



**RESEARCH PROJECT: “ALACs”**

Promotion of Participation



and Citizenship in Europe

**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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<sup>5</sup> Ireland, Finland, Hungary, Lithuania

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# 1. Summary

In order to enhance public participation in the fight against corruption, the internationally leading coalition against corruption, Transparency International (TI), has developed an anti-corruption approach entitled Advocacy and Legal Advice Centre (ALAC). The ALACs provide victims and/or witnesses of corruption with practical assistance to pursue complaints and address their grievances. Within the framework of the already existing National Chapters (NCs) of TI, the ALAC approach is essentially grass-roots oriented. It aims at the democratization of anti-corruption work by providing informal (*general*) as well as formal (*legal*) advice to make access to justice easier, and thus lower barriers for citizens to access justice. However, ALACs have to meet distinct historical, socio-economic and cultural conditions and other specific needs in different countries. Accordingly, local conditions on the ground determine what form advice will (or can) take. Finally, citizens must be informed of the options when taking a stand against corruption. Thus, the success of an ALAC is tied to its public awareness work and that of the National TI- Chapter.

# 2. Methodology

The present study takes Anselm Strauss' grounded theory methodology as its guide for conception, implementation and evaluation. This qualitative research style focuses on inquiry and is characterised by particular procedural methods steering an inductive form of reasoning firmly grounded in empirical observation. Thus the procedure is not linear and not confined, for instance, to simple verification of hypotheses (such as dominates the quantitative sociological research). Instead, the approach is circular, and generates hypotheses. An individual case is analysed in order to reach higher-order, general statements. These general statements then provide a clearer focus through which to examine the next individual case. Such permanent comparisons between individual empirical and theoretical statements prevent overly hasty conclusions. Such a method does not lose sight of specific features. This explicitly explorative procedure means that the research team does not embark upon groundwork with a pre-established opinion (although they certainly have experience and expertise in the field), but rather approaches the terrain, ready to be surprised, so to speak. As already mentioned, previous fieldwork in the countries where the well-established ALACs were established (CZ, RO, BH, AZ) led to the surprising finding that the ALAC approach was being implemented differently in each country. Building on this experience, study visits to the countries of the "start-up" ALACs (FN, HU, IE, LT) aimed to discover their particular features. Grounded theory is appropriate in such a context of case-specific features.

To avoid any misunderstanding it must be pointed out here that the distinction between advocacy and legal advice within the ALAC approach is a purely analytical tool, required by the logic of grounded theory research. In the day-to-day reality of the NCs there no such clear line, and the distinction only emerges in the various “mixed scenarios” – as the country studies illustrate. The terminology of grounded theory research calls such distinctions “core categories” (the term used by Anselm Strauss), so that the tags of Legal Advice and Advocacy serve to accent and clarify features of anti-corruption work even though this does not reflect reality in an absolutely one-to-one fashion. The tags do however help us to understand from an outside perspective the various fields of anti-corruption work better, especially given the “mixed scenarios” already mentioned.

It should be noted that TI recognize the use and extent of Advocacy and Legal Advice as part of a continuum whereby cases or types of complaints can strategically be used to advocate for systemic change. Similarly, advocacy is also used to advance cases (for instance in the case the judiciary is itself the problem). In this regard TI does not separate the two elements in this approach.

As evaluation of the well-established ALACs in CZ, RO, BH, AZ has clearly shown, very specific factors can influence how ALACs are introduced and implemented at different times and in different places. Such influencing factors may range from the overall social and political situation (i.e., through the organisational structure of a National Chapter in the field) to specific cultural features of the country in question, which lead to variation in how corruption is perceived.

In this context, it is important to note that TI National Chapters in all four countries (FN, HU, IE and LT) are currently implementing a joint programme, coordinated by the TI Secretariat and co-funded by the EC’s DG Home Affairs, to systematically assess their National Integrity Systems. The programme builds on TI’s well-tested National Integrity Systems (NIS) country assessment methodology, conducted in more than 70 countries and territories to date. The programme engages all key stakeholders at national level to systematically assess the major corruption and governance risks in their countries. The research phase was implemented concurrently with this research. It will be followed by targeted advocacy campaigns in order to create systemic and sustainable change in each of the participating countries.

The monitoring report begins by analysing transcripts of interviews conducted during the study visits in summer 2011 in each country by members of the research team: PD Dr. Angelos Giannakopoulos (Konstanz), Dr. Dr. Konstandinos Maras (Duisburg-Essen), Prof. Dr. Ralf Rogowski (Warwick), Prof. Dr. Dirk Tänzler (Konstanz), Felix Tirschmann, M.A. (Konstanz). The interviews were conducted in such a way that the first interview partner was

always the Chief Executive of the NC, or whoever was responsible for the ALAC implementation. After this, ALAC staff and volunteers were asked further questions in follow-up interviews. There were additional interviews with representatives of other organisations, in Ireland with a secretary of the independent Standards in Public Office Commission, and in Lithuania with two members of the Special Investigations Service of the Republic of Lithuania (STT). Similarly, the study visits were also used to interview political science academics at University College in Dublin, Ireland, and at the Central European University in Hungary, who afforded valuable insights into the state of academic research into corruption in each country.

Where no transcripts are available, we have worked with notes taken from memory and during the course of the interviews. Observations made and discussions conducted on the visits, written down both in the course of and subsequent to the interviews, are also used to inform this analysis. The interviews were first sorted by country and then evaluated with an eye to the questions set out above in order to allow for analysis of interview content and comparisons. This process reveals country-specific features of ALAC implementation, highlights parameters influencing the process, and to a certain extent makes it possible to predict more general developments.

In all, 24 Interviews with TI staff and volunteers were conducted during the course of the study visits in the summer of 2011 in local TI offices. Four interviews were conducted with persons not belonging to TI who have a track record as experts on corruption, and who work with TI to some extent. All interviews exist as digital audio files. Nineteen interviews have been transcribed in full from these files. Observational reports were drawn up documenting each ALAC office in terms of location, resources and accessibility (FN, HU, IE, LT); and recording impressions during a court case (HU) and a visit to the secretariat of the Standards in Public Office Commission (IE). Discussion notes were also taken during interviews with corruption experts who do not belong directly to the core ALAC team, but who are members of state bodies (IE, LT) or are academic researchers (HU, IE).

	FN	HU	IE	LT
<b>Number of Interviews conducted</b>	2	8	8	6
<b>Number of Interviews transcribed</b>	2	8	8	6
<b>Number of observational reports</b>	1	2	2	1

Number of Discussions with outside respondents	0	1	2	1
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Image 1: Data used as the basis for the "New ALACs" monitoring report

### 3. The ALAC Approach

ALACs were set up by the international non-governmental organisation TI that focuses on fighting corruption worldwide. Although still young, TI managed to become a leading non-governmental organisation (NGO) in a short period of time. It was founded in 1993 and can claim to be the best-recognised global civil society organisation engaged in a worldwide fight against political and other forms of corruption.

TI is a global network including more than 90 locally established national chapters and chapters-in-formation. These bodies fight corruption in the national arena in a number of ways. They bring together relevant players from government, civil society, business and the media to promote transparency in elections, in public administration, in procurement and in business. TI claims to have the skills, tools, experience, expertise and broad participation to fight corruption on the ground, as well as through global and regional initiatives.

TI's global network of chapters and contacts also use advocacy campaigns to lobby governments to implement anti-corruption reforms. And in this context their Advocacy and Legal Advice Centres play an important role. ALACs are TI's approach to establish contact with citizens who are either victims or witnesses of corruption. Currently ALACs have received tens of thousands of calls, visits and contacts from citizens all over the world. The ALAC approach is one of the most dynamic new anti-corruption intervention experiments by the global TI movement.

The first ALACs were established around 2003 on a pilot basis by three National Chapters of Transparency International in Eastern Europe – Bosnia and Herzegovina, Macedonia and Romania. The ALAC is an integral part of the national TI Chapter. It has various permanent features and is a stable part of the chapter. It contributes significantly to professionalising activities and to convincing sponsors to become donors of TI activities, including the work of the ALAC. The core purpose of the ALACs is to inform citizens about their legal rights and equip them to take action on cases of corruption that they have witnessed or been victim of. This can be legal action, filing of complaints with responsible anti-corruption or service-agencies, 'blowing the whistle' or bringing media attention to public issues.

The ALACs share the general philosophy of TI. They are politically non-partisan and only respond to citizens' complaints. They do not undertake investigations of alleged corruption or expose individual cases, but only advise citizens about possible channels to pursue. However, at times they work in coalitions with other organisations or, for example, independent journalists.

### 3.1 A Local Instrument in the Global Fight Against Corruption

Since its foundation in Berlin in 1993, the civil society organisation (CSO) Transparency International has aimed to eradicate the root and branches of corruption. TI, the leading international coalition against corruption, some years ago launched an anti-corruption approach known as the ALAC in order to enhance public participation in the fight against corruption. The establishment of the ALACs within the framework of the NCs of TI started with three initial ALACs in Romania, Bosnia and Herzegovina, and FYR Macedonia, becoming a global anti-corruption tool within a few years and currently spreading to all continents.

The centres demonstrate that people do indeed become actively involved in the fight against corruption when they are provided with a simple, credible and viable citizen participation mechanism to do so. The ALAC is a citizen participation tool that links the public interest with private incentives for action on the part of the individual. The day-to-day business of the ALAC aims to reach those citizens in each nation who encounter concrete and specific cases of corruption. In most cases, this has to do with everyday experiences (e.g., demands for bribes, or other knowledge of bribe payment), experiences in the workplace (e.g., problems with superiors abusing their position to personal ends) or difficulty with court judgments (e.g., doubts about the objectivity of a court's finding).

ALAC staff aim to provide information and advice to citizens and encourage them to proceed against the "abuse of entrusted power for private gain" that they have witnessed. This is TI's official working definition of corruption. With the establishment of the ALACs, citizens who have witnessed or directly suffered from cases of corruption, or who have come across them in some other way, now have a resource that is not controlled by the state.

In the ALACs, the citizen who is willing to act is provided the assistance that he needs to help himself. Borrowing a concept central to the field of social work, we may describe this process as "empowerment". It forms an important core of the ALACs' mission. The ALACs see themselves as existing above all to support those citizens who wish to take action themselves,

and not to represent or speak instead of these citizens. Consequently, the ALACs do represent clients in court or other procedures, but TI does not take position of a complainant.

Citizens are encouraged to proceed against corruption themselves if there really is a case of corruption. They are given relevant information, told about the options open to them and the risks involved; this might mean taking a case to court, or lodging a formal complaint. The ALACs charge no fee for these services, considering their work a service to the citizen undertaken in the name of civic society engagement. Every citizen seeking advice receives it free of charge. The extent and content of the advice offered under such circumstances may vary. The ALAC offers services ranging from initial informational meetings, through referrals to the various bodies responsible for particular problems, to in-depth consultation with lawyers.

However, the ALAC model is not solely grounded in the field of activity presented here – of citizen advice in all fields related to the topic of corruption. Rather, it is built equally around the two central pillars which give the project its name, i.e., Advocacy and Legal Advice. Legal Advice as a term should be taken to include all of the advice and consultancy services already mentioned here as part of the ALAC's work. To prevent any misunderstanding, we should point out that the terminology of Legal Advice encompasses several meanings, not being confined to legal advice *stricto sensu*, and consequently includes all forms of consultation and advice. It includes the narrow sense of legal advice given by a qualified lawyer on a pro-bono basis, but also includes initial consultation by volunteers, for instance on the telephone.<sup>1</sup>

The second pillar, Advocacy, is connected to Legal Advice. This is because information about corruption gathered during the consultation process serves – besides research and monitoring activities – as the basis for TI's advocacy activity, whether such corruption is merely perceived, or is provable in court. Such advocacy measures are pitched at different levels, aiming to influence decision-making of public entities in the interest of the public, and include various forms of action from advertising and public relations work, through cooperation with the public and private sector, to political consultancy or strategic litigation. This might include presenting information about the negative consequences of corruption, constructive criticism in the form of suggestions for reform, and work with partner institutions. These are the only three typical instances of advocacy at work. If we now take the two pillars of Legal Advice and Advocacy together, our initial statement must be modified. It becomes evident that the

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<sup>1</sup> Note that the issues raised by this usage of the term Legal Advice are addressed in the individual country studies below, and the relevant sections in: UKON (2011a): Deliverable No. 4, "Evaluation of structure and effectiveness of the ALAC mechanism in operation in the Czech Republic, Romania, Bosnia and Herzegovina, Azerbaijan".



ALAC functions not merely as a citizen participation tool, but also as a mechanism to generate data on the topic of corruption.

ALACs are introduced with the aim of involving citizens more strongly in the fight against corruption by offering them empowerment, i.e., helping them to help themselves. Documentation and statistical evaluation of corruption cases brought in for consultation helps build statistical expert knowledge, which reveals areas having higher or lower incidences of corruption. Using this statistical knowledge and qualitative analysis, concrete suggestions for reform can then be drawn up to help prevent the opportunities for corruption revealed by data analysis. TI's under-lying anti-corruption mechanism is that citizen participation in the fight against corruption, along with systemic reform, sooner or later leads to "structural change" and to the gradual elimination of corruption.

The Legal Advice work of the ALACs thus stands for one side of the fight against corruption. The advice and consultation offered aim overall to identify and fight corruption where and when it occurs. These interventions and actions are targeted at the micro-level of corruption. The other side of anti-corruption is CSO's work, which aims for what might be called systemic change. Here, the task is not to mobilise the citizens to take action, but rather to change the system itself. In particular to bring about change in the legal system and consolidate the rule of law and good governance, in order to remove the possibilities for corruption at the macro-level.

