

SEVENTH FRAMEWORK PROGRAMME OF THE EUROPEAN COMMISSION



RESEARCH PROJECT: “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 Citizen Participation in Europe

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Situation Analysis Report

I. ALAC IN THE CZECH REPUBLIC – DEVELOPMENT AND SCOPE OF ACTIVITIES

Brief history and introduction of TIC – “parent organisation” of the Czech ALAC

Transparency International – Czech Republic (TIC) was established in June 1998 as a non-governmental non-profit organisation whose mission was to map out status of corruption in the Czech Republic and through its (mainly project-based) activities contribute to reducing corruption. Originally, TIC had a legal form of a civic association. It had about a hundred members and was governed by the Executive Board, which oversaw the activities of TIC Office (employees and volunteers who executed the projects). As the organisation developed, it has been gradually moving from analyses, studies and awakening the public awareness of the extent and problems of corruption to outlining new concepts for public administration and enforcement of systemic changes. This led to transformation of its legal form from “civic association” to “public benefit organisation”, which is defined as a legal entity with the primary goal of providing a public service set out by the founder in the charter of foundation.

The transformation was driven partly by the effort to improve and make more effective the governance of the organisation, and – more importantly – by the fact that the aim of TIC is not to satisfy the needs of its membership base but to help solve the social problems by contributing to the elimination of corruption, thus serving the Czech population in the broadest sense of the word. The General Assembly of TIC charged the Executive Board with the preparation of transformation on 16 June 2004 and the process was completed on 11 February 2005, when Transparency International – Czech Republic (TIC) was registered as a public benefit organisation at the Prague Municipal Court.

At present, TIC is recognized among both general and expert public as an organisation with solid know-how and erudite staff, and belongs among the most powerful NGOs in the country. The activities are organised around three “pillars” – the projects, anti-corruption education and trainings, and legal advice centre (ALAC).

TIC’s project activities concern a number of areas. Some topics, e.g. public procurement, issues concerning conflicts of interest or non-transparent public finance management, have been in the centre of TIC’s attention for many years. Other projects are opening new issues and initiating discussions on the topics so far neglected in this country, e.g. protection of whistleblowers or corruption in sport. Some of the topics have a local character, however many are at least to some extent international and hence it is logical that they are carried out in a number of countries and benefit from shared experience of best practice, better outreach, etc.

Education and training courses represent one of major tools for dissemination of anti-corruption know-how in the country. TIC’s training activities are focused mainly on public administration bodies on national, regional and local levels. Several thousand participants have by now attended the training courses and seminars organised by TIC.

The legal advice centre – ALAC – provides free-of-charge services to people who were exposed to corrupt practices. Basic or extended legal assistance is primarily offered to victims of corruption, or citizens who witnessed corrupt behaviour and are willing to take some active steps to remedy the situation.

The beginnings of ALAC – information and advice centre

The establishment of ALAC in December 2005 was based on recognition that people in the Czech Republic often fail to use the available legal tools because they are unaware of them, or lack the resources to pay for the services of a qualified attorney. Thus the original objectives of newly established legal advice centre were to:

1. Provide citizens with information concerning legal tools they have at their disposal in fighting corrupt practices, through distribution of printed material, information on TIC website and via opening the ALAC;
2. Analyse relevant legal mechanisms and come up with recommendations to improve their effectiveness.

During its first year of operation, ALAC had a staff of four (a project manager, two lawyers and an assistant). It focused on analyses of selected cases of corruption, provided free-of-charge legal advice to citizens and compiled recommendations to improve the current anti-corruption legislation, which were published in its Activity Report. Based on the experience with handling the client cases, the *Handbook of Legal Protection against Corrupt Conduct in Public Administration and the Judiciary* was also prepared, published on TIC's website and distributed to civil legal-aid centres, municipalities, etc. The *Handbook* included some templates and sample complaints for use in communication with public authorities and judiciary. During the first year of its operation, ALAC dealt with almost 200 instances of alleged or actual corrupt behaviour, most of them concerned the municipal level of public administration.

Introduction of hotline 199

Representing an important anti-corruption tool, the anti-corruption hotlines serve as one of the channels enabling citizens to submit complains concerning corrupt behaviour. In the past, the anti-corruption hotlines in the Czech Republic were mainly operated by central government bodies, i.e. by the same subjects whose activities were concerned. In most cases the hotlines were limited to individual government departments (which meant almost no coverage of municipal governments and public sector). Moreover, their operation was often very unprofessional. The public did not show particular interest in using such hotlines and they had very little impact.

All the above reasons led to the need to create a single hotline, with an easy-to-remember number, operated by a non-government subject. The Czech Ministry of Interior took the initiative and approached four organisations in its search for the operator of "Hotline 199". Based on the bid that TIC submitted, it was awarded the contract, which was signed on 11 July 2007.

The trial operation started in August 2007 and the hotline 199 was officially launched on 19 September 2007. Starting from 1 November 2007, people can dial the hotline toll-free. Over a thousand of callers contacted the hotline during its first year of operation. TIC has been operating the hotline ever since, using its experience with running the ALAC and advising clients who approach TIC or ALAC directly. The callers to hotline 199 benefit from the fact that hotline operators can refer the clients to ALAC for further advice or extended legal support.

Box 1: Example of a case reported to hotline 199 and referred to relevant authorities

In January 2010, the hotline received a call from a client - a minor partner in a company that received financial support from the EU Structural Funds. To receive such support, the applicant must provide co-financing from other sources. The company in question does not have any other sources and solved the problem by providing fictitious invoices, issued by its associated companies. Information provided by the client who wished to put a stop to such practices was forwarded (with his consent) to specialised anti-corruption department of the Czech Police for further investigation and TIC subsequently arranged a meeting of the client with police officers, where details of this illegal conduct were discussed. The client himself says that he would not approach the Police directly, so this specific case illustrates the importance of the hotline's existence. TIC went on acting as a proxy between the client and the Police until the official investigation started. The case is still pending.

Hotline operating hours are Monday to Friday, 9.00 am - 5.00 pm. After hours the messages are recorded and the operators will contact the caller later. The operators are students in their final years of law faculty, who are supervised by an experienced lawyer (with minimum of 5 years of active law practice). The number of students who operate two telephone lines varied during the years of the hotline's existence between 2 to 4 students.

The hotline receives several thousand calls every year. During the first six months of 2010, the hotline was contacted by 4.653 callers, of which 1.200 contacts resulted in discussion with a hotline operator who provided the caller with legal advice (the total number of contacts includes the cases when the caller did not wait to be connected with an operator or the call was terminated by the operator within one minute). The 1,200 contacts resulted in 397 new initial client contacts included in the ALAC's database.

Strategic litigation

Since 2007, ALAC has been developing the concept of strategic litigation. First and foremost, it became much more active in submitting the complaints to institutions with the authority over the matter. In some cases, ALAC actually represented clients or appeared in the court itself (usually in matters concerning free access to information). The ALAC representatives have also started to use direct negotiation with relevant institutions when handling the cases, and started to draw the attention of media to individual cases. In this way, TIC has placed itself among the organisations that use legal tools to defend public interest.

Box 2: Example of successful strategic litigation practice

In the context of strategic litigation ALAC was successful with the appeal based on cassation at the Supreme Administrative Court, which has clearly established that information within the meaning of the Free Access to Information Act (FAI Act) includes also a (complete) copy of contract concluded by any compulsory subject. Before this breakthrough judgment was delivered, some state authorities have been refusing to provide such information. From now on, the decision makes it impossible for compulsory subjects to deny the access to information by responding only to specific questions and inhibiting verification of relevant information in the context of entire document. The judgment was the most significant decision in the field of free access to information in 2008.

In the field of free access to information, Czech ALAC was also successful in seeking a court decision declaring that Czech Railways, which is a state-controlled joint-stock company, is

also a "public institution" in terms of the FAI Act and thus a compulsory subject that has the duty to provide information to public.

At present, strategic litigation is an integral part of ALAC activities. We initiate actions or administrative proceedings with the aim to achieve precedential decisions relevant to fight against corruption. Typically, such activities include proceedings in the areas, in which various interpretations are possible, where no definite interpretation exists, or the areas in which TIC considers the established practice to be contrary to the public interest.

ALAC has initiated a number of proceedings in this area. There are, among others, disputes against the Czech Television, Prague Public Transport Company, Ministry of Transport, Tomas Bata Regional Hospital, Ministry of Finance, and Ministry of Labour and Social Affairs. The disputes in all the above cases consist in interpretation of key concepts of the Free Access to Information Act, such as "compulsory subject", "trade secret", or "classified information". As both TIC and the ALAC's clients still frequently encounter very limited interpretation of such concepts, the precedents in this area are of key importance.

Another example of disputes that are important from a strategic point of view, are those conducted by ALAC on behalf of whistleblowers. In this context, we can mention for example a successful case of an employee of the Czech Arts Fund Foundation concerning invalidity of instant termination of her employment. If the superior court confirms the verdict of the court of first instance, ALAC will request that the compensation (i.e. damage incurred to the Czech Arts Fund Foundation) be recovered from the Director of Czech Arts Fund Foundation, who was directly responsible for the mistreatment of the whistleblower and for subsequent fabricated notice of termination of her employment. This case indicates an important direction to be followed in curbing corrupt behaviour – imposing liability on individuals who are the decision-makers in public sector.

Types of services provided by ALAC

ALAC is primarily offering basic legal support, i.e. information on suitable steps to be taken in protection against corrupt practices, on the contents of relevant legislation and on authorities with supervisory powers over state institutions. Such basic support is provided to every individual who turns to ALAC (or is referred to ALAC through the hotline).

However, ALAC is mainly focused on providing extended legal assistance, i.e. long-term support provided to clients who are willing to use legal instruments to fight corrupt practices. Within the extended legal assistance, ALAC prepares petitions, applications and legal opinions. Most often they concern requests for information and remedial measures in accordance with Free Access to Information Act. There were also a number of motions filed with the public prosecutor's office, various complaints, suggestions for initiation of proceedings to review the conduct of contracting authorities, suggestions to initiate an audit, incentives to the self-governments' representative bodies, actions against decision of an administrative authority, reports of the commission of a crime, etc.

Since 2005, ALAC has provided its extended legal assistance to more than 300 clients. Since the beginning of 2010, the centre opened 30 new cases.

Box 3: Screening mechanism - an important tool for effective operation of the ALAC within existing resources

From within the consultations provided to clients as basic legal support, ALAC selects the cases to be handled in more depth based on the following criteria:

- the case is well documented;
- the client is willing to get actively involved;
- capacity test: either we already have an experience in the area concerned (meaning we have already developed some "How To" manual so that we can provide effective help), or the case falls in a category that is currently in our focus (i.e. we are in a process to better understand and effectively handle that sort of complaints). As to the other cases, which we "cannot handle" as yet, we keep track of them for potential next "area of focus".

Through the lawyers collaborating with TIC, in concrete law cases ALAC also represents its clients in courts or other public authorities competent in the matter. This kind of legal support is provided mainly to whistleblowers who encounter bullying in the workplace or other types of harassment.

Extended legal assistance often involves personal dealings with concerned parties and institutions. The purpose of these meetings is to verify and complement the facts and become familiar with legal opinions of the parties. Moreover, such informal meetings with representatives of relevant institutions may often help influence their decision-making or administrative procedures.

Box 4: Example of successful pressure on authorities leading to a binding regulation

For some years, ALAC has been focusing attention on certain aspects of church property restitution, especially in the context of so called blocking section included in the Land Act. The aim of this section is to ban any transfers of confiscated church property until the Czech state achieves property settlement with churches (which is being constantly delayed since 1989). As it proved impossible – with regard to current legislation and recent court decision-making practice confirmed by the Constitutional Court of the Czech Republic – to force the public authorities to proceed in legally correct way, ALAC was compelled to use alternative (non-legal) tools. TIC therefore initiated a meeting with the representatives of the Land Fund of the Czech Republic and the Ministry of Agriculture where ALAC defended its legal position. As a result of systemic pressure put on the authorities, TIC's position was recognized as the correct one and subsequently an internal regulation was issued, binding relevant authorities to respect the position.

As a complementary part of the assistance provided to clients, ALAC also presents individual cases in the media. We provide the journalists with information on successful cases as well as the ones where no legal instrument exists to address the matter. In such cases, media presentation may become one of the tools leading to redress. Presentation of successful cases in relevant media often brings in new reports and information from the public concerning the issue in question.

Public debates

Public debates, which are organised by TIC in municipalities throughout the Czech Republic, play an important role among the activities of ALAC. The debates are mainly held in municipalities where ALAC were or is involved in some concrete case of corrupt behaviour. Usually, the debate would not be concerned with the relevant case but some general issue – typical examples include management of municipal funds and ways of exercising public control. Besides local citizen participation, TIC encourages the representatives of local governments or other interested parties to participate in the debates.

