



EUROPEAN POLICY BRIEF

Promotion of Participation
ALACs
and Citizenship in Europe

“ALACs”: PROMOTION OF PARTICIPATION AND CITIZENSHIP IN EUROPE THROUGH THE “ADVOCACY AND LEGAL ADVICE CENTRES (ALACS) OF TRANSPARENCY INTERNATIONAL

Analysis and Enhancement of an Anti-corruption Tool to Enable Better Informed and Effective Citizens Participation in Europe.

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INTRODUCTION

Tackling the phenomenon of corruption is often viewed as merely a matter of political-administrative action. So far, preventative policies of the EU and its implementation in member states have focused on legislative and administrative measures as well as regulations to strengthen police forces. These corruption prevention measures are in essence “top-down” procedures. However, they hardly match the problem awareness that has arisen over the past decade according to which citizens’ participation and the values of integrity, accountability and transparency are crucial components in the fight against corruption. For societal initiatives a “bottom-up” anti-corruption perspective and a shift in focus on the socio-cultural underpinnings of corrupt conduct in designing policies are crucial in order to strengthen citizen participation. This can be demonstrated in relation to civil society actors engaged in anti-corruption activities such as the ‘Advocacy and Legal Advice Centres’ (ALACs) of Transparency International (TI). ALACs are centres providing free legal advice and support to victims, whistleblowers and witnesses of corruption. Their efforts are best served by a new model of co-operation between citizens, civil society actors and researchers. In particular, action-oriented research can enhance the efficiency of the work of ALACs and thereby improve citizen participation in the fight against corruption.

The ALACs FP7 project is a unique joint venture founded on three types of social actors with different but corresponding interests, competencies and objectives: **1.** Civil society activists from the National Chapters of Transparency International, who seek democratic development in their societies through enhanced citizen participation; **2.** The Transparency International Secretariat, which is interested in improving its organisational structure by implementing new techniques of knowledge management (including a database) in its ALACs network Europe- and worldwide; **3.** The RTD performers, who aim at enhancing knowledge about the cultural

conditions necessary for the implementation of anti-corruption policies by establishing an innovative action research approach. Conducted by practitioners, professionals and academics, this approach enables the formulation of a pioneering and empirically-grounded theory of the practice of TI as a global anti-corruption coalition.

Accordingly, the main objectives of the ALACs research project are: **1.** to understand the nature of interaction between loose coupled network practitioners and professionals from Transparency International, and **2.** to analyse the cultural conditions necessary for implementing a specific management method and a mechanism to increase citizen participation in the countries participating in the project.

EVIDENCE AND ANALYSIS

1. ALACs generate important information on corruption that helps to assess progress and weaknesses in the area of anti-corruption. Both the information on the empirical reality of Advocacy and Legal Advice Centres provided by the project and non-case sensitive information generated by ALACs can be useful for EU progress reports. These include, for example, the half-yearly progress reports of the Cooperation and Verification Mechanism (CVM) for Bulgaria and Romania and progress reports on enlargement and the European Neighbourhood Policy.
2. EU citizens need to be well informed of their rights as enshrined in the EU charter, ways to enforce these rights and how to seek legal redress if they are violated. Lack of knowledge on fundamental rights, as well as basic financial and legal issues, has been an important reason for citizens to contact their local ALAC. The experience of the ALACs has shown that there is a low level of awareness amongst citizens of their rights as well as of what constitutes criminal conduct or corruption, and which authorities are responsible for investigating cases. Greater investment in public information is needed to address this shortfall, including awareness-raising through media campaigns and civil society. Greater understanding of corruption as criminal behaviour can help to reduce the prevailing apathy or tolerance towards corruption.
3. The high number of enquiries received by the ALACs confirms the important role and need for free legal advice in the fight against corruption. The right to legal aid, as enshrined in Article 47 of the EU Charter of Fundamental Rights and Article 6 of the European Convention on Human Rights, requires that legal aid will be made available to those who lack sufficient resources to have access to justice. The difference across EU member states in how legal aid is provided for, whether a general free service or limited to the very poorest, creates imbalances across member states in access to justice for citizens.
4. ALACs experience has shown that there is a lack of public awareness on EU fraud investigations. Especially in times of austerity, evidence about the loss of EU funds could create public pressure to do more against fraud. Czech Republic could be set to lose 1 billion EUR in EU funds due to cases of alleged fraud and corruption related to EU funds. The potential loss of these funds has accentuated public anger over perceived corruption and pushed national authorities to become more active in following-up cases.
5. In view of the natural link between the activities of the OLAF and ALACs operating in EU member states, information exchange and communication could be strengthened between these two bodies. With its mandate to fight and investigate fraud affecting the EU budget, as well as corruption and serious misconduct within the European institutions, OLAF also operates a web-based platform through which citizens can alert them to potential cases of EU fraud. The ALACs are well-positioned and connected with citizens in their countries to refer citizens to relevant national and EU authorities when receiving information relating to corruption and fraud cases involving EU funds.