The corruption database is pivotal to the various different possible actions to be taken. ALAC experts collect cases and complaints of corruption and collect these in a database. To this end, information collected in the ALACs, mostly by telephone or by e-mail, is coded for use in statistical datasets and organised according to specific features and frequencies. The resulting corruption profiles give detailed information about the areas where citizens suspect, observe or directly experience the greatest number of cases of corruption. This database is used for case management, but also provides valuable data to analyze trends and hotspots of corruption, ultimately providing an opportunity to understand corruption better in a given context. This information becomes ever more reliable as more cases are logged into the system and documented.

The introduction of a specially programmed ALAC software will allow increasing standardisation of such corruption profiles in the future, and will raise them to a new level methodologically.<sup>2</sup> This will make TI's expert reports and opinions significantly more robust, and contribute to making TI's initiatives and campaigns even more effective.

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<sup>2</sup> Cf.: UKON (2011b): Database Workshop Report.

## 3.2 An Intermediary Instrument to Transform Citizen Discontent into Structural Change

If we bring both aspects of the ALAC approach together, its nature as a citizen participation tool and as a tool to generate national datasets on the topic of corruption may be understood as an approach to transform citizen discontent into measures to change existing structures.

Building on the data collected during citizen consultation, and on the statistical processing and evaluation of these data, suggestions are drawn up for administrative, institutional and legal reforms to limit the opportunities for corruption. In order to implement these reforms, cooperation with other institutions is greatly desired, with the formation of advocacy coalitions. If the task at hand is to draw attention to the range of consultation services offered by Legal Advice, coalitions with journalists or media agencies are desirable, and many NCs duly build such. If the task is to formulate and implement suggestions for reform, then coalitions must be built with representatives of business interests but also with the Council of Magistrates, the Prosecutor's Office, the Ministry of the Interior or (where this exists) the state anti-corruption commission.

It is down to each individual NC to decide which persons or institutions to draw into a coalition. Coalition means having the same position in a public matter as other partners and all members of the coalition jointly target public entities to convince or influence them. Various CSOs and journalists may be in a coalition, but coalitions with public bodies is different. Especially when public bodies are targets of advocacy not coalition partners advocating for change, as it is the case in Hungary, coalitions are the exceptions not the rule. However memoranda of understanding may provide legal basis for cooperation with public bodies, such as the police, which may provide a good basis to cooperate with public officials.

When the bottom-up approach of citizen consultation through Legal Advice is well integrated with the top-down approach of the various Advocacy initiatives and coalitions, then the ALAC mechanism may also be said to be working smoothly. In such cases, it functions as an intermediary institution acting as a micro/macro link-up, effectively transforming citizen discontent into structural change.

Before turning to the monitoring report on how the start-up ALACs in Finland, Hungary, Ireland and Lithuania (FN, HU, IE, LT) have been set up and implemented, we would like to refer briefly to results from the evaluation of the well-established ALACs in the Czech Republic, Romania, Bosnia-Herzegovina and Azerbaijan (CZ, RO, BH, AZ). Deliverable No.4 "Evaluation of structure and effectiveness of the ALAC mechanism in operation in the Czech Republic, Romania, Bosnia and Herzegovina, Azerbaijan" contains detailed studies of

how the ALAC experts in each country have put together various bundles of measures and initiatives beneath the two pillars of the ALACs – Legal Advice *and* Advocacy. This study reveals a wealth of variety in how the ALAC approach is implemented, which is particularly interesting for the research team since it reflects the various possibilities in the fight against corruption.

The research team was able to observe, on the ground, how the ALAC was implemented in various different ways in all of the countries mentioned. The variations observed are largely to do with the technical core of an ALAC's resources. To have such a resource core means to have: a) an office that is open to the public, b) a free ALAC hotline, c) an ALAC website that is integrated into the local Chapter website, d) a special database, and e) a library containing the specialist works needed for consultations and advice.<sup>3</sup>

As fieldwork showed, none of the ALACs which the research team visited had completely implemented all technical elements of the ALAC approach, with the exception of the ALAC in Azerbaijan. As the report records and makes explicit, precisely these variations in implementing the ALAC approach reveal how corruption is perceived in each country and, based on such perception, which measures are seen as most appropriate in the fight against corruption.

Therefore the situation is that the various different implementations of the ALAC give more or less weight to the technical side of the ALAC approach. Implementation of all technical parts of the ALAC approach is thus of secondary importance, rather than being a necessity. Primary importance is given instead to human resources, meaning in-house legal experts, pro bono lawyers, legal interns, experts and journalists, since these guarantee the quality of anti-corruption work. As made clear at various points<sup>4</sup>, the ALACs are quite explicitly a dynamic mechanism for civic participation, data collection and the prevention of corruption. One central thesis in the report was to emphasise this dynamic character as a significant strength of the ALACs, and the implications for successful international implementation of the project. This is because only flexible use of the ALAC approach can guarantee an optimal match to local conditions. This insight forms the backdrop for the monitoring reports on the start-up ALACs presented below, country by country.

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<sup>3</sup> On the concept of the ALAC core resources cf.: "Section 10". In: Transparency International (2008): *Advocacy & Legal Advice Centres. Start-Up Manual*. October 2008.

<sup>4</sup> Cf.: UKON (2011a).

## 4. The ALAC of Transparency International Ireland

### 4.1 Introduction

The Irish ALAC<sup>5</sup> was the first in the group of the “start-up ALACs”, which the research team visited during the course of its study visit in July, 2011. The group of start-up ALACs includes those in Finland, Lithuania and Hungary as well as the one in Ireland. The research team visited and evaluated the well-established ALACs in Azerbaijan, Bosnia-Herzegovina, the Czech Republic and Romania in the first phase of the project.<sup>6</sup> While countries in the well-established ALACs group had already founded their ALACs at the time of the study visit, those in the start-up ALACs group were still in the foundation phase at the time of the visit.

The Irish ALACs got started in May 2011. At the time of the visit, the ALAC had been operational for about three months, as an independent project that is tightly integrated into the work of the NC. Therefore, interview partners could already look back on their first experiences in the new project. This is why the Irish ALAC came at the start of the 2011 study visit, followed by Finland, Lithuania and Hungary.

All in all, eight interviews were conducted with staff and volunteers of TI Ireland involved in the ALAC project in various ways. Their duties range across the areas of management, organisation, helpline, research, PR and IT. As well as conducting eight interviews with staff and volunteers of TI Ireland, the research team also spoke to academics in the fields of political science and law. Furthermore, thanks to TI Ireland’s kind initiative, we were able to conduct an interview with the Head of Commission (Secretary) of the Standards in Public Office Commission.<sup>7</sup>

The following description of the ALAC implementation process is primarily based on analysis and evaluation of the content of the transcribed interviews. Where other sources were used alongside these interviews is noted in the text.

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<sup>5</sup> Further details are given below of how and why TI Ireland, as part of the task of adapting to local conditions, chose to rename the ALAC as the Transparency Resource and Advice Centre (TRAC). The term ALAC will be used until that point.

<sup>6</sup> Cf.: UKON (2011a).

<sup>7</sup> “The Standards in Public Office Commission is the State agency responsible for the supervision of the Ethics and Electoral Acts. The legislation limits the amount of gifts and donations that politicians and office holders can receive in any year, and the amount candidates and political parties can spend in elections. It also requires politicians and political parties to publish financial interests and donations received in any year.” Available: <http://www.sipo.gov.ie/en/>. Last accessed 1<sup>st</sup> November 2011.

## 4.2 Corruption in Ireland

Corruption in Ireland is not an everyday problem. Bribery is not a street-level phenomenon in Irish society. On the basis of cases handled so far, TI IE perceives that corruption is invoked when people turning to TI IE for help are often disappointed in particular situations, and then hint at the possibility of corruption as an explanation for their disappointment. One example mentioned was that of a plaintiff so unhappy with the result of his lawsuit that he accused the judge of corruption, since he simply could not understand the outcome of the case any other way. We were told, “Very often you hear people say, no, the judge is corrupt, because they lost the case but when you ask them did the judge secure bribes, they say, well, I’m not saying that but the judge is corrupt.” Similarly there have been cases where citizens have complained about what they perceive to be pointless bureaucratic procedures. At the time of the study visit, most citizen complaints concerned the areas of the health service, education, legal services, social services and banking. In this instance, complaints were made fraud or false accounting by individuals.

The problem of corruption in Ireland is undergoing a shift: away from corruption as a legal problem and toward corruption as a normative moral problem (and thereby also social problem). This shift goes hand in hand with a broadening of how corruption is understood. This broader understanding is reflected in TI Ireland’s philosophy, which has shifted in this direction since the chapter was founded in 2004. The change is described in these words: “we’ve shifted the focus away from corruption to the promotion of integrity, the promotion of transparency“. This shift is founded on the assumption that the phenomenon of corruption should not be understood solely as a legal problem. As a result, legal advice is not the be-all and end-all in responding to corruption. Examples from their daily work provide proof for this assumption. We were told that “in very many cases people were coming to us not looking for legal advice but for guidance on the right thing to do. That’s an ethical question.”

## 4.3 TI Ireland: History, Concept, People

TI IE was founded in 2004 by its Chief Executive John Devitt, a communications specialist and former press officer with the British Embassy in Dublin. Mr Devitt led the initiative to recruit a board of directors for TI IE and have it accredited as a member, or chapter, of the global TI movement. The first generation of board members were “Garret Fitzgerald who is the former Prime Minister of Ireland, his daughter in law Eithne Fitzgerald who was a Minister as well in a government in the 1990’s, a leading economist by the name of Colm Mc Carthy, the head of Concern Worldwide Tom Arnold and a few other leading lights from business and from politics and civil society”. Core funding to cover a salary and ancillary

costs has been provided to TII by the Joseph Rowntree Charitable Trust (JRCT) since 2004. Funding to open an office and a phone-line was secured in 2010 through the FP7 Konstanz University project and the JRCT. No funding has been available from Irish philanthropic organisations although it has been actively sought. The chapter does not accept core funding from government, business, trade unions or professional organisations. The legal character of TI IE is a company limited by a guarantee without shareholders which is the standard structure of framework for a non profit organisation in Ireland.

In interviews the concept of TI IE anti-corruption work is described as an “ethics based approach”, which is distinct from a legal approach. The difference between the two approaches is described in the following terms: “The solicitor will be able to tell them, yes/no. You have a case. And, this is why you have a case. But we would rather take a kind of Socratic approach to helping the individuals by asking a series of questions or having them ask themselves a number of questions.” It is a particular feature of TI Ireland’s approach that the ethical aspect of corruption is strongly emphasised and that the Speak Up service is targeted at this aspect. This initiative is based on a broader understanding of corruption and takes due account of the fact that in Ireland, there is no strong perception of corruption in everyday life. In consequence, corruption should be understood not merely as a legal or economic problem, but also as an ethical dilemma.

The team at TI Ireland is made up of permanent staff and volunteers. At the time of our visit during the summer of 2011, there were two permanent positions, these being the Chief Executive Officer (CEO) and the Advocacy and Research Manager (ARM). The CEO is a communications specialist by training and a graduate of European Studies at the University of Limerick, and of Public Relations at the Public Relations Institute of Ireland. Before joining the TI movement he served as Trade Representative at the Irish Consulate in New Zealand, and as a press officer at the British Embassy in Dublin. He is a former Board Member of Transparency International and is a member of the international Integrity Award Committee. The ARM is a graduate of Dublin City University and Queen’s University Belfast. She has worked extensively in the field of human rights and democracy with the European Commission as well as international non-governmental organisations. Before joining TI Ireland, she was a journalist with the Irish Times. These positions have limited financing, in place until May 2012. There are possibilities for further financing but these cannot be regarded as secure.

TI Ireland’s daily work would not be possible without the help of volunteers. There are two types of volunteers: Advocacy and Communications Executives (ACEs), and Advocacy and Legal Executives (ALEs). Their responsibilities are divided as follows. ACE: Media Monitoring, Research, Communications Planning, Social Media, Event Management,

Sponsorship, and Fundraising. ALE: Speak Up Call and Case Handling, Research and Referral, Filling and Administration.

Most volunteers are law students from Ireland or overseas, interning at TI as part of their studies or immediately thereafter. Most volunteers name TI's excellent reputation and global connections as their most important reasons for taking an internship at TI. These are also the reasons why TI is particularly well-known among law students and students of the social and political sciences. Some of the volunteers applied to TI Ireland directly on their own initiative, while others heard about the internships via online portals or from university mailing lists. In interviews, the volunteers say that their main reason for dedicating their time to the organisation is that TI enjoys such a high reputation, and that an internship thus looks very good as part of their CV. They see their engagement at TI Ireland first and foremost as a stepping-stone in a career plan, not as an expression of political engagement. Other volunteers said that they want to be involved in anti-corruption work because of their interest in the topic and desire to see political change. Many volunteers, if not most, already have had civil society experience before coming to TI IE. Others had discovered an interest in civil society engagement during their internship. All volunteers interviewed said that they had changed their opinions on corruption and ethical dilemmas during their time at TI Ireland. Many wanted to continue working in the NGO sector after their time at TI was done.

#### 4.4 The TI Ireland ALAC

The Irish variant of the ALAC project fundamentally consists in setting up a helpline for citizens seeking advice about conflicts (of interest, etc.), which they encounter at work. But this is just one type of report and query TI IE receives. The majority come from citizens reporting fraud, corruption or abuse of procedures (such as abuse of planning, licencing and procurement procedures, as well as arbitrary decision making and mis-administration etc). The helpline is open Monday to Friday from 10.00 to 18.00.

Before discussing the helpline however, we must turn our attention to the internal naming of ALAC. TI Ireland has decided to call their ALAC a Transparency Resource and Advice Centre (TRAC). As became clear during the evaluation phase after interviews, there was a whole range of reasons for the change of name from ALAC to TRAC by designing it. These reasons made it both legally and financially necessary for TI Ireland to refrain from offering a Legal Advice Service, and to concentrate instead on the informal Speak Up service.

