practical guidance to micro, small and medium-sized enterprises (MSMEs) trading with and investing in new markets on issues such as corruption and human rights.

As part of the Business Integrity Initiative, practical anti-corruption guidance is provided to MSMEs in the following three areas:

- **Prevention guidance:** Services can include consultation on how to assess a company's bribery and corruption risks and the status of current controls, as well as information on corruption risks in specific countries or sectors.
- **Compliance guidance:** Services can include training and guidance on how to comply with the UK Bribery Act and other relevant anti-corruption laws and regulations. The aim is to reduce the risks of legal liability and penalties for firms and individuals, and guide on remedial strategies to address situations when things go wrong.
- **Collective Action guidance:** Anti-corruption Collective Action involves multi-stakeholder collaboration to promote fair competition and tackle corruption risks in overseas markets. Services can include hands-on support for launching new anti-corruption Collective Action Initiatives, engaging in existing Initiatives and setting up sustainable public-private dialogue mechanisms to advocate for policy reforms in target countries.

Business Integrity Consultancy Service

As part of the Business Integrity Initiative, the UK government committed to provide match funding between 60% and 80%, depending on company size, for up to five days of consultancy guidance (or ten days in the case of Collective Action guidance). To be eligible for these services, a business should qualify as an MSME (up to 250 employees with a turnover of up to GBP 44 million) and invest in or trade with countries that receive official development assistance. The consultancy services are provided by the Basel Institute on Governance, and include:

- Help to improve companies' compliance with the UK Bribery Act.
- Detailed information on corruption risks in specific countries or sectors and assistance in developing mitigation strategies.
- guidance on how to do due diligence assessments on supply chain partners.

Source: UK Government (2019) Anti-corruption newsletter, Summer 2019; FCPA, 2019. <https://fcpablog.com/2019/05/07/resource-alert-guidance-from-uk-government-and-basel-institu/>

In Greece, various business integrity resource materials for companies have been developed, including guidelines on risk management, codes of conduct and whistleblower protection (see Box 4.5).

Box 4.5. Business integrity guidelines in Greece

In 2016, Greece, the OECD, and the European Commission launched a project to increase integrity and reduce corruption in Greece through technical empowerment of the Greek authorities for the implementation of the National Anti-Corruption Action Plan (NACAP). The project was completed in January 2018. As part of this project, the OECD, together with Greece and the European Commission, developed a series of documents to help fight corruption in the private sector in Greece. These publications include:

- **Anti-Corruption Guidelines on Compliance, Internal Controls and Ethics for Companies in Greece:** These Guidelines have been developed to help companies in Greece implement effective compliance measures to tackle corruption and bribery. They also contain recommendations on how the public and private sector can work together to ensure the fight against corruption is sustainable.
- **Corruption Risk Review and Risk Assessment Guidelines for Companies in Greece:** This document analyses corruption risks in Greece. It also provides guidance to companies in Greece to help them successfully conduct a risk assessment and implement effective anti-corruption measures based on the results of the risk assessment.
- **Guidelines on Whistleblower Protection for Companies in Greece:** These Guidelines are designed to assist companies in Greece in developing and implementing effective internal reporting mechanisms. The Guidelines reflect current international standards and good practices in whistleblower protection and should also be relevant and adaptable for companies operating in numerous jurisdictions.

Source: OECD (2018) <https://www.oecd.org/corruption/anti-bribery/fighting-corruption-in-the-private-sector-in-greece.htm>

In the Slovak Republic, partly due to the absence of advanced business integrity legislation, there are currently no specific guidelines issued by the government to support the establishment and implementation of business integrity practices in companies. However, there are a number of organisations, such as the Rule of Law Initiative and the Slovak Compliance Circle, that have provided training and guidance on an ad-hoc basis to Slovak companies on business integrity standards and practices.

While acknowledging these valuable activities, the government itself may step up its efforts in providing guidance and support to companies on business integrity. As highlighted by the examples above, this guidance can take various shapes and forms, including providing a template for a code of conduct for companies, guidelines on risk management, repository of good practices and examples on anti-corruption due diligence and on responsible business conduct, business coaching, and training. Furthermore, both online and physical peer learning events such as forums and roundtables can serve as a stocktaking of emerging challenges and business needs. Particular guidance may be offered to SMEs, given their limited capacity to deal with legal, administrative and operational aspects of anti-corruption and compliance systems. For all these support activities, sufficient resources need to be foreseen and earmarked in the budget (cfr. Chapter 1).

The need to develop guidance for the business sector represents a good opportunity for the Slovak Republic to strengthen the dialogue with private sector actors and consult them about the risks, needs and feasibility of measures. The Government Office, as co-ordinating body for corruption prevention, and the Ministry of Economy can play a leadership role and spearhead this consultation process, ensuring involvement of all relevant actors, including the Slovak Business Agency SBA, the Rule of Law Initiative, chambers of commerce and civil society organisations. The proposed dialogue has the potential to become a permanent platform on business integrity. Overall, this suggestion is in line with point No. B.10 of the

Government Resolution No. 426 of 4 September 2019 to the National Anti-Corruption Programme, which obliges the Ministers of Economy, Justice, Finance, Interior and the Head of the Government Office to “identify and analyse the causes of corrupt behaviour in the private sector and propose relevant anti-corruption measures thereto”. The suggestion also relates to point B.12, which obliges the Head of the Government Office and the members of the Government, [...] “in co-operation with the entities associated within the Rule of Law Initiative, and with the academic community, to identify shortcomings of compliance with principles of the rule of law; to propose and adopt specific remedial measures; and to incorporate them into sectoral anti-corruption programs.”

To support companies in adopting anti-corruption and compliance programmes into core business operations, the Slovak Republic could incorporate an “integrity culture” perspective when providing guidance to companies. This entails moving beyond a focus on formal compliance, and encouraging companies to address the informal aspects of their organisational culture that could undermine public integrity (OECD, 2020^[11]). For instance, this would include, but not limited to, management commitment, rewards and bonus structures, organisational voice and silence factors, internal team dynamics, and external relationships with stakeholders (Taylor, 2017^[11]). Table 4.1 provides further details on each of these factors. This approach is in line with the Slovak ACP 2019-2023, which seeks to promote a culture of integrity.

Table 4.1. Business Integrity: the five levels of an ethical culture

Level	Description
Individual	How individual employees are measured and rewarded is a key factor that sustains or undermines ethical culture. In the face of pressure to meet growth targets by any means necessary – a belief that the ends justify the means – unethical behaviour is to be expected. Therefore, the rewards system is an excellent place to start. Diversity and inclusion initiatives enable individual employees to bring their whole selves to work: employees who feel it unnecessary to hide aspects of their social identity to fit into the dominant culture will experience less conflict between personal and organisational values and will express themselves more confidently – making them more inclined to raise concerns about ethics.
Interpersonal	Organisations can also focus on how employees interact across the hierarchy. Abuse of power and authority is a key factor that degrades organisational culture. When decisions around promotions and rewards seem unfair and political, employees disregard organisational statements about values and begin pursuing their own agendas. Building an ethical culture from an interpersonal perspective requires meaningful protections that empower all employees and stakeholders, even the least powerful, to raise concerns and express grievances. Leaders must recognise the outsized role they play in setting culture and driving adherence to ethics, and they must learn to exercise influence carefully.
Group	Socialisation into group membership and relationship is a core aspect of human culture. At work, the key determinant tends to be an employee’s group or team. As organisations become more geographically diffuse and loosely aligned, it becomes harder to set and define consistent organisational culture. Focusing on team conditions can empower middle managers to feel responsible for changing culture and group dynamics to foster more effective ways of working.
Intergroup	The quality of relationships among groups is critical to consider in any attempt to build an ethical culture. Celebrating a team whose high performance may stem from questionable conduct gives it the power and a mystique that is difficult to challenge, and this can undermine values across the organisation. Teams working in sustainability or compliance often need to scrape for power and resources; when members are attached to matrixed working groups, accountability can get watered down.
Inter-organisational	Most discussions of organisational culture focus on internal relationships. Still, employees are keenly conscious of how a company treats suppliers, customers, competitors, and civil society stakeholders, so building and maintaining stakeholder trust will improve organisational culture. Moreover, companies need to ensure that their values and mission statements amount to more than words on a website. Business success and core values are not contradictory concepts. That said, building an ethical culture sometimes means walking away from lucrative opportunities. Companies can be sure their employees will notice.

Source: (Taylor, 2017^[11])

The Ministry of Economy could strengthen the evidence base on business integrity practices and challenges

In order to develop effective legislation and policy measures for business integrity, information and data are needed related to the understanding of companies of integrity risks, the prevalence of compliance systems, and the specific needs and challenges for various categories of companies, depending on size and sector. Data and information also allow to measure progress over time and to identify where additional attention and resources should be spent. Lastly, recurrent measurement can also assess progress in terms of implementation of (forthcoming) domestic legislation and international standards.

In the Slovak Republic, there is currently no government information available about business integrity practices and challenges. As presented above, certain perception data are available from the EU Corruption Barometer, and the Faculty of Management of Comenius University in Bratislava has published a relatively small number of studies on business integrity with support from the government.¹ Further data on the extent to which companies have anti-corruption and compliance programmes in place, disaggregated by size and sector, as well as on the quality of those programmes, would be insightful for prospective policies. Similarly, the motivations for corrupt behaviour could be better understood, and well as the difficulties in implementing anti-corruption and compliance programmes. Furthermore, it is not yet well-documented what companies of different sizes and sectors expect in terms of government support for business integrity.

This need for further evidence and insights to inform policy making is reflected in point No. B.10 of the Government Resolution No. 426 of 4 September 2019 to the National Anti-Corruption Programme, which obliges the Ministers of Economy, Justice, Finance, Interior and the Head of the Government Office to “identify and analyse the causes of corrupt behaviour in the private sector and propose relevant anti-corruption measures thereto” (by 31 December 2022).

Given its prominent role for business integrity in the Slovak Republic, the Ministry of Economy could take the lead in further strengthening the evidence base on business integrity practices and challenges. The French experience of a national survey on business integrity run by the French Anti-Corruption Agency may serve as an example of a government-led survey (see Box 4.6).

Box 4.6. The AFA's efforts to measure business integrity practices in France

In order to better understand the challenges related to business integrity practices in France, the French Anti-Corruption Agency AFA carried out a national survey in 2020, a first of its kind. The survey analyses the understanding of corruption risks and the legal framework, as well as the maturity of the anti-corruption compliance programmes among private sector companies in France.

Open to companies regardless of their size, the survey consisted of an anonymous questionnaire that was accessible online. Professional organisations were key partners in the dissemination of the survey and actively engaged in communication activities mobilising their membership. As a result, more than 2 000 companies were reached, and around 400 companies, including SMEs, provided actionable responses.

The survey resulted in key insights on the business integrity landscape in France, including:

- While companies reported that they were familiar with corruption offences stipulated in the Sapin II law and that 70% of them have an anti-corruption compliance programme in place, these compliance programmes tended to be incomplete in areas such as risk mapping and third party risk management.
- The position of the head of the compliance function is crucial in the implementation of effective compliance systems and needs to be strengthened.
- SMEs (who are not subject to the compliance obligations set out in Article 17 of the Sapin II law) seemed to be lagging behind in the implementation of the anti-corruption compliance programmes.

The results of the 2020 survey will serve as a benchmark for measuring progress and gaps in business integrity in the future, and have already informed the 2021 priorities and recommendations of the AFA on business integrity.

Source: Information directly provided by the AFA; AFA (2020) National diagnostic survey of anti-corruption systems in businesses, <https://www.agence-francaise-anticorruption.gouv.fr/files/2021-03/National%20Diagnostic.pdf>

Alternatively, in particular given the scepticism from the private sector towards the government in the Slovak Republic, the Ministry of Economy could take the lead in further strengthening the co-operation with the academic community. Research on business integrity could be part of a multi-annual agreement that allows for a recurrent measurement of the business integrity practices and challenges faced by domestic and foreign companies in the Slovak Republic. The research package may also focus on particular risk areas, such as service delivery (permits, licenses) or customs, specific sectors, or types of companies (e.g. SMEs). The academic partner or consortium may serve as a safeguard of the independence and methodological soundness of the research, whereas other stakeholders such as sector federations, unions of employers, and civil society organisations can help disseminate both the surveys and the results.