Box 5: ALAC's cases initiate public debates that help promote transparency on municipal level

A citizen of Břehy approached the 199 Hotline with reference to non-standard transfer of municipal property to third parties. He pointed out to the fact that Břehy municipality did not properly announce the planned sale of property and also to the fact that the land was sold – for unusually low price – to the mayor's son. ALAC requested the municipality to provide relevant documents and based on the legal analysis prepared a legal opinion that was sent to municipal government.

The public debate was then organised in November 2009, with more than 30 citizens present. The municipal government's officials, including the mayor, also participated. The mayor insisted that the sale of municipal property was carried out in legally correct way. However, he promised to proceed in a transparent way in any future dealings. ALAC subsequently submitted to relevant public prosecutor's office a motion to bring an action concerning invalidity of the purchase contract. The case is still pending, the lower public prosecutors rejected the motion and as of now TIC is trying to appeal their decision.

ALAC as an integral part of TIC

Cases and citizens' enquiries handled by ALAC and the hotline 199 provide TIC with valuable insights into the concerns of ordinary citizens and ensure that any proposals for systemic changes, recommendations or calls for anti-corruption reforms are firmly rooted in reality. The analyses and recommendations prepared by ALAC are based on practical experience with handling concrete cases, which help identify particular legal or administrative loopholes or "soft points" in the system. Both ALAC and TIC then can use the negotiations with relevant institutions, presentations in media, project activities or educational programmes to draw attention to the identified problems and proposed solutions, which may consist in a pressure on relevant subjects to change their current ways to recommended "best practice" or, if necessary, in an effort to initiate a formal proposal for appropriate legislative changes.

Box 6: ALAC's legal analysis supports TIC initiatives in the area of transparent public contracting

ALAC has been, among other activities, monitoring public procurement processes in strategic public contracts, including the tender announcement for the Integrated Treasury System. According to TIC, the Ministry of Finance discriminates some contenders for the public contract when it clearly prefers the companies that offer systems based on SAP platform. In its legal analyses, TIC criticised incorrect use of the institute of competitive dialogue as defined in Public Procurement Act, and in its motion submitted to Czech Antimonopoly Office, TIC pointed out to the fact that tender documentation included clear definition of the product that was to be provided by the winner. In this case, TIC initiative (which originated from suspicion of corruption) corroborated the activities of unsuccessful contenders and the procuring entity was forced to cancel the tender and announce a new one.

II. CAPACITY SELF-ASSESSMENT

Overview

For the self-assessment of present abilities and capacity of the Czech ALAC, the pilot CAT tool prepared by TI was used. We engaged an external facilitator to co-ordinate the process, conduct the interviews, evaluate the results and prepare the final analysis that will be used for further discussions within the ALAC team.

It is important to mention that ALAC recently underwent major changes in personnel. Its current structure is as follows:

- Project manager (started in October 2009),
- 2 lawyers (one started in May 2010, the other in September 2010),
- 3 operators of 199 Hotline (April 2009, April 2010, July 2010).

Therefore, when selecting the people to be interviewed (and asked to complete the CAT questionnaire), we focused rather on people with enough knowledge and experience with ALAC's operation than on the current (= new) members of the team. This gave us some valuable insights regarding the development and continuity of ALAC's operation and an opportunity to discuss the challenges and future strategy of ALAC with its former managers who now have an outside perspective.

The questionnaires were completed by five people (two former ALAC project managers, present director of TIC, present ALAC project manager and one other ALAC team member). With one exception (e-mail communication), the questionnaires were completed during interviews, which enabled the respondents to provide additional comments and the questions could be discussed in depth.

Overall capacity assessment using TI's CAT tool

We present the results according to the CAT questionnaire structure:

1. ALAC's ability to maintain an identity that reflects its purpose, values and strategies, and leadership's ability to govern, direct and manage the organisation

ALAC has and always had a clearly defined vision and strategy, understood by both ALAC staff and TIC. Recently, ALAC's vision has shifted from "we solve cases of corruption" to "we solve cases and consider/evaluate/improve the system". We consider the emphasis on the system aspect necessary from the viewpoint of sustainability. On personal level, exclusive focus on "solving cases" may be frustrating, with too few results, often an open ending, etc. In this respect, advocacy activities aimed at systemic changes may prevent burnout syndrome. On organisational level, a shift from solely "solving cases" to "systemic thinking" prevents alienation of ALAC from other activities of National Chapter (the Czech ALAC and TIC went through a phase when this was a problem, so this is one of our "lessons learned"). Systemic point of view also prevents the ALAC personnel from identifying themselves too much with the client's perspective, which would contradict the declared impartiality of TIC (this problem was also experienced by ALAC in some cases in the past).

In relation to the shifts in its vision and strategy, the level of TIC management's engagement with ALAC has also evolved. There was a phase when there was almost animosity between TIC management and ALAC (and the other way round). Again, presently both TIC and ALAC management are actively seeking synergies between ALAC work and that of other TIC activities.

2. ALAC's ability to establish effective systems, policies and procedures, and ensure that appropriate human and financial resources are available

There is a clear understanding of roles and responsibilities within ALAC, and during all the years of ALAC's existence there has been a strong emphasis on highly capable staff, relevant training, communication mechanisms and case management system.

So far we did not have a clear volunteer strategy, as the emphasis was (and is) on cooperation with students as the operators of hotline with clearly defined working hours. The concept of volunteer work is still not very widespread in the Czech Republic. However, we plan to develop some system of interconnecting the concept of law students' internship/work experience with the needs of our hotline operation.

ALAC's fundraising has been successful in covering its regular needs but our problem is a strong dependence on one main donor who is fully financing the operation of the hotline. This dependence is considered as one of the key risks and potential threats to ALAC's existence and sustainability. The problem is made worse by the fact that the donor - Czech Ministry of Interior - in fact owns the hotline 199 project and ALAC only operates it. We have to address the problem as it does not only present a financial risk but it also raises questions concerning the independence of ALAC. The entire ALAC operation may be perceived as a project of this particular donor and in long term this might hurt the overall reputation of TIC.

ALAC has sufficient physical and technological infrastructure (bearing in mind the risk of hotline ownership/operation explained above). Data collection and management system needs some improvement and we also need to address the risk of storing confidential data (until now, most of the data are available also to staff not involved in cases). We will address this risk in connection with the level of confidentiality of the cases that are handled by ALAC or TIC - so far the level of data protection was sufficient with regard to the nature of our cases.

3. ALAC's ability to conduct activities that are valued by its constituents and relevant and effective in the fight against corruption

As was described in the first part of this report, ALAC is an integral part of TIC and helps support the reputation of TIC as the leading national actor in the fight against corruption. Within available financial and personal resources, we strive to provide effective (and cost-effective) services, both to our clients and to general public.

The number of successful outcomes of ALAC's cases depends not only on ALAC's skills but on many external factors, not the least on the existing (and often confusing) legal framework. As described above, experience and analyses of the cases are used to advocate for long-term systemic change by both ALAC and TIC. Often the efforts to bring about a systemic change represent the only sensible outcome, as the particular case does not have any relevant legal solution.

4. ALAC's ability to build effective relationships with constituents and retain legitimacy among stakeholders

ALAC is known by and has good relations with relevant stakeholders, namely other NGOs, media, global ALAC community and donors. The links with relevant institutions rather have a form of personal contacts; we do not have any formalized relationships as yet (MoUs). The idea of signing MoU with relevant institutions will be further discussed. However, the recent experience with government institutions is rather negative - political leaders present their cooperation with TIC in context of problematic decisions that were never consulted with ALAC or TIC and the media shortcut for the public reads "TIC has no problem with this".

Both ALAC and TIC are generally used by media as a respected source of information.

5. ALAC's ability to effectively respond and adapt to changes in its external environment and learn from its mistakes and setbacks

In the Czech (often-changing) political and legal context, ALAC must have a good understanding of external changes and trends and must be flexible in its approaches and activities. We believe flexibility and "creativity" in our approach to handling clients' cases is one of the strongest skills of ALAC - and often almost the only way to achieve results.

There is a good level of knowledge sharing within the ALAC as well as with the rest of TIC staff.

As to the data usage, we see an area for improvement in better use of stories and case studies, mainly for advocacy and communication with relevant institutions where we can use even case studies that are "unsuccessful" from the viewpoint of the clients or general public.

III. CONCLUSIONS

Benefits and limitations of ALAC

Based on its experience in the field of fighting corruption, TIC and ALAC feel that successful results, especially in the area of exposing corrupt practices of municipal representatives, have considerable influence on public perception of corruption in the Czech Republic. A significant number of ALAC clients report various wrongdoings at the municipal level. The majority of complaints concern irregularities in municipal property management, manipulation in public procurement procedures and various cases of conflict of interest. We can say that providing free-of-charge legal assistance in these cases represents the greatest benefit of the ALAC existence.

On the other hand, we regret to say that in many cases that are rightly perceived by the public as clearly corrupt behaviour, there are no legal instruments that could amend the situation. In trying to solve such cases, TIC and ALAC repeatedly encounter the barriers in the form of irresponsible individuals with decision-making powers in collective bodies, unclear ownership structures that make it impossible to prove the conflict of interest, or generally the gaps in the Czech legal order that contains a number of rules with no sanction for their breach.

The other problem consists in the ever-changing legal framework of the Czech Republic. The frequent changes in legal norms are often unpremeditated and in many cases, some small change, well-intentioned in its effort to solve a particular problem, results in a number of new problems which lead to further deterioration of the overall situation. Before any initiation to recommend or propose a particular change of legal framework, it is therefore necessary for both ALAC and TIC to use to full extent any available formal and informal tools, i.e. legal tools that can be used in connection with a particular case, as well as any possibility to advocate for necessary change of practice or procedures of relevant institutions (through media, seminars, educational activities, etc.).

Within ALAC, it is important to place a great emphasis on initial screening of cases in which ALAC gets involved. We have to be careful not to promise the clients things that cannot realistically be achieved. On the other hand, we have to bear in mind a potential risk of abuse of the TIC's or ALAC's name and reputation from the clients who would like to use our support for their private vengeance (for example in case of whistleblowers).



ALAC – Advocacy and Legal Advice Centre – Romania

Narrative Report

Overview and history

The Advocacy and Legal Assistance Centre is an institutional project of the Transparency International network in South-Eastern Europe. In Romania, the Centre was set up in 2003, with funding from the Federal Foreign Ministry of Germany, via the Anticorruption Initiative of the Stability Pact for Europe (SPAI). The Centre offers assistance and guidance to victims and witnesses of corruption in the public sector. An important element of the Centre's activity is to inform beneficiaries with regard to the legal frame and the mechanisms that can be used to fight corruption. The Centre aims at preventively addressing corruption-generated issues in a wide range of public sector areas, providing victims and witnesses with information regarding both general and specific means of legal action.

From 2003 up to 2005, the Centre received the financial support of the Federal Foreign Ministry of Germany, via the Anticorruption Initiative of the Stability Pact for Europe (SPAI). Its activity was focused especially on public administration corruption and irregular behaviours with a high risk of leading to corruption.

From 2005 onwards the Centre has also provided specialised services to whistleblowers. Alongside the information regarding the general corruption complaint mechanisms, the beneficiaries, - different categories of victims or witnesses -, received guidance regarding the legal means of obtaining protection from potential repercussions following the submitted complaints. In order to continue with carrying out these activities, the Centre received funding from the Embassy of the Netherlands, via the MATRA-KAP Program.

During 2005 and 2006, the activities of the Centre were primarily dedicated to assisting and guiding victims and witnesses of abuse and/or corruption in the Romanian justice system. The project enjoyed the financial support of the European Union, via the PHARE 2003 Program - Developing the Civil Society. Latter on, the program was supported financially by Auswertiges Amt (The German Foreign Ministry).

Starting with 2007, the ALAC activity focused on addressing corruption in the central and local public administration and in the business environment, as well as in the judiciary. Today the ALAC is a special department within the Romanian TI Chapter. Although it does not benefit any longer from dedicated financial support, due to the socio-economic-political context, its budget requirements are met through all of TI Romania's ongoing projects that have a specific assistance and advocacy component. Thus, it continues to provide assistance and guidance to victims and witnesses of corruption in all the segments of the public sector. Yet, it aims at deepening its orientation towards the private sector and extending its legal advice capacity so as to cover business –related corruption as well.

Financing

Along its functioning, the Romanian ALAC has benefit of dedicated financial support from the following donors and partners:

1. The German Federal Ministry of Foreign Affairs (Auswertiges Amt.), through the Anticorruption Initiative of the Stability Pact for South-Eastern Europe (SPAI)
2. The Netherlands Embassy in Romania, through the MATRA KAP Program

3. The European Union, via the Civil Society PHARE Program, Action 3: Democracy, human rights, rightful state and independence of the justice
4. Auswärtiges Amt (the German Ministry of Foreign Affairs), under the coordination of Transparency International Secretariat
5. European Commission, Directorate General Justice, Freedom and Security under the coordination of Transparency International Secretariat

ALAC mandate and competencies

As mentioned above, the mandate of the Centre is to offer specialized assistance and guidance to victims and witnesses of corruption and/or abuse in the public sector. Depending upon the case, the assistance may consist in providing guidance on both the administrative and judiciary means that the beneficiaries of the Centre lawfully have at their disposal in addressing their issues.