There are four reasons for the change of name from ALAC to TRAC. The first is that in Ireland, the ALAC may not be called an ALAC for legal reasons. It is the case that in order to open a Legal Advice Centre in Ireland, a body needs to work with a lawyer registered with the Law Society. However, TI Ireland does not have the financial resources – and this is the second reason – to find the money to employ a registered lawyer. Under these circumstances, it is not financially possible to open a Legal Advice Centre. It would be forbidden to open such a centre as a statutory instrument. If TI Ireland wanted to open a Legal Advice Centre under the law of the land, it would need a full time director who has qualified as a solicitor with the Law Society of Ireland and is registered with the Law Society. As already mentioned; however, the means to finance such a post are lacking.

The third reason is that there is already an organisation in Ireland with the straightforward name of Free Legal Advice Centres (FLAC), offering free legal aid. If TI Ireland were also to brand its ALAC as a Legal Advice Centre, this could possibly lead to confusion with the other NGO: “The Free Legal Advice Centre (...) got centres all around the country so it didn’t make sense for us to set up an entity that in the public’s mind would or could be confusing”. A fourth and final reason for the change of name is rooted in the meaning and connotations of the word advocacy. It was explained to us that the word has negative associations: “in Ireland advocacy is something of a dirty word (...) we haven’t used that word very much (...) it’s confused entirely with lobbying“. These pre-existing associations with the word advocacy would have had far-reaching consequences had TI Ireland nevertheless chosen to use it. In particular, their tax status would be impacted: “The Revenue Commissioners, the tax authorities here, are responsible for governing the allocation or award of charitable tax status. They will not award charitable tax status to any organisation that is openly campaigning for change or political change”. Granted, TI Ireland does not currently have charitable tax status. Nevertheless, in order not to jeopardise the grant of such status in future, TI Ireland carefully refrains from using the word advocacy.

In matters concerning the general public, the TRAC uses the label “Speak Up”. TI Ireland uses this slogan, and a snappy visual logo, to advertise its Speak Up Service. This service offers “free, confidential information and support”.<sup>8</sup> It is designed to be a service for potential whistleblowers those facing ethical dilemmas at work and citizens reporting abuse of power. However, it is also addressed to citizens who encounter “corruption, fraud or abuse of power“ at work in any way, shape or form.

The Speak Up website contains information on the topic of whistleblowing for interested citizens, including the report “An Alternative to Silence”. The website also directs visitors to

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<sup>8</sup> Available: <http://www.speakup.ie>. Last accessed 1<sup>st</sup> November 2011.



a free telephone number, called a helpline. This helpline is linked to the TI Ireland helpline, indeed they are identical.<sup>9</sup> Thus the Speak Up service is not a separate entity divided from the chapter, but rather the general public understands it as a service offered by TI Ireland. The logo of TI Ireland is on the flyer for the Speak Up website and helpline.

As the website says, the Speak Up service is “a service for anyone facing an ethical dilemma or considering reporting wrongdoing at work“. Typically, TI’s Speak Up service offers its callers advice in a three-step process. First of all, clients get in touch with TI Ireland. This usually happens via the helpline. Clients are then given the chance to describe their case. The most important data are recorded on call sheets. Staff and volunteers ask further questions to ensure that all relevant information has been collected. The client is then told that the case will be discussed with the CEO of TI Ireland. They will receive an answer within a week. Once the case has been discussed with the CEO of TI Ireland and all important information has been looked into, the client receives a reply by e-mail that has been approved by the director before it is sent. All in all, around 125 clients were advised in this way during the first three months of TI Ireland’s operation.

Irish media reported the opening ceremony for the Speak Up service in May, 2011.<sup>10</sup> In a TI Ireland press release, the Speak Up! Helpline was introduced as “the country’s first ethics and anti-corruption helpline (...) the first of its kind in Western Europe”<sup>11</sup>. The striking feature of this press release for the opening of an anti-corruption helpline is that corruption is presented here as an ethical problem. How should we understand TI Ireland’s decision to treat corruption from an ethical point of view?

As already mentioned, TI Ireland does not offer legal advice. In fact, TI Ireland *cannot* offer legal advice.<sup>12</sup> This circumstance necessarily influences the approach behind the Speak Up service, which is not intended as a legal approach, but rather as an ethical approach. Information is offered not just to those who have a legal problem and need legal advice, but to those who encounter an ethical problem connected with their work, whether this is a broad case of wrongdoing at work, or more specifically an instance of fraud or abuse of power. As a

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<sup>9</sup> Available: <http://www.transparency.ie/helpline>. Last accessed 01<sup>st</sup> December 2011.

<sup>10</sup> The launch event for the Speak Up! helpline is available at TI Ireland’s YouTube channel. Available: <http://www.youtube.com/user/TransparencyIreland?blend=1&ob=0>. Last accessed 01<sup>st</sup> December 2011.

<sup>10</sup> It is also important to point out that TI IE sometimes seek legal advice for their clients and/or discuss the case with their solicitor (with the client’s permission). TI IE is also linked with the Public Interest Law Alliance and the Law Library’s Voluntary Assistance Scheme.

<sup>11</sup> Available: [http://www.transparency.ie/news\\_events/transparency-international-ireland-launches-country%E2%80%99s-first-%E2%80%98ethics-and-anti-corruption%E2%80%99](http://www.transparency.ie/news_events/transparency-international-ireland-launches-country%E2%80%99s-first-%E2%80%98ethics-and-anti-corruption%E2%80%99). Last accessed 01<sup>st</sup> November 2011.

<sup>12</sup> It is also important to point out that TI IE sometimes seek legal advice for their clients and/or discuss the case with their solicitor (with the client’s permission). TI IE is also linked with the Public Interest Law Alliance and the Law Library’s Voluntary Assistance Scheme.

result, TI Ireland is not merely interested in cases directly to do with corruption, but also in cases to do with ethical dilemmas at work.

This widens the group of potential clients, thus addressing the concerns of more people. At the same time, false hopes should not be raised. Thus the Speak Up service is designed from the outset to be an informal, informational service, with no binding consequences for those who turn to TI Ireland for advice. In this it differs from a governmental office, which is the helpline's unique selling point. In this way, help and information can reach those who do not turn to the authorities. In particular this means those who would like first of all to learn about the state aid available, so that they can then take further steps or decide to abandon the matter, without having to come into direct contact with the authorities.

## 4.5 Conclusion

The Speak-Up! approach offers to help citizens help themselves toward empowerment. The Speak Up helpline can, for instance, offer something to those who are not quite sure whether their concern actually qualifies as a matter for the police or a solicitor. In short, the Speak Up helpline can help those who want to talk things over first. These people have a service at their disposal to which they can turn without obligation, where someone will listen to them and where they can learn which body or institution they can turn to with their concern.

TI Ireland's informal Speak Up service can thus help people to bring their concern more closely into focus, either in conversation with another person or in a written exchange. It also helps ensure that people who encounter an ethical dilemma at work have a non-governmental body they can turn to without having to accept binding consequences. This is the particular strength of the service offered by TI IE. A door is opened to potential whistleblowers, who can thus garner what information they need without risk and without binding consequences. The service aims to tell these people that there is someone there who is interested in what they have to say, someone who will listen, and someone who would like to help. This is the ethical dimension of the Speak Up service. Corruption is addressed at the individual level by making sure that the individual concerned is given support to speak instead of keeping silent, is addressed as an ethical problem instead of solely a legal problem, and is addressed as a decision that the individual has to make.

It is important to emphasise that the Speak up service is not just a service for citizens, but is also an instrument to collect and evaluate important data. TI IE offers citizens information about the Speak Up service, and the citizens in their turn give information when they speak about the corruption that they have witnessed or from which they have suffered. TI Ireland

takes care to compile these data in drawing up corruption profiles, in order to broaden and deepen its knowledge base on corruption, and to use the results in press and public relations work.

In order to be able to use these data, it is important for TI Ireland that citizens who call the Speak Up service do not talk about their case in too much detail. TI Ireland wishes to avoid becoming involved directly in cases – especially in court cases. Thus at the beginning of a call, and during the course of the conversation, callers are reminded not to give personal information. Place, product, workplace and organisation are best left unmentioned; "general information is enough". Thus, data is not anonymised by TI Ireland as it is received, but rather care is taken to have data actually given in anonymised form.

Subsequent analysis of the information received reveals frequency patterns, for instance in sectors of the labour market or by gender. This analysis yields information about how and where corruption is perceived on the national scale. On this basis, it is also possible to draw limited comparisons about different nations and their differing perceptions of corruption. The global TI network has set a goal for the future of being able to collect and evaluate these data centrally.<sup>13</sup>

There is considerable organisational work to be done in collecting and processing the various different kinds of data. All in all, TI Ireland has to collect, process and maintain three different databases. The first contains data used for communication with the public at large, and the second holds data intended for internal use. TI Ireland has also set the goal of building an a Speak Up Wiki<sup>14</sup> bringing together the data used both for communication with the public at large and for internal communication. The ALAC database is central to communication within TI's global anti-corruption network.<sup>15</sup>

By building the wiki, TI Ireland will create a platform where internal communication, client communication and communication with the public at large all intersect. This will then bring together the achievements of all the various projects (ALAC/TRAC, NIS) and will optimise data collection, processing and communication. It will make it enormously easier to process, find and update data. Additionally, persons wanting information about corruption, perhaps because they wish to do something against it, will have at their disposal a collection of important facts. This will be a resource unique in Ireland, and a contributing force to systemic change (i.e., a shift in attitudes and "behavioural change").

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<sup>13</sup> Cf.: UKON (2011b).

<sup>14</sup> WIKI is a neologism. This name refers to an online lexicon which TI Ireland will create itself, and can add to at any time – like Wikipedia.

<sup>15</sup> Cf.: UKON (2011b).

## 5. The ALAC of Transparency International Finland

### 5.1 Introduction

The Finnish ALAC was the second ALAC that the research team visited in the summer of 2011. At the time of our visit, the ALAC was still in the foundation phase. There was not a website or a hotline. During our visit, we conducted two interviews with representatives of TI Finland. One of these persons is the project manager in the ALAC project, while the other is responsible for the NIS project.

The TI chapter in Finland does not have its own office, but shares space in the offices of a PR agency. This has the advantage that TI Finland need not pay much rent and associated costs, and can nevertheless boast of an imposing address, given that the PR agency's office is in the government district of Helsinki. The building was once the house of a time-honoured student corporation. As we learned, the tenants today are still proud of the building's history.

### 5.2 Corruption in Finland

Despite the fact that corruption is not generally a central problem for Finland, popular understanding of the term has shifted in the last few years – which may well be a result of the NC's work. For a long time the term was mostly associated with behaviour that can ordinarily be summed up under the heading of petty corruption (such as attempted bribery or payment of bribes, et c.). However, this kind of corruption is not found in Finland, except on the Russian border.

Meanwhile though there has been a noticeable shift in popular perception, extending the term to include structural corruption. The party financing scandals since 2007/08 brought the problem of corruption to Finnish national consciousness, involving as it did donations, party finances and embezzlement of public funds. Although the Finnish people have traditionally placed great trust in their state institutions, there nevertheless seems to be a critical groundswell questioning the place in public life of long-established structures. For the first time, corruption had not been seen merely in terms of the legal situation (thus whether behaviour is legal or illegal), but with an eye on whether behaviour conforms to democratic principles or to the moral criteria of state and citizenry.

Our interview partners at Finland's TI consistently spoke of *structural* corruption as being the real problem in Finland, and thus the true challenge which TI exists to address here. This sort

of corruption is not only difficult to recognise and to point at because of its wide reach, but often enough, it is also not legally prosecutable as corruption since it exists in a legal grey area. What is meant here is a form of corruption embedded in the established procedures of social/ political/ economic/ governmental entities, kept alive precisely in the way these procedures are repeatedly carried out. The matter at hand is that some ways of doing things and habits of thought that are not written down anywhere, that are neither legal nor illegal in themselves, are nevertheless symptomatic of injustice upon close examination. For example, arbitrary rule and monopolist concentration of power are undemocratic characteristics.

Nevertheless, as the big cartel cases of 2010 reveal, these structures can also yield cases of corruption, which are already legally defined as corrupt, and which can duly be prosecuted. In general, the connections between the worlds of business and politics are seen as too close, and not transparent enough.

In public opinion surveys on the corruption perception, the following were named as examples of corruption:

- long-established business cartels (surviving from “the time before the EU”) which have not brought in new blood or opened up their networks, their agreements or practices (old-boys-networks, top-down networks)
- appointments to political office
- abuse of office
- public tender application procedures and awards (this was especially mentioned by businesses)
- misappropriation of public funds/ party finances/ pension funds
- export trade (bribery)

Finland is currently down from first to fourth place on the CPI. TI staff do not consider that this indicates any more, or less, corruption in Finland, but rather that it is a positive signal in public perception, which is beginning to recognise that corruption is a Finnish problem. TI’s public awareness work and the scandals which have been brought to light have contributed to this shift in public perception. Since then, the topic of corruption has been discussed and taken seriously in several major companies and public sector bodies. Awareness of the problem is also spreading among the citizenry. TI sees its *raison d’être* here, where public perceptions of corruption shift.

### 5.3 TI Finland: History, Concept, People

The TI chapter in Finland was founded in 2003. TI Finland has 35 members, most of these highly-placed politicians or businessmen, occasionally also civil servants or lawyers. There are also stockbrokers, large Finnish corporations and individual members of other NGOs among the membership, along with police officers and the Finnish minister of finance (ex officio). The membership fee is 300 Euro a year for stock-listed companies, 30 Euro for individual members, 150 Euro for public authorities and small companies. Since three years ago, anybody has been able to apply for membership via the website. Applications are however examined before they are accepted; the aim here is to avoid conflicts of interest and to prevent members from joining for tactical reasons. Members should be motivated by an honest desire to combat corruption. Membership has grown only very slowly in the last few years.

