NATIONAL INTEGRITY SYSTEM ASSESSMENT
PORTUGAL
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Introduction

Corruption is present in the daily life of Portuguese citizens, who are assailed everyday by the media reporting new scandals of corruption, recurring obstacles in pending investigations, crimes that go unpunished and new anti-corruption policies that have no effect on these issues.

The continuous public exposure of high profile corruption cases involving figures from the state or private sector, combined with extensive media coverage of how successive governments have dealt with this phenomena, has undermined public confidence.

According to 2010’s Global Corruption Barometer (GCB) data, most Portuguese citizens (83%) not only feel that corruption levels have increased since 2007, but they also consider that the Government is inefficient in fighting corruption. The percentage of citizens with this latter view has increased from 64% in 2007 to 75% in 2010.

The negative perception regarding the Government’s role in fighting corruption and the evolution of this phenomenon in Portugal can also be felt in the international context. Transparency International’s (henceforth, TI) Corruption Perceptions Index (henceforth, the CPI), which measures the perceptions of businessmen and foreign experts, confirms this trend. Portugal is 32nd in the CPI global ranking, and in relation to Europe, Portugal stands as the 18th most corrupt country, as perceived by the aforementioned experts and businessmen.

International organizations’ external evaluations also confirm the negative performance of consecutive governments of Portugal when it comes to fighting corruption. For example, the Group of States Against Corruption’s (GRECO) second evaluation round report, adopted at the 28th GRECO plenary meeting in Strasbourg from 9 to 12 May 2006, reveals in detail some of the shortcomings and flaws in anti-corruption and anti-financial criminality policies in Portugal.

With regards to the implementation of the OECD’s Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (commonly known as the OECD anti-bribery convention) Portugal’s performance has been lagging behind. The main conclusions from the OECD’s Working Group on Bribery in International Business Transactions progress report, published in October 2009, are assertive. Of the previous recommendations made by the OECD regarding the fight against corruption, Portugal only managed to fully comply with two; the majority of the remaining recommendations were complied with only partially.

The inefficiency of anti-corruption policies is often followed by a discredit of the judicial system. The results from the 2011 Quality of Democracy Barometer (obtained through a survey of a representative sample of the Portuguese population) mentioned a perception of a lack of results and duality of criteria, leaving a feeling of injustice and impurity, thus confirming an already verified trend in former studies of this kind1. According to the Quality

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1 According to the data from the 2006’s survey “Corrupção e Ética em Democracia: O Caso de Portugal” (Corruption and Ethics in Democracy: the Portuguese case), Portuguese citizens generally consider that Justice is not severe enough towards members of Government (87.2%), members of Parliament (85.3%), sports directors (85.2%) and Mayors (78.7%). The managers of public and private companies are also part of this group, even if with a lower value (72.9%). An Eurobarometer survey performed in
of Democracy Barometer study, 59% of respondents feel that citizens are not treated equally by courts and that their social, political or economic status has an important role in differentiated treatment. Additionally, 54% considered that the decisions from courts are so slow, that in most cases it is not worth resorting to the judicial system. Regarding the independence of courts, rule of law seems to resist the influence of political power more than that of economic power: 45% of respondents fear that court decisions may not be independent from financial and economic interests, while 43% have the same perception regarding the influence of political interests. When considering the three dimensions of the judicial efficiency – sanctioning, compensation and enforcement – only regarding the latter does the public opinion hold a more positive (36%) than negative (25%) perception. An example of a unique perception that Portuguese citizens have of their judicial system: it is considered to be easier to convict a homeless person for stealing a “dried octopus and shampoo in a supermarket” (LUSA, 2012), than ordering the arrest of a mayor, who has already been convicted of corruption related crimes (Morais, 2012).

The aggravation of the perception of corruption and the inefficiency of the judicial system in combating corruption has a direct impact on the quality of democracy. According to the data of 2011’s Quality of Democracy Barometer, corruption is one of the major drawbacks of Portuguese society, alongside a loss of confidence in the executive and politicians in general, a lack of efficiency in governance and social inequality.