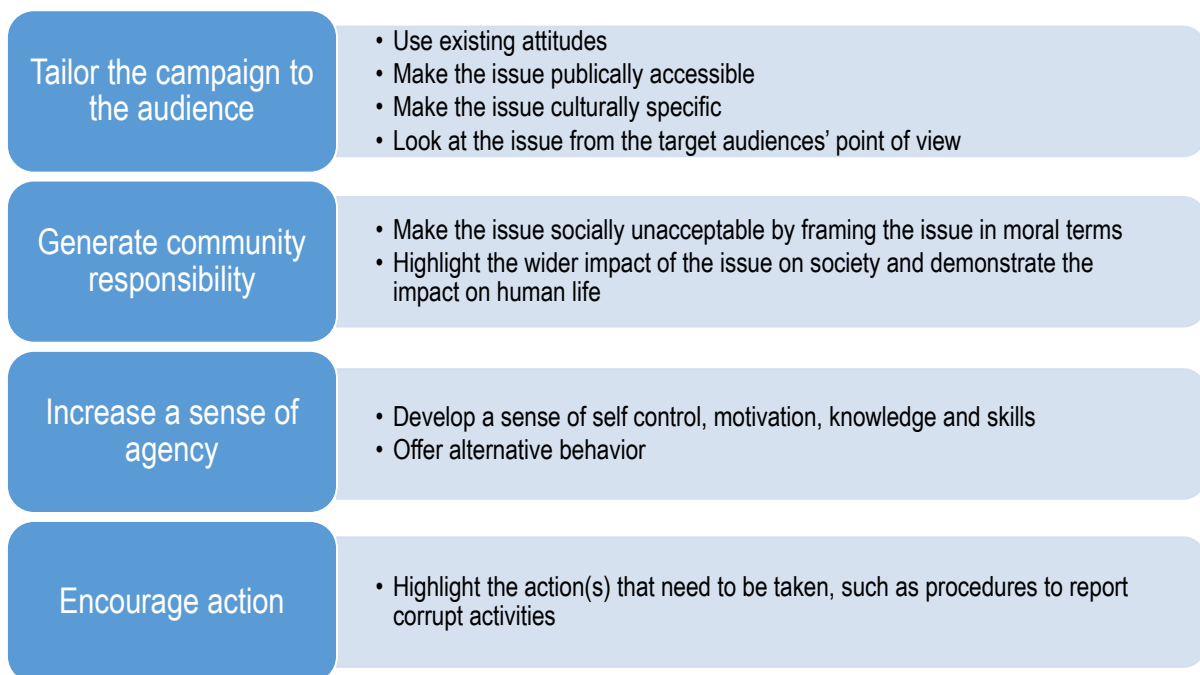
The Corruption Prevention Department, together with the Ministry of Economy, could develop an awareness raising campaign on business integrity

Within the private sector in the Slovak Republic, knowledge about the benefits of integrity and compliance programmes remains limited, particularly amongst domestic companies and SMEs. To that end, the Corruption Prevention Department, together with the Ministry of Economy, could implement an awareness raising campaign on public integrity responsibilities for the private sector.

As there is reportedly widespread justification for integrity breaches in the business sector in Slovak Republic, the strategy of awareness raising should be twofold. The first aim should be to generate community responsibility among the private sector, focusing on corruption's costs to the economy and society (see Figure 4.1). The awareness-raising campaigns should not sensationalise the issue and instead employ credible and authentic evidence, to enable recipients to identify with the core messages. Moreover, challenging the social norms that justify integrity breaches, bribery, and the reliance on corrupt business practices will be crucial, as much as it will be important to create a link between one's own integrity and the wider public benefit. In the case of corrupt behaviour, the damage done often remains abstract and not directly linked to another individual, thereby facilitating justification. Challenging these behavioural caveats therefore requires linking awareness-raising to actual dilemmas where citizens and companies understand how their actions can have a negative impact on the business environment and on society (OECD, 2020^[11]).

The second aim should be to increase business' agency by developing individual motivation and encouraging action (see Figure 4.1). This should go beyond communicating about the prevalence of corruption and the government's efforts to prevent it, and offer tangible solutions and benefits for companies to uphold public integrity. This could be accomplished for example by offering different solutions (such as how to report corruption or how to work with public officials to uphold integrity), identifying alternative behaviours to corruption, or highlighting reputational benefits for the company as a business advantage.

Figure 4.1. Success factors in behaviour changing campaigns



Source: (Mann, 2011^[12])

Furthermore, given the general distrust among companies towards the government, an awareness raising campaign would need to be founded in both facts and policies in order to be perceived as credible, and not merely as public relations by the government. The research mentioned above could inform the facts, for example on frequent corruption offences or common integrity challenges among companies. The policies would help demonstrate that the government is taking action itself as well, including to eradicate corruption in the public sector. For example, new policies and initiatives on business integrity incentives,

whistleblower protection or lobbying could provide a suitable momentum for communication, underlining the responsibilities of both public and private sectors. For each of the (sub)campaigns, the strategy should identify the expected outcomes (e.g. attitudes or behaviours to change, skills to develop), the target audiences, the key messages and the communication channels (e.g. television, web, social media, print media) as well as the evaluation mechanisms (e.g. opinion surveys, web analytics, participation in events, number of complaints submitted, etc.).

The credibility of an awareness raising campaign may also benefit from mobilising, or even outsourcing to, reliable partners, such as the Rule of Law Initiative, or sector federations, and private sector role models, to disseminate the key messages. Various outlets and media channels of these partners could be used and combined, from newsletters of sector federations to social media accounts of respected thought leaders.

Mainstreaming public integrity into the curriculum

A whole-of-society approach to public integrity also includes engaging young people through the education system. Evidence has found that civic education programmes can increase the likelihood of young people rejecting corruption in government, as well as diminish their likelihood of accepting or participating in lawbreaking activities (Ainley, Schulz and Friedman, 2011^[13]; Fraillon, Schulz and Ainley, 2009^[14]). To this end, incorporating integrity education into school curriculum is a key tool, as it equips young people with the knowledge and skills needed to face the challenges of society, including corruption.

Education about public integrity and anti-corruption can help challenge entrenched social norms that enable corruption to flourish. Such education can be found in the schools (e.g. in the existing curriculum or through extra-curricular activities), or through tools offered independently (such as initiatives by civil society organisations). Education about public integrity and anti-corruption generates new common knowledge about the expected norms and behaviours to prevent corruption. It also cultivates lifelong skills and values for integrity, encouraging young citizens to accept their roles and responsibilities for rejecting corruption.

The National Institute for Education (SPU) and the Stop Corruption Foundation could establish a multi-stakeholder group with responsibilities for strengthening current efforts on education for integrity

The education system in the Slovak Republic is a two-level model of education, which comprises the state and school levels. At the state level, the National Institute for Education (SPU) (an expert group under the Ministry of Education, Research and Sport) sets out the state educational programme (SEP), which is the main curriculum document for the country. The SEP is then developed into school specific education, through the school educational programme (SchEP). The SchEP is prepared by the pedagogical professionals within each school, in consultation with each school's pedagogical council and school board. Each school's headteacher issues the final SchEP.

The current SEP is comprised of seven educational areas: language and communication; mathematics and work with information; man and nature; man and society; man and values; arts and culture; and health and movement. Cross-cutting issues are also included in the SEP, and feature topics such as personal and social development (e.g. marriage and parenthood education), environmental education, media education, multicultural education and protection of life and health.

Recognising the existing entry points in the current SEP, the SPU and the Stop Corruption Foundation signed a memorandum of understanding in 2020 to prepare values education for Slovak schools.² In particular, the project takes an interdisciplinary approach, including by incorporating education about integrity and values into the existing "Man and values" educational area, as well as across the six other

educational areas. The aim of the project is to collect good practices from schools in educating about public integrity, values and anti-corruption. The good practices will be shared online as inspiration for other schools looking to implement public integrity, values and anti-corruption education into their curriculum, and will also be used to inform the development of new educational standards by the SPU. This project builds on existing work carried out by the SPU and the Stop Corruption Foundation, including developing a school 'code of conduct' for each school class, as well as a webinar on anti-corruption methodologies to build teacher knowledge.

Given the interdisciplinary nature of this work and focus on using the existing curriculum structure, the SPU and the Stop Corruption Foundation are encouraged to continue this work. Appropriate funding should be assigned, and key stakeholders should be involved to ensure that the revised standards reflect good practices and relevant anti-corruption and integrity knowledge. To that end, the SPU could convene a multi-stakeholder working group, consisting of representatives from the Corruption Prevention Department, the Interdepartmental Expert Group for Financial Literacy, local pedagogical councils, and CSOs (including the Stop Corruption Foundation). The example of Lithuania in Box 4.7 could serve as inspiration.

Box 4.7. Stakeholder co-operation to integrate integrity in the curriculum in Lithuania

A multi-stakeholder working group was established in Lithuania to strengthen the co-operation between stakeholders on education for anti-corruption and public integrity. This group included the anti-corruption body (the Special Investigation Service or STT), the Modern Didactics Centre (MDC), [a non-governmental centre of excellence for curriculum and teaching methods], and a select group of teachers, who worked together to integrate anti-corruption concepts into core subjects like history, civics and ethics.

This effort was part of the Anti-Corruption Education Project, an initiative launched under the guidelines of the Law of Corruption Prevention, which states that 'Raising anti-corruption awareness is an integrated part of society's education in order to develop individual ethics and citizenship, understanding of personal rights and responsibilities for society and State, in order to maintain the implementation of corruption prevention goals'.

From 2002, the group designed a training course for teachers on anti-corruption to familiarise them with the anti-corruption laws and legislation, definitions and concepts. Following this, the group mapped the national curriculum to identify areas where concepts about values (fairness, honesty, and impact on community) and anti-corruption could be integrated naturally.

Once the initial curriculum was developed, teachers tested the curriculum in their classrooms over a 6 month pilot period and refined the lessons based on the responses of the students. Over the years, the programme has expanded from classroom-based learning to engaging students with local anti-corruption NGOs and municipal governments to apply their knowledge in a tangible way. For example, students in one city were involved in working with a civil servant, inspecting employee logs to check for irregularities and potential areas of abuse of public resources, such as government vehicles and fuel cards.

Sources: (OECD, 2019^[15]; Poisson, 2003^[16])

The working group could be tasked with using the lessons learned and good practices to develop new learning outcomes and guidance material for schools, such as suggested lesson plans and tasks. The learning outcomes could build on what has worked already, and could also take inspiration from the OECD education for integrity learning outcomes (see Table 4.2). The guidance material could build on the learning outcomes, and incorporate lesson plans built around an inquiry-based learning model, to emphasise

engaging students in a practical way, so they are able to see the impact of integrity actions. For example, activities such as games, role-play scenarios and debates could be incorporated into lesson plans. Good practice also includes the adaption of materials to the local situation and the pursuit of community-based projects, examples of which include a visit to a local government office to oversee reporting registers, or the preparation of an access to information request (OECD, 2018^[17]).