The board of the chapter meets regularly to discuss strategy, and concrete cases as these arise. Once a year, the whole membership meets to elect the board, which consists of eight members and a chairman. Discussion and planning runs to informational events and dialogue with businesses, organisations and civic society, and to publication work. Seminars giving advice and raising public awareness are to be intensified as part of the ALAC project.

The chapter can be e-mailed via the TI Finland homepage. There is no ALAC hotline. It is planned that the ALAC project should have its own link and its own contact details on the TI Finland homepage. It is also under discussion that data and results collected as part of the NIS project could also be used for the ALAC's work. Using data collected in the NIS project for the ALAC could increase awareness of the facts and findings.<sup>16</sup>

For a long time (eight years) there were no employees, simply volunteers (members). Since 2011, the TI chapter has officially employed two people who are responsible for the ALAC and NIS. Staff and volunteers at TI and the ALAC see themselves as experts on corruption and as part of an intellectual project of research, which is also a political project advocating reform. Thus TI Finland sees itself as a think tank conducting research on corruption and bringing corruption-related matters into the political agenda.

Introducing the ALAC project is intended to further civic society engagement in the fight against corruption, first and foremost by making information and data available. The idea is to use the ALAC to create a platform that will make research on corruption easier and will make it simpler to gather information. One pillar in the profile of TI's tasks – and those of the

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<sup>16</sup> The IntegWIKI Project from TI Ireland has similar goals. Cf.: the discussion in the Irish Country Study of the present report.

ALAC in future – is the intellectual work of developing a theoretical frame for discussion of questions about “structural corruption“. This will be supported by the NIS project in which the Finnish chapter is taking part. NIS is an entirely academic research project, which will nevertheless yield data, which will or may be useful for the ALAC’s work. In future advice is given as part of the ALAC project can be based on the resources of the NIS.

Staff and volunteers at TI Finland also understand their activities as political work. The intention to bring about structural change is a formative contribution to the course of political events in the country, even if this does not happen in a party-political manner. Moreover, citizen political awareness is to be changed by public awareness work and by making the public more sensitive to the topic of corruption. This is a contribution to civic political education.

This is a shift in direction for TI Finland. Previously, members saw themselves as an intellectual elite organisation (i.e., a think tank). This is borne out by the low number of members in the chapter, some of whom are very prestigious figures and all of whom occupy high positions in business or public sector bodies. Now the ALAC project introduces the new task of reaching out to civic society. Members of TI Finland greet this new direction, which as one part also includes the further development of the whistleblower initiatives (i.e., those who publicise corrupt conditions at their workplace and thus afford valuable insights into corrupt practices).

The topic of whistleblowing plays a role in the goals and plans of TI Finland, and in the future in those of the Finnish ALAC, but it does not have the highest priority. TI Finland is currently discussing the topic of whistleblowing with businesses, public sector bodies and trade unions. Businesses and public sector bodies consult TI Finland as to whether they should set up an internal system or reporting office to which whistleblowers could have recourse. Such a system would not be intended to help companies identify whistleblowers in order to prevent whistleblowing, but rather would serve to protect whistleblowers and, at the same time, to prevent corruption from taking root in a business or public sector body. At the same time, TI and the ALAC are currently attempting to promote a public discussion within the Justice Ministry on the legal provisions for whistleblowing and for the protection of whistleblowers. At the moment, no laws exist specifically to protect whistleblowers in Finland. There is also no adequate translation as yet for the term whistleblower. The NC has therefore started a search for a suitable translation of the term. No single translation carries the same meaning in Finnish – there are only conceptual circumlocutions which approximate the English term. The obvious idiomatic translation has negative connotations in Finnish and cannot be used for this reason.

TI Finland is not in competition with other, governmental bodies or NGOs. Quite the opposite, every attempt is made to bring together information and contact details for all public sector bodies, offices or organisations concerned with the theme of corruption as a crime. The idea here is that this makes it as easy as possible for clients to have recourse directly to the responsible body. At the same time, this foregrounds the possibility of being able to use the homepage to learn more generally about the forms and aspects of corruption, and about the measures that can be taken against it. Moreover, the NC is a member of the only state-organised anti-corruption network. Among other things, this network drafts recommendations to the government. In concrete terms, the financing of political parties has, for instance, been a subject for their attention. The NC is directly involved as a member and can influence structural change concretely. This strengthens TI Finland's ability to participate in politics. Likewise, the chapter has a close and constructive relationship with the Finnish police, which can even be called a personal relationship, since only one full-time member of the Finnish police force is exclusively concerned with anti-corruption matters.

One of the two full-time employees of TI Finland who has been gone since November 2011 was previously employed by TI Slovakia, and this career history leads to close contacts, which can be used for the professional exchange of information. In general, the whole TI movement – the TI network – is very positively regarded, since it enables a professional, international exchange of information on the topic of corruption. For instance, members of the Russian government visit the Finnish NC. Prior to this visit, the Finnish NC contacted the Russian NC in order to be able, if possible, to raise their very serious concerns on anti-corruption matters in Russia. Topics related to corruption or cases of corruption which take place in other countries, or between those countries and Finland, can be taken up by direct contact with the NC in question and duly assessed. This is one of TI's particular strengths.

The flexibility of the global networks is seen as a further strength. For the Finnish NC, the flexibility of the TI concept counts as one of its most important structural features in the TI movement. The particular strength of the TI concept can be seen in, for instance, a project introducing the ALACs in many different countries and adapting them to specific local circumstances, despite guidelines that must hold true in all cases. Particularly, in the case of Finland, where the necessity of TI or an ALAC is not immediately evident, where the NC itself is very small and where civic awareness of the problem is just getting started, it would be helpful to broaden the concept of flexibility even further. In this way the project could take account, not just of national circumstances, but also of the NC's current infra-structure. There was a certain amount of dissatisfaction with the process of implementing the ALAC project, and a belief that this process was in direct contradiction to the aspect of flexibility. "I think this is against the flexibility of TI to adapt to local conditions, although in our case the secretariat tends to forget that and tries to put us the uniform - an ALAC manual to suit us."



This criticism was underlined by the answer given in one interview to the question of whether TI has a democratic organisational structure; the respondent repeatedly emphasised that it was above all of the chapters that are democratically organised.

## 5.4 The TI Finland ALAC

The ALAC project is currently in the preparatory phase. Nevertheless, the ALAC project has been under discussion internally and externally with the TI Secretariat, since 2007. So far, work on the ALAC has mostly been in the abstract (study and research). There is now to be a consolidation phase, where a strategy will be developed and concrete measures to be taken will be decided. This is largely to do with adapting to local conditions, where the basic features of the project have been laid down by TI Secretariat.

Changes in the make-up of the NC executive body over the years have led to changes in emphasis in the scope of the ALAC. While, for instance, the previous president focused on setting up a telephone-hotline and on close cooperation with the media, the current focus is on dialogue with companies, public sector bodies and organisations. There is to be more intensive contact with civic society; the concrete form that this is to take remains unclear. “But I believe that some kind of citizens’ outreach could be incorporated into the work - it should be incorporated.”

There is no street-level corruption in Finland. The most commonly encountered form of corruption takes place at the structural level and is hard to detect, as well as being almost impossible to prosecute. The level of trust in state institutions, such as the police and the justice system, is very high amongst civic society in Finland. Those few citizens affected by corruption generally turn to the responsible state authorities, such as the police. These legal, official channels function well and are used to a large extent.

In May 2012 TI Finland conducted a short pilot period to test ALAC approach under local conditions where they had a volunteer lawyer looking at the complaints they had received so far. The outcome result has not only shown the high level of trust in institutions within civic society, but also the fact that all cases were very complicated in legal terms, often those already dealt with by the police and many other authorities. Therefore the pilot period illustrated: a small NGO like TI Finland would simply not be able to handle the cases typical for Finland, since they are everything but straightforward.

For these reasons, the ALAC has at most three or four clients a month, and we were told in an interview that even this was the exception rather than the rule. Individual cases (either

involving private persons or companies) are generally not processed or publicised unless they shed light on a structural feature, such as public tender contracts, the politics of university appointments or nominations to political office. For obvious reasons, no empirical data are collected or analysed systematically. Therefore the ALAC software is *not* used.

As well as conducting seminars and leading discussions in companies, TI Finland's staff also spread the word about corruption, in general, and about Finnish corruption, in particular, at training events organised by other bodies (e.g., by the Finnish Training Institute) and at universities (faculties of economics/business studies). From time to time, TI staff comment corruption-related cases in media, both print and electronic. Because of both expertise and performance TI staff are perceived as the experts on corruption in Finland.

There is a declared goal of shifting the focus more strongly toward civic society in future, and drawing attention to the ALAC, the chapter and its concerns with the help of public debates and events. The discussion events address the following questions, among others: What is corruption? Where does corruption start? How can corruption be prevented before it takes root? Which means can be used against (structural) corruption? What of the legal position – if an action is legal, does this necessarily always mean that it is appropriate, or defensible?

Launching publications, as part of the process of setting up the ALAC, is also planned. The goals of these publications are to improve contact with civil society, and to carry forward the dialogue with businesses and organisations/ public sector bodies. In the medium term, the plan is to consult small and medium-sized enterprises on anti-corruption issues.

Adapting to national conditions, the ALAC Finland refrains entirely from offering *legal* advice in individual cases and concentrates on public awareness work, preventative consultation and structural change, in short on advocacy campaigns. As previously mentioned, the main focus in anti-corruption work is on structural corruption, which has so far slipped through the net, legally speaking. Quite apart from the fact that such cases are hard to detect, since there is no theoretical framework in place, there is no state organization to which citizens can take recourse. TI and the ALAC see their *raison d'être* here. This is where the ALAC can take a position: "For legal corruption the channels are there. But for this structural corruption, which is not illegal, which is not against the law, but it could be corruption, this is more problematic. And this is – there are no structures, there is no one to turn to. So this is what we do."

The question of the emphasis placed on advocacy and on legal advice is thus answered decisively in favour of advocacy. Nevertheless, the advice component is present in the

suggestion of offering anti-corruption consultancy to companies, even if this is not legal advice. “We say it is more about advocacy and advice how to curb corruption.”

At the time of the study visit, the offer of discussion and public awareness work is primarily perceived by businesses, organisations and public sector bodies, and not yet sufficiently exploited by civic society. Businesses approach the chapter directly with questions and problems, asking for training, seminars or informational events. As well as its homepage, accessible to the general public, the chapter also offers further information upon request to, among others, businesses, the Finnish Training Institute and universities. Public attention is primarily drawn to the topic through publications. Well-known members of TI are also occasionally in the news – for instance, the current chairman works for the central trade union organisation – and by utilizing the media they try to reach a broader public. The chapter enjoys close ties to the media in many ways. Further publications and a wide range of events are planned for the future, as well as an expansion of their consultancy work. Currently, strategies are being discussed and developed for how contact with the broader public may be strengthened.

## 5.5 Conclusion

TI Finland has 35 members in all<sup>17</sup>, who apart from the two full-time employees of the NC all hold high positions in finance, business or politics. This composition also represents the type of clients who have so far mainly used TI’s service. For the first eight years, the work was done by the voluntary efforts of members or of the board. In September 2011 the NC has two salaried staff answering directly to the board. Since November 2011 only one staff is salaried.

Where the ALAC project aims to involve civil society in the fight against corruption, in Finland this will not be done by setting up a hotline for citizens to call with their concerns and complaints about corruption. First and foremost their offering consists of publications, though there are also discussions, debates and informational events. The primary aims are awareness-raising, consultation and prevention. Most interest in matters of corruption has so far come from business (companies) and from politics (state bodies and institutions, ministers, the police etc.) and less so from the citizenry. TI’s cooperation with state institutions is constructive, and marks the Finland NC’s second, medium-term focus: the participation in and furtherance of structural change by means of policy advocacy.

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<sup>17</sup> State of knowledge: September 2011.

The citizenry's trust in state institutions such as the police, the judiciary and the ombudsman is traditionally high in Finland. Citizens with grievances use the legal channels, which has led to TI Finland's decision not to concentrate on individual cases. Nevertheless, a groundswell of opinion on the topic of corruption seems to be forming in public perception, seeing it as a problem of complex, structural dimensions, which is not reducible to "street-level" corruption (i.e., petty corruption). Recent corruption scandals and TI's work in raising awareness have led to this perception being expanded to include structural corruption. Public perception is also changing in regards to corruption being not merely viewed in terms of the laws on the books (i.e., as legal or illegal), but also in terms of whether conduct is appropriate under the principles of democracy. The central topic for TI Finland is now this hard-to-recognise form of corruption (old boys' networks and a blurred line that entangles business and politics), which mostly plays out in legal grey areas and which is often not open to legal prosecution as a result.

In the future, not only is the scope of activity to be broadened, but TI plans to intensify and build upon its contact with the citizenry. Public debates are planned on the admissibility of currently recognised practices in business and politics in the light of democratic and ethical-moral considerations. Furthermore, concrete issues have been identified which should in the future be treated more strongly as focus areas for thinking about corruption. These topics are:

- lobbying,
- land dues,
- municipal politics,
- corruption in sports (insolvent clubs receive state subsidies), and
- corruption in shore companies.

Regardless of any broadening of its spectrum, the NC itself should remain of a manageable size. Corruption is not the central topic in Finland, and TI Finland should accordingly remain of modest dimensions. "It should not be too big, because corruption is not such a big problem in Finland that we need a big office to fight against it." The requirements for the NC's work should continue to determine how many staff and volunteers are needed, and how many of these should be salaried. At the moment, one or two extra persons would be useful. The current thinking is that these should be volunteers, e.g., students.