These results reveal that corruption was one of the phenomena that contributed the most to an increase in a loss of confidence in democratic procedures, institutions and stakeholders. Corruption, however, is not always seen as a cause for indignation. In times of plenty, citizens tend to disregard certain practices of politicians, considering them to be “small whims of power” and perfectly tolerable. However, in the context of a financial crisis, the decrease in well-being results in hostile attitudes from the public opinion aimed at politicians, parties and representative bodies, and a general attitude of condemnation towards corrupt practices.

The current economic and financial climate is certainly not helpful. Wage cuts and the loss of financial benefits in the public sector increase the likelihood of bribes being paid within the public administration, while in the private sector there is an even greater need and demand to get preferential access to certain public decisions or assets. As stated by M.J. Morgado (2011) regarding the current economic situation, “The international crisis worked like the flu in the cancerous body of corruption, which holds the scars of the black market, fraud, tax evasion, and mismanagement of public funds”.

While the enlargement and multiplication of state services and their regulatory function in the economy have played a considerable role in the promotion of an environment prone to corruption, the ever growing permeability of the public sector to market values and interests has also lead to a further weakening of moral costs and, thus, to an increased tolerance of corruption within our society (De Sousa, 2011). The increased gap in social inequalities, mainly resulting from wealth distribution asymmetries, has placed Portuguese citizens under the logic of the “efficient corrupt official” – the one who “steals from the public, but also gets the work done”. Such a shortsighted perspective on political performance promotes a lack of transparency and legal ambiguity, while simultaneously inhibiting public accountability of these political actors for their crimes. This "Robin Hood" style of corruption has a great level of acceptance within Portuguese society and is a
symptom of a civic culture still founded on the satisfaction of the basic needs of daily life. In the 2006 study *Corrupção e Ética em Democracia: O Caso de Portugal* (Corruption and Ethics in Democracy: the Portuguese case), a survey conducted amongst a representative sample of citizens revealed that ca. 64% of the respondents accepted corruption and bribery as long as it would benefit the general public. Following this, it is not surprising that political candidates with pending corruption-related crimes are re-elected – sometimes with comfortable majorities (De Sousa and Triães, 2009).

The decline in levels of confidence regarding institutional capacity and the increased gap between citizens and political parties (and also between citizens and Members of Parliament) have resulted in a weak level of political participation and in a reduced social vigilance relating to the performance of political and administrative bodies.

The ever-growing apathy of citizens towards causes of common interest is a clear symptom of an even bigger crisis of values in Portuguese society. The wealth and wellbeing of citizens and the economic development of the last two decades gradually instilled a mind-set of easy success, obtainable by any means and at any cost. Portugal recovered from a century-long delay in development, modernizing its economy and industry quickly and intensely over the last three decades, and having reached levels of organization, development and education similar to those of its European counterparts. This process of accelerated modernization not only brought a new set of opportunities for corruption to occur (new groups of interests, structural changes in the relationship between the state and market, increase in state-regulation and intervention, the competitive nature of power etc.) but also induced an extenuation of the values held by individuals. This cutback on moral costs also facilitated opportunities for corrupt practices to occur (De Sousa, 2011).

Furthermore, the civic culture and literacy levels of citizens have not made it easier to achieve an active and vigilant citizenship. Portugal has education levels below the European average or the OECD average, and modern society has constantly failed to transmit values of transparency and integrity to younger generations, overwhelming them with constant examples of impunity in the media. The absence of a clear and solid normative reference allows citizens to freely do more than what is allowed by law, and less than what should be demanded by ethics (De Sousa and Triães, 2009).

Corruption as an abusive, obscure and privileged access mechanism to public goods and decisions is not only an additional factor contributing to political tension and instability, but has also reduced the capacity of the political system to respond according to its needs, as well as having a negative impact on the Portuguese business environment. According to the Global Competitiveness Index, in just a decade Portugal fell from the 28th position (2000) to the 46th in 2010. Among other factors, the accelerated decline in competitiveness is directly related to: the mismanagement of public funds and resources; economically biased political decisions; the burden of bureaucracy; the inefficiency of the judicial system; the mismanagement and incompetence observed in acquisitions, public contracts, and public-private partnerships with ruinous consequences for the state; unclear regulations in these previous fields leading to a high level of discretionary power. All of these factors ultimately result in a rampant growth of public spending and the inevitable increase in taxation, thus resulting in an unattractive economy for private and sustainable investment.