The mission of the Centre doesn't stop at the moment in which its beneficiaries submit their complaints to the competent authorities. The Centre seeks to monitor the authorities' manner of settling the respective complaints, as well as their capacity to do so. To this end, several MoUs were signed with different public institutions such as the National Control Authority (responsible for administrative control within the public administration entities), the National Anticorruption Directorate (specialized anticorruption prosecutor office) and the Superior Council of Magistracy (responsible for administrative control within judiciary), as well as we media partners.

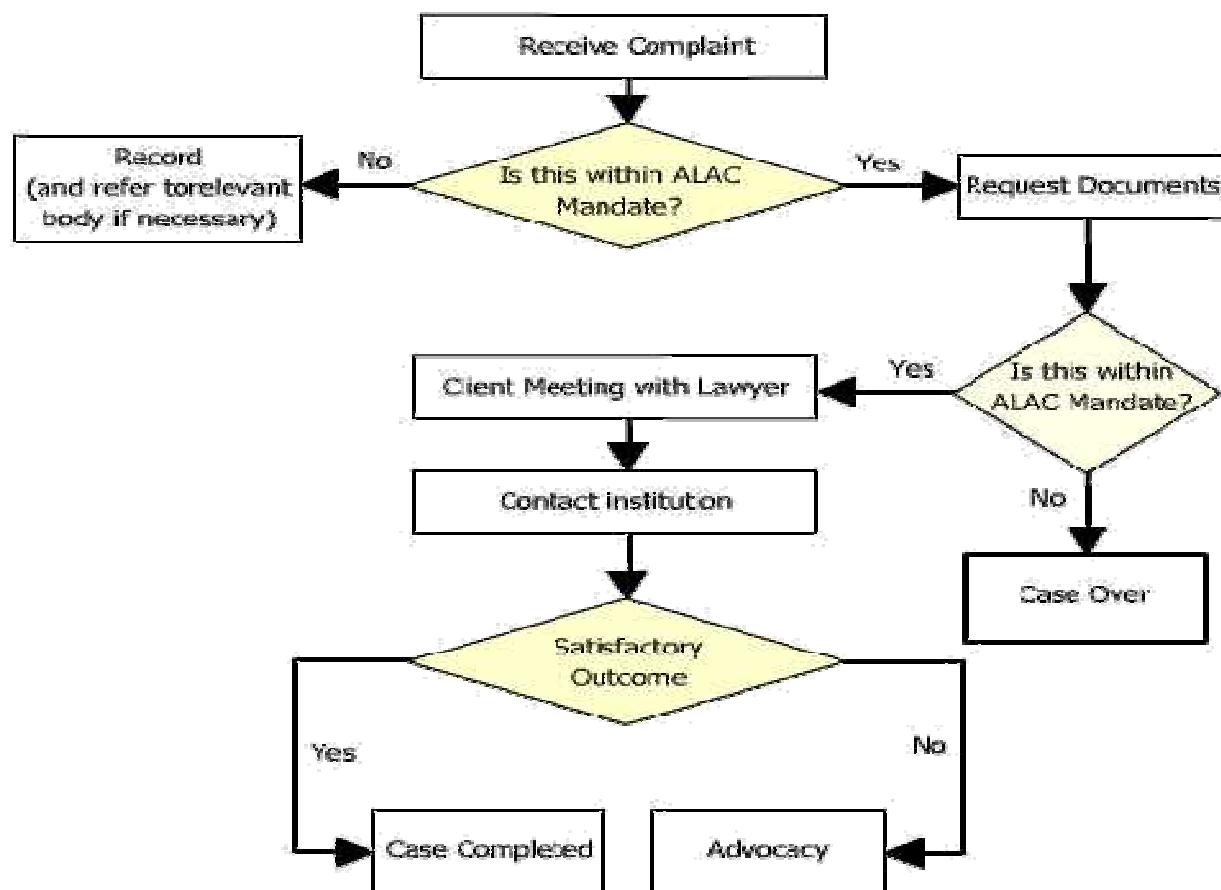
The scope of the Centre is to guide the inquirers towards tackling their grievances in front of the competent public authorities, to monitor the settlement of the cases, to prepare periodical activity reports and to make public the monitored files. It cannot substitute for the criminal and/or the disciplinary investigation bodies with regard to ascertaining the existence or the non-existence of corruption acts.

The publishing of the cases is done only after the prior agreement of the assisted that referred them, and has to be seen as a part of TI Romania's advocacy activity for a lawful complaints settlement by the authorities, and not as campaigns of defaming individuals and public bodies. The Centre does not represent the plaintiffs in front of the authorities, but has the duty to assist the beneficiaries in their undertakings before the competent administrative and disciplinary jurisdictions. As well, the Centre is neither entitled to conduct criminal investigations or legal expertise, nor does it provide legal assistance for the cases that are already in the process of being addressed by the Court. Furthermore, it does not draft procedural documents in the name of the beneficiaries, but guides the whistleblowers, the victims and the witnesses to corruption in their endeavors to notify the authorities.

To achieve its mission, TI-Ro and its ALAC have also elaborated a series of anticorruption guides and know how instruments for complaining against corruption or power abuse and mal administration, that have been disseminated to the clients of the ALAC and citizens in general, during different events.

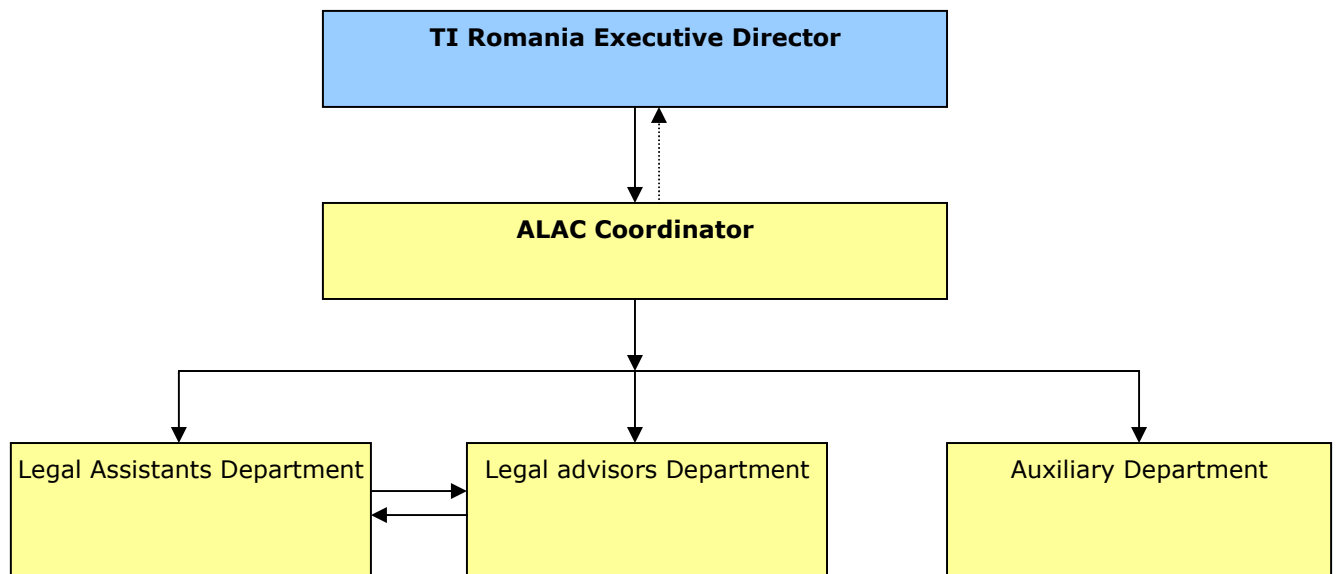
Structure and working procedures

The whole ALAC work process is described in the chart below.

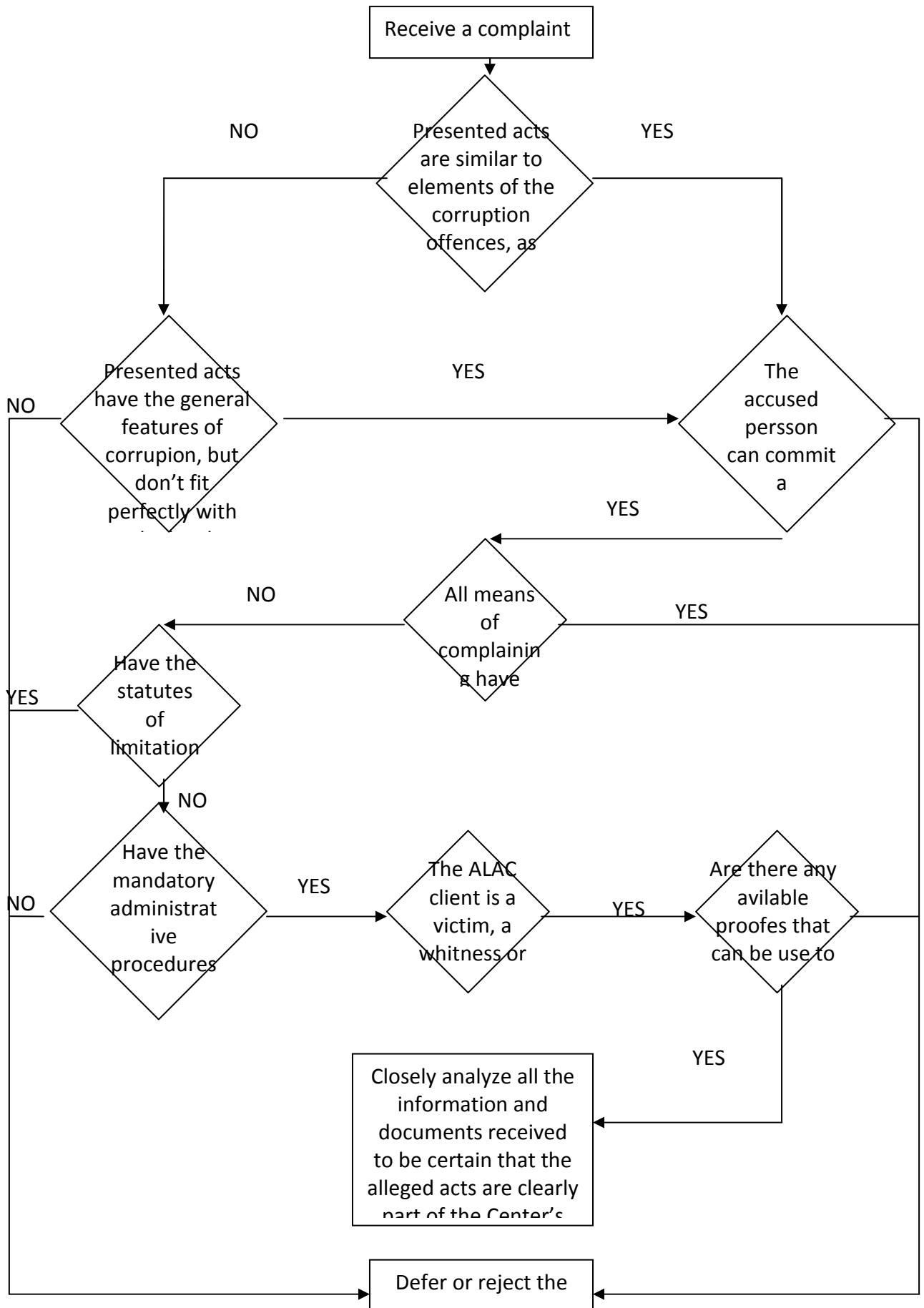


To ensure that the whole process is observed, a three departments' structure was set up for the Romanian ALAC, which are headed by a Programme Coordinator. The Coordinator is accountable in front of the Executive Director of TI Romania and oversees the activity of all the departments.

This structure was designed to ensure the needs of a proper functioning of the ALAC since its beginning. Later on, when the entire chapter was ISO certified for the quality management, the structure was confirmed and proved to be the best choice for ensuring the performance of the ALAC.



In the *legal assistants' department*, the complaints from petitioners are received, both the ones personally submitted or sent by regular post, e-mail or fax, and registered. They are also responsible for managing the phone-calls, where they provide general information about the ALAC scope and mandate, on its functioning, as well as the working program. The legal assistants analyze all the complaints received and decide whether the cases fall within the scope and mandate of the Centre. To decide so, the following check-list is being used for the client identification.