A concluding remark must emphasise the particular nature of TI and the ALAC in Finland. Because of its focus on the less obvious aspects of *structural corruption*, and because of the smooth functioning of the legal channels in the country and the high level of public trust in Finland's civic institutions, TI and the ALAC have had to develop their own strategies. This particular way of doing things by no means implies that TI Finland is not needed. There is no

doubt that a TI chapter is needed in Finland, or any doubt that an ALAC, suitably adapted to the particular national conditions, could lead to new impulses and developments.

A high degree of flexibility is required from all concerned, in their conceptual thinking as elsewhere, in order to sound out and develop the concept's full potential, i.e., the necessity of such anti-corruption work and the most effective strategies to be adopted. The Finnish NC's decision to design their ALAC project primarily as a public awareness project with publications, informational events and training is appropriate to the Finnish situation. In this context, the ALAC project was able to develop its particular strengths by building upon the NIS project. While the NIS project had an academic focus, the ALAC project addresses the citizenry. TI Finland may thereby be able to alert a new target group to the topic of corruption.

## 6. The ALAC of Transparency International Hungary

### 6.1 Introduction

The ALAC of TI HU was the fourth of the four start-up ALACs which the research team visited in summer of 2011. The office which TI Hungary now occupies had only recently been rented at the time of our visit, and is not far from the Danube, in Pest near the Margit Bridge. It is in a nineteenth-century building, which houses flats and other offices (law office, bailiff etc.) alongside TI. The building has a street-level entrance. A name-plate by the main door announces the offices of Transparency International. The TI Hungary offices are on the fourth floor. The premises are spacious and well-appointed. There is also room here to offer citizen consultation as part of Legal Aid Services.

In all, four salaried staff (Executive Director, Head of Private Sector Programs, Legal Director, Office Manager) and three volunteers were interviewed in Hungary (one chapter volunteer and two pro bono lawyers). Interviews were conducted in the TI Hungary premises. One interview with a lawyer working pro bono for TI Hungary took place after a court case which we were able to observe thanks to TI's good offices, in order to see how cases are conducted.

### 6.2 Corruption in Hungary

Corruption is a wide-spread phenomenon in Hungary and is present in all sectors of society. At the low level we find, for instance, corruption in the issuing of speeding tickets or related

to violation of other traffic rules. The perception is that such street-level corruption is caused by the low levels of pay for low-level officers, who are, so to speak, obliged to seek additional sources of income in order to make ends meet. Irregularities surrounding pre-trial detention are also seen as low-level corruption.

At the middle level, we find such corrupt practices as high-profile lawyers influencing the outcome of court cases by working with police officers “to obtain information from investigations”. At the top level we find political corruption. We were given the following scenario as an example of judicial corruption: “And there is another type that we research with the liquidation process. Companies are liquidated forcefully because they are insolvent for a short time and other companies try to obtain the assets, machines, and real-estates, etc. In this cases there are judges who are bribed, who assign the liquidator, the liquidator is connected to (...) it is also connected to party-financing, some liquidators are connected to party financing, so the assets, which are forcefully taken from these companies can be given to other companies or can be sold. This is a judicial corruption area we see.”

When we asked staff and volunteers at TI Hungary how they would describe the general mood in the country as far as corruption is concerned, the answer was: “People are fed up with corruption in Hungary and we check any survey, people are really fed up”. Corruption is very clearly perceived as a bad thing by the populace at large. Nevertheless, part of the population baulks at the idea of actually doing anything about corruption by reporting cases and, where necessary, bringing a case to court. The belief is that fighting corruption will lead to a personal disadvantage. Staff and volunteers hear this a lot: “ (...) and when we tell people ‘Look, do not take part in corruption’ they would say ‘Am I stupid when my neighbour, or colleague does the same and gets advantages, why would I not do that? So when we tell them, we should tell what to do and what we can offer to fight corruption is that we can help you.”

This is the point where TI Hungary wishes to get involved with the Legal Aid Centre, to get the message across to people that they do not necessarily incur disadvantages if they want to protect themselves against corruption, and that they can rely on TI Hungary’s support: “We can tell, we have ALAC, and we will help you if you are really fed up. That is our approach”.

When asked what measures are especially important in the fight against corruption the experts from TI Hungary stress that there are certain fundamental conditions which must be in place before the fight against corruption can really take effect. “The basis is that there should be democracy and rule of law to speak about fighting corruption. (...) If you do not have impartial and independent courts, it does not make any sense. If laws can be bought in the Parliament it does not make sense fighting corruption. So there are some minimum criteria.”

They take a cautious view of the work of the anti-corruption body which is charged with keeping a check on state bodies and institutions: “In some countries there were anti-corruption bodies, if they are too strong, then they are killed by the politicians, if it is too weak, it just does not work. So I think police and prosecution should do a good work, but the individual prosecutors and investigators would need more autonomy in their decisions, which they don’t have. I think in many cases there should be investigations. The police are very much more controlled, than the prosecution that is the Hungarian criminal procedure; they cannot go after cases without close control of the prosecutors.” TI Hungary considers that for the fight against corruption to see success in bringing cases to court, and in winning them, then the prosecuting authorities will need to authorise more investigations.

### 6.3 TI Hungary: History, Concept, People

At the time of the visit, the Hungarian chapter has existed for five years. It is TI’s second Hungarian chapter. The first chapter was founded in 1996, but was dissolved in 2005 because of “financial and management problems”. The current chapter has existed in its present form since 2007. It was registered in October 2006, and had status of a “Chapter in Formation” from 2007-2009. In 2009, the chapter finally became a full member of Transparency International.

TI Hungary has the legal status of a foundation under Hungarian law. For tax purposes, TI Hungary is a Non-profit Foundation. The Hungarian chapter finances its work from various sources. The European Commission is the single largest donor to the annual budget. Various embassies also contribute smaller sums. TI Hungary also receives public funding from the National Civil Fund (“one or two per cent of the annual budget”), and further funding from private foundations such as the Trust for Civil Society in Central Eastern Europe or the Open Society Foundation. Private-sector business also supports their work through the Corporate Supporters Forum and through individual business donations. Additionally, the Hungarian populace at large supports TI Hungary directly through designated taxes: “We receive one per cent of tax – you might know, that in the system in Hungary we can assign one per cent of your income tax to NGOs and another per cent to religious communities. So we can receive these supports. Not a significant amount, but still it is important.” TI Hungary also receives funding for a whistleblower hotline which is provided exclusively for one of the larger insurance companies (Axa).<sup>18</sup>

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<sup>18</sup> Providing a whistleblower hotline was also offered to all members of the Civil Society Fund (CSF) but only one of them contracted.

Alongside the Legal Aid Service, TI Hungary's main fields of work are in research, public awareness-raising and education. Let us look at research first, since this is the basis for all the other fields of work. Solid knowledge about the most burning issues in Hungary is the necessary precondition for evidence-based, well-organised and consistent Advocacy work which will not miss the target but will, rather, fall on fertile ground. To this end, TI Hungary has carried out a NIS as the basis of its operational work; this is not peculiar to TI Hungary, but is standard practice in worldwide.

On the basis of TI Hungary's NIS, the TI working areas are derived, and these comprise the following areas where corruption is particularly virulent: "First, above all, the party and campaign financing, public procurement, judicial integrity and the work of investigative authorities and prosecution, freedom of information, whistleblowers protection, business sector and municipalities." TI Hungary then develops strategies that take account of these areas to plan how targeted actions may best be financed and implemented. These actions include such diverse areas as training for judges ("there is a national academy for judges where we were invited to hold key presentations to judges"), police training ("in two weeks' time we will go to Csopak, a small city, where police officers had a two-days training") and including students in the work of an anti-corruption NGO ("We also take part in the legal clinic, so we have students from the legal faculty, where they have seminar of freedom of information, they come here and file information request. So that is also education").

Public awareness occupies a particularly important place. Alongside numerous media appearances, the Anti-Corruption Day (9<sup>th</sup> December) is especially an occasion for awareness-raising events and activities. In 2009, there was even a short film festival organised as an anti-corruption festival: "We were quite successful with advocacy, and that also meant that on 9th December, we organized a festival, in 2009, the anti-corruption day, there were short film on the festival 1-2 minutes to raise attention to fight corruption, there was a prize for the 3 best short films, and there was a big celebration, or a big award ceremony, where the prime minister gave the prize to the winner together with one of the ambassadors who partially sponsored this event."

TI Hungary describes the governmental style of the current Hungarian government as fundamentally weakening the rule of law and attacking on the independence of main control institutions, thus its relationship has changed towards the current government compared to the previous one. This causes some difficulty for TI Hungary's Advocacy work; it is not more difficult to submit any criticism that they may have about the rule of law, or any suggestions they may have about amending the laws, to the competent authorities. TI Hungary's CEO adds that: "A significant part of our work is advocacy, evidently it [= the current government] makes advocacy much more difficult (...) it makes more difficult to cooperate with the



government, when we raise fundamental questions, we think the rule of law has to be preserved (...) we give comments on the new constitution, we were very critical, we raise our concerns, that the independent institutions were occupied by party affiliates, so we were very critical. The same time, to achieve something, we need to give, and we need to keep, or maintain partnership with the government and try to cooperate with them as it is one of our guiding principles and it is also needed for practical reason. It is not easy to do both at the same time.”

Thus, TI Hungary’s Advocacy work is caught between criticising constructively the government and cooperating with it. It is a great challenge for TI Hungary to maintain this balancing act. TI is prepared for the task to the extent that Advocacy is possible even without the government’s cooperation, for instance when lawyers working for TI Hungary comment and submit opinions on new laws.“ As we usually do, when there is a new law, we write an assessment of the law, on the draft law, we send it to the lawmakers, and we send a press release out. And then, the media needs somebody to give an opinion, it can be a prime-time news program, 20 seconds, or it can be a discussion program on the radio or television, or it can be a weekly, daily (...) everything.”

There have been major changes in how TI works together with the media, given that the new government has made deep inroads into Hungary’s media landscape. While the state had created a climate of self-censorship which prevails in the major newspapers and television channels, the government brings enormous pressure to bear on smaller newspapers and on independent internet portals: “What the government does: they don’t advertise anymore in these newspapers, which means not the government itself, which wouldn’t matter, but state owned companies. They also strongly – not openly – discourage private companies to advertise in the media: if you advertise there, maybe you won’t win in a public procurement or your license would not be renewed, or other troubles may happen, we don’t know, but there is a risk. So in that way the private media is in serious troubles having advertisements”. In the first place, the government sees to it that the independent media has its sources of funding cut off, where these are principally advertising revenues. In the second place, we heard rumours that individuals who hold important positions in these independent media have been subject to personal pressure. However, the most damaging effects for the independence of the Hungarian media come from the new media laws which came into force on 1<sup>st</sup> January 2011, and which allows massive state intervention in the press and into freedom of expression.

It is central to TI Hungary’s perception of itself and its mission that they see themselves not as a pro-democracy NGO, but rather as an anti-corruption NGO, and this also informs the stance they take towards the present Hungarian government. “We cannot go to that direction that TI Hungary will be a general pro-democracy movement or a pro-democracy NGO. Our profile is

to fight corruption, and we should raise our voice or raise issues which have relevance with corruption.” TI Hungary sees democracy as a pre-condition for any successful fight against corruption, but they nevertheless concentrate on working on a case-by-case basis to win this fight. We might interpret this stress on the anti-corruption aspect rather than a pro-democracy angle as an attempt not to see all contact to the government break off, despite the adverse circumstances of current government’s rule.

The strategy for the coming years is primarily focused on public awareness, research, education and building basis of committed individuals: “What we should focus on: one part is to retain a professional attitude, which means that we have very good colleagues, who can really analyse laws and can do researches, can understand what is going on and give this knowledge to the media. There are directly interviews for helping journalists to understand, to give them input, and the same time helping embassies to understand what is going on in Hungary or international bodies to analyse and give information. That is how we retain the professional character. At the same time we should build up an individual supporter basis: who likes us, who knows what we are doing, who agrees to fight corruption, and to themselves fight corruption, and in the long run we should also raise some funds from individual supporters, not only wealthy people, but it would be good to have some everyday people, that fight corruption and support us. That would be important.”

TI Hungary’s organisational structure consists of an Executive Director, appointed directly by the Chair of the Board, and the board itself, currently made up of five persons. The TI Hungary board includes a professor from Central European University, whose research focuses on the topic of corruption – she is the current Chair – two journalists and two representatives of business. The TI Hungary board meets every six weeks or so to decide on strategic priorities, but does not give concrete advice on TI’s day-to-day work and the problems that crop up. Additionally, board members act as high-level representatives at different events. As well as the Executive Officer, there is staff employed on full-time and half-day contracts, and numerous volunteers, most of whom are law students.<sup>19</sup> The paid employees largely have law or social science degrees.

## 6.4 The TI Hungary ALAC

The Hungarian ALAC is called “Jogsegélyszolgálat”, meaning Legal Aid Centre. The service uses the slogan Merj Tenni (“dare to act”) in public relations. The aim here is to encourage

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<sup>19</sup> On the current organisational structure and membership of TI Hungary available: [http://www.transparency.hu/ORGANIZATIONAL\\_STRUCTURE](http://www.transparency.hu/ORGANIZATIONAL_STRUCTURE)). Last accessed: 1<sup>st</sup> December 2011.

the populace to take part in the fight against corruption at the personal level.<sup>20</sup> Citizens who encounter corruption in their everyday lives may turn to TI Hungary for support of various kinds to assess their case and where feasible, bring it to court. The aim of the Legal Aid Service is “to provide people enough capacity, to act upon their own principles against corruption.”