It is common knowledge that Portugal is currently in the middle of a grave economic crisis with dire consequences at the domestic level. This crisis, resulting from an excessive and uncontrolled economic deficit, the mismanagement of public funds and the phenomenon of
corruption has led to an increasing loss of competitive edge of the Portuguese economy. The current economic climate forced the Portuguese executive to request external financial aid in the context of the European Financial Stabilization Mechanism, and to agree before the European Commission, the European Central Bank and the International Monetary Fund to implement an array of structural policies with the purpose of reducing the deficit of the public administration and reducing the weight of public debt. This set of agreed policies and internal measures was established in a Memorandum of Understanding on Specific Economic Policy Conditionality (May 2011).

Although the Memorandum of Understanding does not foresee mechanisms to combat corruption, particularly with regards to the public or judicial sectors, some of the outlined reforms aim to bring about a more transparent and rigorous control of public spending, including changes to the remuneration schemes of public bodies, a cutback on management positions, the enhancement of banking supervision and increased financial accountability within the public administration and the state-owned private sector. However, some of the reforms provided in the Memorandum of Understanding, such as the privatization of state-owned assets, the renegotiation of public-private partnerships or the restructuring of the Portuguese military, may open several opportunities for corruption to occur, mainly due to the strong relationship between private and public interests in Portugal and due to the low legal and moral costs associated with illicit transactions. Bearing in mind the severity of the current financial situation, the urgent necessity to raise funds, the tight schedule according to which decisions shall be (and have been) made, and the cooling of financial markets, certain state-managed operations selling assets may not only fail in ensuring the effective achievement of the objectives and goals outlined in the Memorandum of Understanding, but may also lead to corrupt practices and the illicit enrichment of certain actors with access to privileged information.

Within this hard cultural, social, political and economic climate, the purpose of the present assessment of the National Integrity System (NIS) is to evaluate the performance and underlying norms of the most influential bodies and institutions with a holistic approach to the fight against corruption. The goal is not to achieve an extremely detailed analysis over each one and every one of these bodies, but to obtain a broad view on their performance as a symbiotic complex, taking into account their competences and institutional practices.
Main Findings

The Greek temple shown below is a graphic representation of the performance of the Portuguese National Integrity System (NIS) based on the classifications given to the indicators of each of the institutional pillars. From the weakened foundations of this temple it is possible to understand that the political, cultural, social and economic climate in Portugal does not provide a solid ethical basis for the efficient fight against corruption, both regarding the civic integrity of citizens, the economic stability of the country and the political will to effectively thwart this phenomenon.

According with the results of the NIS study, the political system (Executive and Legislative pillars) and the enforcement system (Judiciary, Law Enforcement and Anti-Corruption Agencies pillars) are the most fragile areas of the National Integrity System. Without the political will and a capable, unwavering judicial system, the fight against corruption cannot take place.

Corruption in the Spotlight

Due to the pressure made by domestic and international studies, evaluation mechanisms, and the media attention regarding this phenomenon, the issue of corruption has been
followed by the Portuguese parliament more closely over the last few years. The recent 2010 anti-corruption law package, which was the outcome of the activities of the “Temporary Commission for the political follow-up of the phenomenon of corruption and the integrated analysis of solutions regarding its combat”, is evidence of a growing sensibility of the political power regarding the social perception of corruption. This package provided for several amendments\(^1\) in the legal framework, such as the addition of a new type of crime (the breach of urban planning norms), the enlargement of periods of statutes of limitation and the creation of a central bank account database at the Bank of Portugal. The recent approval of a bill proposing the criminalization of illicit enrichment\(^4\) is evidence that the theme of corruption will continue to be in the spotlight for the near future.

A Symbolic Agenda

In spite of the positive message echoed by public opinion after the approval of all the new laws and policies, the quality and scope of the amendments raise doubts about the true intentions of the legislating power. From an external perspective, all the aforementioned laws and bills seem to show that the legislator is merely carrying a symbolic agenda, without any previously defined and consolidated plans. In fact, the legislative initiatives tend to pile up without any political orientation. The absence of strategy and planning has resulted in several operational weaknesses and flaws, mainly at the level of prevention and enforcement, thus resulting in unfruitful results as shown by the evaluation reports of international bodies (OECD, 2007; GRECO, 2006). Notwithstanding the fact that the issue of corruption has featured in repeated government communication, the obstacles impeding criminal investigation remain unaddressed, namely the problems regarding training, specialization, computerization and forensic expertise (e.g. experts on finance). Regarding prevention, the government’s activities can be summarized as the adoption of very unspecific professional codes of conduct, without any monitoring within the public administration bodies, and the creation of the Council for the Prevention of Corruption (CPC) which has revealed itself as almost irrelevant in its field.