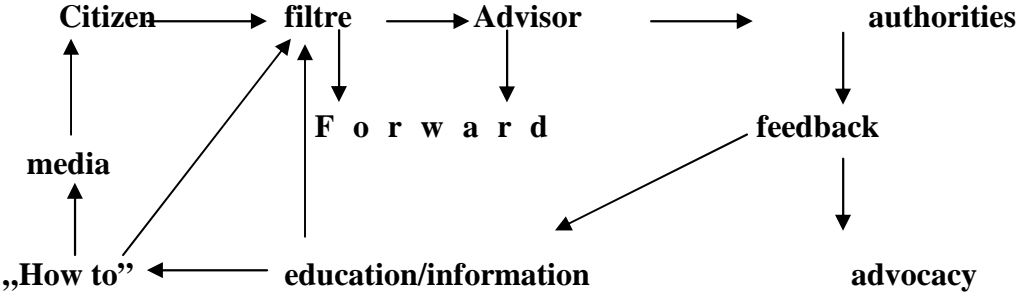


The received cases that are found ALAC-relevant by the legal assistants are forwarded to the *legal advisors*, who decide on their mode of settlement and assist the beneficiaries in the handling of the presented grievances. The legal counseling usually happens during three or more legal advise meetings, when the legal advisor guides the client on how to collect the proves, how to right the complaint and which is the most appropriate institution he or she should submit the case in order to get it solved.

Legal advise	<ul style="list-style-type: none"> • <u>Primary objective</u>: To assist citizens to articulate, develop, file and pursue their complaints with the assistance of professional lawyers. • <u>Functions</u>: <ul style="list-style-type: none"> <input type="checkbox"/> to help and educate the beneficiary on how to collect evidence <input type="checkbox"/> to help the client identify the motives of the acts of corruption <input type="checkbox"/> to determine whether the case should be sent to the institutional partners, if they are competent to solve it, or whether the client should benefit from backing counselling for further steps, monitoring and gradual advice. <input type="checkbox"/> to inform and educate the client on how to word his/her complaints. • If the experts realize the case is not covered by the ALAC mandate they will direct the citizen, with written recommendations, to other institutions. • In all cases, after every meeting, or every time the adviser enters an observation in the file, guidance notes are written.
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The *auxiliary department* gives the logistical support for the daily activities of the Centre and is responsible with the update of the ALAC database and legal documentation.

The chart below explains the flow of information within the ALAC and the whole TI-Romania Chapter, and how it has been used to substantiate the advocacy efforts.



For reasons of risk management, an ALAC hotline in the classical understanding of the term has not been set up. However, there is phone line that is being used by all the individuals that want to address to the Centre.

Outputs and Outcomes

Up to date, the Centre has assisted more than 5000 individuals, both directly and by correspondence and has been a primary source for substantiating the advocacy efforts of TI Romania. The ALAC Reports have worked as a basis for policy papers and policy positions that have contributed to the normative activity in specific cases as:

Ratification of the UN Convention against corruption (Law no. 365/2004)

Amendment of the Law no. 78/2000 on the prevention, uncovering and punishment of corruption offences (Law no. 521/2004)

Amendments to the Penal Procedure Code (Law no. 480/2004)

Passing of the Code of Conduct of the contract staff from the public authorities and institutions (Law no. 477/2004)

Adoption of the Whistleblower Protection Act (Law no. 571/2004)

Amendment of the Law no. 161/2003 concerning some measures for ensuring transparency in exercising public office, public functions and in the business environment, the prevention and punishment of corruption (Emergency Ordinance no. 14/2005)

Adoption of the Law on the National Integrity Agency (Law no. 144/2007)

Adoption of the Act that establishes a common framework on the methods of filling out and transmitting data and information regarding public officials' compliance with the rules of conduct, and regarding the implementation of disciplinary procedures (Decision no. 4500/2008 of the President of the National Agency of Civil Servants)

Adoption of the Act on Legal Aid in civil matters (Emergency Ordinance no. 51/2008)

Amendment of the Law no. 656/2002 on the prevention and sanctioning money laundering, and instituting measures to prevent and combat terrorism financing (Emergency Ordinance no. 53/2008)

As mentioned before, another important out-put of the ALAC were the dedicated anticorruption guides and know-how instruments. Some of them were elaborated under specific ALAC funding, while others have been elaborated as components of other TI-Romania projects, using the ALAC know-how and answering to the ALAC needs. The following guides have been distributed to citizens along the ALAC existence:

- Anticorruption guide for citizens (two editions)
- Integrity guide for the application of Law 18/1991, regarding the land fund
- Guide for integrity and transparency in administering justice
- Guide for integrity and transparency in public procurements
- Guide regarding the whistleblowers protection
- Anticorruption guide in judiciary
- The School – an integrity system
- Guide for fighting corruption in public administration
- Guide for fighting corruption in judiciary
- Guide for fighting corruption in education
- Guide for fighting corruption in health care system

- Guide for fighting corruption in police
- Guide regarding free legal aid in judiciary
- ALAC manual

Capacity self-assessment

For the self-assessment of the ALAC capacity, TI Romania employed the pilot tool provided by Transparency International (TI) and the University of Konstanz. The appointed coordinator disseminated the CAT matrix to all the interviewed persons, while explaining the scope, methodology and rules for filling it in. The coordinator has also gathered the results and centralized them in a unique document which provides the global overview regarding the ALAC.

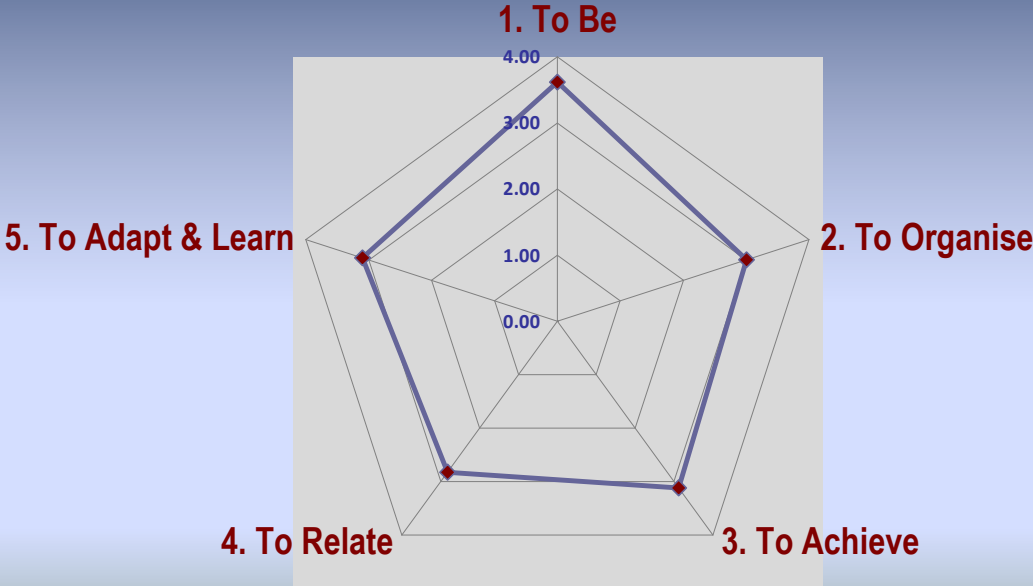
For the purpose of this analysis, the following categories of persons were interviewed:

- 1 board member, end ex founder ALAC staff
- 1 management staff of TI-Romania, coordinator and former assistant and legal advisor of the ALAC
- 1 assistant
- 1 researcher
- 2 TI-Romania staff, external from ALAC, but who have closely worked with the ALAC staff
- 1 staff from a partner NGO

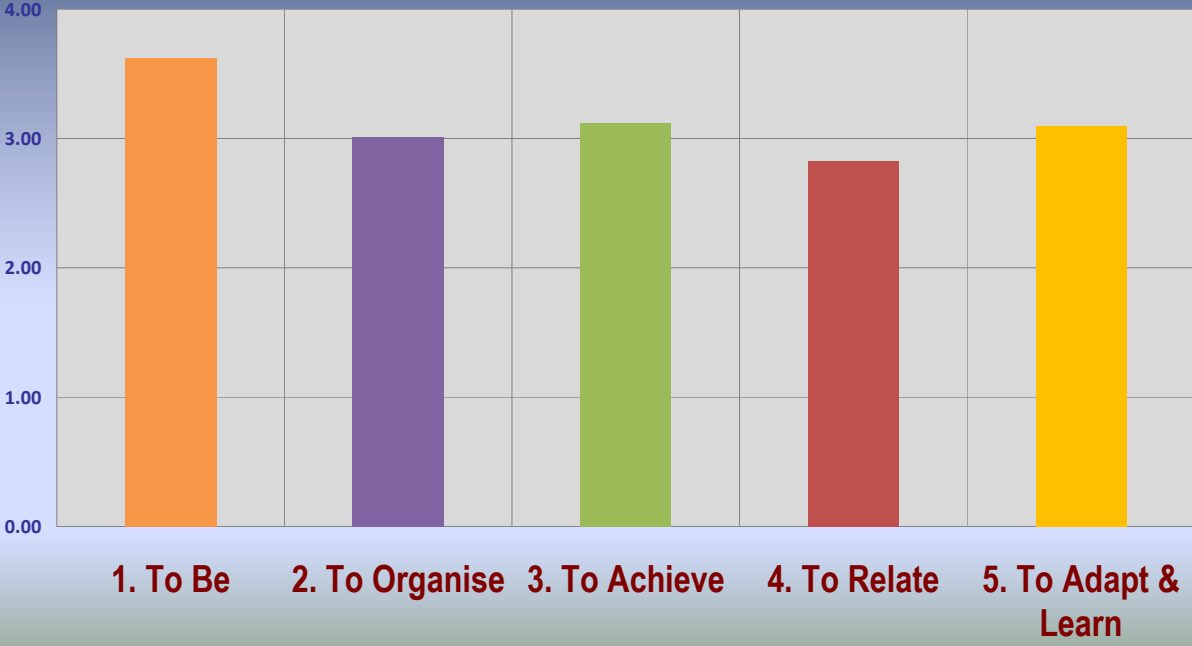
When selecting the interviewed, the objective was to reach all the “shareholders” and “stakeholders” of the ALAC in order to have a comprehensive analysis of its capacity and a general overview. Please note, that when filling in the matrix, all the respondents applied an average indicator, due to the fact that some of the issues analysed have faced different levels of development during the ALAC existence.

The final results are included in the charts below.

Results from Compiled Responses



Results from Compiled Responses





BOSNIA AND HERZEGOVINA

ALAC-Situation Analysis Report

a) Analysis of the capacity of the ALAC, including:

- (i) quality of technical and personnel infrastructure;*
- (ii) material and financial resources and constraints;*
- (iii) efficiency of operation;*
- (iv) effectiveness of information management and database;*
- (v) political, policy and legal constraints responsible for underutilization of existing capacity.*

TI BiH has been implementing the ALAC project since mid-2003. The project became fully operational in early 2004. Since then it has been implemented on an ongoing basis and has become the longest and biggest project requiring the engagement of the largest number of staff in the chapter. Soon after the successful launch of the project, ALAC became recognised by the TI BiH Board of Directors and Assembly as one of the strategic priorities of the organisation. For that reason, the organisational structure of the ALAC project is inextricably connected with the entire organisational structure of the chapter. Thus, the Executive Director of the chapter is also the Project Manager of ALAC. The main legal advisor in the project is a person with long experience in application of law who is a recognised expert and associate of numerous local and international institutions (as judge, prosecutor, lawyer, researcher, etc.). Project staff is comprised of a coordinator (graduate lawyer) and 3 assistants (senior undergraduate students of the law school). Chapter's PR officer, too, works part time in the ALAC project. IT expert and accountant are also engaged in the project.

In BiH there are two ALAC Centres (Banja Luka and Sarajevo), which function as one. The two Centres are connected via the intranet and have all the necessary technical conditions for effective operation. The Centre uses the database created jointly by the TIS and the national chapters involved in the project. This database makes it possible to track the number and structure of complaints filed by citizens and legal entities. As exercise of the right to free access to information is one of the basic methods of collecting information, the Centre also has an internal server which serves for keeping the archives of correspondence with public institutions and citizens. Citizens can contact the Centre's operators via toll-free phone line (0800 55555)¹. The Centre has its webpage as part of the Chapter's website (www.ti-bih.org). The Centre can also be contacted by means of an online application found on this webpage.

Self-sustainability of the ALAC project is its weakest point. It is clear that the project can become fully self-sustainable if it can generate its own income. This method of work would be partly contrary to the mission of the project and would significantly restrict and affect its success. It is the vulnerable groups such as refugees, returnees, socially vulnerable groups, pensioners, etc. who are victims of corruption that make up the majority of the project beneficiaries. Paying for the Centre's services would be an insurmountable obstacle for these groups of population due to their poor financial status.