Table 4.2. Suggested learning outcomes for education about public integrity

Core Learning Outcome 1: Students can form and defend public integrity value positions and act consistently upon these, regardless of the messaging and attractions of other options.		
Sub-learning outcomes and indicators for achievement	Students can explain their own public integrity values, those of others, and of society, and what they look like when they are applied	<ul style="list-style-type: none"> Identify and use vocabulary that describes values and the situations in which they apply Explain the mechanisms that may lead to a lack of trust in the values of others or their application Explain the benefits that arise from having a consistent application of proper processes Describe and define the behaviours that are in opposition to public integrity
	Students can identify the public integrity values that promote public good over private gain Students can describe the institutions and processes that are designed to protect public good	<ul style="list-style-type: none"> Cite examples of public good and contrast it with private gain and the values that drive processes that keep these interests separate Describe and compare the role of integrity institutions and the need for – and characteristics of – those processes that protect and build integrity Clearly separate individuals and their actions and the role and importance of integrity institutions and understand that while individuals may fail in their duties, the underlying rationale for the institutions themselves remains sound
	Students can construct and implement processes that comply with their own public integrity value positions and those of society	<ul style="list-style-type: none"> Create and follow rules /processes Encourage others to follow “rule of law” principles
	Students can apply intellectual skills in regards to the defence of public integrity values	<ul style="list-style-type: none"> Devise questions that demand high order thinking, and respond to questions of others Critically examine their own behaviour as citizens and explain why others take part in actions that damage public integrity Explain the causes of behaviours that are in opposition to public integrity
Core Learning Outcome 2: Students can apply their value positions to evaluate for possible corruption and take appropriate action to fight it		
Sub-learning outcomes and indicators for achievement	Students can define corruption and compare it with immoral or illegal behaviour	<ul style="list-style-type: none"> Form value positions about corruption and express opinions about corrupt acts Readily counter the argument that “it is ok to take part in corruption because everyone else does” Explain why corruption is worse than simple theft Give examples that show why theft of public funds or goods is as bad as theft of private funds or goods Identify public values/norms and/or religious views that are against the actions of corrupt leaders
	Students can compare and determine the major different mechanisms in corruption	<ul style="list-style-type: none"> Explain the meaning of bribery and gives examples; compare the role and morality of the bribe giver with the bribe taker Define and give examples of nepotism: explain why is it bad for the development of a country or organisation; explain the consequences of nepotism; and explain how selection on merit works and why it is better than nepotism Explain the meaning and give examples of conflicts of interest: explain how they can be avoided; design a process that deals with conflicts of interest; and explain the consequences Define and give examples of theft or misuse of public goods: explain the consequences of theft of public goods; and compare and contrast grand from petty corruption
	Students can describe and evaluate consequences of corruption on a whole country	<ul style="list-style-type: none"> Explain and give examples of how corrupt acts affect everyone; how inequality of income and opportunity get worse with corruption; and why legal businesses do not like corruption

Students can identify the likely signs of corruption	<ul style="list-style-type: none"> Identify likely signs of corruption and give examples such as nepotism instead of selection on merit; and lack of accountability and transparency
Students can describe ways to, and suggest strategies for, fighting corruption	<ul style="list-style-type: none"> Explain why it is that if we don't fight corruption we are part of the problem Define and give examples of transparent processes: explain how transparent procedures stop corruption; evaluate a procedure as transparent; and explain, using examples, why overregulation can cause more corruption Define accountability, explain why and give examples of how accountability stops corruption Define and give examples of honesty Demonstrate transparency, accountability and honesty in their actions
Students can identify who and/or to which organisations corruption should be reported	<ul style="list-style-type: none"> Describe a variety of ways of reporting corruption Identify organisations fight corruption (integrity institutions) Explain the role of the media and civil society organisations in fighting corruption
Students can explain the purpose and function of integrity policies	<ul style="list-style-type: none"> Understand the role of a Freedom of Information law Design a Code of Ethics / Conduct, explain how it works compared to laws, and abide by and determine if their actions are compliant Understand the concept of whistleblower protection, and explain why whistleblowers need protection

Source: (OECD, 2018^[17])

The multi-stakeholder working group could be tasked with developing training for educators and a corresponding framework to monitor and evaluate the impact of the training programme

The successful implementation of education about public integrity is dependent upon teachers who can effectively deliver the curriculum in the classroom. Teacher training on anti-corruption and integrity concepts, as well as on how to address difficult social topics in the classroom, is therefore a crucial component to the curriculum efforts. Teacher training can equip trainee and experienced professionals with the skills, knowledge and confidence to counter contemporary social problems, such as corruption (Starkey, 2013^[18]). Training on integrity and anti-corruption can also introduce normative standards to teachers, such as the norm that they have moral obligations to challenge corruption and help their students navigate the difficult ethical dilemmas they encounter. Teacher training can take many forms, ranging from courses taken during teacher trainee programmes and professional training, to seminars and resource kits prepared by government institutions and/or civil society actors.

In the Slovak Republic, several anti-corruption training events for teachers have been organised. In 2018, the “Ethical and Civic Dimension of Corruption and Fraud in Schools” was organised as part of the 2018 Advocacy Week to disseminate knowledge and raise awareness among teachers. Funded by the Council of Europe (ETINED platform), the event included two modules on the “Ethics and Corruption in the School Environment” for ethics teachers and the “Legal Instruments for the Fight against Corruption” for civics teachers.

As part of the ongoing project with SPU and the Stop Corruption Foundation, additional training on public integrity and anti-corruption for educators are under development. Indeed, successful implementation depends on regular training that is available for all teachers involved in delivering public integrity education. To that end, as part of the efforts to update the guidance on integrity education, the working group could develop a training course for educators. This training course could incorporate up-to-date knowledge on integrity values and anti-corruption, guidance on how to deliver the material in a relevant and engaging manner, and guidance on how to ensure an open classroom environment and handle difficult and sensitive conversations (see Box 4.8).

Box 4.8. Creating an open classroom and school environment

An open classroom and school environment are core components of an effective education about public integrity and anti-corruption programme. An open environment has been found to encourage learning, with students sharing their personal experiences and learning from one another. Additionally, an open environment can model the expected behaviours and norms of a democratic society, which can have a positive influence on assimilating these values and future civic behaviour (Ainley, Schulz and Friedman, 2009^[19]). Experience from successful educational interventions highlights the role of an open school and classroom environment and identifies four core interrelated components for the planning and delivery of effective learning:

- Facilitating an open classroom discourse and a dialogic pedagogy to enable students to open up about their values and insights.
- Valuing and respecting students and their experiences, allowing them to leverage their contextual knowledge and experiences to inspire their citizenship action and engagement.
- Ensuring a whole-of-school approach, where the school environment accords genuine rights and responsibilities to all its members, modelling democratic and respectful behaviours in all its actions. This component also advocates for a student voice that is not just listened to, but trusted and honoured.
- Creating and sustaining a structure that supports teachers and other staff to engage in these processes and support the whole-of-school transformation, is also a critical element of an open school and classroom environment (Deakin Crick, Taylor and Ritchie, 2004^[20]).

Evidence has also found that students who learn in an open classroom environment develop qualities of empathy, critical thinking, the ability to understand the beliefs, interests and vies of others, as well as the ability to reason about controversial issues and choose different alternatives (Van Driel, Darmody and Kerzil, 2016^[21]).

Source: (Ainley, Schulz and Friedman, 2009^[19]; Deakin Crick, Taylor and Ritchie, 2004^[20]; Van Driel, Darmody and Kerzil, 2016^[21])

To help build knowledge on effective training initiatives, the working group could accompany the training with a monitoring and evaluation framework, with indicators to measure teacher knowledge and skills relating to integrity and anti-corruption. The monitoring and evaluation framework would enable the government to identify which training form, content and deliver system works best; which are the specific challenges teachers face when delivering the anti-corruption education programmes in schools, and any potential regional differences that need to be addressed across the Slovak Republic. Indeed, as part of this framework, teachers could provide feedback on the received training courses and material, as well as any potential room for improvement.

Universities in the Slovak Republic could consider integrating courses on public integrity and anti-corruption into degree programmes

Students, researchers and universities play a key role in generating and disseminating knowledge on corruption. In addition, as future professionals, university students constitute a strategic target of anti-corruption training and awareness-raising activities. There is a wide range of best practices, including universities that have developed anti-corruption courses or integrated anti-corruption lectures into their regular study programmes. Evidence has found that integrating ethics education into university curricula can increase student exposure to a range of ethical issues and improve their ethical sensitivity, a critical component of the ethical decision-making process (Martinov-Bennie and Mladenovic, 2015^[22]).

Given the autonomous nature of universities, the Ministry of Education, Research and Sports does not have jurisdiction over degree programmes. Therefore, including content on public integrity and anti-corruption into degree programmes is the responsibility of each university.

In this context, Slovak universities could consider developing develop modules on integrity and anti-corruption and mainstreaming these into existing programmes, such as law, economics, business, engineering and architecture, and public administration. Universities could draw on good practice and resources developed by the UN Anti-Corruption Initiative (ACAD) and Education for Justice (Box 4.9). These initiatives include extensive resource material which universities can draw upon to design their own modules. Where appropriate, the Ministry of Education, Research and Sports and the Corruption Prevention Department could support universities by sharing lessons learned, good practices and expertise on developing curricula at the primary and secondary school level.

Box 4.9. UNODC: Anti-Corruption Academic Initiative (ACAD) and Education for Justice

The ACAD initiative aims to facilitate exchange of curricula and best practices between university educators. ACAD is a collaborative academic project that aims to provide anti-corruption academic support mechanisms such as academic publications, case studies and reference materials that can be used by universities and other academic institutions in their existing academic programmes. In this manner, ACAD hopes to encourage the teaching of anti-corruption issues as part of courses across various disciplines such as law, business, criminology and political science and to mitigate the present lack of inter-disciplinary anti-corruption educational materials suitable for use at both undergraduate and graduate levels. ACAD has developed a full model course on anti-corruption, a thematically organised menu of resources and a variety of teaching tools; all availed freely on the web.

Similarly, UNODC's Education for Justice (E4J) initiative includes a module series for universities on anti-corruption. The modules are developed for lecturers and connect theory to practice, encourage critical thinking, and use innovative and interactive teaching approaches such as experiential learning and group-based work. The modules cover a range of topics, including public sector corruption, private sector corruption, corruption and human rights, corruption and gender, and citizen participation in anti-corruption.

Source: (UNODC, n.d.^[23]; UNODC, n.d.^[24])

Proposals for action

Ensuring public integrity standards in civil society organisations

- The Slovak Republic could establish proportionate rules and controls in line with the civil society organisations' characteristics.

Engaging with the private sector to strengthen public integrity

- The Slovak Republic could update the legal framework to include incentives for corporate compliance with public integrity standards.
- The Slovak Republic could provide guidance to help companies implement business integrity practices.
- The Ministry of Economy could strengthen the evidence base on business integrity practices and challenges.
- The Corruption Prevention Department, together with the Ministry of Economy, could develop an awareness raising campaign on business integrity.

Mainstreaming public integrity into the curriculum

- The National Institute for Education (SPU) and the Stop Corruption Foundation could establish a multi-stakeholder group with responsibilities for strengthening current efforts on education for integrity.
- The National Institute for Education (SPU) could task the multi-stakeholder working group with developing training for educators and a corresponding framework to monitor and evaluate the impact of the training programme.
- Universities in the Slovak Republic could consider integrating courses on public integrity and anti-corruption into degree programmes.

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Notes

¹ The project Development of Business Ethics in the Slovak Business Environment can be found at the following website: <https://www.fm.uniba.sk/en/research/research-projects-and-cooperation/national-projects/apvv-16-0091/>.

² For more, see <https://www.statpedu.sk/sk/aktuality/rozvijanie-nadpredmetovej-hodnotovej-vychovy-skolach.html>.

5

Strengthening transparency and integrity in decision making in the Slovak Republic

This chapter looks at the Slovak Republic's existing framework to ensure integrity and transparency in public decision-making processes, and assesses the framework's resilience with respect to the risk of capture of public policies by special interests. In particular, this chapter identifies measures the Slovak Republic could adopt to strengthen access to information for all stakeholders, as well as stakeholder engagement in policy making. This chapter also explores how to strengthen the legislative framework with respect to lobbying, and identifies measures to raise awareness about integrity standards on lobbying for government officials and lobbyists more broadly.