Legislative and Executive

Within the Parliament’s and the Government’s own regulation and activities, the more pressing issues relate to the declaration of assets and interests made by the members of Parliament, both at a legal level and in practice. In addition, there are severe flaws regarding the control of public spending. This is particularly true in the case of ministerial offices, which have no expenditure ceilings, thus allowing uncontrolled and excessive spending.

Political Party Financing

Regarding the role of political parties in the fight against corruption, the main problem lies in the lack of regulation of political party financing. The last version of the law regulating


\(^2\) These amendments were put in place, respectively, by Law 32/2010, 2 September, which amended the Criminal Code, and Law 36/2010, 2 September, which amended the General Framework of Financial Institutions.

\(^4\) Bill-proposals 4/XII (BE), 11/XII (PCP) and 72/XII (PSD, CDS-PP).
political party financing, approved in December 2010, is one of the most severe weaknesses of the National Integrity System. Its new framework constitutes an attack on the fundamental principles of transparency in political party financing by:

- Allowing the laundering of illegal income or income with questionable origins through special accounting standards regarding fundraising, sometimes with surplus, sometimes with deficit, as long as it respects the double-entry accounting rule;
- Creating mechanisms which allow political parties to alienate their assets to their own activities (e.g. a political party rents its HQ building for its own campaigns and fundraising activities);
- Introducing new sources of private funding which are no more than cover ups and may hold all types of illicit funding without the possibility of control by the Entity for Political Funding and Accounting. E.g. the contributions (without maximum ceilings) of electoral candidates;
- Institutionalizing indirect donations as a mechanism to hide campaign spending. Among the identifiable campaign expenses (such as office materials, room and vehicle hire, advertisements, communications, honorary fees, etc.) most can be changed to indirect donations of the campaign;
- Providing for an interpretative norm with retroactive effect, which concedes a self-pardon to political parties for unjustified amounts of funds or illegal subventions received through regional assemblies. Notwithstanding the fact that the Constitutional Court considered those subventions to be illegal, having even recognized the competence of the Supreme Audit Court to file a criminal complaint to the Public Prosecutor’s Office, the fact is that to date this situation has not been resolved and ca. EUR 4 million are still to be recovered by the state treasury. Bearing in mind the current austerity climate, the continuation of such an episode reveals in the least some insensitivity of political parties regarding the transparency of their funding and their respect for the rule of law.

**National Electoral Commission**

The National Electoral Commission (CNE) has lost every competence of control in electoral spending and accounting (now under the competences of the ECFP). However, this body still retains a residual power of control and sanctioning when it comes to electoral litigation. The CNE receives claims regarding vote buying, the impartiality of the media and the neutrality of public institutions during the electoral period. The sanctions, however, have little real application in reality. The issue of vote buying is nowadays a rare practice (although it may restart with the increase of economic hardships). In addition, according to the law, this type of crime does not include the promise of job posts or the offer of social benefits, nor does it include certain payments by third parties to members of a political party during primary elections. The neutrality of public institutions is also nigh impossible during local elections. The fact that the current mayors may be candidates while still on political and executive duties has led to some abuses, namely the use of privileged information from the local administration offices (such as City Halls), or the usual openings and inaugurations during electoral campaigns, or even the illicit use of human and material resources of these local administration offices. Although the CNE has the authority to sanction, its performance has been limited to educational activities and the issuing of opinions and recommendations. Currently this body acts as a merely consulting institution,
and does not even monitor or follow up any potential crimes which have been referred to the Public Prosecutor’s Office.

Public Sector

Regarding the Public Sector, independence is the major problem identified by the assessment. Although legally considered neutral and impartial, the Public Administration is still using less transparent practices for recruitment: be it through the political nomination of directors, i.e. the famous phenomenon of “jobs for the boys” which results in the practical legitimization of the Public Administration’s politicization through discretionary criteria, often based on political client relationships (a similar situation also occurs in the state-owned private sector); or be it through the possibility to engineer public competitions to best serve previously chosen candidates. This is a very common practice in the local administration, where there is a recurring relationship between politics and the promise of public offices to third parties.