6. Corruption and irregularities tied to public procurement are still common in EU member states and further efforts are needed to address this problem. Through the running of ALACs in several EU member states, public procurement has been identified as a corruption “hotspot”. The Europe-wide National Integrity System assessment of Transparency International identified public procurement as a particular corruption-prone area. For example, in Lithuania the law on public procurement provides for a broad definition of confidentiality, allowing for secrecy around contracts and a greater corruption risk. Common abuses reported to the ALACs relating to public procurement include overpricing construction, giving kickbacks to local decision-makers, or purchasing unneeded or low quality items or services from preferred local enterprises.
7. ALACs are often approached by whistle-blowers who seek advice on corruption-related complaints. In most countries, whistle-blowers are not adequately protected. Their complaints are often dismissed and they face the risk of retaliation, dismissal or even physical danger. The protection varies significantly among EU member states and is weak or even absent in most countries covered in this project.
8. Promoting EU values and supporting the development of democratic and accountable governments is an important goal of the Enlargement and Neighbourhood policies. The running of the ALACs in both Azerbaijan and Bosnia and Herzegovina has confirmed that the scale of corruption faced by citizens in their daily lives in these countries is significant. Citizen empowerment in the fight against corruption can be promoted by the EU through supporting innovative civil society initiatives and investigative journalism as a means to expose corruption and raise awareness on the issues and channels for redress. New technology and online tools provide for opportunities to engage the public, such as websites where citizens can safely report their corruption complaints and receive legal aid, without fear of repercussion. Supporting these types of initiatives will also help raise awareness on citizens’ rights and increase public intolerance of corruption.

POLICY IMPLICATIONS AND RECOMMENDATIONS

1. Use ALACs experience to inform EU Progress Reports and policy reviews

In the future the information gathered by the ALACs project can be a valuable source of information for the EU Anti-Corruption Report that is to be launched in 2013. The information provided by the ALACs project can also be used for broader policy reviews, when assessing how to better tailor EU internal and external policies to support anti-corruption and citizen engagement. The policy areas include the EU Justice and Home Affairs policy, special EU monitoring mechanisms such as the CVM, and the Enlargement and European Neighbourhood policies. ALACs are also running in several developing countries and the data gathered through ALACs could be useful input for consultations related to EU development policy.

2. Raise awareness on fundamental rights and legal remedies

To this end, the EU should strengthen its communication on fundamental rights and provide citizens with information on seeking legal remedies. Empowering citizens in the fight against corruption requires easy access to justice and implementation of effective laws on freedom of information. The “one-stop-shop” in the area of EU justice, the European e-Justice Portal, is a good initiative that could be followed by member states at national level. Ensuring that this type of information is adequately publicized is important to facilitate access to justice and ensure basic legal information is easily available to EU citizens. The EU experience with their justice portal could be shared with member states and linked to relevant national portals.

3. Improve access to legal aid for EU citizens

It should be considered to set up minimum standards for legal assistance in member states. This could be done by extending the legal aid Council Directive 2002/8/EC beyond cross-border disputes. In that case the European Social Fund could extend its priorities to include supporting disadvantaged European citizens in legal assistance. Further, the EU should encourage member states to devote greater resources for legal aid services, and could alternatively consider providing EU funding to independent civil society organisations in order to avoid dependency on government agencies and any potential conflict of interest where cases relate to government bodies. Special attention should be given to the scope and sustainability of future legal aid models, to ensure that all citizens can rely on legal aid for at least the initial stages of consultation.

In order to encourage networks of pro bono lawyers who donate their time, the EU could consider providing them with incentives such as trainings. This could facilitate access to legal aid for citizens as well as non-nationals.

4. Increase visibility of EU fraud investigations

A more active European Anti-Fraud Office (OLAF), with more investigations, on-site visits, and presence in the media, would be conducive to bringing attention to this issue and encouraging EU citizens to report fraud. Increasing the visibility of OLAF could also bring attention to the fact that EU money may be lost when national authorities fail to detect and act on fraud relating to EU money.

5. Explore potential for collaboration between OLAF and ALACs

It might be worth exploring whether ALACs could provide an additional channel through which OLAF can reach more citizens, and citizens can be made aware of OLAF or national authorities and their responsibilities for the EU budget. Since witnesses to corruption can find it difficult to report sensitive cases, having a locally-based ALAC to provide legal advice could help overcome this barrier. At the same time, in those cases where OLAF receives input from citizens on other instances of corruption or fraud, not involving EU funds, the citizen could be referred to the local ALAC, in addition to relevant national law enforcement authorities. The ALAC in this instance could play a facilitating role between the citizen and national institutions and track the progress of the complaint.

6. Ensure new EU rules on public procurement that include greater public oversight and transparency provisions

The EU is currently reviewing its public procurement directives. These new rules offer an important opportunity to ensure transparency in public procurement and minimising the scope for corruption to occur through public contracting. It is essential that the new directives address previous weaknesses and should include:

- A) Greater inclusion of the public, including civil society, in the monitoring of public procurement activities,
- B) Improved access to information on public procurement contracts, including the use of new tools such as e-procurement and enforced publication of contracts to enable greater scrutiny;
- C) Strengthening of monitoring mechanisms, including national oversight bodies, to ensure concerns over public procurement are investigated fully and monitored in a way that allows for pan-EU comparison.