TI Hungary’s Legal Aid Service offers the following services:

- A website with information about corruption as such, and about who to talk to in specific situations (competent bodies and areas of responsibility).
- A five-question quiz to help establish whether an encounter or experience is actually a case of corruption.
- A telephone number and e-mail address for citizens to get in touch with TI Hungary.
- Legal Aid: Free, personal legal advice from a pro bono lawyer, also including drawing up petitions and other documentation (only for cases of corruption).
- Legal Representation: TI lawyers will represent clients in court (only when a case is in the broader public interest).

The Merj Tenni service has been offered since early 2011. TI Hungary’s Legal Aid Service is offered to anyone in Hungary who encounter corruption and would like to know more about how they might best proceed. Often citizens are unaware that their complaints in fact have nothing to do with cases of corruption. “Since January we had about 60 reports, most of them have nothing to do with corruption, in some of them people suspect there is corruption behind it – sure there is – there is a court decision where there is always a winning and losing party, the losing party feels that decision was unjust, there must be corruption and in some cases I would say there is corruption or at least transparency issue so for those cases it is worth doing the ALAC, the others when it is not corruption related either we can help them because it is easy to answer, people do not have legal knowledge and they do not know where to go when they have a legal question, sometimes it is easy to answer, sometimes we refer them to other NGOs dealing with domestic violence or patients’ rights or other issues and we can refer to them, sometimes it is really, it not even a legal issue.” Or as another staff member described it as the first cases began to come in: “We got absolutely no corruption cases but personal tragedies”. Additionally, some of the cases that were reported came from “holy crusaders”, while others were based on convoluted conspiracy theories.

TI Hungary has a two-stage selection process to filter out the cases which actually have nothing to do with corruption. In the first instance, citizens should take the test on the dare-to-

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<sup>20</sup> Available: <http://www.merjtenni.hu>. Last accessed: 1<sup>st</sup> December 2011.

act website, which sets five questions and at the end gives information on whether there is a case of corruption to be addressed.<sup>21</sup> In the second instance, citizens who find that they have indeed encountered a case of corruption should get in touch with TI Hungary in writing. “We have the main website where you can also find our e-mail address we just try to channel this or that e-mail address, so e-mail and lot of times they call us then we tell them [it is] easiest if you write down on not more than one page what the story is, whether we can help you, because on the phones it is not that easy to understand all the details.”

Thus on the one hand the process of writing out the case helps citizens to put their thoughts in order, and on the other hand it helps TI Hungary’s lawyers to assess the case at hand and give an opinion. If a case seems suitable, the next step is that the case is read by volunteers. (“What we try is to involve law students, a lot of law students because a huge part of the work is very routine”). The volunteers prepare a summary of the events in the case, and a proposed solution, and then discuss their work with one of the lawyers who work with TI Hungary. In particularly serious cases that have a broad public interest dimension, TI Hungary also offers Legal Representation, i.e., it will represent clients in court.

So far there have been no instances of such Legal Representation of ordinary citizens, only of journalists, meaning that TI Hungary has not yet taken classical corruption cases to court as none of them has reached that level which would have required or was fit for seeking legal remedies in court. We were told of an example case of a journalist who had brought a case under the Freedom of Information Act: “The journalist requested information in a possible corruption story, he could not get it and he sued the Office of the President of the Republic.” TI Hungary found the case interesting and offered the journalist free Legal Aid, in return for which the journalist has mentioned TI Hungary in his articles. This is a win-win-situation, in which one partner receives free legal advice and TI Hungary receives free publicity. It should be noted here that while Legal Representation is possible in principle, TI Hungary is not strongly interested in representing people in court but rather sees its Legal Aid as a self-help tool and selects cases of strategic litigation. Citizens are given the help to take action on their own behalf, and to solve their own problems. TI Hungary’s pro bono advice from lawyers is an effective instrument to bring citizens into the fight against corruption, as is the online, publically accessible information on how to become active against corruption.

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<sup>21</sup> Available: [http:// www.merjtenni.hu](http://www.merjtenni.hu). Last accessed: 1<sup>st</sup> December 2011.

## 6.5 Conclusion

The future of the Legal Aid Service is tied to three goals: a) to help people, b) to change the system through advocacy, and c) to collect expertise. The last point is given particular weight: “I think the core task of the legal aid service is to go for those from whom we can get the information from (sic) for our work.” However, at the time of the interview, it was not possible to make any meaningful statement about the evaluation and assessment of the statistical data: “We need more cases to see the lessons.”

The ALAC project’s educational effect is felt to be an impact factor: “I think the ALAC has huge potential. It just, what I saw, is that not the actual cases are the most important part right now, but disseminating information. So I think the website that is there is very important, because most people do not really know where to turn to and what to do. They have it on the website and they can go there and we can say that you can go there. It is a very important achievement.” For this reason, it is important that ALAC’s internet resources on the Merj Tenni website be expanded, updated and properly maintained.

The ALAC is already tightly integrated into TI Hungary’s communication strategy: “When we plan, we always plan with the ALAC, and when we plan with communication and how to expand our name or brand or just to get to people, ALAC is the most important part actually”. The aim is that the citizenry should become yet more aware of the ALAC project. TI has a Global Strategy planned to run until 2015, with the aim of mobilising more people against corruption (“to engage people”).<sup>22</sup> The Global Strategy has an associated Global Campaign in which TI Hungary is taking part. “And there is a Global Campaign where there are five pilot countries. In Europe Hungary is the pilot country. So to engage people, the slogan of the campaign is ‘Time to wake up’. So what we do is, we do this ‘Time to wake up’ campaign and we connect it to the ALAC, that ‘Time to wake up’ and ‘Dare to act.’ So the two messages will be connected.”

Connecting the “time to wake up” and “dare to act” campaigns will lead in the future to a higher public profile for TI Hungary, to be secured by a stronger media presence: “We have an international, we have a short film which is the same internationally. We will have a Hungarian film, we will sit down with editor-in chief of major media companies or owners of media companies, even the government (...) That companies want to fight corruption I think, so we want to involve them and have films broadcasted and have the posters, logos, banners etc. in print and online media so that is what we do (...) Huguette Labelle will come here and will launch the whole Global Campaign in Hungary so we want to have a huge media

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<sup>22</sup> Transparency International (2011): Strategy 2015. Available: [http://www.transparency.org/files/content/ourorganisation/TI\\_Strategy\\_2015.pdf](http://www.transparency.org/files/content/ourorganisation/TI_Strategy_2015.pdf). Last accessed 1<sup>st</sup> April 2012.

attention and there the message will be: ‘Alright, wake up’ but what to do would be, you can fight corruption and we will help you.”

TI Hungary’s Legal Aid Centre has a key position here in constituting a sort of civic community made up of all those who want to act against corruption in Hungary. Given that freedom of the press and freedom of opinion continue to suffer restrictions in Hungary, the information and advice which TI Hungary offers to citizens are indispensable contributions.

## 7. The ALAC of Transparency International Lithuania

### 7.1 Introduction

The Lithuanian ALAC was the third of the four new ALACs which the research team visited in the summer 2011. The TI Lithuania office is centrally located in the national capital, Vilnius. Other NGOs also have their offices in the building along with the TI Lithuania office. The office is easily accessible to the general public. There is a concierge on the ground floor. The main doors are not locked. The building is a renovated example of older architecture, and the TI premises are in the top floor. Brochures and leaflets on the topic of corruption are available in the lobby to the TI offices.

At the time of our visit, the ALAC was in a consolidation phase. During our time in Vilnius, we conducted four interviews with permanent staff of TI Lithuania, these being one project leader and two project coordinators. Thanks to TI Lithuania’s kind initiative, we were also able to conduct a group interview with the head of the Administration Department and the head of the Public Relations Division of the state “Special Investigation Service” (SIS).

### 7.2 Corruption in Lithuania

As we heard in all our interviews, corruption is a familiar topic in Lithuania and much discussed. Petty bribery and street-level-corruption are a normal part of people’s everyday life. Thus, patients pay doctors to be sure of receiving good-quality care and treatment. Civil servants can expedite paperwork and cut through red tape, for the right money. The police will refrain from writing out a parking ticket or imposing a fine for traffic violations, and simply issue a caution – for a price. Driving licences can be bought for money, as can judicial findings. Nevertheless, the citizenry knows perfectly well that though these practices may happen every day, they are hardly legal. Despite this insight, bribery, venality and nepotism

reach into the highest echelons of politics and the economy, and are simply part of how things are done, at every level.

Although political discourse of all kinds denounces corruption and pledges to fight against it – certainly under pressure from the EU – it has not yet proved possible to ban it from everyday life. The state Special Investigation Service (SIS) plays an important part in the official fight against organised crime and corruption. The SIS focuses mostly on prevention, raising awareness and providing training, rather than intensively on investigating and prosecuting concrete cases of corruption. These preventative measures above all take the form of suggestions for legislative change and of developing and implementing national anti-corruption programmes.

The Lithuanian media also have the reputation of being open to corruption and easily cowed, with a very few exceptions. Although there is an attempt at correcting the situation with a Lithuanian Journalists' Ethics Committee. So far, however, this committee can impose no legal sanctions.

Our interview subjects named the following fields and common forms as especially characteristic for corruption in Lithuania:

- media
- health system (patient to doctor, public officials to doctor, public procurement)
- judicial system
- land
- public procurement
- pharmaceutical sector
- police
- nepotism
- bribes

Every citizen must work actively to create a new pattern of everyday behaviour to put a stop to the lowest level of corruption, street-level bribery and venality. Nevertheless, there is a widespread feeling of civic impotence, which stifles any impetus and sense of initiative. This is caused by a lack of knowledge about how a (democratic) state really functions, by a lack of experience with the rights and obligations of democracy, and an absence of everyday examples and behavioural role models. This feeling that the individual can achieve nothing in the impenetrable thickets of state bureaucracy is a major obstacles to the development of a functioning democracy in Lithuania.

### 7.3 TI Lithuania: History, Concept, People

The NC of TI Lithuania has been in existence for eleven years. We can discern three distinct phases here, based largely on changes in the composition of staff and volunteers. While the founding generation (ca. 2000/01) was mostly made up of sociologists and criminologists who provided the academic research base for the NC's work in corruption perception, the second generation of TI Lithuania (ca. 2006/07) had been trained as journalists and focused mostly on public awareness work. This mostly meant an awareness raising phase concentrated on public perceptions of corruption. The current and third generation of the NC consists very largely of staff and volunteers with legal training, and puts advocacy at the top of their list of priorities in the fight against corruption. Building on previous experience, it has become obvious over the course of the years that if there is to be permanent and sustained change, this must take place at the structural level. Public awareness work is not in itself enough to bring about palpable change, but there must instead be concrete suggestions and consultancy work about legislative developments, about traditional patterns of behaviour and about currently recognised practices.

The overarching goal of the Lithuanian NC is lasting structural change. As well as its concrete legal initiatives, TI Lithuania offers a platform for information, discussions and public engagement. This platform is to provide access to expert knowledge (e.g. research projects) but is also to serve as a tool for democratisation, connecting people from various backgrounds so that they may jointly proceed against corruption. This expert knowledge is compiled or developed via research projects, among other means. However, part of the research (especially polling) is no longer conducted by TI itself; rather it is delegated to sociological research institutes. These projects are financed by various donors, most of them companies. The opportunity to support anti-corruption research is particularly attractive for many companies thanks to TI's close cooperation with the media. "Because we'd go out and we'd make press release and comment and make references, so it makes sense for companies to engage in that kind of work with us."

For instance, one of these projects is the Lithuanian Map of Corruption.<sup>23</sup> This project looks at various sectors of society (both public and private) with a view to their experiences and perception of corruption. Another research project, for example, looks at corruption in the country's media sector, particularly at transparency, accountability and answerability.

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<sup>23</sup> Transparency International Lithuania (2008): Diagnostic research. Lithuanian Map of Corruption. 2008. Available: [http://www.transparency.lt/new/images/Lt\\_map\\_of\\_corruption\\_2008\\_en.pdf](http://www.transparency.lt/new/images/Lt_map_of_corruption_2008_en.pdf). Last accessed 1<sup>st</sup> October 2011.



Media corruption is a significant problem in Lithuania. Among other projects, TI organises monthly training sessions with well-respected veteran journalist and broadcasters who discuss problems, strategies and their experiences as experts and insiders. Here, TI acts as the platform which enables and facilitates expert discussion, makes contact (on the international scale as well) and thus helps along the process of democratisation. At the same time, TI can take the initiative with their own conceptual work as experts on corruption, for instance by speaking out for a binding professional code of conduct, while leaving the exact content and details of such a code to the sector's own professionals and experts.

TI Lithuania seeks to build up its public awareness work by appearing regularly in the media and by publishing material on various matters to do with corruption (e.g., whistleblowers, the Freedom of Information law, concrete cases of corruption, etc.). They also seek to encourage citizens to take an active part in the fight against corruption. These aspects should be central in the ALAC context. By building its online platform, where citizens can exchange information *with one another* and with *experts* (the ALAC), TI Lithuania is adding another tool which directly serves its central goals.

Over and above this, there is also the possibility of bringing concrete cases to ALAC staff to receive appropriate legal advice. At the time of our visit and interviews, about two “substantial” enquiries are received per week which required further advice and consultation. However, legal advice and citizen consultation are not the top priority. Legal advice is certainly offered, and cases are referred to appropriate quarters (be these institutions, lawyers, the media, etc.), but above all it is the data bank which serves the goal of increased citizen participation and lasting change. It is hoped that with the help of this data base, it will prove possible to recognise the really problematic areas, and draw up suggestions for structural change accordingly. “But, with the formalization and structure and having the instrument, that's kind of the whole idea to be able to advocate. If you do receive reports on one single issue every day, for instance, that's something you can get back to later and say 'listen, there is something wrong there'.”