Notwithstanding the fact that the current Government has publicly included in its agenda the establishment of an independent recruitment system for the selection of high political officials with the purpose of promoting selection based on merit and quality criteria, thus removing its partisan trait while assuring the principles of competence, impartiality and transparency, in practice, the Government only provided for a recruitment mechanism which still guarantees the political control on recruitment profiles, selection of the jury, and final decision. The attempt to reduce the political and partisan influence in this area resulted only in a series of scandals, from promises of political offices to local political leaders (Sapage, 2012) to the nomination of public administrators with obvious conflicts of interest5.

The Supreme Audit Court

The Supreme Audit Court is the body responsible for controlling the management and expenditure of public funds in the political and administrative system; however, its independence is not completely assured due to the political nomination of its president. The performance of the Supreme Audit Court does not meet the expected standards, not due to the amount of control action or audits carried out, but due to the fact that it merely controls the technical accounting aspects of public spending, sometimes even helping the audited institutions to better fit their uncontrolled spending within the technical accounting standards, instead of analysing the adequacy of public funds management based on social impact and opportunity.

Council for the Prevention of Corruption

In response to the requirements of the United Nations Convention against Corruption, the Government has recently created the Council for the Prevention of Corruption (CPC), which is joined to the Supreme Audit Court. This is an independent administrative body

responsible for developing activities to prevent corrupt practices, as stated by the Law 54/2008, September 4. In practice, however, the CPC is characterized as an unnoticeable and unresponsive institution, without a truly active role in the fight against and prevention of corruption.

The CPC has recommended that all institutions of the public sector (including central and local administration) and the state-owned private sector prepare plans to manage corruption-related risks. Ca. 900 of these plans have been submitted to the CPC for approval.

Although this is only the first approach on behalf of the authorities to gather information on the possible risks of corruption, in practice there is still a methodical issue that gravely undermines the purpose and the quality of this exercise. Due to the inexistence of a culture of self-evaluation, the relevance of this type of institutional diagnostic has once more summarized itself as simply a formal compliance. In fact, a large number of institutions and bodies resorted to consultancy companies or even model plans to comply with the CPC’s request. Some even prepared the plan along with the CPC; for example, the Risk Management Plan of the National Association of Municipalities.

In most cases, the process of preparing the prevention plans was neither transparent nor did it have broad participation. For example, at the level of local administration, few were the political parties in power which invited the opposing parties to participate in the preparation, and less still were the ones who voluntarily submitted the plans to public debate at municipal assemblies.

The areas of risk in this process are still to be identified and discussed, and to aggravate the futility of the exercise, the CPC has resigned from publicly evaluating the seriousness and quality of the Corruption Risk Management Plans. To date no report or evaluation about the reports have been published.

Although the principle of this exercise was virtuous and educational in the sense that it sought to create a risk management tool through the introspection of institutions regarding their compliance and the effective implementation of those plans, in practice the whole effort was no more than a symbolic measure which sought to elude public awareness through an “official” notion of prevention with a dual purpose – to tranquilize public opinion and assure external evaluators that recommendations to intensify prevention strategies are being dully fulfilled.

Not only does the CPC have few competences, but it cannot even avail itself from those it has. The information collected is not analysed or treated; there is no activity in the public sector; in the field of awareness-raising among citizens, its work replicates that of any NGO in this field or through some scarce seminars; the body does not develop connections and exchange information with other institutions, such as the judiciary, police or the public prosecutor’s office. Up until now, this organ has not presented any long-term prevention and education plan with regards to the public administration, not to mention that it has not reported for the activities that it has developed through the publication of an annual report, which should be submitted to Parliament for debate.
Judiciary

Regarding the repression of corruption, the results achieved have been quite limited, and the way in which the judiciary has been dealing with certain media-sensitive cases involving high-profile names, such as bankers or political office-holders, has contributed to its own discredit. The enforcement and sanctioning system reveals various obstacles impeding the prosecution of corruption. On the one hand, there are extreme difficulties in the detection of corruption, which are aggravated by the absence of adequate whistleblowing mechanisms, but on the other hand, there is a lack of financial resources to hire external experts and a lack of adequate resources for investigation purposes, such as immediate computerized access to public sector databases. All these factors result in a lack of capacity to investigate and collect evidence.