Over the last six years, since the start of its operation, the Centre has become recognised in the general public in BiH as a reliable and efficient partner of citizens and organisations in protecting and promoting their rights. On the other hand, it has been recognised by the media as a relevant and reliable source of information about the frequency of corruption cases (based on citizens' complaints against individual sectors) as well as a basis for reporting about specific cases.

¹ The toll-free telephone line can be called from all three landline and mobile networks which operate in BiH. The toll-free phone line can be accessed on working days between 9 and 17.

The estimates made on the basis of internal evaluations over the last six years indicate that over 20.000 citizens² have directly or indirectly benefited from Centre's services.

Types of services provided by the Centre to citizens and organisations include:

- Giving initial advice about the responsibilities of public institutions and procedures;
- Rendering legal assistance in preparing and articulating requests that citizens and organisations send to public institutions;
- Contacting public institutions and sending specific requests on behalf of citizens and organisations;
- Monitoring the actions of public institutions with regard to the cases reported by citizens or filed on their behalf;
- Reporting to citizens, organisations and the public at large about the progress in the processing of individual cases;
- Taking appropriate measures in case of unsatisfactory response on the part of public institutions (e.g. sending the case to second-instance authorities, ombudspersons, inspectorates, etc.).

The Centre does not represent citizens before courts. However, in cases where there is enough evidence, it files criminal and/or minor offence charges as well as charges in cases where there are suspected conflicts of interest.

In the vast majority of cases, the users of Centre's services were either victims of or witnesses to corruption, while, at the same time, the largest proportion of cases were related to petty/administrative corruption in local (municipal and cantonal) levels of government. As far as cases of gross corruption are concerned, they were mainly related to privatisation processes, public procurement and operation of entity development banks. The Centre and the Chapter as a whole experienced various forms of pressure and intimidation when dealing with cases of gross corruption. The most striking example of such a pressure is certainly the fact that the Chapter temporarily ceased operation in 2008, following the disclosure of findings about the privatisation of strategic companies in RS, when the RS government and its prime minister falsely accused TI BiH of organised crime and openly declared that they would deal appropriately with the organisation and its leading people. The Chapter and the Centre continued their work only after the Government of RS received stern warnings from the international organisations in BiH.

b) The quantity and quality of direct citizen engagement: information, legal advice, referrals, extra-legal support and level of client satisfaction

The toll-free phone line

The toll-free phone line for reporting corruption 0800 55555, which Transparency International BiH (TI BiH) set up in January 2004, the first of its kind in BiH and the first one that managed to bring together all telephone companies operating in BiH, has gained increased national prominence and earned public trust. The toll-free hotline is open every day between 9 am and 5 pm. Its primary purpose is to serve as an initial contact point between

² This number includes citizens and organisations that were given legal assistance, citizens and organisations that used toll-free phone line 0800 55555 as well as participants in various types of trainings and education seminars organised as part of the project.

citizens and the Advocacy and Legal Advice Centre. Based on the initial contact through the toll-free hotline, TI BiH's operators (volunteers) decide whether the reported case can be qualified as corruption. If so, the person reporting corruption is invited to provide evidence for it in writing, if such evidence exists, or in the form of his/her own statement or the witness's statement. The toll-free hotline also provides citizens with advice if the reported case is not under the Centre's mandate. Every citizen who phones the toll-free hotline will be given information on how to protect their rights and which institution has the authority to solve their cases. Extremely complicated organisation of the state, additionally compounded by the overlap of authority among different levels of power, makes it very difficult for citizens to exercise their constitutional rights. It very often happens that citizens do not have the information on which institution has the authority to solve their case. Judging from the number of citizens who have sought advice through the toll-free hotline, it is obvious that this method of work has proved very useful for citizens.

Legal advice

The situation in BiH, as far as corruption is concerned, and an extremely difficult economic situation affecting the great majority of people who live on very low income or no income at all, which deprives them of funds necessary for exercising their rights in an appropriate way, provides every justification for offering legal advice. The significance of providing legal advice about corruption, besides assisting those most affected by corruption, also reflects in the building of capacities of competent institutions, while pointing to the errors and weaknesses in their work whose repercussions are again felt by the most disadvantaged groups.

After the initial contact through the toll free hotline and invitation to citizens to corroborate their reports (by providing either written evidence if it exists or a written statement), the next phase, following the receipt of the appropriate documentation, is its analysis by the TI BiH's legal advisors. Based on this analysis, the legal advisors decide on how to act in the particular case. If there is a need, or if this is requested by the citizen who reported the particular case of corruption, the legal advisors arrange a meeting with this citizen. After the interview and collection of additional evidence, the legal advisors contact the competent authorities. If there is enough information and if all legal conditions are met, a report or a formal communication in the form of information is sent to the competent public prosecutor's office so that it could launch an investigation if it obtains additional information about this case from other sources. A formal communication is also sent to the public authority whose employee the report refers to, so that an internal investigation or appropriate disciplinary procedure can be conducted within this institution.

c) The quality and quantity of representative citizen work, including

- (i) number of MOUs with relevant institutions;*
- (ii) number of well-functioning institutional interfaces;*
- (iii) quality of advocacy strategy;*
- (iv) advocacy outputs;*
- (v) evidence of advocacy impact.*

Advocacy, as one of the components of this project, aims at identifying sectors and institutions that citizens have been most complaining about as well as at presenting these problems to the authorities and the wider public. This component also includes formulation of specific proposals for solving these problems in the form of proposals for changes to laws and

other types of legal regulations. Activities within this component have been implemented at five levels:

- ❖ in direct contact with governmental institutions through periodic meetings, conferences and correspondence. The aim was to draw attention of governmental representatives to failures and irregularities in work, breaches of law as well as failures to regulate specific areas;
- ❖ in direct contact with citizens and their associations/NGOs, in the form of joint advocacy action/initiatives, seminars, public debates, lectures and meetings;
- ❖ through media appearances and press releases;
- ❖ in direct contact with the representatives of international organisations and national and international scientific and research institutions;
- ❖ launching new projects (by drawing on the results of this project) in the areas that civil society organisations are thought to be able to contribute considerably to.

Example of successful advocacy:

Even before the working group was set up, the NGOs Transparency International (TI), Centre of Civil Initiatives (CCI) and the Open Society Fund (OSF) were active in the anti-corruption sector, aiming to influence related politics. Transparency International was particularly active, as an organization specialized in anti-corruption efforts, and which has already spent a substantial amount of effort on lobbying for an anti-corruption strategy. Particular attention was paid to engaging the Parliamentary Assembly to adopt the strategy. Here, significant progress was achieved among the political representatives. To that end, the TI, in cooperation with the OSF, prepared document titled “Improving social integrity – proposals for the anti-corruption strategy”, based on research and analyses conducted, as well as deficiencies identified in the design and implementation of previous strategies. Their activities aimed to identify deficiencies and improve the legislative framework, enhance the organization, function and cooperation of institutions to fight corruption. Government representatives, expert community and NGO representatives partook in a program of social integrity workshops, organized in cooperation with the Parliamentary Assembly. The consensus achieved between the government representatives, civil society and experts in their joint work through social integrity workshops ensured high quality of proposed solutions and their contribution to real progress in fighting corruption. All materials produced at the workshops were delivered to the working group upon its inception. The Collegiums of the BiH House of Representatives and the BiH section of the Global Organization of Parliamentarians Against Corruption (GOPAC) supported the Transparency International’s initiative and addressed the Council of Ministers on that matter. The CCI, working with around 100 NGOs from BiH, organized a research on corruption in education and health sectors, and analyzed the findings, providing recommendations on future measures. The final recommendations represented a joint standpoint of all NGOs that partook in the research and analysis. The three organizations, TI, CCI and OSF, also contacted the MoS offering its support, and attempting to impose themselves on the Ministry, presented their work and working to accomplish a more concrete cooperation.

As soon as the Council of Ministers decided on establishment of the working group, the TI and OSF contacted the MoS in writing, providing suggestions and expressing interest and readiness to engage in the production of strategic anti-corruption documents. The CCI also contacted the MoS in writing, delivering its analysis and recommendations as to measures against corruption in education and health sectors, requesting that their recommendations be taken into consideration, included in the strategy and the action plan. This material was endorsed as working material by the working group. It was also used as a resource in the production of strategic documents. The TI and CCI maintained their contacts with the MoS on the subject. They also met with the MoS representatives to discuss their participation in the working group in observer capacity, in which case there could and must be only one representative on behalf of the civil society.

The following points are key in motivating the BiH institutions' representatives to cooperate with CSO representatives:

- CSOs are active in a given field and have created a basis of influence,
- CSOs address the competent institution on time, offering its involvement/assistance,
- CSOs address the institutions with specific inputs in writing,
- CSOs continue to monitor the situation related to its proposals, by maintaining regular contact with the institutions/working group chair,
- CSOs can organize themselves and appoint one person as their representative in the institution/working group.

These are some aspects of civil society activities that were relevant to the credible and high quality involvement of the civil society. They contributed to improved understanding of the role the civil society can play in the drafting of laws, strategies and policies. The support to such involvement should come through a civil society communication plan to be prepared by the Ministry of Security.

“Good Practice Examples in the Sector on Combating Organized Crime, Terrorism and Drug Abuse”-„Support to Civil Society’s Involvement in the Sectors of Justice and Security of Bosnia and Herzegovina (BiH)”. Sarajevo 2010

In an attempt to improve collaboration, the ALAC team formalised cooperation with the competent authorities by signing Memoranda on Cooperation wherever these authorities expressed willingness for such kind of cooperation. To date, Memoranda on Cooperation have been concluded with 18 institutions in BiH. The Memoranda were concluded with the aim of simplifying cooperation with the institutions, especially in terms of obtaining feedback on the forwarded citizens' reports. Very successful cooperation has been established with organisations offering legal assistance in BiH, such as *Vaša prava* and *MPDL*. As these organisations represent citizens before institutions, citizens who have such requests are referred to these organisations. The Centre has its own library that the beneficiaries can use freely. In the library citizens can get copies of laws and other regulations as well as all other literature available in the library.

Because Law on freedom to access information plays a vital part in the anticorruption fight, especially in Bosnia and Herzegovina and because ALAC project aims to empower citizens through legal instruments and give legal explanations of the Law, ALAC has established the

“FOI National Network”, in which TI BiH and ALAC plays a vital role is trying to establish one of the key factors – the functionality of the Law in legal practice. Following organisations are members of FOIN national network:

- ❖ IRS BiH, Initiative for cooperation and development BiH (former MPDL) - very good cooperation and understanding
- ❖ Student Parliament University – “Antikor”, students anticorruption association
- ❖ SOROS, Open Society Found Bosnia and Herzegovina
- ❖ Citizens Association for Public Procurement (“U.G. Tender”)
- ❖ Media Initiatives
- ❖ Women’s Association
- ❖ Bureau for human rights Tuzla
- ❖ OWPSEE, One World Platform for South East Europe Foundation
- ❖ Citizens Association “Luna”
- ❖ Citizens Association “Citizens Action”
- ❖ Centre for Investigative Journalism, CIN BiH
- ❖ Centre for Life’s Environment
- ❖ European Research Centre

d) The level of synergy and knowledge-sharing with the TI network and TIS as well as potential training needs

Since the very inception of the project design phase, the national chapters involved in the pilot phase have worked closely and intensively with TIS on defining a method of work in the project. This type of collaboration proved indispensable given the fact that the ALAC project represented a turning point in the activities of the entire movement. Before ALAC, TI had never dealt with individual cases nor had there been any practice of rendering legal assistance. As the project developed and expanded successfully, the intensive collaboration which was manifested through various forms of trainings and education seminars proved to be an indispensable step. A very significant contribution of TIS is reflected in its efforts to standardise and harmonise the operation of the ALAC project in various countries, although the ALAC Centres have, to date, partially maintained their different methods of work. Another significant contribution of TIS was in the creation of a joint database of cases which is currently used by the majority of ALAC projects in the world and which simplified the reporting procedure and enabled the ALAC projects to obtain a quality software solution free of charge. TIS has also contributed significantly to securing financial resources for the effective operation of the project as well as global promotion of the project. Another very important aspect of TIS’ assistance was seen in the situations when the Centre and the Chapter faced pressure and threats because of their activities. In these situations TIS made sure that the information about such threats reached international institutions as well as governments of the EU countries so as to ensure their timely response.

Cooperation among the chapters implementing the ALAC project has also been very intensive since the beginning of the project and contributed significantly to successful implementation of the project. This cooperation mainly consisted of exchange and transfer of experience among chapters, exchange of promotional materials and publications, etc.

Continuing education and further improvement of cooperation between TIS and chapters as well as among chapters themselves remains a high priority with the aim of implementing the project as successfully as possible.



[.:Transparency International - Azerbaijan:.]

