

ANTI-CORRUPTION CITIZEN ADVOCATE OFFICES: FROM IDEA TO SUCCESS

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CITIZENS Versus GOVERNMENT

Citizens and businesses continually transact with governmental agencies to obtain services (such as education, health care, housing and municipal services, permits, licenses, registrations, and information), fulfill their public obligations (such as paying taxes and other obligatory fees, satisfying requirements imposed by law, and reporting to governmental agencies), seek justice, and resolve disputes (for example, through law enforcement agencies and the court system). All of these interactions are vulnerable to corruption or abuse of public office. Sometimes, citizens are victims of extortion practiced by government officials. Other times, citizens initiate offers of bribes to officials to obtain services or speed up the process.

As victims of corruption or excessive bureaucracy, citizens and businesses may require legal consultation or assistance to help them deal with their problem. However, in many countries, there is a prevalent lack of trust in law enforcement agencies or other government departments to respond adequately to citizen complaints. Moreover, the public often fears retribution if grievances are registered directly with governmental agencies. Public opinion surveys show that only between 1 and 9 percent (varying from country to country) of citizens formally register complaints about corruption with governmental agencies. However, a large number of citizens expressed their willingness to seek legal help for alleged government abuses from independent non-governmental legal services.

IDEA TRIGGERED BY DEMAND

Between 1998 and 2000, Management Systems International (MSI) implemented an anti-corruption program, *Partnership for Integrity*, in three regions of Ukraine. The program was sponsored by the U.S. Agency for International Development (USAID). The program's overall objectives were to promote and build integrity, accountability and transparency into government and business activities in Ukraine. We went about doing this by mobilizing all sectors of society to fight corruption, establishing public-private partnerships for integrity, implementing a set of preventive reforms, increasing public awareness about corruption and citizen rights, and developing public intolerance toward corruption.

Under this program, an anti-corruption public movement, the *Partnership for Integrity*, was established in the Donetsk region of Ukraine in 1999 that consisted of organizations and individuals dedicated to eradicate corruption. It was lead by an Executive Committee comprised of representatives of civil society organizations, the business community and the government. The movement received extensive publicity from the very beginning of its activity and raised the awareness of citizens and businesses that sought support and justice. Almost immediately after its establishment, the Executive Committee began receiving specific complaints about corruption brought to them by members of the Committee on behalf of the business community. To address these complaints properly, professional legal expertise was required and the need to establish a specialized and independent anti-corruption legal service soon became obvious.

The major requirements for this legal service included the following: (1) the office should be an independent professional legal institution (not associated with the government) focused on supporting victims of corruption and abuse of power; (2) it should be staffed with professional and experienced lawyers, (3) it should conduct three major types of activities: (i) provide legal support to victims of alleged corruption that would include providing legal consultations, interacting with the government on behalf of citizens, monitoring actions taken by governmental agencies in response to submitted information and allegations, and providing legal support in court; (ii) conduct legal education and awareness for citizens on corruption issues, as well as on their rights and obligations *vis a vis* the government; and (iii) conduct analysis of trends based on complaints and develop recommendations for reform.

To satisfy all of these requirements, we designed an innovative organization with a unique set of procedures -- a legal services unit called an *Anti-Corruption Citizen Advocate Office (CAO)*. In late July 1999, the first CAO was established in Donetsk, announced widely in the local media, and began operations.

FIRST EXPERIENCE YIELDS RESULTS

During its first four months, the Donetsk CAO provided assistance to over 700 citizens, approximately half by phone and half in person. The CAO served people not only from Donetsk city and oblast, but also from other regions, such as Kharkiv and Lugansk oblasts. About 28% of citizens' inquiries were made anonymously. About 50% of the complaints lodged with the Donetsk CAO were related directly to corruption problems and excessive bureaucracy that could lead to corruption. Of these, most complaints related to bureaucracy in the judicial system, the procurator's office, tax inspection, the police, and the local executive branch of government.

Donetsk CAO lawyers successfully represented

several cases in court, among them was a case defending the interests of a merchant ship captain, who was falsely accused of corruption after "blowing the whistle" on the embezzlement of public funds by his bosses. Other cases brought to court dealt with the abuses of excessive discretion exercised by governmental authorities towards entrepreneurs, an investigative journalist, and a police officer. In addition, several cases were related to abusive practices in the field of privatization.

The Donetsk CAO regularly conducted press conferences to publicize its services and its accomplishments. Several articles were written and published in local newspapers. The CAO also conducted on-site meetings with citizens to consult with them on their rights and responsibilities.

The Donetsk CAO designed and conducted a workshop for businesspeople on their rights during onsite tax inspections. The workshop was delivered to more than 200 businesspeople in Donetsk, Lviv, and Kharkiv oblasts. The materials were distributed to a larger audience based on subsequent requests.