Together with the Mykolas Romeris University, the NC organises its summer school once a year. This is a week-long series of lectures, seminars, round-table discussion, etc., offered by experts from TI and the anti-corruption movement. The event is aimed at an international audience, broadly speaking a more highly educated target group. Participants from the most recently organised summer school came from over twenty different countries. One quarter were PhD students. Of the seventy students taking part, only five came from Lithuania; in point of fact, there were also several Lithuanian students present as tutors, thus not officially registered as participants. The summer school is an educational event which also offers the chance to form contacts, and the NC can moreover use the media brouhaha surrounding the

event to draw attention to itself and to the topic of anti-corruption work. It was thus extremely helpful to TI's public prestige that the President of the Republic opened the summer school and that media interest was accordingly high. The summer school was financed by several donors; the Finnish Embassy, the US Embassy, the Nordic Council of Ministers and TI.

TI Lithuania's goal in its work lies in structural change, whereby it also understands a shift in perception, behaviour and public attitude. Seen from this point of view, education and public awareness work are fundamental tools with which to understand the nature of the state, of democracy, one's own role and lastly to understand corruption. TI Lithuania makes a point of bringing this idea to the youngest generation of citizens as well, instituting its kid school tour. As part of this project, TI staff visits school classes, show films, talk about corruption and at the same time try to collect data and form an idea of how children and young people think about the state, democracy and corruption. As external funding there was only received a small grant from the French Embassy from September 2011.

Both of the pillars of the ALAC project are observed in Lithuania (advocacy and legal advice), but they are not accorded equal weight. The long-term focus is unmistakably on structural change via advocacy, making this the real purpose of the project. Here legal advice is consciously used as a data collection tool to discern problem areas and translate these data into suggestions for structural change – or at the least, staff and volunteers expect the project to serve this purpose. So far (before the ALAC), interest was restricted to individual, concrete cases, since there were neither resources for systematic data collection at hand, nor did TI have the technical expertise or the legal status for such work.

Furthermore, other initiatives and organisations in Lithuania already offered citizens' advice and legal advice services, of which the populace made use. TI Lithuania was already involved in the following structural (advocacy) initiatives:

- a whistleblowers' protection law
- a national anti-corruption strategy
- the Freedom Of Information law.

The inclusion of legal advice as a service offers also tends to reinforce civic trust in democratic participation. The guiding idea here is to increase citizen participation in shaping the country politically, morally and practically ("empowering the people"). It is for this reason that the NC sets such store by developing an online platform to bring citizens together and connect them. "We are one of the leading chapters when it comes to e-democracy and transparency tools online".

Given the great variety of services offered, the target group also varies by project. The underlying idea holds that all services are offered to civic society at large. By contrast, most projects are aimed at a very clearly defined group profile which might be any one of a number of different civic society groups. Training sessions for representatives of the media aim at the public sphere. The school tours serve to educate schoolchildren and young people. The summer school is aimed at undergraduate and graduate students, politicians and (future) trained activists in the anti-corruption movement.

Thus TI's action and initiatives mostly reach the educated classes. This is shown in the characterisation of the NC's general client-type (even before the ALAC was introduced). Such a client is described as interested, already informed and generally well-educated, although of course from time to time there are enquiries from citizens who do not know what exactly corruption is, or how a case proceeds under the rule of law.

Media appearances (on the radio and talk shows, in interviews and so forth) on concrete topics such as whistleblowers or the Freedom of Information laws lead to increased public interest. The number of enquiries received always rises significantly, even if only in the short term, after such appearances. For this reason, every opportunity for a media appearance is grasped in order to sustain this public interest. The ALAC project takes over at exactly this point. By providing an online platform (as an internet community) as part of the ALAC project, the target group is broadened to the extent that every citizen in Lithuania has both the chance and the encouragement to take part in a movement that matters to the public at large. Whether or not there is an individual problem to deal with, corruption becomes everybody's concern. In this sense, each and every member of society is called upon to take part in – and be part of - democracy. “This is precisely the reason why we chose this model. And we hope that by the end of this project phase we will have an instrument that will have the best shot at mobilizing as many people as possible than any other instrument that we would have chosen.”

TI Lithuania has various links to other organisations, both governmental bodies and NGOs. TI has had an excellent and constructive relationship with the SIS for several years now. For instance, in the matter of whistleblowers, SIS and TI have been working hand in hand against all opponents, despite small differences in content. Since such cooperation began, whistleblower protection has come up every time on the agenda for the state anti-corruption programme: A major success for TI Lithuania.

Relations with other state institutions are somewhat less lively. Nevertheless, it has been possible to establish a good, professional working relationship with a number of ministries. Both the Justice Minister and the Finance Minister took part in the summer school. TI staff members are certainly taken seriously as anti-corruption experts, and are involved in official

discussions. Nevertheless, acknowledgement of the problem at the political level often remains mere lip service. TI themselves also feels that their motivation to cooperate with state institutions is primarily based on the need to be involved in the legislative process. TI Lithuania refrains from protest actions directed against the government, in the interests of a more cooperative relationship: “but we definitely need to cooperate, because we are not the ones passing the laws – they are passing the laws. We just want them to think what we think. That's why we have to cooperate, that's why we don't go to streets and protest.”

Whistleblowing has been a central topic for TI Lithuania since 2009. Here TI is above all concerned with creating a legal framework for whistleblower protection, and they have had some success. “We actively work on whistleblower protection for the last 2.5 years. So we have been seen in the media as advocates for whistleblower protection, and we also advocate for the new law.” As part of this engagement, the NC has developed its own separate website, which not only provides information (awareness-raising, campaigns, publications, initiative etc.), but also encourages visitors to the webpage to get in touch with TI. This is one of the NC's best-known projects. Numerous media appearances and statements on the topic seem to have slowly created a public frame of understanding for the concept of whistleblowing. Opening the ALACs may improve public readiness to become active as whistleblowers – at least, this is what staff and volunteers hope.

The board of TI Lithuania is made up of five members, all of whom are highly placed in their respective careers. They come from different walks of life, between them covering the following fields: the media (TV3, Baltic News Service, a political non-profit journal), finance (Bank of Lithuania), advertising/PR (Integrity PR), and the private-sector economy (business-support-agencies, one of six agencies financed by the EU).

The board may be understood as the NC's upper echelon, the strategic management which in particular fulfils a governance function. It meets officially twice a year, and from this perspective, it is not involved in the day-to-day work of the Chapter. Nevertheless, the five members of the board are constantly in touch with one another and with the operational part of the NC. There is a constructive and fruitful working relationship both within and beyond the board. Former board members continue to be consulted on the basis of their experience, and are thus involved in the current work of TI Lithuania.

Apart from the occasional sums of money which it can earn from consultancy work and training, TI Lithuania's finance strategy is based on a quantitative range of funding sources and on forming long-term relationships with the various donors. This strategy not only reduces dependence on individual sponsors, but also minimises the effect of financial fluctuation. “We have about 20 – 25 financial sources every year and make sure that is very

diverse sort of set of funding to ensure independence and greater sustainability.” For instance, while 20-25% of income came from consultancy and training (social service) before the financial crisis, in 2011 this had fallen to 5-7%. The European Commission financed about one-third of the 2011 annual budget as part of the NIS, ALAC projects and as part of a project on public procurement (together with OLAF<sup>24</sup>). International foundations contributed another third of total funding, for instance the National Endowment for Democracy (NED), the Black Sea Trust and the Open Society Institute. The final third was donated by international diplomatic representatives and embassies on the spot, including those of the USA, England, Finland, the Netherlands, Denmark and the Nordic Council of Ministers.

## 7.4 The TI Lithuania ALAC

The proposal of integrating an ALAC into the NC’s work and its approach has been discussed for several years now within TI Lithuania. At the time of writing, the ALAC Lithuania is in a phase of consolidation, where the present priority is to refine and implement the basic strategy. Unlike in many ALACs, the Lithuania ALAC does not solely provide legal advice to individuals and the citizenry. Rather, Lithuania emphasises the idea of bringing about structural change by seeing that civic society, the citizens themselves, take an active part in the political process, and also become more aware of political affairs (i.e., empowering the people). To this end, among its other projects the NC is also taking the time to develop an online model, intended to serve not only as a networking tool, but also to collect and visualise data. This instrument could connect citizens to one another and to the sources of information that they all can use, since “an electronic or internet-based model was precisely thought out for this reason, to kinda build this internet community. One reason, it would be public for everyone and the advice that we would give would stay on-line for anyone to see”.

On the one hand, the ALAC is to provide an (electronic) platform that can connect the citizenry. On the other hand, citizen concerns (reports on alleged cases of corruption or bureaucracy and inquiries about procedures and regulation) and communications are to be taken up and translated into suggestions for structural change or improvement, which will in turn reinforce democratic citizen awareness of their own ability to bring about change. For this to happen, the experts from TI and the ALAC have a vital role to play. The ALAC should also, in the final instance, act as general mediator, for instance taking charge of referring cases to the competent authorities or organisations, to lawyers, or in certain cases to the media.

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<sup>24</sup> European Anti-Fraud Office (OLAF).

There are several reasons for such an emphasis within the ALAC project, all of them to do with the particular situation in Lithuania. Thus, for instance, there are already other organisations and initiatives which reliably provide services for straightforward citizen advice and legal advice. Further, cases of corruption can be referred to the SIS for prosecution and investigation. Lithuanian citizens make full use of these resources. Given these country-specific preconditions, the TI/ ALAC Lithuania have resolved to use its expert knowledge not only directly, for advice to individual citizens, but also in a longer-term sense by operating on the structural level. The internet has a particular role to play in such work.

In general, it is impossible to make a clear distinction between the work of TI and the work of the ALAC in Lithuania, since the fundamental concepts and strategies are tightly intermeshed. Various tools are used to work toward a common goal, this being lasting change at the structural level. For instance, the aim of strengthening citizen confidence in democracy runs in parallel with a public awareness campaign offering support and encouragement to potential whistleblowers who could draw public attention to abuses, even if these do not affect the individual concerned directly.

So far, TI Lithuania can be contacted via the national homepage, via another website which the NC has set up on the topic of whistleblowers, or by telephone. The name Transparency International is translated into Lithuanian on the homepage. At 2011, the ALAC does not have its own website or its own telephone line, though both are planned for the future.

Even before the ALAC was instituted, the Chapter's presence in the media and contacts in the sector were used to appeal to citizens to get in touch with TI and to highlight the topic of corruption. Similarly, the NC has been working with individual lawyers for at least three years now, or has made a point of finding staff and volunteers with legal training to offer advice on matters related to corruption. We might say that a new development is the systematic effort to talk to the citizenry as the primary target group, with a predominantly intellectual and academic focus. Equally new is the chance to collect and analyse data in a systematic fashion. So far no concrete data have been gathered during the course of legal advice sessions, both because there is no systematic instrument at hand and because TI Lithuania does not have the requisite legal status. "Since we are not yet legally established as personal data controllers, we cannot collect any personal data." The focus on the internet platform is also a recent development and serves the purpose of reducing dependence on staffing and finance. "Yes, obviously you will have to have people behind but our logic is to be as little dependent on people as possible and to minimize the costs of running."

There are between two to four full-time employees working for the ALAC, all of whom have studied international or national law at least as a part of their degree. Alongside an executive

director and one project leader, all other posts are designated as project coordinators. Staff either knew of TI Lithuania from working together with them on a previous occasion, or applied to work for them on their own initiative. At least two of the three project coordinators do not work on the ALAC project exclusively, but also have other ongoing projects. Contracts generally run for six or seven months, depending on the project. Along with these full-time employees, the NC/ALAC also regularly employs student interns for three months at a time, who provide valuable assistance even if they do not work directly with the citizenry. At the time of our visit, there were two full-time interns and one part-time intern at the NC. The board does not play an active role in the day-to-day work, but functions instead as a strategic coordinator.

Staff and volunteers see themselves as corruption experts who sustain the reputation of what is probably one of the best-known NGO in the country by their excellence, their professionalism and their specialist knowledge, and they intend to bring about real change through their work. For instance, although interns are chosen using stringent quality standards, their role does not bring them directly into contact with the citizenry at large, since TI's reputation must not be compromised and the client expectations based on this reputation should not be disappointed. "We are a high-profile public advocacy NGO, and anything we do has to be of best quality. That does not mean that those people cannot deliver, 'cause they are of very good quality when they come in, but it is the risk that you do not want to take."

Nevertheless, it is just as important that staff and volunteers have a relevant educational background as it is that they believe that corruption is a relevant, urgent topic. In general, it is clear that staff and volunteers are convinced that they are themselves among the best-trained and most capable in the country, and also believe that their elite status obliges them to use this privileged position to serve democracy and the public at large. Personally and professionally, they are driven not just by the intellectual work of research, training and public awareness, but by the desire to bring about real results at the political level and in the way people behave in their everyday civic interactions.

## 7.5 Conclusion

TI Lithuania has been in existence since 2000/01, since which time it has changed or broadened its emphasis several times. While the focus at the state was on research, and then later on public awareness work, currently their sights are on change at the structural level – on advocacy. TI works on the assumption that in a democracy, such structural change can be achieved both by consulting in the legislative process and by strong citizen participation. The TI board is made up of five members, all of whom have achieved high positions in their

chosen fields. Members come from various walks of life, ranging from media to finance to the private sector. In order to remain independent, the NC draws its financial support from numerous different donors (including the EC, international foundations and international embassies).

The ALAC project is currently in its very early stages, and it is thus difficult to separate it from the rest of the NC. Legal Aid is currently part of the services offered, and will certainly remain so, but it is not intended that this will be the centre's main focus. The ALAC should offer an (electronic) platform whereby citizens can get in touch with one another and to the experts at the ALAC. Citizen concerns and communications should be taken up and translated into suggestions for structural change or improvement, in a synthesis of systematic data-gathering and (legal) expert knowledge from the ALAC. Thus, the driving idea of the ALAC is a mixture of advocacy and empowering the people, with the offer of legal advice fulfilling an important function in both respects.