SITUATION ANALYSIS REPORT OF ALACS IN OPERATION

Research on practices and perceptions on the basis of existing ALAC mechanisms

Brief Project Description

The Advocacy and Legal Advice Centers (ALACs) of Transparency Azerbaijan - national chapter of Transparency International – provide *victims* of corruption with practical assistance to pursue complaints and redress their grievances with public agencies. While the ALACs are essentially a grass-roots approach to fighting corruption, they also generate a unique and precious profile about the actual workings of corruption and how it impacts the lives of ordinary citizens. Analysis of this information identifies ‘soft points’ in the systems which allow corruption to flourish (e.g. particular legal or administrative loopholes which are common to a number of cases). This provides the ALACs with clear and specific advocacy targets, meaning that the concerns of ordinary citizens can be translated into systematic changes by assisting public agencies to build their capacities to prevent corruption and by designing recommendations for the legislators.

History

Since April 1st, 2005 Azerbaijan chapter of the Transparency International, first among the CIS countries launched a new project - ALAC (Advocacy and Legal Advice Center). TI Az thus became a chapter number four among all TI local branches to implement this project designed for the Balkan region. The underlying rationale at the project launch was that Balkan countries had a high level of corruption and their respective governments would be willing to cooperate to accelerate the EU accession process. TI Azerbaijan faced a huge challenge to test the project in a much less favorable political environment and find out if this model can be used elsewhere.

The first ALAC centre was launched in July 2005 in the capital city of Baku followed by opening one month later of its first regional center out of total current five in the second biggest city of Ganja. In July and August 2006 two more regional centers in Lenkoran and Guba opened to public as well, while the last center in Sheki services customers since February 2007. To broaden the scope of its services beyond purely corruption related cases and to provide legal assistance to all those in need in the regions of Azerbaijan where lack of legal assistance is especially acute, including assistance with court litigation, TI Az used resources of the three of its existing ALAC centers to open Legal Resource Centers (Ganja April 2009; Sheki April 2010; Lenkoran February 2010).

Thus, currently we have both ALAC and LRC project implemented in Ganja regional office under support respectively of USAID and OSCE Office in Baku, LRC projects in Sheki and Lenkoran regional offices under support of OSCE Office in Baku, and ALAC projects in Baku and Guba regional offices of Transparency Azerbaijan under support of USAID.

Below is the map of Azerbaijan with 5 regional offices implementing both ALAC and LRC projects; each center covers adjacent regions within project activities. Complainants coming from the regions not covered by ALACs are forwarded to the closest ALAC center.



PROJECT DATA IN DIAGRAMS

The Diagram 1 shows statistics of initial calls/contacts for all five ALAC/LRC centers for project life.

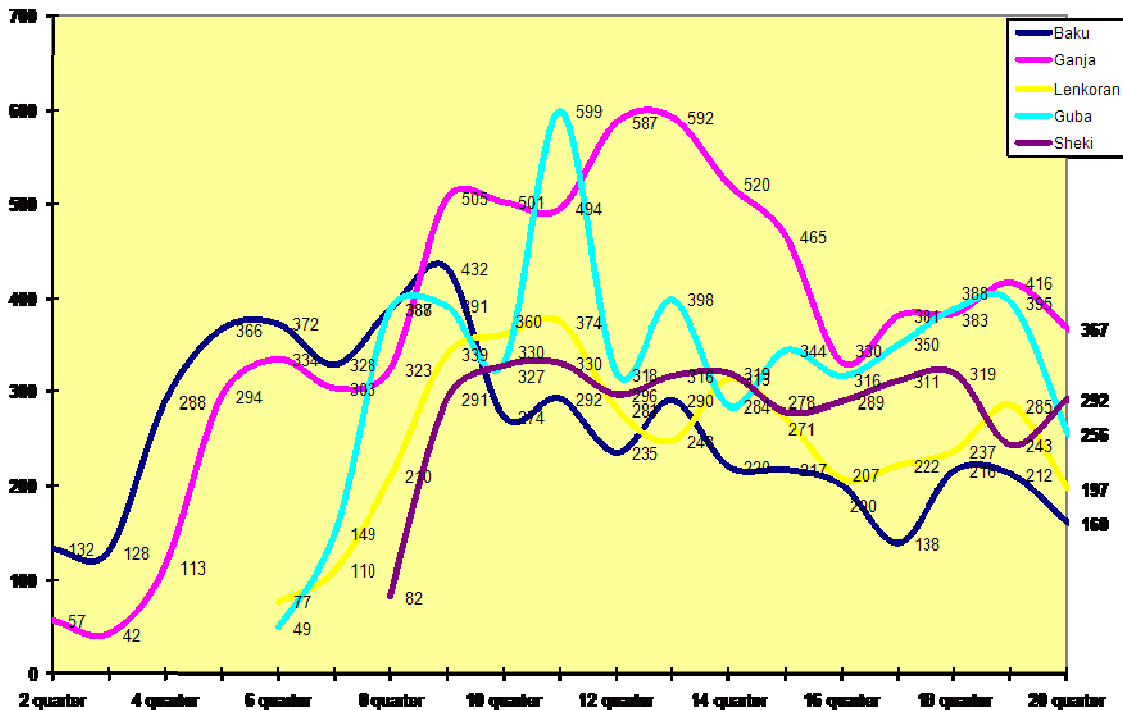
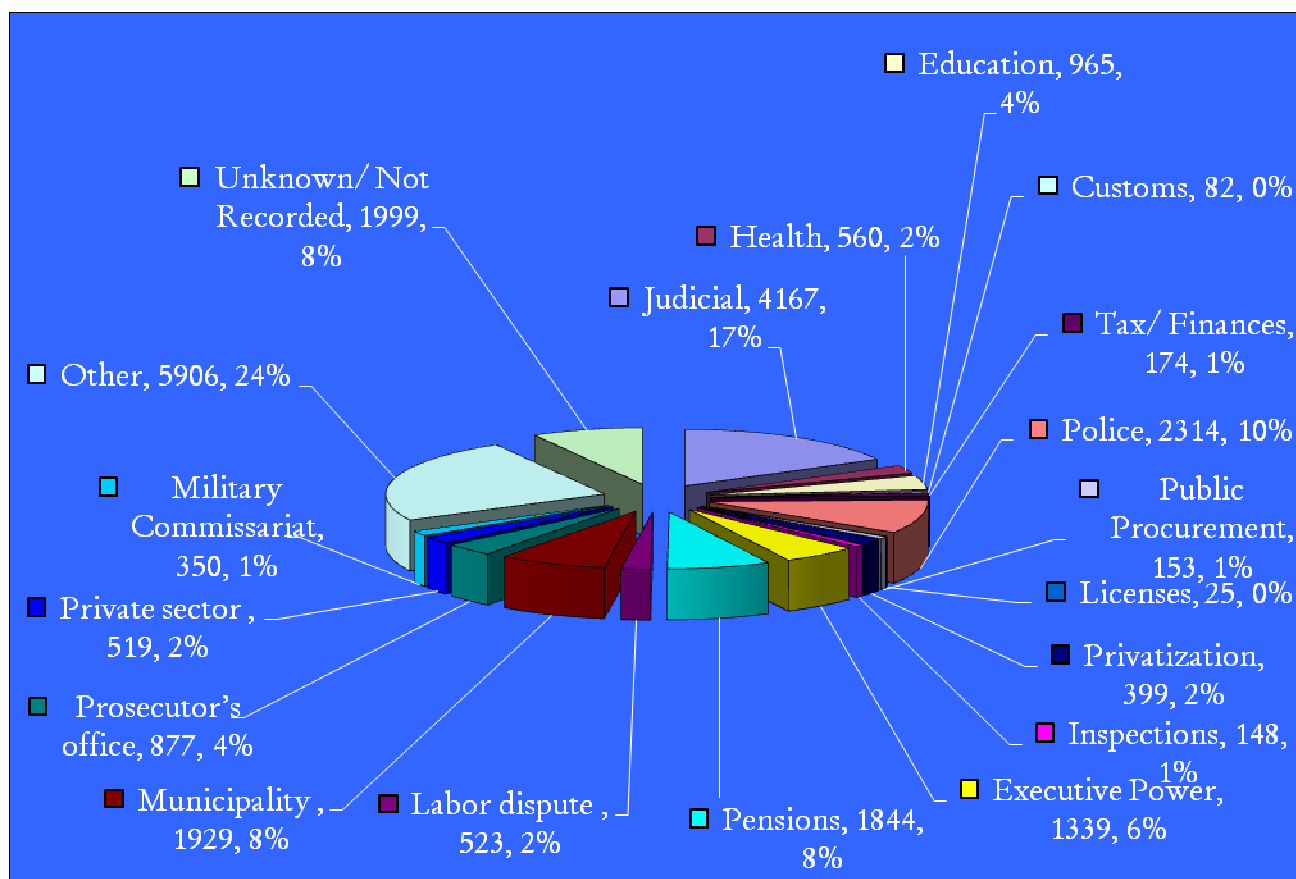


Diagram 2 shows Areas of Citizens' Concerns for project life for the five centers.

Total Project Life (total initial calls/contacts 24,273)



Project Purpose

The purpose of this project is to directly support citizens, institutions and civil society in their combat against corruption and bring about improved governance and economic growth. Specifically, the purposes are to:

- Enhance the capacity of victims of corruption to redress their grievances and bring about systemic change leading to transparency and accountability.
- Strengthen the ability and willingness of institutions to receive and act upon corruption-related complaints.
- Specifically address the problem of corruption among the rural population, national minorities and other vulnerable groups through targeted public outreach campaigns.
- Press public agencies to rectify most frequently voiced problems by arranging regular meetings and presentations of the project.

The direct beneficiaries of this project are ordinary citizens who do not have access to information and justice. The target audience for the project also includes two sets of institutions: public service providers, including all institutions in the chain of delivery to citizens from central ministry to local office level; and civil society organizations that seek to represent the needs and views of citizens. ALAC experience is being duplicated by other civil society institutions in the country.

Expected Outcome

The wider and longer-term effect is promoting administrative reforms and local economic development through building the capacity of civil society and local institutions to combat corruption. This will be achieved through the provision of a viable and functioning mechanism that enables citizens to participate actively in national and local political processes, thereby significantly increasing political and economic transparency and accountability. Project outcomes will be measured in the project end report.

Main Activities, Results, Indicators

ALACs continue to play a vital role in changing society's attitude to corruption and encouraging structural reform, thereby contributing to long-term, sustainable change and increased transparency and accountability in public life and strengthening co-operation with government institutions to improve the mechanisms for dealing with cases of corruption. To achieve these, several types of **activities** are being performed, each of which produce its own results measured by certain **indicators** - number of initial contacts, i.e. people reporting corruption to the ALACs/hotlines (broken into gender, age, location and vulnerability profile of complainants). Main activities are listed below.

1. Legal aid - is the activity by which a citizen is given help on how to use efficiently the legal procedures to protect his/her rights once encountered with potential or actual corruption.



Photo above: ALAC Lenkoran staff renders legal aid to martyr family.

Citizens receive case specific legal advice and, if corruption related legal offenses revealed or potential corruption foreseen, provided with help in articulating, developing, filing and pursuing their complaints with the assistance of legal professionals employed by the centers. Some customers drop after immediate contact, some proceed further to legal advice and the most persistent submit formal written complaints. Percentage of clients submitted complaints pro rata initial contacts differs: Baku (27.8%), Ganja (7.9%), Lenkoran (4.2%), Guba (4.8%), and Sheki (5.3%). The proportion clearly indicates the level of mistrust of the population to the state agencies and faith into their own strength. It is clear that in Baku people apply to ALAC to pursue their cases rather than simply receive a piece of advice.

At the end of each quarter all complaints are checked to ensure that responses have been received, if no, reminders are issued to public agencies/complaints for malpractice filed with superior bodies. Also, ALACs' lawyers together with clients analyze responses from the government agencies and, if unsatisfied, pursue the case with superior public bodies/help clients to prepare a court claim.

Percentage of complaints responded pro rata complaints accepted and sent to public agencies is about 70%, while “satisfactory and partially satisfactory” outcomes of corruption complaints constitute about 66% of all complaints accepted. Interestingly, that the proportion of “satisfactory and partially satisfactory” outcomes against complaints responded is about 95%. In other words, if public agencies do not wish to settle a problem, they simply do not respond, despite reminders.

Toll-Free Hotline

An anti-corruption hotline provides people with a convenient channel to report corruption, even if they do not live in the city where the centers are located. The hotline also acts as a screening mechanism, allowing genuine cases to be referred to the centers for face-to-face consultations. The hotline is staffed by volunteer law students, and overseen by legal assistants. Citizens may also make complaints in writing or via the website – www.transparency.az; although our experience indicates that these options are not particularly efficient because few people are initially able to articulate the act of corruption concisely. The website was re-designed to have options like forum, blogs, calendar, search, etc, and is being regularly updated with information regarding current activities of TI Az and ALACs. If there is prima face evidence of corruption, as reported to the hotline, more detailed legal advice and counseling is provided during face-to-face meetings with lawyers. This involves helping clients to articulate and identify the act of corruption, assisting them in drawing up effective complaints (e.g., evidence, documentation), and providing advice as to how to independently pursue the complaints. TI Az does not legally represent nor “take on” individual cases. Rather, it empowers complainants to act.