Donetsk CAO lawyer, Nadezhda Myagkova, conducts a workshop for businesses in Lviv on their rights during tax inspections.

In addition, the Donetsk CAO regularly met with different governmental agencies to bring their attention to citizen complaints and to assist in developing policies to prevent corruption.

Following the successful experience in Donetsk, two additional CAO offices were opened in Ukraine in April 2000 – in Lviv and Kharkiv -- that proved again that there was a great pent-up demand for such services by citizens and businesses. While these two new offices applied similar approaches in their operations, each of them introduced some unique modifications given their particular situation and circumstances. The Kharkiv CAO, for example, placed more emphasis in its operations on the legal education of citizens and authorities, developed recommendations for improving prosecutions, and conducted a public awareness campaign.

The success of these three innovative CAOs established under MSI's *Partnership for Integrity* program was highly appreciated and when USAID started a new program in 2001, it requested that this experience be extended to other regions in Ukraine, supporting establishment of six new CAO institutions.

PROVEN SUCCESS OF THE CAO IDEA

ALBANIA. In 2000, a new anti-corruption program was launched in Albania with the objective to mobilize civil society in the fight against corruption. The program was sponsored by USAID and implemented by MSI. Based on the success of the CAOs established through MSI's technical support in Ukraine, it was decided to establish a similar office in Albania at the national level. In October 2001, the Albanian CAO was established based on an existing legal support organization, called *Individuals through Law* (now known as the *Leginet Center*).

The overwhelming demand among Albanian citizens throughout the country for these types of legal services could not have been anticipated. The statistics speak for themselves: more than 580 cases were filed during the first 10 months of operations, without counting the innumerable phone calls and letters received.

Typical days at the CAO office had many people standing in the stairways and corridors of the building, waiting for the opportunity to discuss their case with CAO lawyers.



Kreshnik Spahiu, Head of the Albania CAO, surrounded by citizens seeking his help.

Approximately 40% of cases were from outside of the capital, Tirana. During its first 10 months, more than 58 cases were resolved, 15 cases were sent to the General Prosecutor and at least four of them were resolved in favor of the plaintiff.

This rate of response from citizens increased dramatically after a local TV station started a morning program called "Marathon Against Corruption." During this program, CAO lawyers talked about corruption issues, live phone calls were accepted from citizens, complaints were discussed and advice was provided about the rights and obligations of citizens.

The Albanian CAO has received enormous acceptance from the public, the national government and the judiciary. A permanent public-private commission was established involving participation by the CAO, the Prosecutor's office, and the Ministry of State to discuss specific corruption cases and develop ways to expedite their handling. International organizations are now looking into this experience and planning to support the enlargement of the Tirana CAO activity by

establishing several satellite offices around the country.

RUSSIA. In July 2001, USAID launched anti-corruption programs in the Samara and Tomsk regions of Russia, again implemented with the technical support of MSI. Within this program, in May 2002, two CAOs were launched. Within the first two months of operation, the Samara CAO provided services to about 200 citizens. It developed several booklets that summarize and provide practical legal advice on many common problem faced by citizens. The CAO also published a brochure for entrepreneurs with legal information and practical tips related to different kinds of inspections. In addition, several workshops and roundtables have been conducted.

Within only the first three month of operations, the Tomsk CAO received about 500 complaints; about 200 of these were received from citizens outside of Tomsk city. Seven consultations were conducted by the Tomsk CAO in other regions of the oblast. The Tomsk CAO regularly publishes articles in the local print media and participates in local TV programs providing practical legal advice. It has also published a brochure to advise citizens and businesses who apply to court.

Based on CAO successes in Samara and Tomsk, five additional CAOs have been established by MSI in other regions throughout the Russian Federation through 2006.

CONCLUSIONS

Since their 1999 rollout, MSI has helped establish 11 CAOs throughout Ukraine, Russia and Albania. They have had visible results. CAOs now coordinate their activities with Ombudsmen offices, law enforcement agencies, prosecutors, and other governmental agencies. In Albania, CAO branches were established in several cities outside the capital and provide independent legal support to a broader population in need of these services. In Russia, CAOs provide legal services to thousands of corruption victims annually. CAO activities have resulted in the restoration of citizen rights, financial restitution, administrative and procedural changes in the delivery of public services, and disciplinary measures and criminal charges against corrupt officials. In Ukraine, despite a lapse in USAID funding of the CAOs, many of them still continue to function.

MSI's experience establishing CAOs in three countries suggests a real need for this kind of independent, nongovernmental, anti-corruption legal service for citizens and businesses. While there are many similarities across these CAOs in terms of their services and case management, each has developed its own unique approaches, based on their creativity and the laws of the land. Thus, an international network of these anti-corruption CAOs would provide a meaningful channel to share professional tips and approaches.

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