The NC offers many different kinds of services, and targets each of these at any one of a number of equally different target groups. The offers include research findings, publications, training, educational provision and informational events. The annual summer school represents a particular point in TI Lithuania's programme. Furthermore, the Chapter, and in particular the ALAC, is available for consultation on specific legal questions to do with the topic of corruption.

At the structural level, TI Lithuania participates in various discussions and initiatives, particularly in shaping legal protection for whistleblowers. The exact form that this legal protection will take is one of the NC's main projects, as is raising public awareness of the topic of whistleblowers. To this end, for instance, a dedicated whistleblower website has been developed. TI Lithuania hopes to be able to increase citizen participation through the ALAC, especially when it comes to whistleblowing.

Bribery, venality and nepotism are part of everyday life at all levels in the country. Thus, corruption is no secret, and has long been a topic of public debate. The populace at large, however, is sorely lacking in trust in the democratic structures, and in knowledge of how to make its voice and its vote heard. Here, the ALAC has important services to perform. Increasing civic society participation could reinforce democratic self-awareness.

Our final remark here will be to point out, once more, the great variety of services which TI Lithuania offers. The NC's serious intent and professional strategy are evident in the variety of projects, all aimed in their different ways toward one common goal. By concentrating on citizen *electronic networking strategies*, the Lithuanian ALAC is not merely using a modish



set of tools. Over and above this, it is aiming for a crucial target (i.e., citizen collective awareness and self-awareness). Lasting political change requires that citizens become both politically and culturally aware that they are all in it together.

## 8. Results

The ALAC approach is designed to meet distinct historical, socio-economic and cultural conditions and other specific needs in different countries. It is a dynamic instrument for increasing citizen participation in the fight against corruption under diverse circumstances. The core task of the ALAC approach is to support citizens who have witnessed corruption or become its victims, by offering them information and legal advice. Thus citizen participation in the fight against corruption is tied to public awareness work, when citizens are informed of the options they have in regards to taking a stand against corruption.

The ALAC has added to the range of options open to citizens for taking part in the fight against corruption. Citizen participation in the fight against corruption can only be increased by making access to justice simpler. The ALACs offer informal advice, and more formal Legal Advice, both services which contribute to lowering barriers in the access to justice. The purpose of the advice is to work with citizens to find out what their exact complaint, to assess it under the formal criteria of the country in question, and to provide information about which institutions or bodies are responsible for their case. Local conditions on the ground determine what form this advice will (or can) take, that is to say whether it is to be informal (by volunteers) or legal advice. The better an ALAC is adapted to local conditions, the more effectively and efficiently it can work.

At the time of our interviews the ALACs were at different stages in the implementation process in the various different countries. The reason here is that implementation was begun at different times in the various countries. While Hungary officially launched their ALAC on 01.01.2011, and Ireland launched theirs on 26.05.2011, the ALACs in Finland and Lithuania were still at the preparatory phase at the time of our study visit. These varying starting points for the project have an effect on how the ALAC mechanism is perceived to function. The success or failure of the ALAC's grass-roots approach to democratising anti-corruption work depends, in the final analysis, on the quality and the quantity of the citizen complaints received. In all the ALACs studied here, the number of concrete cases received is still too low to be able to make any valid judgement.

## 8.1 ALACs Are Formed by Local Conditions

One important finding of the interview evaluations is that the ALAC implementation process is essentially formed by local conditions. It is as clear as day that the Finns, Irish, Lithuanians and Hungarians have very different views of the problem of corruption. As our country studies have shown corruption as a phenomenon is unevenly distributed internationally, both in citizen perception and in actual day-to-day experience.

Trust in institutions is also unevenly distributed. As interview evaluation has shown that trust in institutions is also reflected in the extent to which ALACs can work together with the government. Finland is the country with the highest degree of trust in the institutions. There are even some government members actively involved in TI's work (although this is in their private capacity). In countries with low levels of trust in institutions, it is harder to work with state institutions. In Hungary, cooperation with state institutions has changed since the Fidesz government came to power, by comparison with cooperation levels under the previous government. In Lithuania, we interviewed a representative of the state anti-corruption authority, who was himself recently suspected of corruption.

However, such observations are only of limited value for drawing general conclusions. There is no significant link between trust in institutions in general and the level of collaboration with governments. This becomes particularly obvious when we consider the case of the Czech Republic; a specific government agency might collaborate with ALACs – and even support them financially (e.g. in the Czech Rep in the past)<sup>25</sup> because they want to advance Anti-Corruption work in their country, even in countries with low levels of trust in institutions. Nevertheless, on the basis of how the ALACs in FI, HU, IE and LT were implemented we can establish that the level of trust in governments can at the very least be seen as influencing the particular form that implementation takes.

## 8.2 ALACs Lower the Barriers to Access to Justice

If the ALAC approach's core task is to involve citizens more directly in the fight against corruption, then it is indispensable for successful implementation that the ALAC take account of corruption perception. A country's level of corruption perception directly influences how that ALAC is conceived and planned to make access to justice easier.

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<sup>25</sup> Cf.: UKON (2011a).

Where corruption perception is high, TI can count on a high level of demand for consultation and advice. Where corruption perception is low, the task of the ALAC is to step in and increase social awareness of corruption, by setting questions and determining underlining issues. It is evermore important (as these ALACs also show) that in countries where corruption is more prevalent the ALACs also have to and do go beyond the strictly ‘legalistic’ approach and have to rely quite a bit on advocating in order for some cases to be resolved successfully (for instance, when they involve the judiciary itself). This is a key aspect that sets ALACs apart from other ‘legal empowerment’ initiatives.

For the countries studied here, we can establish that Finland has a very different set of local conditions from those in Ireland, Lithuania and Hungary, which all perceive corruption as a major problem. In Finland, corruption is a problem that the citizens certainly know about but is not considered especially widespread. On the one hand, there is a high level of trust in the state institutions, and citizens certainly make use of these in coming forward with their complaints. On the other hand, the corruption that does occur is not directly perceptible in the day-to-day life of most Finns. There is no street-level corruption. TI Finland has reacted to this situation by choosing not to set up an ALAC hotline, since they do not perceive a need for it and the costs of setting up such a hotline are out of all proportion to the probable benefits. Instead, TI Finland offers information and advice in a targeted manner, directly to those citizens who encounter corruption in their work. These clients consider that corruption is a problem which is mostly met with outside of the country, when they wish to do business abroad. Thus the Finnish ALAC does not target ordinary citizens as its clients, but rather the country’s business elite. Here, the fight against corruption is waged via education and trainings for the elites, more than via citizen participation.

If we examine the corruption experience of ordinary citizens, then we find countries such as Ireland and Finland on one side of the group of “New ALACs”; here, there is barely any corruption at street-level. In countries such as Hungary and Lithuania; however, bribery is very much an everyday event for the citizen. Whether it is to do with passing the driving test (as in Lithuania), receiving better room in an old folks’ home (as in Hungary), or receiving a speeding ticket (as in both Lithuania and Hungary), local conditions are such that in these countries, there is widespread demand for good advice, grounded in professional expertise. The whole population is, in principle, potential client. Legal advice is offered to all. In countries such as Ireland and Finland, where corruption is less often experienced and the demand is accordingly lower, there is a focus on particular segments of the population. In Finland, the focus is on training and education for the business elite, while in Ireland it is on ethical dilemmas at work caused by fraud, corruption or abuse of procedures.

This affects the service that the ALACs offer. In Finland, the emphasis is on corrupt payments abroad, in order to focus public perception on a phenomenon that is generally reckoned to be less prevalent within the country. This is the point where TI FI's services are targeted and offered, for instance in concentrating on offering training especially for key stakeholders who are confronted with the problem of corruption abroad. In Finland, the service most often offered is that of consultancy for businesses. In Ireland, citizens who get in touch with the ALAC, either by telephone or by email, receive advice which is largely grounded in research, especially that of the NIS. Legal Advice is not offered here, and no lawyers work for either of these NCs. The case is entirely different in the ALACs in Lithuania and Hungary, where all staff and volunteers have some degree of legal training. In these countries, the sphere of Legal Advice is particularly emphasised, most strongly in Hungary, where the ALAC works with five pro bono lawyers, and where citizen consultation is offered by lawyers on permanent retainer.

It is thus clear how the balance between the two pillars of the ALAC approach correlates with demand from the citizenry. Where corruption is part of everyday life, as it is in Hungary or Lithuania, the citizens mostly demand – and make use of – Legal Advice. By contrast, where corruption does not take place at street level, as in the cases of Ireland or Finland, the ALAC accordingly offers far more in the way of Advocacy measures, such as press releases on corruption, raising public awareness, and research. Here too we must emphasise that this view merely presents the broad tendencies. It would be wrong to assume that TI HU or TI LT therefore undertakes fewer advocacy activities than TI FI or TI IE. Nevertheless it is the case that the aspect of formal (*legal*) advice does play a greater role in the anti-corruption work of the first two than in that of the last two, where informal (*general*) advice plays a greater role.

The situation in Finland and Ireland is such that introducing the ALAC is not expected to lead to a flood of complaints, since actual citizen experience of corruption is scarce. In Ireland, all enquiries can be dealt with by volunteers, while in Finland there are no direct complaints from citizens at all, since it has been decided that no hotline need be set up. The situation is quite different in Lithuania and Hungary, where there is a risk that the ALACs will be swamped by high demand. Because more than one citizen in five in these countries has already met with corruption in the space of a year the demand for Legal Advice is significantly higher. TI Hungary has found a practical solution here for how to regulate demand, which may well work under other local conditions; cases are mainly accepted in written form.<sup>26</sup>

Variation within local conditions forces chapters to implement the ALAC project in different ways. NCs should continue to decide for themselves how the elements of the ALAC approach

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<sup>26</sup> In very special cases where people need urgent legal assistance TI HU does also help illiterate or visually impaired complainants.

should be applied, and what weight should be given to each of the areas of Legal Advice und Advocacy. In the final analysis, however, the fight against corruption cannot be won by citizen participation alone; it needs democratic structures in countries, as a minimum standard. The fight against corruption cannot be won without an independent judicial system. In states with a functioning judiciary, it is vitally necessary that laws be reshaped to meet the particular demands of the fight against corruption, and here TI's international advocacy of a dedicated Whistleblower Protection Act is central to lower barriers for citizens to access to justice and make access to justice easier.

## 9. Future Prospects

### 9.1 Impact of ALAC on TI's New Global Strategy

Along with the NIS project, the ALAC project is one of TI's longest-funded international projects globally. The ALAC project thus makes an important contribution to making TI's work structurally sustainable, in particular as this touches the funding of staff posts.

The ALAC approach has a central position in TI's new global strategy 2015,<sup>27</sup> the People Engagement Programme (PEP). The framework of Strategy 2015 includes a relaunch of the ALAC project, consolidation and expansion of the ALAC projects, and the inclusion of the ALAC approach as an integrated approach in other projects rather than as a separate element. Thus the ALAC will become the most active programme within the PEP. Overall, Strategy 2015 will ensure that all TI projects encompassed by the new strategy are people-centred, particularly as this concerns the areas of (a) outreach, (b) dialogue, (c) people-centred research, (d) citizens, (e) communities, (f) interest groups and (g) business. The priorities of the PEP framework are thus: (a) stories, (b) sharing of knowledge, (c) cross-chapter activities, (d) cluster formation, (e) innovation, all contributing to the intentional increase in scalability, meaning increasing diffusion of concepts within the TI movement that contribute to greater efficiency. There is a current on-going discussion within the TI movement about the branding of the ALAC concept and how it may be communicated. The future course of the ALACs already in existence is a matter for the NCs, which will continue to shape the project in a flexible manner.

The impact of the ALAC approach on TI's anti-corruption work so far can be discerned in national and international perspective. At the national level, one core impact is that there has been a significant increase in the number of citizen complaints received and documented

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<sup>27</sup> Cf.: Transparency International (2011).

wherever the ALAC approach has been implemented, although with more or less of a time lag in the different countries. Empirical proof of the success of the ALAC approach can be found in this increase in the number of complaints received.

The ALAC approach necessarily leads to an increase in case generation. There are particular challenges which are also unavoidably associated with the increase in cases received in the wake of ALAC implementation. This is because NCs find their capacity stretched to its limits when the number of processable cases is filled. Particularly in those ALACs where NCs have chosen to offer legal advice, staffing levels mean that the demand for this service can only be met to a limited extent, depending on the human resources available in each instance. This problem of capacity will only become worse now that the funding provided by the EU-funded ALAC project has come to an end. New funding strategies must plug the financial gaps as they arise if the impact of the ALAC approach is to be secured in the long term. This is particularly true for the continued funding of existing staff positions and the creation of new posts for staff familiar with the tasks associated with the introduction of the ALAC approach.

Internationally, TI's public profile was very much raised by the introduction of the ALAC approach. One major element here is the use of especially striking cases, suitably anonymised, yielding case studies which TI works up into Human Interest Stories to be used in a variety of ways. In future the ALAC approach can serve as an important instrument for the generation of Human Interest Stories. Human Interest Stories are a powerful way of illustrating the work of ALACs, and can be used for advocacy, fundraising and helping to demonstrate how the fight against corruption is relevant to the lives of citizens. This can be important for both internal (TI) audiences, as well as external audiences such as donors, partners and the general public.

There is a current on-going discussion within the TI movement about how Human Interest Stories can effectively be used as a means for strategic advocacy. Here the purpose is to use Human Interest Stories as a communication, outreach and fundraising tool. So far it has been firmly established that Human Interest Stories will have a central place in the communications strategy of Strategy 2015. This marks a shift away from processing a larger number of individual cases which are often only indirectly connected to corruption, to concentrating on a few cases which are especially striking and working these up into case studies. This shift is a meaningful development of the ALAC approach, especially from a cost-efficiency perspective.

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**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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