7. Support improved whistleblowing rules and wider awareness-raising for citizens

The EU Anti-Corruption Report could serve as an opportunity to highlight this issue and provide recommendations to member states on how to improve their whistleblowing frameworks, based on existing best practice.

Changes to whistleblowing legislation need to be accompanied by a wider awareness-raising on its implications. This is important to achieve a greater understanding of whistleblowing as an effective tool for detecting corruption, improving accountability and serving the public interest. In many countries there is a need to promote whistleblowing as a concept, as confusion and scepticism still exists on what it entails and its added value in relation to other issues such as witness protection.

Civil society can play an important role in changing cultural attitudes and enhancing appreciation of whistleblowing throughout society. It is essential that the EU, together with national authorities, invest in these types of initiatives to better communicate the changes to citizens.

8. Enhance transparency and support for civil society initiatives through Enlargement and European Neighbourhood policies

An important issue is transparency of EU funds relating to Enlargement and the European Neighbourhood Policy. Since a large proportion of EU assistance to these countries is given in the form of budget support to national governments, making this information transparent and easily understood is an important way for citizens to hold their governments to account. This could include making better use of online tools, infographics and providing information through open data platforms.

Having civil society monitor EU spending is a low-cost, effective and empowering way to ensure funds are used for their intended purpose. Civil society should be included in permanent monitoring mechanisms to provide oversight and report irregularities for Enlargement and ENP countries.

ALACs - Next steps

The ALACs project found that ALACs generate an important amount of unmatched primary data on corruption that can be successfully captured and utilised to assess progress and weaknesses in the area of anti-corruption. This approach to tackling corruption has proven successful in very diverse contexts, from Azerbaijan to Ireland and from Bosnia Herzegovina to the Czech Republic.

Despite the remarkable success of ALACs, many still operate on very small budgets with a volunteer network. To achieve even greater impact, ALACs should be scaled up significantly. Substantially greater resources would have the potential to significantly broaden the operational scope of ALACs and their ability to effect change. In particular, much additional effort is needed to make ALACs widely known to citizens from all sectors of society, with a focus on those sectors that are particularly prone to corruption, in order to receive more relevant complaints.

RESEARCH PARAMETERS

The methodological steps of the cooperative process between RTD performers and TI practitioners consist in: **1.** Research on factors affecting citizen participation concepts in eight countries; research on practices and perceptions on the basis of existing ALACs mechanisms in four countries and creation of conditional framework of analysis on European citizen participation in the context of combating corruption; **2.** Situation analysis of ALACs in operation; development of monitoring and quality assessment framework; **3.** Evaluation and recommendations to improve the

methodology of ALACs citizen participation tool; joint validation by researchers and practitioners; **4.** Implementation, monitoring and assessment of improved ALACs methodology in four new ALACs in EU member states; **5.** Improvement of policy formulation and implementation at national and EU level through evidence-based recommendations from TIS and TI National Chapters; **6.** Organisation of cross-fertilisation research meetings between researchers and practitioners; dissemination of knowledge.

PROJECT IDENTITY

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| PROJECT NAME | Promotion of Participation and Citizenship in Europe through the “Advocacy and Legal Advice Centres (ALACs)” of Transparency International. Analysis and Enhancement of an Anti-corruption Tool to Enable Better Informed Effective Citizen Participation in Europe (ALACs) |
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| CONSORTIUM | University of Konstanz, Germany Transparency International-Secretariat, Germany University of Warwick, United Kingdom Transparency-Azerbaijan – Anti-Corruption Association, Azerbaijan Transparency International Bosnia and Herzegovina, Bosnia and Herzegovina Transparency International Czech Republic, Czech Republic Transparency International Romania, Romania Transparency International Finland, Finland Transparency International Hungary Foundation, Hungary Transparency International Ireland Ltd., Ireland Transparency International Lithuanian Chapter, Lithuania University of Duisburg-Essen, Germany Transparency International Liaison Office to the EU, Belgium |
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| WEBSITE | http://www.soziologie.uni-konstanz.de/alacs/project/ |
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| FURTHER READING | Giannakopoulos, A./Keller-Herzog, A./Tänzler D. (2008): ALACs (Advocacy and Legal Advice Centres). An Innovative Instrument for the Promotion of Participation and Citizenship in Europe by “Transparency International” and the Significance of the Co-operation between Non-Governmental Organisations and Social Science, in: M. Coester/E. Marks (Ed.): International Perspectives of Crime Prevention, Contribution from the 2nd Annual International Forum/German Congress on Crime Prevention, Mönchen-Gladbach 2008: Forum Verlag, pp. 99-117 Elers, B./Giannakopoulos, A./Tänzler, D. (2010): Citizens’ Participation and |

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