Furthermore, the slowness and complexity of the judicial system represent one of the most significant obstacles in the effective prosecution of corruption. The inexistence of an adequate judicial organization, the lack of specialized training for judges regarding economic and financial criminality and the inexistence of specialized courts for these kinds of crimes lead to constant delays in criminal proceedings, which in turn may result in the prescription of crimes (such as was the cases of Isaltino Morais and Fátima Felgueiras) due to the expiration of the statutes of limitation, thus serving the interests of corrupt criminals while simultaneously instilling a perception of impunity to citizens aware of the inefficiency of the judicial system.
Recommendations

Headline Recommendations

- Adoption of a national anticorruption strategy and action plan through multi-stakeholder consultation;
- Adopt a new Conflict of Interest and Assets law that simplifies the various existing declarations and sets up a monitoring and enforcement framework with concrete sanctions through multi-stakeholder consultation;
- Revoke the last amendment to the political financing law and recover any public funds received illegally from regional assemblies. Prepare a new bill through multi-stakeholder consultation;
- Adoption of a Code of Conduct for Members of Government and Cabinet Staff in accordance with article 117.2 of the Portuguese Constitution;
- Improve the institutional and procedural framework for accessing (classified) documents and information.

Pillar Recommendations

Legislative (Parliament)

- Revision of the format and mandate of the Parliament Ethics Committee, opening it to civil society personalities of recognized merit in terms of four years, not renewable (inspired on the Committee on Standards in Public Life, Westminster);
- This renewed Ethics Committee should embrace a more proactive role in the supervision and discipline of potential or actual conflict of interest of MPs, members of government and ministerial offices. It should also present a regular and analytical report about the performance of its duties.
- The compulsory declarations (declaration of interests, financial disclosure and impediments) should be standardized in a single document / record and should be made available on the Parliament’s website;

Executive (Government)

- The obligation to deliver a declaration of interests should be extended to members of governments and ministerial offices;
- A Statute for Members of Government and their Cabinet Ministers must be created, pursuant to Article 117.2 of the Constitution of the Portuguese Republic;
- There should be greater transparency about members and expenses of Cabinet Ministers.

Political Parties

- Clarification of working concept and strengthening of the law controlling campaign finance and political parties in order to improve the information provided by political parties and their analysis by ECFP;
• Strengthen the institutional capacity of ECFP and reconsider their power and organizational model;
• Improve information collection and treatment on party financing and electoral campaigns, making it available in a useful format on the ECFP’s website;
• Promote transparency in third party activities and other entities (e.g. organizations for partisan, marketing agencies, banks, movements of support not provided by law) associated with election campaigns.

Electoral Commission
• Increase the punitive role of the National Electoral Commission, with regard to cases of violation of the neutrality of public entities.

Public Administration
• The political party’s domination of the Public Administration and the State enterprise sector must be finished by changing the number of positions and the rules of appointment of directors;
• All public bodies should draw up their annual activity plans and progress reports with all relevant information, including the budget on acceptable terms;
• Change the paradigm of audits, by dealing not only with legality and regularity, but also with management quality;
• Redesigning the existing coordination system between the Inspections DG and the Public Prosecutor (MP), creating quick and immediate crime reporting system and priority assistance by the Public Administration to the MP on criminal investigations, together with necessary disciplinary action and / or criminal in case of default.

Ombudsman
• Creation of a code of conduct tailored to the institution;
• Better monitoring of the implementation of the recommendations made by the Ombudsman on the reform of the public administration.

Audit Institution
• Expand its powers of prior approval and should cease to be merely formal, but should also focus on the viability, sustainability and adequacy of public procurement;
• Sanction financial responsibility, for example, in situations in which there is evidence that there was a mismanagement of public funds.