Introduction

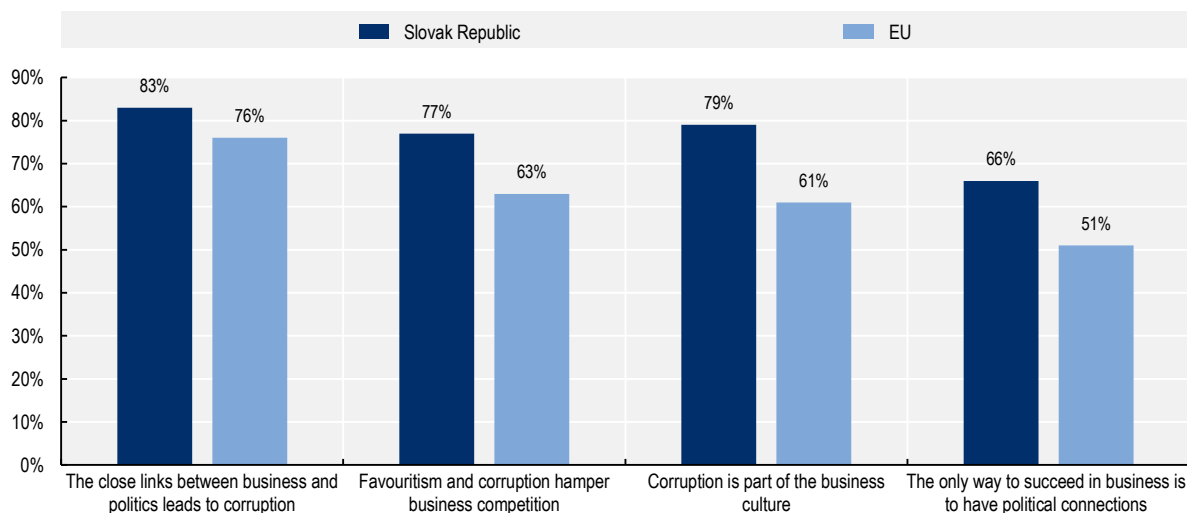
Public policies determine to a large extent the prosperity and well-being of citizens and societies. They are also the main ‘product’ people receive, observe, and evaluate from their governments. While these policies should reflect the public interest, governments also need to acknowledge the existence of diverse interest groups, and consider the costs and benefits for these groups. In practice, a variety of private interests aim at influencing public policies in their favour. It is this variety of interests that allows policy makers to learn about options and trade-offs, and ultimately decide on the best course of action on any given policy issue. Such an inclusive policy-making process leads to more informed and ultimately better policies.

However, experience has shown that policy making is not always inclusive and at times may only consider the interests of a few, usually those that are more financially and politically powerful. Experience has also shown that lobbying and other practices to influence governments may be abused through the provision of biased or deceitful evidence or data, and the manipulation of public opinion (OECD, 2021^[1]). Public policies that are misinformed and respond only to the needs of a specific interest group indeed result in suboptimal policy effectiveness.


The perception of undue influence and an opaque relationship between public and private sectors is significant in the Slovak Republic. According to the latest 2020 Eurobarometer Survey, more than four out of five respondents in the Slovak Republic (83%) consider that too close links between business and politics in their country lead to corruption, and 66% of respondents believe that the only way to succeed in business is to have political connections (see Figure 5.1). In all these categories, the Slovak respondents are above the EU average, meaning that Slovaks have higher levels of perceived corruption when doing business in the Slovak Republic.

Figure 5.1. Slovaks perceive that close ties between business and politics lead to corruption

Total “Agree”



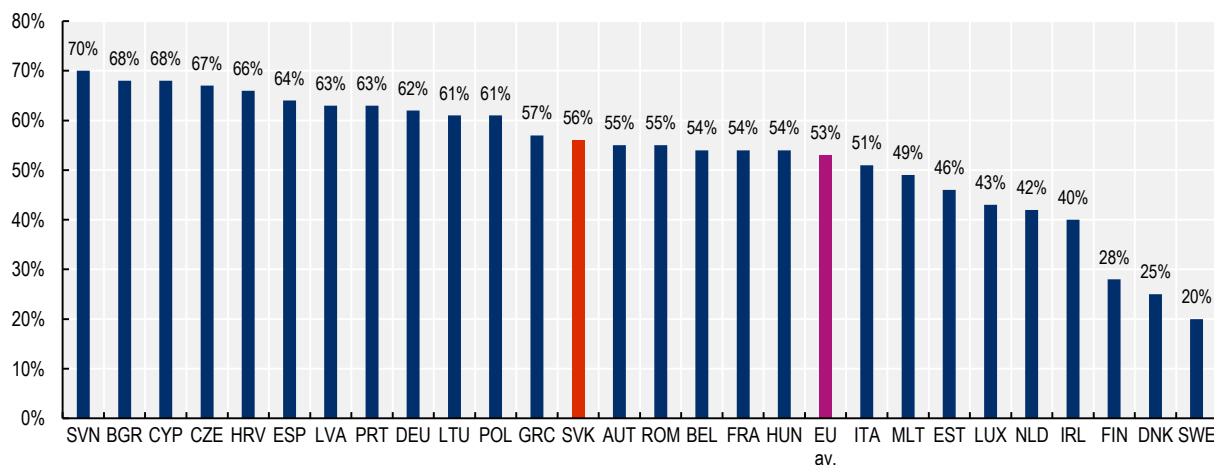
Source: Eurobarometer 2020

StatLink  <https://stat.link/84yhj3>

Similarly, the most recent Corruption Barometer for the European Union reveals that 27% of the people in the Slovak Republic think their government does not take their views into account when making decisions (48% at the EU level), and 56% of them think that their government is run by private interests (53% in 19 EU Member states) (see Figure 5.2).

Figure 5.2. A majority of Slovaks perceive that the government is controlled by private interests

Percentage of citizens who agree that the government is run by a few big interests looking out for themselves, by country

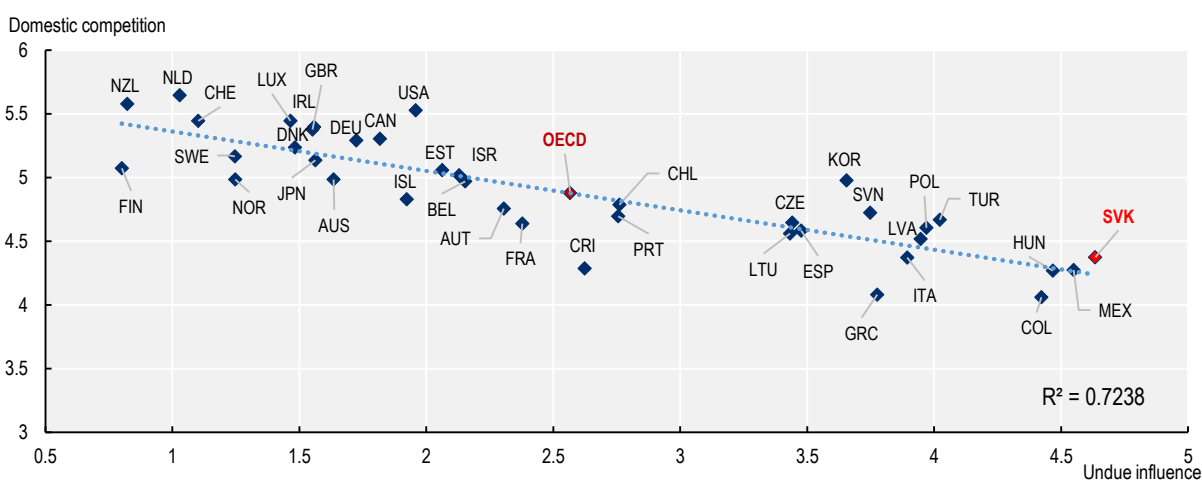


Source: (Transparency International, 2021^[2])

StatLink  <https://stat.link/42wefo>

Influencing the policy-making process by only promoting special interests can have widespread impact and consequences across sectors and the economy as a whole (OECD, 2017^[3]). It also implies a misallocation of private resources: activities such as financing political campaigns and parties or investing into lobbying activities are favoured at the cost of investments into product, process or business model innovations, affecting both allocative and productive efficiency and thus growth potential. Studies increasingly show that lobbying and other influence practices conducted without transparency and integrity, and without the involvement of a broad group of stakeholders may either result in abandoning the necessary regulations needed to correct market distortions, or may lead to excessive regulation to protect incumbent elites, resulting in reduced competition and less economic growth. Data from the World Economic Forum's Global Competitiveness Report 2017-2018 indeed shows that the Slovak Republic seems to be on average more vulnerable to undue influence than other OECD countries, and exhibits lower levels of perceived domestic competition (see Figure 5.3).

Figure 5.3. Strong correlation between high undue influence and low competition



Note: A value of 0 is “low” and a value of 6, “high”. The scores for the “undue influence” indicator have been inverted to reflect that higher scores mean higher levels of undue influence. The World Economic Forum calculates the indicator based on the responses to two questions, relating to judicial independence (“In your country, to what extent is the judiciary independent from influences of members of government, citizens, or firms?”) and favouritism (“In your country, to what extent do government officials show favouritism to well-connected firms and individuals when deciding upon policies and contracts?”).
Source: World Economic Forum (2017).

StatLink  <https://stat.link/vezadn>

The Slovak Anti-Corruption Policy 2019-2023 has recognised the risks related to undue influence in the policy-making process and lobbying. In response to these risks, the ACP identifies as priority number 2 to “Improve the quality of the legislative and regulatory environment” and as objectives to:

- “improve the transparency and predictability of the legislative process”
- “prevent the capture of the legislative process and regulatory capture by narrow interest groups who pursue their own interest to the detriment of the public interest”
- “establish an effective legal framework for regulating lobbying”.

Furthermore, under priority 3 “improve conditions for entrepreneurship”, the ACP stipulates as objective to “strengthen the credibility, transparency and predictability of legal and economic relations between business entities and the State.”

This ambitious agenda demonstrates both the commitment of the Government of the Slovak Republic and the complexity of the issue of curbing undue influence, with multiple stakeholders involved (National Council of the Slovak Republic, public administrations, government, business representatives, advisory bodies, civil society organisations) and multiple dimensions (legislative process, access to information, integrity of public sector employees, political party financing, etc.). Given this complexity, one single policy measure will not be sufficient, and a multifaceted approach will be needed, addressing various dimensions of a broader public integrity system and involving multiple stakeholders. At the same time, the fact-finding meetings have highlighted that the term lobbying has a strong negative connotation in the Slovak Republic, despite that, as argued above, it is part of the policy-making process. In light of all the above, this multifaceted approach could therefore include the following key elements:

- improving access to information
- improving stakeholder engagement in the policy-making process
- fostering integrity and transparency in lobbying

- awareness raising and stakeholder consultation on lobbying
- improving the diversity and transparency in expert groups and advisory bodies
- strengthening integrity standards for public sector employees
- providing guidelines for lobbyists
- improving transparency in the funding sources of civil society organisations
- strengthening the framework for political party financing.

A number of these elements have been addressed in previous chapters of this review and only those that have not been covered will be assessed here. The issue of policy party financing falls outside the scope of this review.

Strengthening access to information to increase the oversight role of stakeholders

Access to information (ATI) is the right of the people to know. It is understood as the ability for an individual to seek, receive, impart, and use information effectively. ATI is a necessary precondition for accountability and democracy as it enables citizens and stakeholders, including CSOs, to exercise their voice and contribute to setting priorities, and have an informed dialogue about – and participate in – decisions that affect their lives. Furthermore, access to information plays an instrumental role in facilitating both transparency and accountability. It helps citizens and stakeholders to obtain information to fulfil their role as watchdogs over the proper functioning of government institutions. For these reasons, the citizens' right to know and the legal provisions to access information are significant instruments for combating corruption and for creating a change in culture in the public sector.