Citizens can access the centers through toll-free telephone numbers:

Toll Free Baku	088 707 07 07
Toll Free Ganja	088 202 02 02
Toll Free Lenkoran	088 303 03 03
Toll Free Guba	088 404 04 04
Toll Free Sheki	088 505 05 05

Sex of Complainants

For the period of ALAC project life males are more active than females. However, in Ganja women are very active comparing to other centers. In addition to substantial outflow of qualified male population to Russia, this might also be substantiated that by the fact that Ganja ALAC center is coordinated by a female.

Age of Complainants

The most active age groups are middle aged people (35-50 years old), however, thanks to special efforts taken by the staff, other groups, except for the very young people, are also well represented.

Location of Complainants

Statistics shows that complaints coming from urban residents prevail in all centers but Guba ALAC, where special efforts are made to cover rural residents (around 67%) by extensive trips to rural remote areas.

Area of Complaint

Judicial system, police, executive sectors, municipality, and pension concerns are the most complained ones. Alongside with this, a lot of complaints come from communal service providers, including water, gas, electricity supplies, etc.

Vulnerability Profile of Complainants

Out of the statistics, the share of customers from vulnerable groups - unemployed, low education, single parents, long-term-illness or disability - is high (around 49%). Most of the customers are simply not able to defend their rights unassisted.

Repeat Users

High number of repeat customers testifies to the trust we have built among clients. Some of the people, who originally made inquiries, show up once encountered with a real problem.

2. Advocacy - is the activity by which recommendations are provided on measures to be taken to change respective legal framework and procedures to improve the situation.

Based on the cases presented to the centers, advocacy is carried out to raise awareness about the sectors and institutions which are the subject of most complaints. Also the project highlights attention to specific institutional and legal vulnerabilities. These are achieved by organizing regular quarterly media conferences on the project achievements and lessons learnt, as well as through ad hoc presentations at local and international conferences in the country and abroad and meetings with high rank public officials, international visiting dignitaries, analysts and researchers.

The project also provides recommendations to redress institutional and legal vulnerabilities, i.e. draft laws are screened, whenever appropriate, to identify loopholes causing corruption; simplified commentaries to newly-accepted anti-corruption laws, to facilitate their understanding by officials and citizens, are produced prepared. Some of these activities are performed within the framework of Anti-Corruption NGOs Network, to which Transparency Azerbaijan is a member.

3. Capacity Building for Public Agencies

Within this project support is provided to state authorities to strengthen their capacity to process complaints through encouraging them to become more responsive to complaints. Also assistance is rendered to individual national agencies to implement Action Plans under the National Strategy for Increasing Transparency and Combating Corruption, as well as to establish anti-corruption mechanisms, ex. dedicated hotlines and work groups. Transparency Azerbaijan developed good working relations with the Ministry of Education and is a member of the anti-corruption working group of the Ministry. The Ministry of Education is one of the few public agencies, which openly recognizes the facts of corruption and takes, institutional

measures to combat it. This agency was the first to put together its anti-corruption action plan and to establish and operate its dedicated anti-corruption hotline with the help of civil society organizations, such as Transparency Azerbaijan and youth groups such as Dalga and Say No to Corruption in Education. Also, TI - Az contributed to the upgrading of mechanisms for reviewing complaints at the State Registry of Real Estate and at the Ministry of Labor and Social Protection. Transparency Azerbaijan participates in the Information and Cooperation Network of government, civil society and the mass media.

4. Public Outreach / Information and Education

Since the end of 2006, Transparency Azerbaijan has been running a special public outreach program focusing on various groups (civil society activists, the disabled, rural populations, national minorities, refugees and internally displaced persons (IDPs), public officials, and others). In general, we arranged 686 outreach events, involving 15,368 beneficiaries.



Photo above: Training for Guba city Police Department by ALAC Guba Center

ALAC centers organized numerous campaigns raise public awareness against corruption, among them:

- To celebrate the 4th International Anti-Corruption Day - 9 December 2007 Transparency International Azerbaijan held a Cartoon Exhibition entitled Face to Face with Corruption at the Absheron Art Gallery. The Exhibition displayed anti-corruption cartoons which received awards by Transparency Azerbaijan. Young and experienced painters participated in this first anti-corruption cartoon competition in the country. The exhibition remained open on December 15- 17, 2007 from 9:00 am-7:00 pm every day. Garabagh Cement plant funded publication of a catalogue of the best cartoons.



Photo above: 15 December - Inauguration of the exhibition



Photo above: published catalogue of the best cartoons

- To celebrate the International Anti-Corruption Day - 9 December 2008 TI Az held “National Anti-corruption Weeks” (ACW) Campaign from 22 November till 11 December 2008. The main goal was to increase citizens’ activities and initiatives in the fight against bribery and corruption. The campaign implemented with the help and support of ALAC volunteers consisted of the following components:
 - Public Awareness Raising
 - Public Outreach: Targeting Teachers and Students
 - Final press conference and the “Face to face with corruption” cartoons brochure
- To raise public awareness against corruption since 2008 bi-annually TI Az produces calendar-flyers with hotline numbers of the Ministry of Education and TI Azerbaijan to encourage students to resist corruption and ensure smooth operation of anti-corruption hotlines during winter and summer exam sessions in universities;



Photo above: calendar-flyers with hotline numbers

- ALAC Ganja Center together with Javadkhan Youth Public Union organized a cartoons contest under “Corruption with Eyes of Children” slogan among the students of Ganja City Children’s Arts School. The goal of the contest was to deliver a message on the destructive influence of corruption which threatens good governance and sustainable development of the country.



Photo above: Painting contest

- Campaign entitled “Summer without Corruption” involved TI Az volunteers who have met with population in public places, informed them on corruption, its causes and consequences, disseminated marketing materials and encouraged people to come to office in person and submit written cases. The campaign covered more than 500 people in Sheki, Ganja, Lenkoran and surrounding villages.



Photos above: Public Outreach campaign in Sheki and Ganja

- Series of events against gender based violence at brought together the students and professors of several universities in Ganja. The campaign was also held in the central street of Ganja by young people wearing T-shirts with sign “Let’s Bring Human Trafficking to an End” and informing different categories of people on the human trafficking and disseminating informative brochures and leaflets containing information of free of charge legal and psychological assistance for those affected by this issue.
- Series of events devoted to the 9-th of December 2009 - International Day on Combat against Corruption have been organized in partnership with IREX Media Advancement Program`s (MAP) Community Development Centers.

The two activities below were not originally envisioned in the ALAC project and happened to be side products of ALAC.

Hub for the Training of Young Activists

Volunteers

ALACs centers continue to make an extensive use of volunteers and, thus, serve as hubs for training of young civil activists, especially in the regions. To ensure an on-going supply of new recruits, meetings are organized at universities and colleges to invite volunteers.

On-site coaching is provided to volunteers to service the hotline and the ALACs resource centers (based on existing Volunteers' Manual and internal instructions) by each center. On-site work environment training for volunteers are provided, i.e. volunteers are taught to use office equipment, maintain office relations and provide assistance in organizing ALAC public events depending on their qualifications and field of study, and volunteers service the hotlines or resource centers. ALAC centers together with Peace Corps volunteers in regions organize free of charge computer and English Language Courses. Target groups of courses are children from families with low living conditions, martyr families, disabled people and other vulnerable groups, as well as students, volunteers and young activists. Total number of volunteers is 314, of which Baku 16, Ganja 64, Lenkoran 179, Guba 38, and Sheki 17 people.

Resource Centers

All ALAC centers continue to run Resource Centers. ALACs are equipped with materials and books on law, economy, political science, periodicals, as well as offer free internet access (2 computers per center) to volunteers and centers' users. Materials are both purchased and donated by other organizations in whose events the staff participate.

Major Accomplishments

| Below are some of accomplishments of Transparency Azerbaijan:

- The project has contributed to the establishment and operation of an anti-corruption hotline and Task Force at the Ministry of Education;
- Upon recommendation from TI the Ministry of Taxes added a new option enabling people to complain of unethical behaviors of tax officials;
- TI Az designed a course for the Teachers' Advanced Training Institute, lobbied for its introduction into the curriculum and delivered the course to over **4,000** educational specialists as of date.
- Significantly contributed to the adoption of the National Strategy for Increasing Transparency and Combating Corruption for 2007-11;
- Achieved adoption of three sets of amendments to the Anti-Corruption Law, Code for Public Officials, and Law on Education; as well as to the Criminal Code and Code of Criminal Procedures to incorporate penalties for corruption related offences;
- Helped to draft the Conflict of Interests draft Law;
- In collaboration with other NGOs TI Az prevented government from passing reactionary amendments to the Law on NGOs in summer of 2009.

ALAC Variation

Legal Resource Centers

ALAC centres' mandate is limited to the cases where actual or potential corruption is involved. As for the centres' credibility, it is extremely difficult and seemed unfair to reject clients whose grievances did not fit into the mandate. Centres' lawyers were forced to broaden the scope of their services and started to provide legal assistance to all those in need, including assistance with court litigation and have been pushing the management to change the mandate of the existing project.

Therefore, Transparency Azerbaijan opened Legal Resource Centres (LRC) that have allowed our existing ALAC centres to broaden the scope of their services on one side and to place a special accent on the enhancing efficiency of most poignant, from the citizens' point of view, sector of the state machinery – the judiciary. LRC project in Ganja, Lenkoran and Sheki has a special focus on strengthening the judicial sector and the centres also address the lack of sufficient legal resources in the regions and assist the population at large in all legal matters.

The overall project goal - to strengthen the justice sector – envisions work with the relevant institutions, legislation and procedures, guaranteeing fair trial standards and access to justice for ordinary citizens.

The project target group includes:

- Various segments of population. Special efforts will be continued to cover more socially passive rural population and women and vulnerable groups (disabled, refugees, etc.); youth and civil society leaders;
- Public institutions citizens complain of;
- Employees of the judicial sector;
- Independent lawyers, especially those aspiring to join the Collegium of Advocates.

The project is implemented in close cooperation with the State Anti-corruption Commission and other public agencies providing services to the population, Ministry of Justice and Judicial-Legal Council, and Anti-Corruption Network (funded by NGO's, Media and Government) TI Azerbaijan has long standing working relationships with thanks to the ALAC project. It shall be acknowledged that LRCs - to some extent have lost anti-corruption focus and moved towards legal clinics model.

Advocacy and Legal Advice Centers

Five years of operation allowed TI Az to re-shape the ALAC concept to better address weaker aspects of the previous projects. Therefore, as of 1 July 2010 the three existing purely ALAC centers have slightly shifted their focus and changed the name to Anti-Corruption Advocacy and Legal Advice Centers. The difference is as follows:

1. Legal aid component will be expanded to court representation in pattern cases, as well as reinforced by more in-depth *Anti-Corruption analysis* of issues within the sectors complained of by clients will be conducted and common, frequently encountered pattern corruption cases, areas will be identified with recommendations/action plan prepared on how to address the main cause of the problem, what systemic changes need to be introduced to fight the core

problem that corrupt practices originate from. All this information will serve as a source for identifying sectors of advocacy need. Problems identified as a result of analysis of the statistical data on complaints will be used for targeted advocacy work, civic education and public outreach activities.

2. Advocacy component will be based on the analysis described above and take a more concrete shape of regular targeted advocacy round tables and events.

3. Capacity building for public agencies component is taken out as the system of public administration is recipient of many other similar programs under various technical assistance programs.

4. Public outreach component did not undergo any major changes.

Capacity Assessment

Unless specifically mentioned, below term ALAC will be used to cover both ALAC proper and LRC centers.

Vision/ Mission/ Mandate/ Strategy

Vision and Mission

There is a clear and compelling vision and Mission for the ALAC within the National Chapter (NC), shared by the Board, NC Management and ALAC staff. These are fully aligned with the NC plan and are used to guide all aspects of the ALAC strategy and thinking. The vision and mission are widely communicated to and understood by a wide variety of external stakeholders.

Clear Mandate

The ALAC has a clear written mandate that establishes the scope of its services and states what the ALAC can and cannot do; the mandate is widely communicated, used and clearly understood by staff, volunteers, board, clients, partners and peers; it has been developed in line with what is perceived to be most effective in the fight against corruption in the national context. It is informed by a clear evidenced based understanding of what is most effective in the fight against corruption in the national context.

Long Term Strategy

ALAC work is viewed as an integral component of the National Chapter's long-term strategy; the ALAC strategy is widely known among both ALAC and non-ALAC staff and is a key driver principles, behavior and activities; the strategy is effectively supporting the long term sustainability of the ALAC's work.