Judiciary (overall recommendations)
• Creation of a comprehensive website regarding the Portuguese judicial system, including detailed information about the activities all bodies involved (Public Prosecutor’s Office, Courts, Superior Councils of Magistracy, etc.);
• Creation of specific, adequate and binding codes of conduct for the duties performed by each type of practice (Prosecutor, Judge, Criminal Investigator, Judge of the Supreme Auditing Court), with coupled sanctions in case of breach.
Law Enforcement (Public Prosecutor’s Office and Criminal Investigation Bodies)

- Provide the Public Prosecutor’s Office and the Criminal Police (Judiciary Police) with the adequate resources for the investigation of corruption, such as:
  - Access and treatment of information (free access to the Public Administration’s databases, mandatory and timely cooperation by public and private bodies towards the criminal investigation authorities, intelligence offices, analysis of collected information by the DCIAP, etc);
  - Specialized Human and Expert resources, thus allowing criminal investigation authorities to become less dependent of the authorization of extraordinary costs, or external expertise;
- Improvement of the current prevention and whistleblowing mechanisms (e.g., raise awareness regarding the Public Prosecutor’s Office whistleblowing webportal) and improve coordination and cooperation with the Council for the Prevention of Corruption (CPC) (e.g. performing a risk analysis in the Public Sector);
- Change the appointment method of the Prosecutor-General in order to further ensure this position’s independence (for instance, through the adoption of the Ombudsman’s appointment method).

Courts (Judiciary)

- Creation of specialized courts to deal with proceedings relating to financial and economic crimes (including corruption crimes).
- Rethinking the current management models for courts and proceedings – redesign the judicial system in order to adapt it to the current judiciary outlook.
- Forbid the temporary suspension of duties of magistrates in order to take temporary positions of parliamentary, administrative or governmental nature.

Anti-Corruption Agencies

- Creation of specialized body for the combat against corruption (commonly known as an Anti-Corruption Agency) which should gather the following competences:
  - Investigation and criminal prosecution (both regarding illicit activities in the public and private sector);
  - Prevention and education (thus absorbing the competences of the current bodies: CPC, DCIAP and UNCC);
- The structure and organization of this body should comply with the following minimum guidelines to ensure its independence, accountability and performance:
  - Hold specific codes of conduct for its employees, dully supervised and with coupled sanctions for non-compliance;
  - Hold adequate evaluations and internal audit mechanisms, both regarding individual performance of agents and employees but also the management of such body as whole. Such mechanisms should be supervised by independent bodies with external participation (politicians, judiciary, lawyers, academia and civil society);
  - Following DCIAP’s example, investigation teams should be multidisciplinary, and benefit from dedicated contact points among all relevant stakeholders;
  - Recruitment policies and regulations should be detailed and provide for transparent public competitions;
  - Accountable to the Parliament;
Independence guarantees: the directing or head position should be appointed in the same manner as the Ombudsman, through a majority of two-thirds of Parliament; determine the agency's budget through a (adequate) fixed rate of the global state budget, thus ensuring financial autonomy.

Supreme Audit Court

- Ensure the external participation (non-Government appointed members) in the recruitment of the SAC’s judges, namely through the addition of new members, appointed by the Parliament or even the Superior Council of Magistracy.
- The SAC should adopt a new auditing model at all competence levels – the auditing of the adequate and proper management of public finance. The law should provide that any additions or amendments to public contracts under the supervision of the SAC should also require a previous approval from this Court.
- The law should provide more concrete and precise mechanisms for the enforcement of financial responsibilities when there is non-compliance with the SAC’s recommendations.

Private Sector

- Promote awareness-raising in the private sector regarding corruption and its disadvantages, including initiatives directly targeting companies or the education of future employees and managers (e.g. ethics and integrity subjects within academic curricula).

Media

- Within the media, ensure a better distinction between journalists’ air time and political analysts’ air time in order to allow the general public to clearly perceive information;
- Provide mandatory waiting periods for media professionals between their positions in media organizations and political advisory positions;
- Rethink the appointment method for the Governing Body of the ERC, in order to improve the perception of its legitimacy.

Civil Society

- Improve accountability mechanisms regarding all stakeholders and reinforce the role of internal auditing bodies within Civil Society Organizations (Supervisory Boards, Shareholders or Associate’s Meetings, Advisory Board, etc.);
- Establish mandatory online publication of annual reports; mandatory publication of data and operational results regarding CSO’s activities; improve training regarding ethics, transparency and integrity;
- Promote the creation of benchmarks and knowledge and best practice exchanges between CSOs.