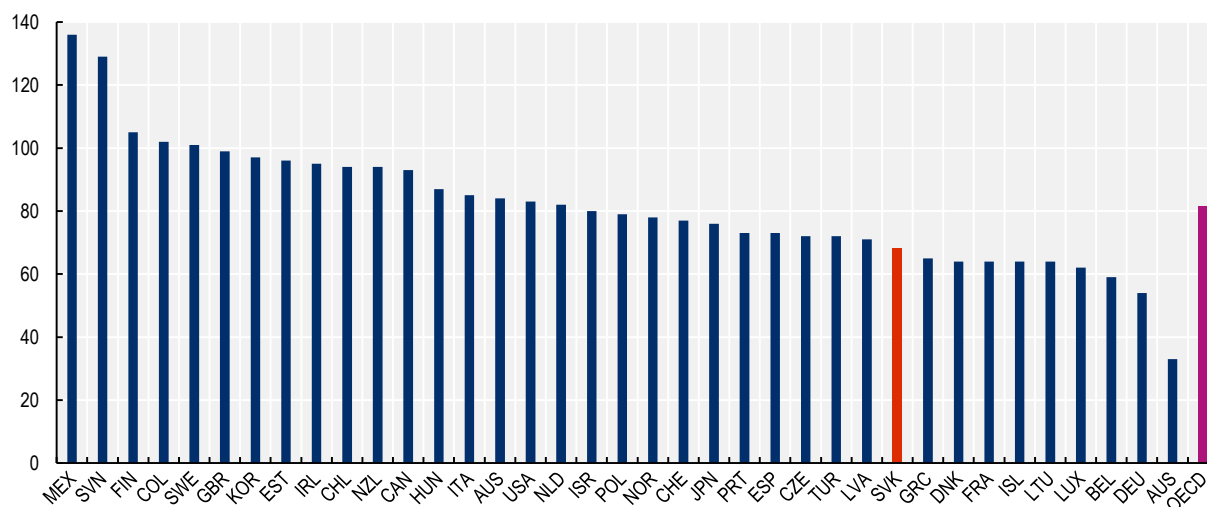
The Slovak Republic could consider reviewing the Act on Access to Information to increase its effectiveness

An effective legal framework that clarifies how right to information will be realised is the foundation for a strong access to information system. Core provisions of ATI laws include: the scope, the provisions for proactive and reactive disclosure, the exemptions and denials to grant information to the public, the possibility to file appeals, and the institutional responsibilities for oversight and implementation.

In the Slovak Republic, the right to information is enshrined in the constitution.¹ In 2000, the Slovak Republic adopted Act No. 211/2000 Coll. on Free Access to Information and on amendments of certain acts (hereinafter “access to information Act”).² The Act establishes the provisions to enforce the right to access to information (ATI) provided in the Constitution. However, according to the Right to Information Rating (RTI) the legal quality of the Slovak Republic’s ATI Act is lower than the OECD average of 81 (see Figure 5.4) (RTI Rating, n.d.[4]).³ In particular, several key elements are missing from the current Act, including coverage to all relevant actors, establishing an oversight body, and inclusion of public interest and harm tests. The Ministry of Justice, the current Government Manifesto (for years 2021 – 2024) also comprises government’s commitment to improve the enforcement of the right to information. The Ministry of Justice is preparing an amendment to address among others the enlargement of the scope. The Slovak Republic could continue to move forward with the amendment of the ATI Act and to carry out an inclusive process that ensures that public and private stakeholders’ views and needs are taken into account in the amended act.


Figure 5.4. In terms of its legal framework, the Slovak Republic's Access to Information Act is below of the OECD average

Right to information Rating 2020



Note: The maximum achievable composite score is 150 and reflects a strong RTI legal framework. The global rating of RTI laws is composed of 61 indicators measuring seven dimensions: Right of access; Scope; Requesting procedures; Exceptions and refusals; Appeals; Sanctions and protection; and Promotional measures.

Source: Access Info Europe (AIE) and the Centre for Law and Democracy (CLD), Right to Information Rating, <https://www.rti-rating.org/>

StatLink  <https://stat.link/ora8yd>

In terms of scope, the ATI Act covers all branches and levels of government (Section 2 of the ATI Act).⁴ The Slovak ATI Act also covers private entities managing public funds, state-owned enterprises, and other entities performing public functions. The Slovak ATI Act also covers municipalities, entities established by law, and state-owned enterprises which are established by state or municipalities. With respect to state-owned enterprises, the Act does not reflect changes in ownership structure of state-owned enterprises and does not comprise subsidiaries, so the Slovak Republic could consider introducing in its legal order the dynamic definition of state-owned enterprises to comprise all of them.

Regarding proactive disclosure,⁵ Section 5 of the Slovak ATI Act provides a mandatory list of information to be proactively disclosed, including the organization and functions of institutions, as well as policy proposals, legislations and draft laws. The law does not include budgeting documents nor audit reports, however, these elements are disclosed in practice through other legal frameworks such as Act No. 431/2002 Coll. on Accounting, Act No. 423/2015 Coll. on Statutory Audit, among others. However, the fragmentation of disclosure obligations in several laws and regulations can be a challenge for some public officials to be aware of their obligations as well as for stakeholders to use their right. Having a harmonised list of these obligations, either in a single law or in a manual/guide, can simplify procedures and increase proactive disclosure increasing the efficiency of public bodies. The Slovak Republic could therefore consider creating a manual or guide with all legal obligations of proactive disclosure for public bodies.

With regards to provisions for reactive disclosure,⁶ the Slovak Republic's ATI Act provides that legal and natural persons can file a request for information. While they do not need to indicate any legal justification or reason for the request, they are required to provide identification (Section 3). According the Ministry of Justice, in practice, the proof of identity is not verified in an information request procedure. This is also the case in some countries such as Chile, where *de facto*, proof of identity is not required and only demand

for an email or contact address to send the requested information. Other countries, such as Mexico, Australia and Sweden, provide this protection *de jure*, with legislation explicitly protecting the integrity and privacy of individuals and parties that file a request for information.

Public institutions in the Slovak Republic may deny access to information that fall under a list of exceptions, including national security, international relations, protection of personal data, and commercial confidentiality, among others (Section 8-12). International good practice suggests that all exceptions should be clear, probable and with a specific risk of damage to public interest, or legally protected by a personal interest. Public interest tests and harm tests are two common ways to exempt information to ensure that these are proportionate and necessary (Right2Info, n.d.^[5]). While the list of exemptions of the Slovak Republic aligns with international good practice, the public interest and harm tests are not provided in the ATI Act. To that end, the Slovak Republic could ensure that the ATI includes clear public interest and harms tests, and provide tailored guidance to support public officials in applying exceptions. One example is the Council of Europe Convention on Access to Official Documents, also known as the Tromsø Convention, which specifies: “Access to information contained in an official document may be refused if its disclosure would or would be likely to harm any of the interests mentioned in paragraph 1 [which state the possible limitations to access to official documents], unless there is an overriding public interest in disclosure” (Council of Europe, 2009^[6]).

The Slovak Republic could strengthen implementation of the Act on Access to Information by ensuring public bodies and institutions have the appropriate human and financial resources to handle requests

In addition to a solid legal framework, effective institutional arrangements are also essential to implement the right to information. These arrangements concern several aspects, including where and how information is published, to whom requests can be made, and timeliness of responses.

To facilitate the proactive and reactive disclosure of information prescribed by ATI laws, 52% of OECD countries have established an information office or officer, which means a person responsible for responding to access to information requests on records held by their institutions and/or for the proactive disclose of information according to the law. While the Slovak ATI Act does not provide for such a role, in practice, every public body or institution has its own information unit or information officer/s to handle the requests for information. Aside from facilitating the proactive and reactive disclosure of information, a designated information office or officer can help ensure timelines are upheld. Currently, the ATI act provides that once a request is filed, public bodies/institutions confirm receipt on request of a natural or legal person and provide a response within 8 working days. An extension of 8 working days may apply under specific reasons listed in the Act, such as searching and gathering large amounts of diverse information (Section 17). This threshold is significantly lower than the average delay for response in OECD countries of 20 working days. In case of a denial, the ATI Act requires public bodies to provide a justification to requesters. However, in practice, CSOs reported that the legal timeframe is often not respected in the Slovak Republic as they face frequent delays when requesting information and there have even been cases where no response was provided.

These situations undermine stakeholders’ ability to scrutinise information and to provide timely and evidence-based inputs to draft laws and other public decisions and actions. The information unit or information officer/s in public bodies/institutions receiving requests should ensure that they uphold the timelines. To that end, the government could consider providing additional training and guidance to build officials capacity to review and respond to requests.

The Slovak Republic could establish a body responsible for overseeing the implementation of the Act on Access to Information and receiving complaints of non-compliance

Oversight bodies are another essential feature to ensure an effective access to information system. While the responsibilities of such bodies vary widely among OECD member and partner countries, three broad functions exist: 1) enforcement 2) monitoring and 3) promotion of the law. In the Slovak Republic, the ATI Act does not provide for a single body in charge of carrying out these functions but rather designates different bodies and mechanisms for doing so.

In respect to enforcement, the ATI Act provides for sanctions for non-compliance for the disclosure of untrue or inaccurate information, breaching of obligations or any violation to the right to information (Section 21a). However, according to civil society, civil servants who did not respect the periods for information disclosure stipulated in the law, or did not fully answer the requests, are rarely sanctioned. Requesters may appeal a decision in case of a denial of information, of negative administrative silence (failure to provide a response), breaches of timelines and in case of excessive fees. There are two mechanisms to appeal the decision. First, requesters may file an internal appeal to the public body/institution within 15 days from the delivery of a decision or the expiration of the period for compliance with the request (Section 19). Second, requesters may appeal the public body/institution's decision to an administrative court. While courts cannot disclose the information directly, they have binding legal opinion that can force public bodies to comply. In addition to both mechanisms (i.e. internal and judicial appeals), most OECD countries also provide the opportunity to file an external appeal to an independent oversight institution (e.g. central government authority, an information commission, Ombudsman).

While not mentioned in the ATI Act, the Public Defender of Rights in the Slovak Republic (Ombudsman Office) can respond to complaints related to possible violation of a right to access to information by a public administration body. This falls under its larger mandate to protect fundamental rights and freedoms, which are defined by the Act No. 564/2001 but not dedicated to overseeing the proper implementation of the ATI Act. While the Ombudsman Office is a valuable recourse for stakeholders, the overall lack of a dedicated oversight body for ATI hinders the effective implementation of the ATI Act in the Slovak Republic and limits the capacity of stakeholders to make further use of this right.

The monitoring and the promotion of the ATI Act fall under the responsibility of each public body or institution subject to the law. For monitoring, each body is responsible for providing a registry of requests with the date of filling of request, subject matter of request, result of compliance with request and the possibility to file an appeal (Section 20). Concerning promotion, each body should disclose the means to obtain information (where the request may be filed, procedure of filling, remedies, etc.) in an accessible web page (Section 5). While these are important measures that should be continued and expanded in each public body, the lack of a single body that centralises the monitoring and promotion responsibilities contributes to a fragmented approach, hindering efficiency and resulting in weaker compliance.

To that end, the government could consider creating an oversight body with a clear and well-disseminated mandate setting clear roles and responsibilities. The institutional autonomy and the independence of public officials within the body are key to ensure impartiality of the decisions and the operations. The enforcement capacity, both in terms of competence to issue sanctions and of having adequate human and financial resources, is crucial for such a body to effectively conduct its mandate. The government could follow the example of the National Institute of Transparency, Access to Information, and Protection of Personal Data (INAI) in Mexico, which has constitutional autonomy and is independent from state authorities (see Box 5.1).

Box 5.1. The National Institute of Transparency, Access to Information, and Protection of Personal Data (INAI) of Mexico

Following the adoption of the Mexican ATI law in 2002, the INAI was first established as a decentralised body of the Ministry of the Interior. Due to its lack of autonomy, many stakeholders, including citizens and politicians across the political spectrum, demanded the creation of an autonomous body, which was then created through a constitutional reform in 2014. Given that the INAI is a constitutional body, it is independent from other state authorities, and therefore free from the influence of the executive, legislative, or judiciary branches of government.

The INAI is composed of seven commissioners who are designated by the Congress of the Mexican Federal Union to guarantee their independence. The law establishes that profiles of stakeholders who have relevant experience in ATI and protection of personal data should be chosen.

Currently, the main role of the INAI is to guarantee that 865 federal public entities grant access to public information in line with the law. It also responds to appeals, co-ordinates the National Transparency System and promotes transparency and ATI more broadly. Since 2003 until the end of 2020, more than 2 million requests for ATI have been made. In that same period, requesters made more than 100 000 appeals.

The INAI has represented one of the most important democratic advances in Mexico and has been key to expose several high profile cases unveiling corruption and human rights abuses through the use of ATI.

Source: INAI, What is the INAI? https://home.inai.org.mx/?page_id=1626

Improving stakeholder engagement in the policy-making process

Ensuring the access of all stakeholders to inform and shape public policies is key to achieving better policies. It implies that policy makers will be better informed to legislate and that most interests will be included and represented in policy outcomes. There are several ways to allow for stakeholders' participation (Box 5.2).