Board Oversight

The Board is aware of the ALAC and is supportive. However, it does not undertake a key oversight function, such as risk management, regular reporting of results, etc.

NC Management Oversight

The NC Management is fully and appropriately engaged with the ALAC, constantly and actively seeking synergies between ALAC work and that of other NC programmes. The ALAC is at the forefront of the NC management's actions and thinking in communication, fundraising, long-term sustainability, etc. The NC Management provides an appropriate oversight function to manage risks and exploit opportunities.

ALAC Risk Management System

The National Chapter board or management or ALAC staff evaluate some of the risks (eg financial, political, regulatory, personal, legal, security) associated with the ALAC taking on new cases, but no systematic process exists for undertaking risk assessments; steps for mitigating and managing potential risks tend to be reactive and ad hoc. Risks have been minimal so far.

Human Resources

Staff Roles and Responsibilities

All key (coordinator, legal advisor) and most critical positions (assistants, specialists for M&E, data analysis, fundraising, advocacy, etc) have dedicated staff positions; most individuals have well defined roles with clear activities and reporting relationships and minimal overlaps; job descriptions are continuously being redefined to allow for organizational development. PR/Advocacy/Assistant is also engaged in other projects.

Staff Capacity

Most staff are capable and committed to the goals of the ALAC; eager to learn and develop, and assume increased responsibility; some are proactive in identifying and exploiting synergies between case work and advocacy; team possess some, but not all of the following skills needed to be effective ALAC - experience in legal advice, advocacy, PR, fundraising and counseling and supporting clients; especially poor in regions.

Dependence on ALAC Coordinator

Reliance but not dependence on Coordinator; smooth transition to new leader could be expected; fund-raising and operations likely to continue without major problems; staff can fill in during transition time; at least one members of staff could potentially take on Coordinator role.

Volunteer Planning, Recruitment and Management

The role and responsibilities of volunteers in the ALAC has been well thought through and there is a clear volunteer strategy in place; there are well-planned processes to recruit, and support volunteers; all staff take an active interest in volunteer development and volunteers are genuinely integrated into the team; relevant job training (eg data management & security) is provided and appropriate feedback is provided; volunteers are provided with small gratification (eg lunch and travel paid for).

Volunteer Capacity

Extremely capable set of volunteers bring complementary skills to ALAC; reliable, loyal, highly committed to ALAC's success; often go beyond call of duty; able to work in a way that serves ALAC well, including ability to work easily with wide range of staff and play core roles such as operating hotlines, screening cases & initial case review without close supervision; volunteers managed very well and significantly contribute to overall success of the ALAC; especially good in regions.

Resource Mobilization

Fundraising

Regular fundraising needs adequately covered by internal fund-raising skills (eg proposal writing, communication, networking), occasional access to some external fundraising expertise.

Business Model

Solid basis of funders and a network of appropriate pro bono support in key areas of work (eg law firms, advertising agencies) are emerging. Constantly looking to improve sustainability.

Internal Communication and Decision Making

Internal Communication within ALAC

Formal communication mechanisms (eg staff meetings, regular discussions of cases) for sharing information between ALAC staff, Coordinator, volunteers and legal advisors functioning well; good informal communication and open environment; staff feel well informed and that they are involved whenever relevant.

Internal Coordination within ALAC and between National Chapter

Constant and seamless integration and synergy between different activities within the ALAC and with the National Chapter with few coordination difficulties; relationships are dictated by organizational needs (rather than hierarchy or politics). ALAC is the most important project.

Case Management

Case Management System

A clear written process is in place for case selection and management that is understood by most staff and volunteers and generally followed; a process also exists for checking progress of cases and there is frequent follow up by staff; cases rarely stay open longer than necessary if progress is unlikely.

Interacting with Clients

Comprehensive procedures and guidance in place to answer phone calls and interact with clients; these are consistently followed; staff are trained and confident in interacting with and supporting clients, conducting legal interviews and handling difficult cases; phone calls always answered professionally; clients always treated with respect, their confidentiality is

protected as a matter of priority, and actions are only ever taken with their full consent; the ALAC is responsive to client feedback and there are numerous examples of when services have been influenced by their comments.

Infrastructure

Physical Infrastructure - Office Space

Fully adequate physical infrastructure for the current needs of the ALAC; office is accessible to clients and staff and confidential meeting spaces exist; staff and clients satisfied.

Technological Infrastructure – Hotline

Hotline numbers exist that are easy to remember, does not suffer from service interruptions, has nationwide coverage and can be accessed through both mobile and landlines; an answering machine provides basic ALAC information during out of office hours; legislation permitting, incoming calls and numbers are registered; a separate room exists for the hotline to be answered.

Technological Infrastructure - Website

Website containing good levels of information on the ALAC as well as up-to-date latest developments and ALAC data; well integrated with the National Chapter website; includes some testimonies of how change happens; has some interactive functions that allow users engage with the website and connect to some social media platforms.

Data Management System

Data Management System

Basic electronic data collection system exists that supports case management process; information regarding clients is frequently incomplete or incorrectly recorded; staff has not received specific training on data management and use of the electronic data collection system. We don't have a special database software installed as a storage though keep statistics on cases electronically but have all cases of clients kept in shelves with lock where only lawyers have access to.

Data Security - Hardware & Software Risks

There is a high level of awareness among ALAC staff of risks in storing and managing highly confidential data and mitigating strategies associated with these have been developed; well functioning systems are in place to protect clients and ensure the highest level of confidentiality including information about the most sensitive cases not being made available to all staff; all staff are trained and competent in protecting the confidentiality of clients; the ALAC has also identified all potential hardware and software risks and taken steps to mitigate them including regular maintenance by qualified IT staff, updating virus scanners, prohibiting accessing high risk websites, weekly backups of system.

Relevance

Attracting Clients

An appropriate advertising strategy is in place that is attracting new clients relevant to the capacity and strategy of the ALAC and it is monitored on an ad hoc basis for cost effectiveness of different channels, and cost per client; ALAC advertising is often integrated into the wider communications of the National Chapter. TV advertising is the best way but rather expensive.

Services to Clients / Citizens

ALAC services widely known within country, and significantly help the NC to be perceived as the leading actor in the fight against corruption and a trusted channel for complaints; constantly evolving new thinking and approaches for reaching and assisting clients; extensive client base with country wide coverage

Empowering People to Resist Corruption

The ALAC reaches and assists a diverse client base; It is widely known within certain areas of the country while in others coverage remains patchy; where it is known citizens are supportive of the ALAC's activities; the ALAC is responsive to changing needs among clients; It has a deep understanding of the dynamics of society and patterns of corruption relevant to its scope of activities and clients.

Referrals and Assistance

ALAC has an excellent reputation as a trusted party to submit complaints to and a growing number of ALAC clients are recommended by former clients; it has ability to effectively and efficiently refer clients to relevant interlocutors; has knowledge base to answer frequent complaints instantly and is able to advise on most other corruption-related complaints; has capacity to analyze and follow up on complex cases; has access to advanced legal and other expertise to match client needs in accordance with the scope of services it offers.

Effectiveness

Solutions for Clients

ALAC is a trusted source of advice on corruption in the public and private sectors; the support and legal advice provided to clients is practical, well researched, and complaints filed by clients to authorities are of a high quality and frequently lead to successful outcomes; the ALAC is regularly approached by a range of actors (NGO, private sector) for its legal advice and support in addressing their corruption grievances; citizens from all social and economic backgrounds feel secure in disclosing problems without fear of them being disclosed more widely; staff have excellent skills and experience to develop workable and innovate solutions.

Integration of ALAC Activities

Links between the ALAC's case work and advocacy are identified but not consistently or systematically; ad hoc links with the National Chapter are identified; the ALAC is viewed primarily as a separate entity.

Influencing Policies and Practices

ALAC has some experience formulating policy input on the basis of case work; opportunistic in using ALAC data to inform and influence policy or practice; no systematic practice to train staff in how to engage in the policy making process, which key players are, or strategic opportunities for influence and this is not a priority for the ALAC.

Alliances and Networks

Research Community (universities, think tanks, research institutes)

Links with national research community do exist but are generally weak and uneven across activities; involvement with researchers limited to participating in conferences and infrequent meetings.

Global ALAC Community

High level of interactions, sharing and receipt of information and expertise with the wider global ALAC community; engages and leads multi-country projects / cases; active participation in global meetings and processes; the ALAC links advocacy work in its own country with ALAC advocacy work in other countries or internationally; key staff visit other ALACs and all staff feel that they are part of and have an important role in the wider ALAC community

Other NGOs

The ALAC is known by and has good relations with all other relevant NGOs; it keeps in regular contact with them, shares information, sometimes refers non-corruption cases to them and works together on matters of mutual interest; frequently approached by NGOs for legal advice and support.

Private Sector

Has relationships with a few private sector actors; few instances of being contacted by actors in the private sector for legal support and advice. Sometimes, private sector acts as a donor for small projects. Businesses sometimes prefer to pay and work freely rather than complain of corrupt practices and then suffer from impossible work atmosphere.

Donors

Strong donor relationships based on mutual trust and transparency; ALAC is well known to donors and able to bring its knowledge to their attention; ALAC is seen by donors as a professional, accountable, and effective; National Chapter is successful at strategically positioning ALAC to demonstrate relevance to donors and mobilising increasing support for the whole of the National Chapter.

State (Executive, Legislative, Judiciary)

Working relationships with relevant government agencies dealing with corruption complaints, but only limited influence; limited advocacy skills developed.

Media

Up to date information based on key media contacts; regular proactive contact and nurturing of personal relationships; relationships are not fully exploited to pursue ALAC's aims; ALAC is sometime used as a source of information and is featured in media. According to the requirements of some donors it does not always lead to big media coverage.

Innovative, Responsive and Adaptive

Adaptation

ALAC has a good understanding of changes in its external context (social, political, economic) and trends (egg funding, regulatory, client needs) that may affect its activities and services; normally identifies and considers potential opportunities and threats and takes conscious decisions on whether it will respond and if so how; responds by exploiting unplanned opportunities (eg sudden political changes).

Growth, Replication and Outreach

Frequent assessment of possibility of scaling up existing activities and services and when judged appropriate, action always taken; efficiently and effectively able to grow existing work to meet needs of clients, including rural areas .

Innovation and Creativity

Innovation actively encouraged and is happening frequently; processes are in place to ensure shared learning on new approaches; innovative approaches communicated; continual assessment of gaps in ability of existing activities and services to meet client needs and bring about systemic and sustained change in policy and practice, and adjustment always made; ability and tendency to efficiently and effectively create new, truly innovative activities and services; continuous pipeline of new ideas; leading change and innovation in the sector; other actors look to the ALAC for inspiration and new ideas; business ALAC/rural areas targeted advocacy.

Active Learning

Opportunities and Incentives for Learning

The ALAC has an culture which embraces and supports learning; reflection, constructive debate, dialogue, experimentation and change are encouraged by the Coordinator supported through incentives and consistently take place; time is set aside in project and organizational planning cycles for reflection and learning to take place; staff are never sanctioned for making small mistakes and encouraged to identify the lessons learnt; lessons are always documented and shared with the National Chapter; external stakeholder (partners, donors, communities etc) are frequently involved in learning and reflection meetings / workshops; mistakes are picked up early and learnt from quickly

Knowledge / Skills Sharing

Skills and knowledge are shared freely and systematically within the ALAC; opportunities are created for individual staff to share skills with colleagues; incentives exist to encourage this. Transparency Azerbaijan conducted 5 regional ALAC start-up workshops for sister chapters

from TI Turkey in August 2010, Kazakhstan in 2008 and Guatemala in 2009, Asia/Pacific region and MENA region in January and March 2009 respectively. TI Az is even considered as Champion ALAC Trainer.

Learning, Monitoring, Evaluation and Reporting

Monitoring and Evaluation

Performance measured and progress tracked, performance indicators in place; effectiveness and efficiency measured, evidence that monitoring and evaluation is being used to inform planning and decision making; data disaggregated according to vulnerability and gender; client satisfaction is being measured.

Public Reporting

Importance of public reporting as a transparency tool is recognized; reports present information on activities, quantitative data on cases and case studies / stories; innovative mechanisms have been developed to make reports available to a wide range of stakeholders and to engage people in ALAC work.

Data Usage

The ALAC regularly mines data and draws conclusions which support advocacy, fundraising, M&E and learning; the information is made publicly available and helps inform new knowledge about corruption and TI priorities; staff trained on data analysis, interpretation and statistics.

Use of Stories & Case Studies

Case studies/stories are produced and used for fundraising and communications, but they are of an inconsistent quality; they are not seen as a primary source of learning for the ALAC.

SEVENTH FRAMEWORK PROGRAMME OF THE EUROPEAN COMMISSION
Thematic Priority: Theme SSH-2007.5.1.1
Theme Title: Area 8.5.1 Participation and Citizenship in Europe



RESEARCH PROJECT: “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 Citizen Participation in Europe

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