Box 5.2. Types of stakeholder participation

Stakeholder participation, as defined by the OECD Recommendation of the Council on Open Government, refers to all the ways in which stakeholders can be involved in the policy cycle as well as in service design and delivery, including information, consultation and engagement.

Information: an initial level of participation characterised by a one-way relationship in which the government produces and delivers information to stakeholders. It covers both on-demand provision of information and “proactive” measures by the government to disseminate information.

Consultation: a more advanced level of participation that entails a two-way relationship in which stakeholders provide feedback to the government and vice-versa. It is based on the prior definition of the issue for which views are being sought and requires the provision of relevant information, in addition to feedback on the outcomes of the process.

Engagement: when stakeholders are given the opportunity and the necessary resources (e.g. information, data and digital tools) to collaborate during all phases of the policy-cycle and in the service design and delivery.

Source: (OECD, 2017^[7])

The Slovak Republic could strengthen the Interdepartmental Comments Procedure, and ensure mandatory public consultations are adequately implemented

In the Slovak Republic, the obligation to consult stakeholders – including ministries and other public bodies – for draft laws is enshrined in the Act on Legal Formation on the Collection of Laws in the Slovak Republic (2015). The Interdepartmental Comments Procedure (*Medzirezortné pripomienkové konanie*) enables any interested party – including civil society organisations, individual citizens and other public bodies – to comment on proposed legislation, access comments made by other contributors, and assess which inputs were included in the legislation. Every governmental organisation must publish proposed legislation on the slov-lex.sk website. A minimum duration of at least 2 weeks for the procedure is established in the legislation, which can be shortened under circumstances specified by the law. Any interested stakeholder can comment through the online portal following compulsory registration. All comments are responded to, and the responses indicate whether they were accepted, partially accepted or rejected, along with a justification. The Portal also includes the possibility of a Collective Comment if a proposal is backed by at least 500 natural and or/legal persons. In this case, the relevant ministry or governmental organisation must consult with the group who made the proposal.

To support implementation of the law, the Office of the Plenipotentiary of the Slovak Government for the Civil Society Development published in August 2020 guidance on involving stakeholders in the consultation process, with information on participation processes and related methodological materials to support engagement (Office of the Plenipotentiary of the Slovak Government for the Civil Society Development, 2020^[8]). This guidance can be considered as a positive development in engaging stakeholders in the policy-making process. However, concerns were voiced by stakeholders that mandatory periods for sending comments were not always respected and collective comments were not always considered. For example, mandatory consultations for the proposal of a new regulation of public procurement were not held (Transparency International Slovakia, 2020^[9]; Euractiv, 2020^[10]).

Therefore, at a minimum, the Slovak Republic should respect the timeframes outlined in the stakeholder consultation process outlined in the law. This would enhance transparency in government activities and enable all stakeholders to have access to the information they require to perform their oversight role. In addition, the Slovak Republic may also be more proactive in informing stakeholders about upcoming consultations, for example by publishing timelines on upcoming public consultations online. This will allow them to prepare adequately for the consultation process, for example by requesting useful information or data from the government.

The Slovak Republic could improve transparency in the parliamentary stage of the law-making process

Currently, there are no formal procedures to comment on draft legislation during parliamentary stages of the law-making process. In practice, it is common for citizens and interest groups to write directly to MPs and attend committee meetings to express their opinion. Anyone can attend committee meetings, and they are commonly attended by interest groups. There is however no regulation to ensure all interest groups are equally represented. This opacity creates a window of opportunity for stakeholders to influence the legislative process. As a result, the final law is often significantly different from the draft law that was shared during the public consultation procedure. This affects the predictability of the law-making process, negatively affecting the business and regulatory environment.

However, MPs can choose to have a comments procedure (using the same tools and digital infrastructure as the Interdepartmental comments procedure), but this is done on a voluntary basis, as it is not required by the current legal framework. This practice should be applied more commonly, possibly as a default option, and justification should be provided in case this procedure is not followed. Nevertheless, this would require substantial legislative changes; followed by the need to strengthen capacities of MPs' personal

assistants and the Chancellery of the National Council of the Slovak Republic. Furthermore, the lists of attendees of committee meetings can be made public in order to provide clarity on who is present or represented. However, such practice should be analysed and applied in compliance with the relevant personal data protection rules. These recommendations are closely linked to the next set of recommendations related to lobbying practices.

Fostering integrity and transparency in lobbying

Lobbying in all its forms is a legitimate act of political participation. It grants stakeholders access to the development and implementation of public policies. Lobbyists, as well as advocates and all those influencing governments, represent different valid interests and bring to policy makers' attention much needed insights and data on all policy issues.

Lobbying can be beneficial to our societies. Lobbying for green cars or for increasing competition in key economic sectors, are only a few of the examples in which lobbying can benefit not only those with a specific interest but also policy makers, by providing them evidence and data, and ultimately, benefiting society as a whole.

However, the evidence is that policy making is not always inclusive. In fact, evidence regularly emerges showing that the abuse of lobbying practices can result in negative policy outcomes, for example inaction on climate policies. The COVID-19 crisis, characterised by the set-up of emergency task forces and adoption of stimulus packages, often through urgent and extraordinary procedures, also showed that lobbying risks persist, in particular when there is a need for rapid decision making (OECD, 2021^[1]).

The Slovak Republic could foster transparency in lobbying through the adoption of a framework covering any kind of activity to influence the policy-making process in all branches of government

The Slovak Republic currently remains without any specific framework regulating lobbying activities. As a result, there is no legal definitions of a lobbyist and lobbying activities (OECD, 2021^[1]; Transparency International Slovakia, 2015^[11]). Several attempts to adopt legislation have failed in the past (Box 5.3), and the absence of any framework has contributed to negative perceptions of lobbying activities. Indeed, meetings with stakeholders revealed that lobbying activities are often perceived in the Slovak Republic as an opaque activity leading to undue influence.

Box 5.3. Previous attempts to regulate lobbying in the Slovak Republic did not succeed

In 2005, the deputy Prime minister and Minister of Justice proposed an initiative to regulate professional lobbying activities, as part of the commitment to regulate lobbying in the Government Programme from 2002. Under the bill, lobbyists had to publish reports on their lobbying activities every three months, including income and expenditures once a year. The bill did not however cover key actors such as non-government organisations and lobbying activities were narrowed to meetings taking place within the premises of the Nacional Council. The bill was withdrawn from the parliament in the autumn 2005, due to too many amendments submitted from MPs, some of which argued the bill would create too much bureaucracy.

Source: (Transparency International Slovakia, 2015^[11])

Yet, a new momentum for increasing integrity and transparency in lobbying has emerged in the Slovak Republic, as transparency of law-making processes has become a strategic priority of the Slovak Government, embedded in the Anti-Corruption Policy 2019-2023. Measures 2.1 and 2.5 of the Slovak Anti-Corruption Policy provide for the adoption of a legal framework regulating lobbying, as well as mechanisms enabling a legislative footprint. The Deputy Prime Minister is in charge of proposing a lobbying bill, with the Ministry of Economy as co-manager. The current deadline is set for 31 December 2022.

The OECD Recommendation on Principles for Transparency and Integrity in Lobbying (hereafter “The Lobbying Principles”) stipulates that countries should provide an adequate degree of transparency to ensure that public officials, citizens and businesses can obtain sufficient information on lobbying activities. At the OECD level, 22 countries have now adopted a transparency tool to provide transparency over lobbying. A majority of these countries have public online registries where lobbyists and/or public officials disclose information on their interactions. This is the case for example in Australia, Canada, Chile, France, Ireland, and the United States. The Netherlands has a voluntary register in the House of Representatives where lobbying firms, NGOs and businesses can register certain details. Another approach is to require certain public officials to disclose information on their meetings with lobbyists through open agendas (Spain + EU level with senior public officials). Other countries require *ex post* disclosures of how decisions were made (“legislative footprint”). Iceland, Latvia, Luxembourg and Poland have implemented such requirements (OECD, 2021^[11]). The information disclosed can be a table or a document listing the identity of lobbyists met, public officials involved, the object and outcome of their meetings, as well as an assessment of how the input received was factored into the final decision (Box 5.4).

Box 5.4. Ex post disclosures of how decisions were made in Latvia

In Latvia, employees covered by transparency requirements are required to inform the direct manager or the head of the institution of any anticipated meeting with lobbyists, and disclose the information received from lobbyists, including what interests they represent, what proposals were expressed, and in what way they have been considered. If the proposal expressed by lobbyists is considered in drafting or making a decision, this must be indicated in the document related to such a decision (e.g. in the summary, statement, cover letter) and, where possible, made publicly available.

Source: (OECD, 2021^[11])

The OECD experience shows that the avenues by which stakeholders engage with governments encompass a wide range of practices and actors, and are also changing in nature and format with wider societal evolutions such as digitalisation and the advent of social media, which has made lobbying more complex than ever before. For example, the phenomenon of “astroturfing”, the practice of creating and funding citizens’ associations or organisations to create an impression of widespread grassroots support for a policy or agenda, was reported by Transparency International Slovakia as a common lobbying practice in the country. In addition, increasing globalisation also further complicates the regulation of corporate influence, as many multinational corporations have become part of the economy of hosting countries, blurring the national boundaries. Thus, the OECD Lobbying Principles make it clear that lobbying should be “*considered more broadly and inclusively to provide a level playing field for interest groups, whether business or not-for-profit entities, which aim to influence public decisions*”. For example, Canada, Ireland and the EU transparency Register provide a broad definition of “lobbyist” and “lobbying”, imposing transparency measures equally on all the actors who aim to influence decision making (Box 5.5).

Box 5.5. Defining lobbying in national regulations: the cases of Canada, Ireland and the European Union

Regulation of Lobbying Act in Ireland

The 2015 Regulation of Lobbying Act is simple and comprehensive: any individual, company or CSO that seeks to directly or indirectly influence officials on a policy issue must enrol on a public register and disclose any lobbying activity. The rules cover any meeting with high-level public officials, as well as letters, emails or tweets intended to influence policy.

According to the regulation, a lobbyist is anyone who employs more than 10 individuals, works for an advocacy body, is a professional paid by a client to communicate on someone else's behalf or is communicating about land development. All individuals and entities covered by this definition are required to register and disclose the lobbying activities they carry out and to comply with an established code of conduct.

Regulation of social media as a lobbying tool in Canada and at the EU level

The Canadian Register of Lobbyists and the EU Transparency Register require lobbyists to disclose information on the use of media as a lobbying tool. In Canada, lobbyists are required to disclose any communication techniques used, which includes any appeals to members of the public through mass media, or by direct communication, aiming to persuade the public to communicate directly with public office holders, in order to pressure them to endorse a particular opinion. The Lobbying Act categorises this type of lobbying as “grassroots communication.” Similarly, the EU Transparency Register covers activities aimed at “indirectly influencing” EU institutions, including through the use of intermediate vectors such as media, public opinion, conferences or social events.

Source: (OECD, 2021^[1])

In order to set up a comprehensive scope of the regulation, the draft law on lobbying could include a broader approach to lobbying to include any “*act of lawfully attempting to influence the design, implementation, execution and evaluation of public policies and regulations administered by executive, legislative or judicial public officials at the local, regional or national level*” (OECD, 2021^[1]). Indeed, a definition of lobbying should not be limited to professional lobbying, and may include for example CSOs and any other organisations attempting to influence. Moreover, lobbying activities should not be narrowed to a communication between a lobbyist and a public official.

Furthermore, the law could also provide for the public availability of information on lobbying activities. The Lobbying Principles explicitly state that disclosure should capture the objective of the lobbying activity to enable public scrutiny. In Canada for example, the requirement that lobbyists publish monthly communication reports allowed publication of timely information on COVID-19-related lobbying activities, which indicated the objectives of the lobbying activities as well as the public officials and policies targeted (OECD, 2021^[1]).

In addition, the law should assign clear responsibilities for monitoring compliance with the lobbying regulations, establish sanctions for non-compliance, and ensure sufficient resources are provided to achieve the objectives of the law. In particular, a key challenge will be to design tools to collect, verify and manage information on lobbying practices, so that it can be published in an open, re-usable format and used to analyse trends in large volumes of data. In particular, data analytics and artificial intelligence can facilitate the verification and analysis of data. For example, France requires the electronic submission of registration and activity reports with features that facilitate disclosures. The High Authority for Transparency in Public Life has now set up an automatic verification mechanism using an algorithm based on artificial intelligence, to detect potential flaws upon validation of annual lobbying activity reports (OECD, 2021^[1]).

Awareness raising and stakeholder consultation on lobbying

As in many countries, lobbying has a negative connotation in the Slovak Republic. This stems partly from a number of recent cases of undue influence and corruption through lobbying, but is also founded in a more fundamental and 'traditional' distrust in government and politics.

To improve the perception of lobbying among citizens, the Slovak Republic could further promote stakeholder participation in the development and implementation of the lobbying regulations and raise awareness

However, the renewed government commitment in the Slovak Republic and the prospective development of new policy measures on lobbying creates a momentum to curb this negative perception, both through stakeholder engagement in the development and implementation of lobbying regulation, and through awareness raising.

Point C.6 of the Slovak Anti-Corruption Policy recommends that the Secretary General of the Chancellery of the National Council and the Government Plenipotentiary for the Development of Civic Society provide assistance in the preparation of the draft bill on Lobbying. Furthermore, the National Council of the Slovak Republic specified that working group will be established to work on the draft lobbying law. However, as reported by Slovak stakeholders during the fact-finding interviews, the preparation phase has not effectively started and no consultations have yet taken place. The composition of the working group is also not known yet, but will likely include CSOs and private sector representatives. The Slovak Republic could further work with stakeholders and citizens to involve them in the development process of the lobbying framework, and also in its implementation, following the example of Ireland (Box 5.6). Such an inclusive process can help mitigate negative perceptions of lobbying.

Box 5.6. Supporting a cultural shift towards the regulation of lobbying in Ireland

The Irish regulations on lobbying entered into force in 2015 and were informed by a wide consultation process that gathered opinions on its design, structure and implementation, based on the OECD Recommendation on Principles for Transparency and Integrity in Lobbying.

The Standards in Public Office Commission established an advisory group of stakeholders in both the public and private sectors to help ensure effective planning and implementation of the Act. This forum has served to inform communications, information products and the development of the online registry itself. The Commission also developed a communications and outreach strategy to raise awareness and understanding of the regime. It developed and published guidelines and information resources on the website to make sure the system is understood. These materials include an information leaflet, general guidelines on the Act and guidelines specific to designated public officials and elected officials.

On 28 November 2018, the Standards in Public Office Commission launched its Code of Conduct for persons engaged in lobbying activities. The definition of this code was also based on a wide consultation process, involving local, national and international actors. All inputs to the consultation were made publicly available on the website of the Commission along with the code.

The Lobbying Act provides for regular reviews of the operations of the Act by the Minister for Expenditure and Reform. The reviews take into account input received by key stakeholders, including those carrying out lobbying activities and the bodies representing them. Reviews showed that there is today widespread support for the Act among lobbyists, despite being one of the strictest laws on lobbying transparency in the OECD. The law quickly dispelled initial concerns and worries that the regulation would inhibit the ability of lobbyists and public officials to interact with each other. The Act

recognised lobbying as a legitimate activity, supported the professionalisation of lobbying in Ireland, and provided strong reputational value for lobbyists.

Source: (OECD, 2020^[12]; Department of Public Expenditure and Reform, 2020^[13])

Furthermore, dissemination of the prospective lobbying framework may feature in a broader information and awareness raising strategy for the general public on corruption prevention. The various stakeholders from the private sector and civil society may serve as multipliers of the messages. The key features of an awareness raising campaign are described in chapter 4, and, as also argued there, it would resort to the Ministry of Economy, together with the Corruption Prevention Department of the Government Office, to develop the overall communication strategy, earmark the required resources, and lead its implementation.

Improving the diversity and transparency in expert groups and advisory bodies

An advisory body or expert group (hereafter “advisory group”) refers to any committee, board, commission, council, conference, panel, task force or similar group, or any subcommittee or other subgroup thereof, that provides governments advice, expertise or recommendations. Such groups are composed of public and private sector members and/or representatives from civil society and may be set up by the executive, legislative or judicial branches of government. Governments across the OECD make wide use of these groups to inform the design and implementation of public policy.

Advisory groups can help strengthen evidence-based decision making. However, without sufficient transparency and safeguards against conflict of interest, they may risk undermining the legitimacy of their advice or provide advice that is incorrect or biased, without public scrutiny. Private sector representatives participating in these groups have direct access to policy-making processes without being considered external lobbyists, and may, whether unconsciously or not, favour the interests of their company or industry, which may also increase the potential for conflicts of interest.

To allow for public scrutiny, information on a group’s structure, mandate, composition and criteria for selection must be made available online. In addition, and provided that confidential information is protected and without delaying the work of these groups, the agendas, records of decisions and evidence gathered should also be made transparent. (OECD, 2017^[14]).

The Slovak Republic could introduce rules on the establishment, composition and functioning of advisory and expert groups

In the Slovak Republic, there are no mandatory requirements to publish information on expert and advisory groups. Therefore, a first improvement would be to conduct a mapping of the various expert groups and bodies that operate along the different sectors and line ministries. This task could be integrated in the Sectoral Anti-Corruption Plans under the responsibility of each line ministry and government agency. Second, the composition of these groups should be published online, to allow for public scrutiny. Third, for each of these expert and advisory boards, transparent procedures should be in place for the recruitment, selection and remuneration of experts, as well as for management of conflicts of interest. One method of ensuring these good governance practices is through a code of conduct or transparency code for working groups. On this issue, the Slovak Republic may learn from the experience of the Transparency Code for policy working groups in Ireland (Box 5.7).

Box 5.7. Ireland has a Transparency Code for policy working groups

In Ireland, any working group set up by a minister or public service body that includes at least one designated public official and at least one person from outside the public service, and which reviews, assesses or analyses any issue of public policy with a view to reporting on it to the Minister of the Government or the public service body, must comply with a Transparency Code.

Interactions between members of policy working groups are exempt from lobbying transparency requirements only if the working group adheres to the Transparency Code, which requires the group to publish the membership, terms of reference, agendas and minutes of meetings. If the requirements of the Code are not adhered to, interactions within the group are considered a lobbying activity under the Law. The ministry or public body that set up the working group is expected to ensure the Code is implemented

Source: Department of Public Expenditure and Reform, Transparency Code prepared in accordance with Section 5 (7) of the Regulation of Lobbying Act 2015, <https://www.lobbying.ie/media/5986/2015-08-06-transparency-code-eng.pdf>.

Moreover, although this does not directly concern transparency, a balanced representation of interests in terms of private sector and civil society representatives (when relevant), as well as expertise from a variety of backgrounds, helps ensure equity and diversity in the advice of the advisory group. For example, the Ministry of Local Government and Modernisation in Norway published guidelines on the use of independent advisory committees, which specify that the composition of such groups should reflect different interests, experiences and perspectives. The Slovak Republic may consider this type of guidelines as well.

Strengthening integrity standards on lobbying for public officials

Lobbying and influence practices do not happen in a vacuum; there is always an interlocutor on the side of the government, or public sector more broadly, involved. As such, the stronger the integrity mechanisms are for public sector employees, the lower the likelihood that lobbying will lead to undue influence and/or abuse of power. Therefore, it is important to examine this wider ecosystem of integrity standards in the public sector, and understand how they can curb undue influence. For example, effective gift policies can safeguard the neutrality of public sector employees. A sound system for asset declarations can help flag situations of illicit enrichment and undue influence. An effective whistleblower protection regime can both serve as a prevention and detection mechanisms of undue influence through lobbying and abuse of power. A number of these integrity standards are extensively discussed in chapter 2 of this publication. In this section, a selection of additional recommendations are presented dealing specifically with lobbying.

The Slovak Republic could introduce specific integrity standards on engaging with lobbyists for public officials

Policy-making decisions remain the prerogative of policy makers, who are the guardians of the public interest and balance all considerations for adopting a policy in that light. The Lobbying Principles indicate that countries should provide such standards to give public officials clear directions on how they are permitted to engage with lobbyists and representatives of interest groups. Therefore, integrity standards and ethical obligations on lobbying may be included in a specific lobbying law, or included in the general standards for public officials, such as the code of ethics for public officials.

Depending on the type of document in which they are included, standards for public officials and their interactions with lobbyists may include:

- The duty to treat lobbyists equally by granting them fair and equitable access.
- The obligation to refuse meetings with lobbyists who did not register (if a mandatory lobbying register is in place).
- The obligation to report violations of lobbying-related rules (including rules on gifts) to competent authorities.
- The duty to publish information on their meetings with lobbyists (through a lobbying registry or open agendas).

Given the current absence of these standards in the public sector in the Slovak Republic, the government could consider including standards and guidelines for public officials on their interactions with lobbyists and representatives of interest groups in the upcoming law on lobbying and/or in the Code of Ethics currently under development (see Chapter 2). The examples of Australia, Chile and the Netherlands may serve as a source of inspiration (see Box 5.8).

Box 5.8. Standards of conduct and guidelines on lobbying activities for public officials

The Australian Government Lobbying Code of Conduct includes obligations for public officials

Government representative covered by the Lobbying Code of Conduct cannot knowingly and intentionally be a party to lobbying activities by a lobbyist or an employee of a lobbyist who is not on the Register of Lobbyists, or who has failed to inform them that they are lobbyists (whether they are registered, the name of their clients, and the nature of the matters they wish to raise). They must also report any breaches of the Code to the Secretary of the Attorney-General's Department.

The Lobbying Law in Chile establishes obligations for public officials

The Lobbying Law in Chile places the obligation to register information on lobbying on public officials. Public officials and the administrations that employ them have a duty to guarantee equal access for persons and organisations to the decision-making process. Public administrations are not required to respond positively to every demand for meetings or hearings; however, if it does so in respect to a specific matter, it must accept demands of meetings or hearings to all who request them on the said matter.

The Dutch Code of Conduct provides guidelines for public officials to consider indirect influence

While the Netherlands does not have a lobbying regulation adopted at the national level with mandatory standards for public officials, the Dutch Code of Conduct on Integrity in Central Government reminds public officials to consider indirect influence: "You may have to deal with lobbyists in your work. These are advocates who try to influence decision making to their advantage. That is allowed. But are you always aware of that? And how do you deal with it? Make sure you can do your work transparently and independently. Be aware of the interests of lobbyists and of the different possibilities of influence. This can be done very directly (for example by a visit or invitation), but also more indirectly (for example by co-financing research that influences policy). Consult with your colleagues or supervisor where these situations may be present in your work".

Source: Australia: Lobbying Code of Conduct <https://www.ag.gov.au/integrity/publications/lobbying-code-conduct>; Chile: Lobbying law <https://www.leylobby.gob.cl/>; Netherlands: Code of Conduct on Integrity in Central Government, <https://zoek.officielebekendmakingen.nl/stcrt-2019-71141.html>

The Slovak Republic could strengthen cooling-off periods before and after public employment

Ensuring integrity in lobbying also involves establishing standards for public officials leaving office. Movement between the private and public sectors results in many positive outcomes, notably the transfer of knowledge and experience. However, it can also provide an undue or unfair advantage to influence government policies if not properly regulated (OECD, 2004^[15]; OECD, 2010^[16]). The Lobbying Principles state that “[c]ountries should consider establishing restrictions for public officials leaving office in the following situations: to prevent conflict of interest when seeking a new position, to inhibit the misuse of ‘confidential information’, and to avoid post-public service ‘switching sides’ in specific processes in which the former officials were substantially involved. It may be necessary to impose a ‘cooling-off’ period that temporarily restricts former public officials from lobbying their past organisations. Conversely, countries may consider a similar temporary cooling-off period restriction on appointing or hiring a lobbyist to fill a regulatory or an advisory post.” (OECD, 2010^[17]).

As also discussed in Chapter 2, the Slovak Republic could strengthen the cooling-off periods before and after public employment. Currently, Article 8 of the Constitutional Act on the Protection of Public Interest in the Exercise of the Public Officials’ Office No. 357/2004 Coll. (“Restrictions following departure from public office”) provides safeguards to regulate certain public officials taking new jobs in the private sector for one year after leaving the public sector. The one-year cooling-off period applies to decision makers⁷ who, during the two years prior to the end of their service made or took part in decisions regarding a state subsidy or any other form of benefit to natural or legal persons. During the cooling-off period, these public officials may not:

- Be employed in an employment relationship with those persons, if their monthly remuneration in this employment is higher than 10 times the minimum wage.
- Be a member of the management, control or supervisory body of those persons.
- Be a partner, member or shareholder of those persons.
- Conclude a contract to act on behalf of these persons.

Given that there is currently no official definition of lobbying in the Slovak Republic, these provisions do not include lobbying as a specific activity that would require the application of a “cooling-off period”. To mitigate risks of conflicts of interests, the Slovak Republic could expand the application of the cooling-off period to members of Parliament, and remove the remuneration criteria.

The Slovak Republic could also consider including in the cooling-off other restrictions such as a prohibition to use confidential information acquired during public office, and introducing a ban on lobbying activities targeting institutions in which public officials were employed or with which they had dealings in their last two years of office. Lastly, another factor to take into account include tailoring the length of the restrictions to the seniority of public officials or type of problem area. For example, a ban on lobbying may be appropriate for a specific length of time, but restrictions on the use of insider information should be for life, or until the sensitive information is public. The new lobbying ban in the Netherlands can be taken as an example of a tailored approach to the level of seniority of public officials (Box 5.9).

Box 5.9. Lobbying ban in the Netherlands

In the Netherlands, a circular adopted in October 2020 – “Lobbying ban on former ministries” – prohibits ministers and any officials employed in ministries to take up employment as lobbyists, mediators or intermediaries in business contacts with a ministry representing a policy area for which they previously had public responsibilities. The length of the lobbying ban is two years. The objective of the ban is to prevent retiring or resigning ministers from using their position, and the knowledge and network they acquired in public office, to benefit an organisation employing them after their resignation. The secretary-general of the relevant ministry has the option of granting a reasoned request to former ministers who request an exception to the lobbying ban.

Source: (OECD, 2021^[1])

In addition, the Slovak Republic could introduce restrictions on private sector representatives joining the public sector, which can also pose significant risks of conflict of interest. In OECD countries, pre-public employment take various forms, such as bans and restrictions for a limited period, interest disclosure prior to or upon entry into functions, ethical guidance, pre-screening integrity checks or reference checks. The example of the US (see Box 5.10) may be considered.

Box 5.10. Restrictions on private-sector employees being hired to fill a government post in the United States

Once they have taken office, former private-sector employees and lobbyists are subject to a one-year cooling-off period in situations where their former employer is a party or represents a party in a particular government matter. This restriction applies not only to former private-sector employees and lobbyists, but also to any executive branch employee who has, in the past year, served as an officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee of an individual, organisation or other entity. In the case of an employee who has received an extraordinary payment exceeding USD 10 000 from their former employer before entering government service, the employee is subject to a two-year cooling-off period with respect to that employer.

Source: (OECD, 2021^[1])

Lastly, the government could also develop a central monitoring mechanism to ensure compliance with the regulation and sanctions in the case of non-compliance. These responsibilities are currently split between the Incompatibility of Functions Committee of the National Council of the Slovak Republic, academic senates, and commissions of the municipal councils. These authorities may rule to grant an exemption from the prohibitions laid down, following a declaration made by a public official, if the prohibition is disproportionate given the nature of the conduct. The authority must publish its decision on the exemption, along with the reasoning, in accordance with Article 7(8) of the Constitutional Act No. 357/2004 Coll. (see Article 8 (4)). A central monitoring mechanism may provide insights on the scale and frequency of cooling-off cases and violations, which may inform policy updates or reallocation of priorities. The example of the French High Authority for Transparency in Public Life may be considered in this regard (see Box 5.11).

Box 5.11. The High Authority for Transparency in Public Life monitors movements between the public and private sector in France

The Act of 6 August 2019 on the transformation of the public service clarified France's monitoring mechanisms for movements between the public and private sectors, by suppressing the Civil Service Ethics Commission and transferring several of its missions to the High Authority for Transparency in Public Life. The integrity agency, which already controlled the asset and interest declarations of high-ranking officials, and administers the register of lobbying, is now the central agency overseeing controls for movements between the public and private sectors.

Post-public employment

Former ministers, local executive chairmen and members of an independent administrative authority must, for a period of three years after the termination of their functions, refer to the High Authority to examine whether the new private activities that they plan to exercise are compatible with their former functions.

The ethical control of the vast majority of public servants is now the responsibility of the administration itself. This control is internalised, insofar as it is carried out by the hierarchical superior of the agent concerned, who can consult the ethics officer if there is a difficulty. The hierarchical authority has serious doubts about the project in question, even after having referred the ethics officer, it can refer the matter to the High Authority. Referral to the High Authority is compulsory for certain senior public servants.

Pre-public employment

In 2020, the High Authority for Transparency in Public Life (HATVP) was tasked with a new "pre-nomination" control for certain high-ranking positions. A preventive control is carried out before an appointment to one of the following positions, if an individual has held positions in the private sector in the three years prior to the appointment:

- Director of a central administration and head of a public entity whose appointment is subject to a decree by the Council of Ministers.
- Director-general of services of regions, departments or municipalities of more than 40 000 inhabitants and public establishments of inter-municipal co-operation with their own tax system with more than 40 000 inhabitants.
- Director of a public hospital with a budget of more than EUR 200 million.
- Member of a ministerial cabinet.
- Collaborator of the President of the Republic.

Source: (OECD, 2021^[1])

Providing guidelines for lobbyists

Similar to the integrity standards for public officials, lobbyists share an obligation to ensure that they avoid exercising undue influence and comply with professional standards in their relations with public officials, with other lobbyists and their clients, and with the public.

The Slovak Republic could provide guidelines for lobbyists from the private sector and civil society on engaging responsibly with policy makers

In the Slovak Republic, specific guidelines encouraging the establishment and implementation of lobbying standards in domestic companies and other organisations influencing policy-making processes are not yet in place. Voluntary codes of conduct from lobbyists remain the main tool for supporting integrity for lobbyists. For example, the Slovak Chamber of Commerce and industry has adopted ethical standards. However, a broader set of guidelines for all lobbyists and representatives of interest groups from civil society would provide a level playing field for all lobbyists and set standards for the entire profession.

The Slovak Republic could increase the accountability and responsibility of private sector and civil society organisations in their lobbying activities in various ways. First, the draft law which is currently under development could include clear standards and guidelines for lobbyists that clarify the expected rules and behaviour when they engage with the decision-making process. These standards of conduct could include:

- ethical obligations related to registration, for example the duty to certify that the information disclosed in the lobbying register is correct
- standards of conduct on how they interact with public officials, for example the obligation to inform public officials that are conducting lobbying activities and the interests they represent, or the duty to present accurate information or not to make misleading claims.

Second, the Slovak Republic could promote responsible engagement by covering in the lobbying standards other influence activities such as activities related to political parties or election campaigns, promoting transparency in the funding of research or think tanks to generate knowledge and insights on particular policy issues, and the provision of gifts and other advantages to public officials. In this sense, the Slovak Republic could follow the example of Canada, whose Code of Conduct for lobbyists provides for a number of integrity standards for lobbyists (see Box 5.12).

Box 5.12. The Canadian Lobbyists' Code of Conduct

Principles. Lobbyists must abide by core principles of respect for democratic institutions, including the duty of public office holders to serve, integrity and honesty, openness (being frank about their lobbying activities) and professionalism.

Rules

- **Transparency**
 - **Identity and purpose:** when communicating with a public office holder, lobbyists must communicate their identity, the organisation or corporate entity on whose behalf the communication is made, as well as the reasons for the approach.
 - **Accurate information:** a lobbyist must take all reasonable measures to provide public office holders with information that is accurate and factual.
 - **Duty to disclose:** consultant lobbyists must inform each client of their obligations as lobbyists; the responsible office of an organisation shall ensure that employees who lobby on the organisation's behalf are informed of their obligations.
- **Use of information:** lobbyists must use and disclose information received from a public office holder in the manner consistent with the purpose for which it was shared.
- **Conflict of interest:** a lobbyist shall not propose or undertake any action that would place a public office holder in a real or apparent conflict of interest.
 - **Preferential access:** a lobbyist shall not arrange for another person a meeting with a public office holder when the lobbyist and public office holder share a relationship that could reasonably be seen to create a sense of obligation. A lobbyist shall not lobby a public office holder with whom they share a relationship that could reasonably be seen to create a sense of obligation.
 - **Political activities:** when a lobbyist undertakes political activities on behalf of a person which could reasonably be seen to create a sense of obligation, they may not lobby that person for a specified period if that person is or becomes a public office holder. If that person is an elected official, the lobbyist shall also not lobby staff in their office(s).
 - **Gifts:** to avoid the creation of a sense of obligation, a lobbyist shall not provide or promise a gift, favour, or other benefit to a public office holder, whom they are lobbying or will lobby, which the public office holder is not allowed to accept.

Source: Office of the Commissioner of Lobbying, The Lobbyists' Code of Conduct, <https://lobbycanada.gc.ca/en/rules/the-lobbyists-code-of-conduct/>

Proposals for action

Strengthening access to information to increase the oversight role of stakeholders

- The Slovak Republic could consider reviewing the Act on Access to Information to increase its effectiveness.
- The Slovak Republic could strengthen the implementation of the Act on Access to Information by ensuring public bodies and institutions have the appropriate human and financial resources to handle requests.
- The Slovak Republic could establish a body responsible for overseeing the implementation of the Act on Access to Information and receiving complaints of non-compliance.

Improving stakeholder engagement in the policy-making process

- The Slovak Republic could improve transparency in the parliamentary stage of the law-making process.

Strengthening integrity and transparency in decision making

- The Slovak Republic could further promote stakeholder participation in the development and implementation of the lobbying regulations and raise awareness.
- The Slovak Republic could introduce rules on the establishment, composition and functioning of advisory and expert groups.
- The Slovak Republic could introduce specific integrity standards on engaging with lobbyists for public officials.
- The Slovak Republic could strengthen cooling-off periods before and after public employment.
- The Slovak Republic could provide guidelines for lobbyists from the private sector and civil society on engaging responsibly with policy makers.

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Notes

¹ Article 26(5) of the 1992 Constitution notes that “public authority bodies shall be obliged to provide information about their activities in the appropriate manner in the official language. The terms and form of the execution thereof shall be laid by a law”.

² https://www.legislationline.org/download/id/4255/file/Freedom_of_Info_act_2000_am2006_en.pdf.

³ Analysis based on the RTI country ranking, consulted on 22, June, 2021 <https://www.rti-rating.org/country-data/>.

⁴ Information collected from the 2020 OECD Survey on Open Government (SOG).

⁵ Proactive disclosure refers to the act of regularly releasing information before it is requested by stakeholders. This type of disclosure is essential to achieve more transparency in government as it ensures timely access to public information. It allows citizens to directly access relevant information while avoiding administrative procedures that can often be lengthy and costly. Most ATI laws require the proactive disclosure of a minimum set of public information and data to be published by each institution.

⁶ Reactive disclosure refers to the right to request information that is not made publicly available. These provisions usually describe the procedure for making the request, including who can file the request, the possibility for anonymity, the means to file a request, the existence of fees, and the delay for response to the request.

⁷ Decision makers include members of Governments, heads of central administration bodies, President and Vice-President of the Supreme Court, Prosecutor General and Special Prosecutor, Chairman and Vice Chairmen of the Supreme Audit Office, state secretaries, Chief of Staff of the Armed Forces, director of the Slovak Information Service, mayor of cities and municipalities, presidents of higher territorial units, selected chairmen of regulatory bodies and other state institutions.

OECD Public Governance Reviews

OECD Integrity Review of the Slovak Republic

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